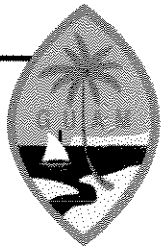




COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE



Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

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Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

JAN 06 2016

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina' Trentai Tres Na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

Rory J. Respicio

RE: Committee Report on Bill No. 198-33 (LS)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 198-33 (LS)- An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act. Committee votes are as follows:

~~0~~

TO DO PASS

1

TO NOT PASS

5

TO REPORT OUT ONLY

~~0~~

TO ABSTAIN

~~0~~

TO PLACE IN INACTIVE FILE

Respectfully,

Frank B. Aguon, Jr.

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahan | 33RD Guam Legislature

2016 JAN -7 PM 2:14



COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

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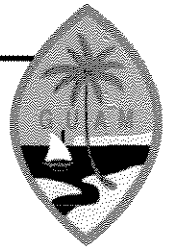
Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

COMMITTEE REPORT ON BILL NO. 198-33 (LS)

“An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.”



Senator
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Chairman

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Speaker
Dr. Judith T. Won Pat Ed.D
Ex-Officio

MEMORANDUM

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary

From: Senator Frank B. Aguon, 
Committee Chairperson

Subject: Committee Report on Bill No. (198-33) (LS)

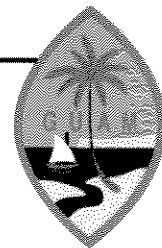
Transmitted herewith for your consideration is the Committee Report on Bill No. (198-33) (LS) – (An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.)

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 198-33 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Notes/ Waivers
- Referral of Bill No. 198-33 (LS)
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Related News Report

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'äse'!

COMMITTEE VOTING SHEET

Bill No. 198-33 (LS) – "An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act."

Sponsored by B.T. McCreddie

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

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Rory J. Respicio
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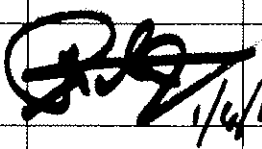





Senator
V. Anthony Ada
Member

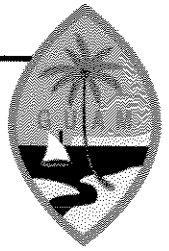
Senator
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James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B., JR. Committee Chairperson	 1/6/15			<input checked="" type="checkbox"/>		
ADA, THOMAS C. Committee Vice Chairperson			<input checked="" type="checkbox"/>			
VICE-SPEAKER CRUZ, BENJAMIN J. F. Committee Member				<input checked="" type="checkbox"/>		
RESPICIO, RORY J. Committee Member						
RODRIGUEZ, DENNIS G. JR. Committee Member				<input checked="" type="checkbox"/> 1/6/15		
UNDERWOOD, NERISSA B. Ph.D. Committee Member						
ADA, V. ANTHONY Committee Member				<input checked="" type="checkbox"/>		
BLAS, FRANK F., JR. Committee Member						
ESPALDON, JAMES V. Committee Member						
MCCREDDIE, BRANT T. Committee Member						
SPEAKER WON PAT, JUDITH T. Ed. D. Committee Member				<input checked="" type="checkbox"/>		

**COMMITTEE REPORT DIGEST**

Senator
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Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
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Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

I. OVERVIEW

Bill No. 198-33 (LS) was introduced on October 27, 2015, by Senator Brant T. McCreadie and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on October 28, 2015.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 198-33 (LS) on a Wednesday, December, 30 2015 at 2:00PM in I *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Tuesday, December 22, 2015 (5-Day Notice), and again on Monday, December 28, 2015 (48-Hour Notice).

Senators Present

Senator Frank B. Aguon, Jr., Chairman
Senator Thomas C. Ada, Vice-Chairman
Vice-Speaker Benjamin J.F. Cruz, Committee Member
Senator Rory J. Respicio, Committee Member
Senator V. Anthony Ada, Committee Member
Speaker Judith T. Won Pat Ed. D., Ex-Officio
Senator Mary Torres
Senator Tina Muña Barnes

The public hearing was Called-to-Order at 2:00 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION**Chairman Aguon:**

This public hearing sponsored by the Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary is hereby convened. We do have three pieces of legislation that we will be entertaining this afternoon. In the following order, Bill No. 197, which is relative to extending the duties of the Guam Police Department community assisted policing efforts CAPE volunteers to include event supervision of the 12th FESTPAC of the Pacific Arts sponsored by Speaker Won Pat, T.C. Ada and T.R. Muna Barnes.

Chairman Aguon:

Bill No. 198-33(LS) which is relative to creating the uniform interstate enforcement of domestic violence protection orders sponsored by Senator B.T. McCreadie, and then we will conclude with Bill No. 215-33 (COR) which is relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005 sponsored by Vice-Speaker B.J.F. Cruz and Majority Leader R.J. Respicio. As we proceed with this public hearing I would like to recognize the members of the committee and the members of the legislature that are here. Vice Speaker B.J Cruz, thank you very much Mr. Vice-Speaker for joining us. Senator Rory Respicio, Senator Mary Torres and Senator Tony Ada. Thank you Senators again for joining us this afternoon. One other piece of item first of all for notification in compliance with the open government law, the initial notification on this particular public hearing was disseminated on December 22nd and the second notices were disseminated on December 28th. If anyone would like copies of the messages that were disseminated to the stakeholders and the community as well as the print ads by all means, contact my office. We will proceed ladies and gentlemen with the next legislative measure that's on the agenda. Bill No. 198 and as I invite the following individuals to take a seat at the table, I would like to recognize one of the senators in terms of providing a brief with regards to this piece of legislation and if I can invite Mr. Eric Miller, Phil Tydingco, and Richard Dirks. If there is anyone else in the audience that would like to provide testimony, please you're more than welcome to sign up and join us at the table. This Bill No.198 which is relative to creating the uniform interstate enforcement of domestic violence protection orders act sponsored by Senator McCreadie and Senator Tony Ada has been asked by Senator McCreadie to provide the opening statements. Senator.

