

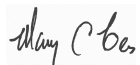










I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
242-36 (LS)	Mary Camacho Torres Therese M. Terlaje Tina Rose Muña Barnes Amanda L. Shelton James C. Moylan Jose "Pedo" Terlaje V. Anthony Ada Frank Blas Jr. Clynton E. Ridgell Joe S. San Agustin Christopher M. Dueñas	AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.	1/25/22 5:19 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 242-36 (LS)

Introduced by:

Mary Camacho Torres 
 Therese M. Terlaje 
 Tina Rose Muña Barnes 
 Amanda L. Shelton 
 James C. Moylan 
 Jose "Pedo" Terlaje 
 V. Anthony Ada 
 Frank F. Blas Jr. 
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 Joe S. San Agustin 
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AN ACT TO ADD A NEW §40110 TO CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED, AND TO FURTHER ADD A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OR RELEASE OF FAMILY VIOLENCE VICTIMS FROM SHARED WIRELESS PLANS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
 3 that victims of family violence often lack viable options when establishing a plan to
 4 leave an abuser, due to barriers such as financial insecurity and limited access to
 5 reliable communications tools to maintain essential connections with family, social
 6 safety networks, employers, and support services. Independence of a wireless phone
 7 plan may often aid these victims in formulating and following through on a means

1 of escape, especially in situations where the abuser is the account manager or
2 administrator of the cell phone plan, and as a result, may view any calls and account
3 activity of phones associated with the shared or family plan.

4 *I Liheslaturan Guåhan* duly recognizes that a variety of options should be
5 afforded to victims of family violence when seeking to be released from a shared or
6 family mobile phone plan. The purpose of this Act is to assist victims of violence by
7 authorizing the Court to issue an order requiring wireless telecommunications
8 service providers to transfer billing authority and all rights to the wireless numbers
9 of a shared wireless plan to a petitioner who has been granted an order of protection,
10 or remove or release a petitioner from a shared wireless plan and assign a substitute
11 telephone number or numbers.

12 While seeking a court order to be released from a shared wireless plan is a
13 viable option, *I Liheslatura* further recognizes that some victims of family violence
14 may not be willing or financially able to obtain a court order. Accordingly, another
15 option for a victim of family violence is to submit an opt-out request to be released
16 from a shared or family mobile phone plan, especially under limited time constraints.
17 The purpose of this Act, therefore, is to also assist victims of family violence by
18 providing victims with options to be released from shared or family cellular phone
19 plans.

20 **Section 2.** A new §40110 is hereby *added* to Chapter 40 of Title 7, Guam
21 Code Annotated, to read:

22 **“§40110. Transfer or Release of Family Violence Victims from Shared**
23 **Wireless Plans.**

24 (a) For purposes of this Section:

25 (1) “Wireless telecommunications service” shall have the same
26 meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3.

1 (2) “Wireless telecommunications service provider” means a provider
2 of wireless telecommunications service.

3 (b) The court may issue an order requiring a wireless telecommunications
4 service provider, without charge, penalty, or fee, to:

5 (1) Transfer the billing authority and all rights to the wireless telephone
6 number or numbers of a shared wireless plan to a petitioner who has been
7 granted an order for protection pursuant to this Chapter if the petitioner is not
8 the account holder of the shared wireless plan; provided that if the petitioner
9 is not the protected party named in the order for protection, the billing
10 authority and rights to the wireless telephone number or numbers of a shared
11 wireless plan may be transferred to another person who shall serve as the
12 account holder, as requested by or on behalf of the protected party with the
13 protected party’s approval; or

14 (2) Remove or release the petitioner from a shared wireless plan and
15 assign a substitute telephone number or numbers; provided that if the
16 petitioner is not the protected party named in the order for protection, the court
17 may order that the protected party be removed or released from a shared
18 wireless plan and assigned a substitute telephone number or numbers and
19 order a person, as requested by or on behalf of the protected party with the
20 protected party’s approval, to be the account holder for the substitute
21 telephone number or numbers.

22 (c) The order issued pursuant to subsection (b) shall be a separate order that
23 is directed to the wireless telecommunications service provider. The order shall list
24 the name and billing telephone number of the account holder, the name of the person
25 to whom the telephone number or numbers will be transferred, and each telephone
26 number to be transferred.

1 (d) A cause of action shall not lie against any wireless telecommunications
2 service provider, its officers, employees, or agents for the actions taken that are
3 related to the transfer of the billing authority and rights to the wireless telephone
4 number or numbers in accordance with the terms of a court order issued pursuant to
5 this Section.”

6 **Section 3.** A new § 30.400 is hereby *added* to Chapter 30, Title 9, Guam Code
7 Annotated, to read:

8 **“§ 30.400. Release of Family Violence Victims from Shared Wireless**
9 **Plans.**

10 (a) For purposes of this Section:

11 (1) “Family violence” shall have the same meaning as defined in §30.10
12 of Chapter 30, Title 9, Guam Code Annotated.

13 (2) “Wireless telecommunications service” shall have the same
14 meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3.

15 (3) “Wireless telecommunications service provider” means a provider
16 of wireless telecommunications service.

17 (b) All wireless telecommunications service providers shall release, without
18 charge, penalty, or fee, any victim of family violence from a shared or family
19 wireless service contract involving the victim’s abuser; provided that the victim
20 submits an opt-out request in writing and with evidence of family violence as
21 documented by any of the following items:

22 (1) Valid police report documenting an instance or series of instances
23 of family violence;

24 (2) Valid order of protection;

25 (3) Signed affidavit from a licensed medical or mental health care
26 provider, employee of a court acting within the scope of their employment,

1 social worker, or advocate acting on behalf of an agency that assists family
2 violence or sexual assault victims.

3 (c) Any victim of family violence who submits an opt-out request to a wireless
4 telecommunications service provider pursuant to subsection (b) may further request
5 a substitute or new phone number or alternative telecommunications service. Upon
6 such request, the wireless telecommunications service provider shall provide a
7 substitute or new phone number or alternative telecommunications service without
8 charge, penalty, or fee and within twenty-four (24) hours from the time the opt-out
9 request is submitted to the wireless telecommunications service provider.

10 (d) A wireless telecommunications service provider shall make information
11 about the options and process described in subsections (b) and (c) readily available
12 to consumers—

13 (1) on the website and any mobile application of the provider;

14 (2) in physical stores; and

15 (3) in other forms of public-facing consumer communication.

16 (e) A wireless telecommunications service provider shall treat any
17 information submitted by a victim under subsection (b) as confidential.

18 (f) A wireless telecommunications service provider and any officer, director,
19 employee, vendor, or agent thereof shall not be subject to liability for any claims
20 deriving from an action taken or omission made with respect to compliance with
21 subsections (b) or (c).”

22 **Section 4. Effective Date.** This Act shall take effect thirty (30) calendar
23 days upon enactment.

24 **Section 5. Severability.** If any provision of this Act or its application to
25 any person or circumstance is found to be invalid or contrary to law, such invalidity
26 *shall not* affect other provisions or applications of this Act that can be given effect

- 1 without the invalid provision or application, and to this end the provisions of this
- 2 Act are severable.