

**MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

Bill No. 6-32(25)

Introduced by:

Brant McCreadie  
D.G. Rodriguez, Jr.

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**AN ACT TO AMEND §25.15 AND §25.20 OF  
CHAPTER 25, TITLE 9, GUAM CODE  
ANNOTATED, RELATIVE TO STRENGTHENING  
PENALTIES FOR CRIMES INVOLVING  
CRIMINAL SEXUAL CONDUCT, WHICH MAY BE  
CITED AS THE "PREDATOR PREVENTION ACT".**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that there exists an alarming rate of incidences on Guam and throughout the  
4 nation involving criminal sexual conduct. *I Liheslatura* is especially concerned  
5 with sex crimes involving children as well, the most vulnerable in our  
6 community. According to the *Crimes Against Children Research Center*, one (1)  
7 in five (5) girls and one (1) in twenty (20) boys is a victim of child sexual  
8 abuse.

9 As of December 2012, there were a total of Six Hundred Forty One (641)  
10 sex offenders registered with the Guam Sex Offender Registry, Unified

1 Judiciary of Guam. Nearly half of this figure, or Three Hundred Fifty (350)  
2 offenders, have been convicted of a sexually violent offense.

3 *I Liheslaturan Guåhan* further finds that local media regularly report on  
4 arrests or court proceedings involving sexual crimes against children. These  
5 reports continue to expose a very dangerous problem for Guam’s close knit  
6 community. Crimes involving criminal sexual conduct and crimes committed  
7 against children are heinous and further inflict unfathomable effects in the  
8 lives of victims and their families.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to strengthen existing  
10 penalties for sexual offenses involving minors, by amending Sections 25.15  
11 and 25.20 of Chapter 25, Title 9, Guam Code Annotated. *I Liheslatura* further  
12 intends that these penalties serve to ultimately reduce and eliminate  
13 incidences involving such terrible acts against Guam’s children.

14 **Section 2.** Sections 25.15 and 25.20 of Chapter 25, Title 9, Guam Code  
15 Annotated, are hereby *amended*, to read:

16 **“§ 25.15. First Degree Criminal Sexual Conduct.**

17 (a) A person is guilty of criminal sexual conduct in the first degree if he  
18 or she engages in sexual penetration with the victim and if any of the  
19 following circumstances exists:

20 (1) the victim is under fourteen (14) years of age;

21 (2) the victim is at least fourteen (14) but less than sixteen (16) years of  
22 age and the actor is a member of the same household as the victim, the actor is

1 related to the victim by blood or affinity to the fourth degree to the victim, or  
2 the actor is in a position of authority over the victim and used this authority to  
3 coerce the victim to submit;

4 (3) sexual penetration occurs under circumstances involving the  
5 commission of any other felony;

6 (4) the actor is aided or abetted by one or more other persons and either  
7 of the following circumstances exists:

8 (i) the actor knows or has reason to know that the victim is  
9 mentally defective, mentally incapacitated or physically helpless; or

10 (ii) the actor uses force or coercion to accomplish the sexual  
11 penetration.

12 (5) the actor is armed with a weapon or any article used or fashioned in  
13 a manner to lead the victim to reasonably believe it to be a weapon;

14 (6) the actor causes personal injury to the victim and force or coercion is  
15 used to accomplish sexual penetration; and

16 (7) the actor causes personal injury to the victim, and the actor knows or  
17 has reason to know that the victim is mentally defective, mentally  
18 incapacitated or physically helpless.

19 (b) Criminal sexual conduct in the first degree is a felony in the first  
20 degree. Any person convicted of criminal sexual conduct under §25.15(a)  
21 shall be sentenced to a minimum of fifteen (15) years imprisonment, and may  
22 be sentenced to a maximum of life imprisonment without the possibility of

1 parole. The term imposed shall not be suspended nor probation be imposed  
2 in lieu of said minimum term nor shall parole, Any person convicted of  
3 criminal sexual conduct in the first degree shall not be eligible for work  
4 release or educational programs outside the confines of prison be granted nor  
5 shall the provisions under §80.31 apply. Any such sentence shall include a  
6 special parole term of not less than three (3) years in addition to such time of  
7 imprisonment.

8 (c) Any person convicted of criminal sexual conduct under §25.15(a)  
9 subsequent to a first conviction of criminal sexual conduct under §25.15(a)  
10 shall be sentenced to life imprisonment without the possibility of parole. Said  
11 term shall not be suspended nor probation be imposed in lieu of said term nor  
12 shall parole, work release or educational programs outside the confines of  
13 prison be granted."

14 **"§ 25.20. Second Degree Criminal Sexual Conduct.**

15 (a) A person is guilty of criminal sexual conduct in the second degree if  
16 the person engages in sexual contact with another person and if any of the  
17 following circumstances exists:

18 (1) that other person is under fourteen (14) years of age;

19 (2) that other person is at least fourteen (14) but less than sixteen (16)  
20 years of age and the actor is a member of the same household as the victim, or  
21 is related by blood or affinity to the fourth degree to the victim, or is in a

1 position of authority over the victim and the actor used this authority to  
2 coerce the victim to submit;

3 (3) sexual contact occurs under circumstances involving the commission  
4 of any other felony;

5 (4) the actor is aided or abetted by one or more other persons and either  
6 of the following circumstances exists:

7 (i) the actor knows or has reason to know that the victim is  
8 mentally defective, mentally incapacitated or physically helpless; or

9 (ii) the actor uses force or coercion to accomplish the sexual  
10 contact.

11 (5) the actor is armed with a weapon or any article used or fashioned in  
12 a manner to lead a person to reasonably believe it to be a weapon;

13 (6) the actor causes personal injury to the victim and force or coercion is  
14 used to accomplish the sexual contact; and

15 (7) the actor causes personal injury to the victim and the actor knows or  
16 has reason to know that the victim is mentally defective, mentally  
17 incapacitated or physically helpless.

18 (b) Criminal sexual conduct in the second degree is a felony in the first  
19 degree but a person convicted of criminal sexual conduct in the second degree  
20 who receives a sentence of imprisonment shall not be eligible for work release  
21 or educational programs outside the confines of prison, nor shall such  
22 sentence be suspended nor probation be imposed in lieu of said minimum

1 term nor shall parole be granted nor shall the provisions under §80.31 apply.  
2 Any such sentence shall include a special parole term of not less than three (3)  
3 years in addition to such time of imprisonment.

4 (c) Any person convicted of criminal sexual conduct under §25.20(a)  
5 subsequent to a first conviction of criminal sexual conduct under §25.20(a),  
6 which involves sexual penetration, shall be sentenced to life imprisonment  
7 without the possibility of parole. Said term shall not be suspended nor  
8 probation be imposed in lieu of said term nor shall parole, work release or  
9 educational programs outside the confines of prison be granted."

10 **Section 3. Effective Date.** This Act shall be effective upon enactment  
11 and shall apply prospectively.