Senator Tony Ada:

Thank you Mr. Chairman. On behalf of Senator McCreadie he regrets that he wasn't able to be here today as he is still currently off island. Bill 198-33 seeks to adopt the uniform interstate enforcement of domestic violence protection orders act, which establishes uniform procedures for the enforcement of domestic violence protection orders across state lines. Adopting this act will mean that Guam courts and law enforcement must enforce all terms of valid protection orders from other states and territories until the order expires. An individual may register a protection order to the Superior Court of Guam and this registration will help facilitate effective enforcement of the order by law enforcement officers. A law enforcement officer upon finding probable cause that the order has been violated must enforce the order. The act has been adopted in at least 18 states and two territories. The issue of enforcement discrepancies of protection orders from other states was brought to Senator McCreadie's attention by Chief Prosecutor Phil Tydingco who has much knowledge and experience regarding this. Seeing its urgency for its victims of domestic violence and especially for those looking to come back to Guam and escape from domestic abuse. Senator McCreadie readily introduced this legislation in October, which was opportune as the month was declared domestic violence awareness month by President Barack Obama and although current law, which was passed almost two decades ago allows for individuals to register a protection order with the Superior Court as pointed out by the Judiciary, Bill 198 does not require registration of the order to enforce it as stated on page 5 line 7. This is what differentiates Bill 198 from current law.

Senator Tony Ada:

It addresses the non-judicial enforcement of protection orders by specifically providing law enforcement officers rules of enforcement as outlined on page 4 line 13 to page 5 line 8. Bill 198 adds another layer of protection for victims of domestic violence and removes a layer of bureaucracy. As Bill 198 further protects officials from civil and criminal liability for enforcement of a protection order if they act on good faith and most importantly provides for a more comprehensive approach in the enforcement of the protection orders and current law fails to address non-judicial enforcement. An amendment to Bill 198 to reconcile or repeal current law almost two decades old is forth coming and hopefully we'll be able to see those amendments and work with the committee and the Chairman for a mark up on this. On behalf of Senator McCreddie he thanks you all very much for being here and for providing your testimony for Bill 198-33. Thank you Mr. Chairman.

Chairman Aguon:

Thank you very much Senator Tony Ada. I take it Phil they are all looking in your direction. The office of the Attorney General. So please can you identify yourself for the record.

Mr. Phil Tydingco:

Thank you Mr. Chair Senator Aguon. Good afternoon Speaker Won-Pat, Senator Tom Ada, Vice-Speaker B.J Cruz, Senator Respicio, Senator Torres and Senator Tony Ada. As present with me is Janice Camacho, staff council to the Attorney General. On behalf of Attorney General Barret Anderson and the Office of the Attorney General, we urge the legislature to support this proposed bill. I think it it allows this jurisdiction to join 18 others and adding the statue to its books and orders to having enforcement that includes again, not withstanding the fact that we do have on the books in Title 19 Chapter 14 the registration of civil protection orders. What this provides and its a lot more comprehensive is an opportunity for a person who can show with probable cause that they have a protection order involving a domestic violence to be enforced by an officer without having to do the whole registration and that whole process ordinarily requires obtaining council and waiting for the courts to open and so forth. In addition, the statute also provides some civil immunity protections, which is absent nor present in the current statute of Chapter 14 Title 19, which of course was good for its day because that's what was enacted by the 24th Guam Legislature nearly 20 years ago. So in fact to be consistent with that chapter I think the only amendment I would probably offer is on page 5 under 16105 under registration order line 10 where it says it also has a registration section that perhaps we should add an amendment to subsection 8 that says any individual may register their form protection order in this state under 19 GCA Chapter 14 or under this section. That way you don't have to imply that express or repeal that other one but this is a lot more comprehensive and so we ask that you consider enacting this bill. Thank you.

Chairman Aguon:

Thank you very much Mr. Tydingco. Attorney Miller

Mr. Eric Miller

Good afternoon. My name is Eric Miller. I am the Executive Director of the Public Defender Service Corporation. We are very concerned about protecting the victims of domestic violence.

Mr. Eric Miller

I think that this statute is well intended, and it will a lot to help those victims especially those traveling from other jurisdictions. I'm going to defer to my colleague Mr. Dirkx through his unique unintended consequence through this statute and it has to do with the content of Guam's order protection law. With your permission, if I can defer to Mr. Dirkx to point out this issue.

Chairman Aguon:

Thank you very much Attorney Miller. Attorney Dirkx.

