



FILE COPY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**THIRTY-THIRD GUAM LEGISLATURE**

155 Hesler Place, Hagåtña, Guam 96910

June 1, 2015

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam*

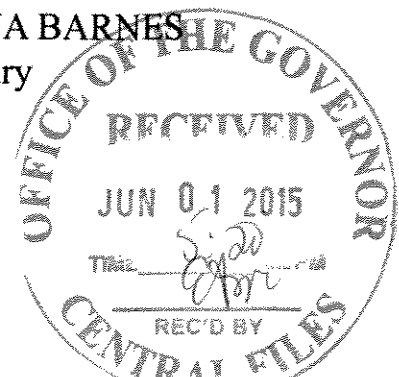
Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 9-33(COR), 21-33(COR), 25-33(COR), 31-33(COR), 44-33(COR), 48-33(COR), 50-33(COR), 55-33(COR), 61-33(COR), 64-33(COR), 65-33(COR), 69-33(COR), 70-33(COR), 73-33(COR), 77-33(COR), 79-33(COR), 81-33(COR), 82-33(COR), 83-33(COR), 90-33(LS), 92-33(LS), 107-33(LS), 108-33(LS), 109-33(LS) and 110-33(LS) which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 29, 2015.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (25)



FILE 69

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2015 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 79-33 (COR), "AN ACT TO ADD A NEW § 9102 TO CHAPTER 9 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CATEGORY OF PRIVILEGED COMMUNICATIONS BETWEEN VICTIM AND VICTIM ADVOCATE,"** was on the 29<sup>th</sup> day of May 2015, duly and regularly passed.



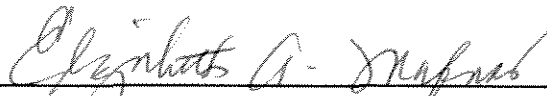
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 18<sup>th</sup> day of June,  
2015, at 5:20 o'clock P.M.



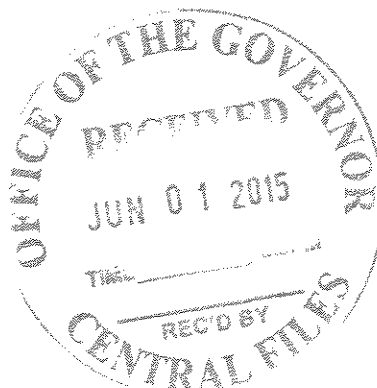
**Elizabeth A. Mufson**  
**Assistant Staff Officer**  
**Maga'laha's Office**

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2015 (FIRST) Regular Session**

**Bill No. 79-33 (COR)**

As substituted by the Committee on the Guam U.S. Military Relocation,  
Public Safety, and Judiciary; further substituted by the Author on the Floor;  
and further substituted by the Author on the Floor.

Introduced by:

B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
Frank F. Blas, Jr.  
FRANK B. AGUON, JR.  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 9102 TO CHAPTER 9 OF  
TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO  
CREATING A CATEGORY OF PRIVILEGED  
COMMUNICATIONS BETWEEN VICTIM AND VICTIM  
ADVOCATE.**

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

2           **Section 1.** A new § 9102 is hereby *added* to Chapter 9 of Title 6, Guam  
3 Code Annotated, to read:

4           “§ 9102.     **Victim and Crime Victim Advocate Communication.**

1 (a) Definitions. As used in this Section, *crime victim advocate*  
2 means a person who is employed or authorized by a public or private entity  
3 to provide counseling, treatment or other support assistance to crime victims.

4 (b) Victim-Advocate Privilege.

5 (1) A crime victim has a privilege to refuse to disclose, and  
6 to prevent any other person from disclosing, a confidential  
7 communication made by the victim to a crime victim advocate or any  
8 record made in the course of advising, counseling or assisting the  
9 victim. The privilege applies to confidential communications made  
10 between the victim and the advocate, and to records of those  
11 communications. This privilege *does not* include communications  
12 excluded under Subsection (c)(3) of this Section.

13 (2) The privilege may be claimed by the following:

14 (A) The victim, or the victim's attorney on behalf of  
15 the victim.

16 (B) A guardian or conservator of the victim.

17 (C) The personal representative of a deceased victim.

18 (D) The crime victim advocate, but only on behalf of  
19 the victim. The authority of the advocate to claim the privilege  
20 is presumed in the absence of evidence to the contrary.

21 (c) Consultation Between Crime Victim Advocate and Victim;  
22 Privileged Information; Exception.

23 (1) A crime victim advocate *shall not* disclose as a witness  
24 or otherwise, any communication made by or with the victim,  
25 including any communication made to or in the presence of others,  
26 unless the victim consents in writing to the disclosure.

1           (2) Unless the victim consents either verbally or in writing to  
2 the disclosure, a crime victim advocate *shall not* disclose records,  
3 notes, documents, correspondence, reports or memoranda that contain  
4 opinions, theories or other information made while advising,  
5 counseling or assisting the victim, or that are based on  
6 communications made by or with the victim, including  
7 communications made to or in the presence of others.

8           (3) The communication is *not* privileged if the crime victim  
9 advocate knows that the victim will give or has given perjured  
10 testimony or if the communication contains exculpatory material.

11           (4) Notwithstanding Subsections (c)(1) and (2) of this  
12 Section, with the written or verbal consent of the victim, a crime  
13 victim advocate who is employed by the Attorney General's Office  
14 may disclose information to the prosecutor.

15           (5) If, with the written or verbal consent of the victim, the  
16 crime victim advocate discloses to the prosecutor or a law  
17 enforcement agency any communication between the victim and the  
18 advocate, or any records, notes, document, correspondence, reports or  
19 memoranda; the prosecutor or law enforcement agent *shall* disclose  
20 the material to the defendant's attorney *only* if such information is  
21 otherwise exculpatory.

22           (6) Notwithstanding Subsections (c)(1) and (2) of this  
23 Section, with the written or verbal consent of the victim, a crime  
24 victim advocate may disclose information to other professional and  
25 administrative support persons with whom the advocate works for the  
26 purpose of assisting the advocate in providing services to the victim."

1           **Section 2. Severability.** If any of the provisions of this Act, or the  
2 application thereof to any person or circumstance, are held invalid, such invalidity  
3 *shall not* affect any other provision or application of this Act which can be given  
4 effect without the invalid provision or application, and to this end the provisions of  
5 this Act are severable.

6           **Section 3. Effective Date.** This Act *shall* become effective upon  
7 enactment.