

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

Bill No. 242-32CCOR)

Introduced by:

Brant T. McCreadie

2013 DEC 17 AM 10:24

**AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the crime of indecent exposure is currently classified as a petty misdemeanor in  
4 Guam's criminal code. Because of this, the Guam Police Department has had  
5 difficulty in arresting individuals who have been accused of committing indecent  
6 exposure. In order to ensure that those accused of indecent exposure are properly  
7 arrested, it is necessary to increase the penalty for the offense. Therefore, it is the  
8 intent of *I Liheslaturan Guåhan* to increase the penalty for indecent exposure by  
9 amending §28.65 of Chapter 28, Title 9 Guam Code Annotated.

10 **Section 2.** §28.65 of Chapter 28, Title 9 Guam Code Annotated, is hereby  
11 *amended* to read:

12 **“§ 28.65. Indecent Exposure; Defined & Punished.**

13 A person commits ~~a petty misdemeanor~~ the crime of indecent exposure if  
14 he or she exposes ~~his~~ their genitals or performs any other lewd act under  
15 circumstances in which ~~his~~ their conduct is likely to be observed by any person  
16 who would be offended or alarmed.

17 Except as provided below, indecent exposure is a misdemeanor.  
18 Indecent exposure is a felony in the third degree if:

1                   1) a person exposes their genitals or performs any other lewd act to  
2                   a person under the age of sixteen (16) years; or  
3                   2) a person exposes their genitals or performs any other lewd act  
4                   for the purpose of sexual gratification; or  
5                   3) a person has previously been convicted under this section; or  
6                   4) a person has been convicted of any other sex offense as defined  
7                   in a provision of the Guam Code Annotated.”

8                   **Section 3. Effective Date.** This Act shall be effective upon enactment.

9                   **Section 4. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.