Mr. Richard Dirkx:

Good afternoon Senators. I appreciate this opportunity to have some input. I appreciate that the law we have been functioning under is about 20 years old, but I don't know that it's broke or that it needs to be fixed. The Public Defender has been providing protective orders for people for 40 years. Before there was a family violence law or criminal code. Before protective orders were called protective orders. Since 1995 we've had a federal grant to help provide this service to victims. We have a specialist in our office and we like Guam Legal Services can usually provide one-day service in getting protective orders. We see out of jurisdiction orders and roughly two different types of cases. My concern is for the unintended consequences for a person coming back to Guam to avoid an abusive relationship from the states especially if they are coming back if there are children involved, especially if they don't have money. Guam, like most jurisdictions has provided mechanisms to provide protective orders for free. We even have a Kiosk over at the courts so people can get themselves if they don't want to avail themselves to Guam Legal Services or us. Similar thing is going on at the states. It's very easy for a person to walk in, apply for a protective order. The protective order can cover the petitioner, it can cover any children who are in the petitioner's custody, or who are alleged to be in the petitioner's custody and the order can go into place by a judge who has heard the whole proceeding. It can go into place because one side didn't show up for the hearing and different states have different procedures on what is necessary to prove you gave notice to the other side. Here in lies the problem. For a person fleeing another U.S Jurisdiction coming back here and seeking to register their off Guam protective order, I think the law we have now functions quite well. At least in 25 years I've never had a client come in and say the court wouldn't register it, the police won't enforce it. Usually when they are coming back with a foreign order they are leaving the other party behind. My concern is for the ones who flee without an off island protective order. Come back here with to rejoin their family's and leave a relationship that might not even be a merited one. I'd like to focus on two problems. One is. Did you have my annotated copy there. On the bottom of 16103, which is the third page of the order about the middle at subsection C. This law expressly provides that Guam has to enforce any provisions of a valid foreign protection order which govern custody and visitation. Which means that any custody decision made about the children will be controlled by the off-island order even if the children are here. This will strip the Guam Court of Jurisdiction to examine the ... We have to make a. There's a fine determination to be made here. If the custody order is a valid order in a domestic case from the states, we have to enforce it anyway because of the uniform child custody jurisdiction. If however, it is something obtained in a protective order where the judicial supervision in the states will not be as careful as it is in a domestic case the certainly not as careful as in our courts here. There is the danger that a person returning here will be facing a custody determination that was made as a result by an ex-party application in another jurisdiction.

Mr. Richard Dirkx:

To make things worse, our local protective order statute does not allow our judges to grant permanent custody to visitation as part of the protective order process. So if the lady comes here with her children, gets a protective order because she's afraid of the man coming from off island. The judge will grant her temporary custody, temporary visitation but current law does not allow Guam Judges to grant her anything more. If mean while the father or other parent of the children in the states applies for a protective order and under their law gets a grant of custody, our court here, has to enforce the off-island order, and our court here is powerless to help this lady even if she may have the children here. In fact, even though the children may never have left island. If the couple leaves off-island and the children are here, they might have been here all the time. The Guam Court should have control over that. The Guam Court should have some power to act in the best interest of the children. There's one other provision that I think is especially trouble some. Especially in combination with the one we just examined. At the bottom of the same page, one of the requirement is that in case of an order ex-parte. In other words, an order obtained by one person without notice to the other, the respondent, who will be the person here on Guam who was given notice and has had or will have an opportunity to be heard. Which means, she comes back with the children, application is made off-island. She gets notice hear that there's a hearing in Dallas in 6 days, our court under this law will be required to enforce the Texas order rather than considering her application before the Guam Court even though she might have applied first. That's my concern. There's no requirements that she actually have had an opportunity to be heard before the order presented. All that's required is that we receive an off-island order, she has an opportunity to be heard. Somewhere under the U.S Flag that's enough that Guam has to enforce it. So she gets an ex-parte order saying that she's ordered to stay away from the children, the Texas court may have no idea that the children may have always been here with her. They are entirely reliant on what the applicant back there is telling them and I know that the intention here is to protect victims, but our courts sort out the real victims, the real petitioners from the ones who are trying to do this to compete for a person's divorce. If I have the car and I have the kids this weekend and I file for a protective order, I've got what I want. The other side now has to hire a lawyer. The other thing is that the beginning, its made clear that the Guam Court has enforce these orders should this bill be passed. Even if our local court does not have the power to grant that same relief. So it makes it very clear that even our local judges in a protective order application do not have the power to make permanent custodies. It makes it very clear that that same judge who cant grant relief to the person in front of him is required to follow the order from off-island even though there might not have been a final hearing. This is a complicated thing to obtain but I hope that we will carefully consider the needs of Guam litigants when we look at this. It's a good thing to have orders enforced nationwide, but our folks here face a special problem when they are told to appear in a court thousands and thousands of miles away. It's not like driving from Iowa to Minnesota and this specifically allows custody determination and that can cause a lot of pain and hardship on us if its done carefully. I hope that the final draft of this bill if we pass it will take into consideration the possibility of letting our local judges have some authority to do the right thing in unusual ... so.

Chairman Aguon:

Thank you very much for your testimony this afternoon Attorney Dirkx. I'm certain and confident that the committee is going to look at the guidance coming from both offices as it reports this particular version out with any amendments that will be intact because we certainly want to be on the side of the victim and ensuring that whatever circumstances are that you representing these individuals will be able to make the best decision to hopefully in their steps.

Chairman Aguon:

So I really appreciate your testimony this afternoon. Senator any questions or comments. Mr. Vice-Speaker.

Vice-Speaker B.J. Cruz:

Thank you very much for your testimony because I was concerned about that too because when we passed the custody act, we worked out some of those kinks when we did that 6-8 years ago, but just for my colleagues to completely understand is what could happen if husband and wife could be living in the states and you were using this as an example, the children could be living here with grandma. They have a fight in Tennessee. She wants to get out of the abusive relationship. She jumps on a plane and flies back here. He knows where she is going to go and he is following her back here. Before he leaves Nashville, he goes and applies for protective orders. He gets custody of the children who have never lived in Tennessee and he flies to Guam with a protective order. There had been no hearing. It was ex-parte. She even if it wasn't ex-parte, if she could fly back in March for a hearing, she has an opportunity to present her side, but between now and March the local court will have to enforce the Tennessee order, which is to give custody to the allegedly abusive parent and the children have to be flown back to Tennessee.

