

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

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Bill No. 372-30 (COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO AMEND § 13201(b) OF ARTICLE 2, CHAPTER 13, TITLE 19 OF THE GUAM CODE ANNOTATED; RELATIVE TO REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT BY CLERICAL PERSONNEL OF CHURCHES OR OTHER RELIGIOUS ORGANIZATIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that recent allegations of clerical sexual abuse within the Catholic
4 Church has compelled the Vatican to issue an edict within the Congregation
5 for the Doctrine concerning Sexual Abuse Allegations that states, “Civil law
6 concerning reporting of crimes to the appropriate authorities should always
7 be followed.” This statement clarifies the churches intent to comply with
8 civil reporting laws. Therefore, I Liheslatura finds that a statutory
9 amendment is necessary to help law enforcement officials and Guam’s
10 children.

11 **Section 2.** Subsection § 13201. of Article 3, Chapter 13 of Title 19,
12 Guam Code Annotated is hereby *amended* to read:

1 **“§ 13201. Persons Required to Report Suspected Child Abuse or**
2 **Neglect.**

3 (a) Any person who, in the course of his or her employment,
4 occupation or practice of his or her profession, comes into contact with
5 children shall report when he or she has reason to suspect on the basis of his
6 medical, professional or other training and experience that a child is an
7 abused or neglected child. No person may claim “privileged
8 communications” as a basis for his or her refusal or failure to report
9 suspected child abuse or neglect or to provide Child Protective Services or
10 the Guam Police Department with required information. Such privileges are
11 specifically abrogated with respect to reporting suspected child abuse or
12 neglect or of providing information to the agency.

13 (b) Persons required to report suspected child abuse under subsection
14 (a) include but are not limited to any licensed physician, medical examiner,
15 dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered
16 nurse, licensed practical nurse, hospital personnel engaged in the admission,
17 examination, care or treatment of persons, Christian Science practitioner,
18 Roman Catholic Archbishop, Bishop, Cleric, Pastor, Clergy, Priest, Deacon,
19 Minister, Rector, or other similar functionary or employee of a church or
20 other religious organization whose primary duties consist of teaching,
21 spreading the faith, church governance, supervision of a religious order, or
22 supervision or participation in religious ritual and worship, school
23 administrator, school teacher, school nurses, school counselor, social
24 services worker, day care center worker or any other child care or foster care
25 worker, mental health professional, peace officer or law enforcement
26 official.”

1 (c) Any commercial film and photographic print processor who has
2 knowledge of or observes, within the scope of his or her professional
3 capacity or employment, any film, photograph, video tape, negative or slide
4 depicting a child under the age of 18 engaged in an act of sexual conduct
5 shall report such instances of suspected child abuse to Child Protective
6 Services immediately or as soon as practically possible by telephone and
7 shall prepare and send a written report of it with a copy of the film,
8 photograph, video tape, negative or slide attached within 48 hours of
9 receiving the information concerning the incident. As used in this section,
10 sexual conduct means any of the following:

11 (1) Sexual intercourse, including genital-genital, oral-genital, anal-
12 genital or oral-anal, whether between persons of the same or opposite sex or
13 between humans and animals;

14 (2) Penetration of the vagina or rectum by any object;

15 (3) Masturbation, for the purpose of sexual stimulation or the viewer;

16 (4) Sadoomasochistic abuse for the purpose of sexual stimulation of the
17 viewer; or

18 (5) Exhibition of the genitals, pubic or rectal areas of any person for
19 the purpose of sexual stimulation to the viewer.”