Mr. Richard Dirkx:

That's entirely correct and if she can't afford the trip, she loses the kids forever. That's exactly the problem. I'm glad you're one of the good guys.

Chairman Aguon:

Thank you very much Mr. Vice-Speaker.

Mr. Richard Dirkx:

What I'm saying though is that there are attorneys that will help an unscrupulous person who wants to take the kids away, walk through this mine field and they can get an order without the other side if substituted service is allowed they will serve her by sending the papers to the place she moved out of a week ago. The husband or ex-boyfriend knows it, but if it's adequate service in the local law back there, that's what they'll do. I just like to make sure that our judges here, who I would say in almost every case are more careful and are better connected to the community are going to make a very good decision. I would just like them to have some power to do so. Thank you.

Chairman Aguon:

Thank you very much again. Any questions or comments on this proposal? If not thank you very much for your testimonies this afternoon.

The Committee will continue to accept written testimony on any pieces of legislation that have been entertained this afternoon until close of business Monday the 5th of January. Thank you again. Thank you Senators for joining us.

The public hearing adjourned at 3:26 PM.

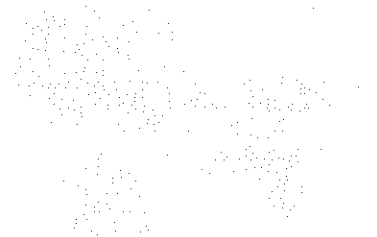
III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Wednesday, December 30th 2015 at 2:00PM in *I Liheslatura's* Public Hearing Room.

1. **Dana A. Gutierrez, Judiciary of Guam, Director of Policy, Planning & Community Relations**

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 198-33(LS) with the recommendation **TO REPORT OUT**.



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

Bill No. 198-33(LS)

Introduced by:

Brant T. McCreadie

**AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 19
OF THE GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE UNIFORM INTERSTATE
ENFORCEMENT OF DOMESTIC-VIOLENCE
PROTECTION ORDERS ACT.**

2015 OCT 27 PM 1:36

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A *new* Chapter 16 is hereby *added* to Title 19 Guam Code Annotated, to read as follows:

“CHAPTER 16

**UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE
PROTECTION ORDERS ACT**

§ 16101. Short Title.

§ 16102. Definitions.

§ 16103. Judicial Enforcement of Order.

§ 16104. Nonjudicial Enforcement of Order.

§ 16105. Registration of Order.

§ 16106. Immunity.

§ 16107. Other remedies.

§ 16108. Uniformity of Application and Construction.

§ 16109. Severability Clause.

1 § 16110. Effective Date.

2 § 16111. Transitional Provision.

3
4 **§ 16101. Short Title.** This Chapter shall be known, and *may* be cited as the
5 *Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act*.

6 **§ 16102. Definitions.** In this Chapter:

7 (1) "Foreign protection order" means a protection order issued by a tribunal of
8 another State.

9 (2) "Issuing State" means the State whose tribunal issues a protection order.

10 (3) "Mutual foreign protection order" means a foreign protection order that
11 includes provisions in favor of both the protected individual seeking enforcement of
12 the order and the respondent.

13 (4) "Protected individual" means an individual protected by a protection order.

14 (5) "Protection order" means an injunction or other order, issued by a tribunal
15 under the domestic-violence, family-violence, or anti-stalking laws of the issuing
16 State, to prevent an individual from engaging in violent or threatening acts against,
17 harassment of, contact or communication with, or physical proximity to, another
18 individual.

19 (6) "Respondent" means the individual against whom enforcement of a
20 protection order is sought.

21 (7) "State" means a State of the United States, the District of Columbia, Puerto
22 Rico, the United States Virgin Islands, or any territory or insular possession subject to
23 the jurisdiction of the United States. The term includes an Indian tribe or band that has
24 jurisdiction to issue protection orders.

25 (8) "Tribunal" means a court, agency, or other entity authorized by law to issue
26 or modify a protection order.

1 **§ 16103. Judicial Enforcement of Order.**

2 (a) A person authorized by the law of this State to seek enforcement of a
3 protection order may seek enforcement of a valid foreign protection order in a tribunal
4 of this State. The tribunal shall enforce the terms of the order, including terms that
5 provide relief that a tribunal of this State would lack power to provide but for this
6 section. The tribunal shall enforce the order, whether the order was obtained by
7 independent action or in another proceeding, if it is an order issued in response to a
8 complaint, petition, or motion filed by or on behalf of an individual seeking
9 protection. In a proceeding to enforce a foreign protection order, the tribunal shall
10 follow the procedures of this State for the enforcement of protection orders.

11 (b) A tribunal of this State may not enforce a foreign protection order issued by
12 a tribunal of a State that does not recognize the standing of a protected individual to
13 seek enforcement of the order.

14 (c) A tribunal of this State shall enforce the provisions of a valid foreign
15 protection order which govern custody and visitation, if the order was issued in
16 accordance with the jurisdictional requirements governing the issuance of custody and
17 visitation orders in the issuing State.

18 (d) A foreign protection order is valid if it:

19 (1) identifies the protected individual and the respondent;

20 (2) is currently in effect;

21 (3) was issued by a tribunal that had jurisdiction over the parties and
22 subject matter under the law of the issuing State; and

23 (4) was issued after the respondent was given reasonable notice and had
24 an opportunity to be heard before the tribunal issued the order or, in the case of an
25 order ex parte, the respondent was given notice and has had or will have an

1 opportunity to be heard within a reasonable time after the order was issued, in a
2 manner consistent with the rights of the respondent to due process.

3 (e) A foreign protection order valid on its face is prima facie evidence of its
4 validity.

5 (f) Absence of any of the criteria for validity of a foreign protection order is an
6 affirmative defense in an action seeking enforcement of the order.

7 (g) A tribunal of this State may enforce provisions of a mutual foreign
8 protection order which favor a respondent only if:

9 (1) the respondent filed a written pleading seeking a protection order
10 from the tribunal of the issuing State; and

11 (2) the tribunal of the issuing State made specific findings in favor of the
12 respondent.

13 **§ 16104. Nonjudicial Enforcement of Order.**

14 (a) A law enforcement officer of this State, upon determining that there is
15 probable cause to believe that a valid foreign protection order exists and that the order
16 has been violated, shall enforce the order as if it were the order of a tribunal of this
17 State. Presentation of a protection order that identifies both the protected individual
18 and the respondent and, on its face, is currently in effect constitutes probable cause to
19 believe that a valid foreign protection order exists. For the purposes of this section, the
20 protection order may be inscribed on a tangible medium or may have been stored in an
21 electronic or other medium if it is retrievable in perceivable form. Presentation of a
22 certified copy of a protection order is not required for enforcement.

23 (b) If a foreign protection order is not presented, a law enforcement officer of
24 this State may consider other information in determining whether there is probable
25 cause to believe that a valid foreign protection order exists.

1 (c) If a law enforcement officer of this State determines that an otherwise valid
2 foreign protection order cannot be enforced because the respondent has not been
3 notified or served with the order, the officer shall inform the respondent of the order,
4 make a reasonable effort to serve the order upon the respondent, and allow the
5 respondent a reasonable opportunity to comply with the order before enforcing the
6 order.

7 (d) Registration or filing of an order in this State is not required for the
8 enforcement of a valid foreign protection order pursuant to this Act.

9 **§ 16105. Registration of Order.**

10 (a) Any individual may register a foreign protection order in this State. To
11 register a foreign protection order, an individual shall:

12 (1) present a certified copy of the order to the office of the Clerk of the
13 Superior Court; or

14 (2) present a certified copy of the order to the Superior Court and request
15 that the order be registered with the office of the Clerk of the Superior Court.

16 (b) Upon receipt of a foreign protection order, the office of the Clerk of the
17 Superior Court shall register the order in accordance with this section. After the order
18 is registered, the office of the Clerk of the Superior Court shall furnish to the
19 individual registering the order a certified copy of the registered order.

20 (c) The office of the Clerk of the Superior Court shall register an order upon
21 presentation of a copy of a protection order which has been certified by the issuing
22 State. A registered foreign protection order that is inaccurate or is not currently in
23 effect must be corrected or removed from the registry in accordance with the law of
24 this State.

1 (d) An individual registering a foreign protection order shall file an affidavit by
2 the protected individual stating that, to the best of the protected individual's
3 knowledge, the order is currently in effect.

4 (e) A foreign protection order registered under this Act may be entered in any
5 existing state or federal registry of protection orders, in accordance with applicable
6 law.

7 (f) A fee may not be charged for the registration of a foreign protection order.

8 **§ 16106. Immunity.** This State or a local governmental agency, or a law
9 enforcement officer, prosecuting attorney, clerk of court, or any state or local
10 governmental official acting in an official capacity, is immune from civil and criminal
11 liability for an act or omission arising out of the registration or enforcement of a
12 foreign protection order or the detention or arrest of an alleged violator of a foreign
13 protection order if the act or omission was done in good faith in an effort to comply
14 with this Act.

15 **§ 16107. Other remedies.** A protected individual who pursues remedies under
16 this Act is not precluded from pursuing other legal or equitable remedies against the
17 respondent.

18 **§ 16108. Uniformity of Application and Construction.** In applying and
19 construing this Uniform Act, consideration must be given to the need to promote
20 uniformity of the law with respect to its subject matter among States that enact it.

21 **§ 16109. Severability Clause.** If any provisions of this Act or its application to
22 any person or circumstance is held invalid, the invalidity does not affect other
23 provisions or applications of this Act which can be given effect without the invalid
24 provision or application, and to this end the provisions of this Act are severable.

25 **§ 16110. Effective Date.** This Act shall be effective upon enactment into law.

1 **§ 16111. Transitional Provision.** This Act applies to protection orders issued
2 before the effective date of this Act and to continuing actions for enforcement of
3 foreign protection orders commenced before the effective date of this Act. A request
4 for enforcement of a foreign protection order made on or after the effective date of
5 this Act for violations of a foreign protection order occurring before the effective date
6 of this Act is governed by this Act.

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan / 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. **CHAIRMAN**



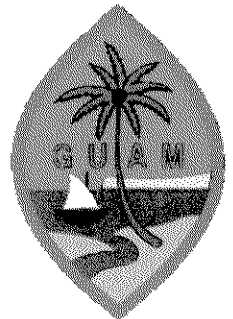
Bill No. 198-33 (LS): - An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.

Sponsored by: B.T. McCreadie

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Eric Miller	PASC		✓		✓	
Phil Tydingco	PAG		✓		✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR.
CHAIRMAN

Bill No. 198-33 (LS): - An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.

Sponsored by: B.T. McCreadie

[illegible]



Judiciary of Guam

Guam Judicial Center • 120 West OBrien Dr • Hagatna Gu 96910

Tel: (671) 300-9282 • Fax: (671) 477-3184



ROBERT J. TORRES
Chief Justice

ALBERTO C. LAMORENA, III
Presiding Judge

JOSHUA E. TENORIO
Administrator of the Courts

DANA A. GUTIERREZ, Esq.
Director of Policy, Planning
and Community Relations

December 30, 2015

The Honorable Frank Aguon, Jr.
Chairman
Committee on Guam U.S. Military Relocation, Public Safety & Judiciary
Suite 503 DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

Re: Testimony on Bill No. 198-33 (COR)

Dear Chairman Aguon:

On behalf of the Judiciary of Guam (the "Judiciary"), thank you for providing me with the opportunity to submit written testimony regarding Bill No. 198-33, the *Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act*, which was sponsored by Senator Brant T. McCreadie. The Judiciary is in support of the intent of Bill No. 198-33, which is to establish uniform procedures for the interstate enforcement of valid domestic violence protection orders. However, the Judiciary is concerned that the passage of Bill No. 198-33, without reconciling current Guam law allowing for the registration of foreign protection orders, may cause confusion and conflict.

As noted by the sponsor of Bill No. 198-33, current Guam law allows for individuals to register a foreign protection order with the Superior Court. Specifically, 19 GCA Chapter 14, Civil Orders for Protection already provides a process for the registration and enforcement of foreign orders for protection, as well as the maintenance of a registry for protection orders. The language found in 19 GCA Chapter 14 was passed back in 1998 and pre-dates the source of Bill 198-33, the Uniform Interstate Enforcement of Domestic Violence Protection Orders, adopted by the Uniform Law Commission.

Because current law exists regarding the registration of foreign protection orders, the Judiciary suggests that the Legislature reconcile the proposed legislation with the existing language found in Chapter 14, instead of passing legislation adding a new Chapter 16 to Title 19 of the Guam Code Annotated. Reconciling the proposed legislation with current statutory law will prevent possible confusion and conflict concerning the law to be followed.

Additionally, the Judiciary notes that the language proposed in §16105(a)(1) and (2) of Bill No. 198-33 is basically the same language—both subsections describe the procedure to be used to register a foreign protection order with the Superior Court of Guam, i.e., present a certified copy of the order to the Clerk of the Superior Court of Guam for registration. Because either subsection standing alone is sufficient, the Judiciary suggests deleting subsection (2) and reformatting the remaining language accordingly.

Thank you again for the opportunity to provide testimony on Bill No. 198-33.

If you have any questions regarding the above, please feel free to contact me at dgutierrez@guamcourts.org or 300-9282.

Senseramente,

A handwritten signature in dark ink, appearing to read "Dana A. Gutierrez", is written over a faint, larger version of the same signature.

DANA A. GUTIERREZ

Director of Policy, Planning &
Community Relations



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

December 18, 2015

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Fiscal Notes and Fiscal Notes Waivers

Hafa Adai!

Attached please find the fiscal notes and fiscal note waivers for the bill numbers listed below. Please note that the fiscal notes and fiscal note waivers are issued on the bills as introduced.

FISCAL NOTES:

Bill No. 147-33(COR)
Bill No. 198-33(LS)
Bill No. 206-33(COR)
Bill No. 207-33(COR)
Bill No. 208-33(LS)
Bill No. 210-33(COR)

FISCAL NOTES WAIVERS:

Bill No. 187-33(COR)
Bill No. 209-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Sí Yu'os ma'åse'!

2015 DEC 19 12:10:58
RJR

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 198-33 (LS)**

AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE PROTECTION ORDERS ACT.

Department/Agency Appropriation Information

Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Robert J. Torres, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	33,043,444
Department's Other Fund (Specify) appropriation(s) to date:	145,468
Total Department/Agency Appropriation(s) to date:	\$33,188,912

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes / / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/x/ Requested agency comments not received by due date / / Other:

Analyst: <u>Dina P. Rivera</u>	Date: <u>12-04-15</u>	Director: <u>[Signature]</u>	Date: <u>DEC 04 2015</u>
		Honorable S. Calvo, Director	

Footnotes:

1/ Per information received from a Judiciary of Guam staff, Chapter 14 of 19 GCA already establishes laws relative to "Civil Orders for Protection" to include the registration and enforcement of Foreign Orders for protection. The staff explained and as per the "press release" by the author of the Bill, the intent is to create a "Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act" in line with what eighteen states have already adopted. The staff further explained that what is significant in the proposed Bill in comparison to Chapter 14, 19 GCA, is §16104 on "Nonjudicial Enforcement of Order." This authorizes law enforcement officers to enforce a foreign protection order without it having to be certified by our Guam Courts. Therefore, the fiscal impact would be in terms of personnel services cost for law enforcement officers to carry out the intent of the proposed Bill. This cost would be minimal since per the Judiciary, only one to none foreign order has been filed a year.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Michael F.Q. San Nicolas
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Member

V. Anthony Ada
MINORITY LEADER


Mary C. Torres
MINORITY MEMBER

October 28, 2015

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 198-33(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 198-33(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	HEARING DATE	COMMITTEE REPORT FILED	FISCAL NOTES
198-33 (LS)	Brant T. McCreadie	AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE PROTECTION ORDERS ACT.	10/27/15 1:36 p.m.	10/28/15	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			Fiscal Note 12/18/15 Fiscal Note Request 10/28/15

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

Bill No. 198-33(LS)

Introduced by:

Brant T. McCreadie

**AN ACT TO *ADD A NEW* CHAPTER 16 TO TITLE 19
OF THE GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE UNIFORM INTERSTATE
ENFORCEMENT OF DOMESTIC-VIOLENCE
PROTECTION ORDERS ACT.**

2015 OCT 27 PM 1:36

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A *new* Chapter 16 is hereby *added* to Title 19 Guam Code
Annotated, to read as follows:

“CHAPTER 16

**UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE
PROTECTION ORDERS ACT**

§ 16101. Short Title.

§ 16102. Definitions.

§ 16103. Judicial Enforcement of Order.

§ 16104. Nonjudicial Enforcement of Order.

§ 16105. Registration of Order.

§ 16106. Immunity.

§ 16107. Other remedies.

§ 16108. Uniformity of Application and Construction.

§ 16109. Severability Clause.

§ 16110. Effective Date.

§ 16111. Transitional Provision.

§ 16101. Short Title. This Chapter shall be known, and *may* be cited as the *Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act*.

§ 16102. Definitions. In this Chapter:

(1) "Foreign protection order" means a protection order issued by a tribunal of another State.

(2) "Issuing State" means the State whose tribunal issues a protection order.

(3) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(4) "Protected individual" means an individual protected by a protection order.

(5) "Protection order" means an injunction or other order, issued by a tribunal under the domestic-violence, family-violence, or anti-stalking laws of the issuing State, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.

(6) "Respondent" means the individual against whom enforcement of a protection order is sought.

(7) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(8) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.

1 **§ 16103. Judicial Enforcement of Order.**

2 (a) A person authorized by the law of this State to seek enforcement of a
3 protection order may seek enforcement of a valid foreign protection order in a tribunal
4 of this State. The tribunal shall enforce the terms of the order, including terms that
5 provide relief that a tribunal of this State would lack power to provide but for this
6 section. The tribunal shall enforce the order, whether the order was obtained by
7 independent action or in another proceeding, if it is an order issued in response to a
8 complaint, petition, or motion filed by or on behalf of an individual seeking
9 protection. In a proceeding to enforce a foreign protection order, the tribunal shall
10 follow the procedures of this State for the enforcement of protection orders.

11 (b) A tribunal of this State may not enforce a foreign protection order issued by
12 a tribunal of a State that does not recognize the standing of a protected individual to
13 seek enforcement of the order.

14 (c) A tribunal of this State shall enforce the provisions of a valid foreign
15 protection order which govern custody and visitation, if the order was issued in
16 accordance with the jurisdictional requirements governing the issuance of custody and
17 visitation orders in the issuing State.

18 (d) A foreign protection order is valid if it:

19 (1) identifies the protected individual and the respondent;

20 (2) is currently in effect;

21 (3) was issued by a tribunal that had jurisdiction over the parties and
22 subject matter under the law of the issuing State; and

23 (4) was issued after the respondent was given reasonable notice and had
24 an opportunity to be heard before the tribunal issued the order or, in the case of an
25 order ex parte, the respondent was given notice and has had or will have an

1 opportunity to be heard within a reasonable time after the order was issued, in a
2 manner consistent with the rights of the respondent to due process.

3 (e) A foreign protection order valid on its face is prima facie evidence of its
4 validity.

5 (f) Absence of any of the criteria for validity of a foreign protection order is an
6 affirmative defense in an action seeking enforcement of the order.

7 (g) A tribunal of this State may enforce provisions of a mutual foreign
8 protection order which favor a respondent only if:

9 (1) the respondent filed a written pleading seeking a protection order
10 from the tribunal of the issuing State; and

11 (2) the tribunal of the issuing State made specific findings in favor of the
12 respondent.

13 **§ 16104. Nonjudicial Enforcement of Order.**

14 (a) A law enforcement officer of this State, upon determining that there is
15 probable cause to believe that a valid foreign protection order exists and that the order
16 has been violated, shall enforce the order as if it were the order of a tribunal of this
17 State. Presentation of a protection order that identifies both the protected individual
18 and the respondent and, on its face, is currently in effect constitutes probable cause to
19 believe that a valid foreign protection order exists. For the purposes of this section, the
20 protection order may be inscribed on a tangible medium or may have been stored in an
21 electronic or other medium if it is retrievable in perceivable form. Presentation of a
22 certified copy of a protection order is not required for enforcement.

23 (b) If a foreign protection order is not presented, a law enforcement officer of
24 this State may consider other information in determining whether there is probable
25 cause to believe that a valid foreign protection order exists.

1 (c) If a law enforcement officer of this State determines that an otherwise valid
2 foreign protection order cannot be enforced because the respondent has not been
3 notified or served with the order, the officer shall inform the respondent of the order,
4 make a reasonable effort to serve the order upon the respondent, and allow the
5 respondent a reasonable opportunity to comply with the order before enforcing the
6 order.

7 (d) Registration or filing of an order in this State is not required for the
8 enforcement of a valid foreign protection order pursuant to this Act.

9 **§ 16105. Registration of Order.**

10 (a) Any individual may register a foreign protection order in this State. To
11 register a foreign protection order, an individual shall:

12 (1) present a certified copy of the order to the office of the Clerk of the
13 Superior Court; or

14 (2) present a certified copy of the order to the Superior Court and request
15 that the order be registered with the office of the Clerk of the Superior Court.

16 (b) Upon receipt of a foreign protection order, the office of the Clerk of the
17 Superior Court shall register the order in accordance with this section. After the order
18 is registered, the office of the Clerk of the Superior Court shall furnish to the
19 individual registering the order a certified copy of the registered order.

20 (c) The office of the Clerk of the Superior Court shall register an order upon
21 presentation of a copy of a protection order which has been certified by the issuing
22 State. A registered foreign protection order that is inaccurate or is not currently in
23 effect must be corrected or removed from the registry in accordance with the law of
24 this State.

1 (d) An individual registering a foreign protection order shall file an affidavit by
2 the protected individual stating that, to the best of the protected individual's
3 knowledge, the order is currently in effect.

4 (e) A foreign protection order registered under this Act may be entered in any
5 existing state or federal registry of protection orders, in accordance with applicable
6 law.

7 (f) A fee may not be charged for the registration of a foreign protection order.

8 **§ 16106. Immunity.** This State or a local governmental agency, or a law
9 enforcement officer, prosecuting attorney, clerk of court, or any state or local
10 governmental official acting in an official capacity, is immune from civil and criminal
11 liability for an act or omission arising out of the registration or enforcement of a
12 foreign protection order or the detention or arrest of an alleged violator of a foreign
13 protection order if the act or omission was done in good faith in an effort to comply
14 with this Act.

15 **§ 16107. Other remedies.** A protected individual who pursues remedies under
16 this Act is not precluded from pursuing other legal or equitable remedies against the
17 respondent.

18 **§ 16108. Uniformity of Application and Construction.** In applying and
19 construing this Uniform Act, consideration must be given to the need to promote
20 uniformity of the law with respect to its subject matter among States that enact it.

21 **§ 16109. Severability Clause.** If any provisions of this Act or its application to
22 any person or circumstance is held invalid, the invalidity does not affect other
23 provisions or applications of this Act which can be given effect without the invalid
24 provision or application, and to this end the provisions of this Act are severable.

25 **§ 16110. Effective Date.** This Act shall be effective upon enactment into law.

1 **§ 16111. Transitional Provision.** This Act applies to protection orders issued
2 before the effective date of this Act and to continuing actions for enforcement of
3 foreign protection orders commenced before the effective date of this Act. A request
4 for enforcement of a foreign protection order made on or after the effective date of
5 this Act for violations of a foreign protection order occurring before the effective date
6 of this Act is governed by this Act.



December 22, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **1st Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, December 30, 2015 at 2:00 PM**. Included on the agenda are the following bill(s):

- **Bill No. 215-33 (COR)** An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005. (Sponsor: B. J.F. Cruz/ R. J. Respicio)
- **Bill No. 198-33 (LS)** An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act. (Sponsor: B.T. McCreadie)
- **Bill No. 197-33 (LS)** An act to amend §77302 of Article 3, Chapter 77 of Title 10, Guam Code Annotated, relative to extending the duties of the Guam Police Department Community Assisted Policing Effort (CAPE) volunteers to include event supervision of the 12th Festival of Pacific Arts (FESTPAC). (Sponsors: Judith T. Won Pat, Ed.D./T. C. Ada/T. R. Muña Barnes)

The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com. The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahan*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkol Na Si Yu'os Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COMWWW.FRANKAGUONJR.COMSenator
FRANK B. AGUON, JR.
ChairmanSenator
Thomas C. Ada
Vice ChairmanVice-Speaker
Benjamin J.F. Cruz
MemberSenator
Rory J. Respicio
MemberSenator
Dennis G. Rodriguez, Jr.
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Frank F. Blas Jr.
MemberSenator
James V. Espaldon
MemberSenator
Brant T. McCreadie
MemberSpeaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

1st Notice – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Tue, Dec 22, 2015 at 10:28 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

Bcc: antoniot@guamairport.net, arthur.paulino@gpd.guam.gov, bobcamacho@guamairport.net, chuck.ada@guamairport.net, cemiculka@guam.gannett.com, cmé.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhhb.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwarden2k@yahoo.com, janela@spbgum.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, philip.taijeron@cqa.guam.gov, phnotice@guamlegislature.org, "Raffaele.sgambelluri@cqa.guam.gov" <raffaele.sgambelluri@cqa.guam.gov>, "<raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, "clynt@spbgum.com" <clynt@spbgum.com>, Colonel Maurice Sayama <maurice.sayama@gpd.guam.gov>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Eric Miller <emiller@guampdsc.net>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, John O'Connor <john@mvguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "Jose Sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "Joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Marianas Variety-Guam <editor@mvguam.com>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Tupaz <robert@mvguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shaina Santos <reporter4@glimpsesofguam.com>, Shawn Raymundo <sraymundo@guam.gannett.com>, "susan. reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, agatmayorsoffice@hotmail.com, bmomayor@teleguam.net, hagatnamayor@hotmail.com, kenjoeada@yahoo.com, mcogadmin@teleguam.net, mtm_mayors_office@yahoo.com, nblas_mangilaomayor@yahoo.com, peter_daigo@hotmail.com, pitimayor@yahoo.com, talofofomayor@gmail.com, vicemayor_allan.ungacta@yahoo.com, Anthony Sanchez <yigovoice@gmail.com>, Barrigada MayorsOffice <bmoadmin@teleguam.net>, Dale Alvarez <daleealvarez@gmail.com>, Diana Sojo <yigomayorsoffice@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Ernest Chargualaf - Merizo <mayoremestc@yahoo.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, Joana Margaret Blas <mayorjmcblas@gmail.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, "melissa.savares@gmail.com" <melissa.savares@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, dfsannicolas@gmail.com

December 22, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **1st Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, December 30, 2015 at 2:00 PM.** Included on the agenda are the following bill(s):

- **BillNo. 215-33 (COR)** An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005. (Sponsor: B. J.F. Cruz/ R. J. Respicio)
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The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com. The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahñan* 's website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkolo Na Si Yu'os Ma'ase!

—
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

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12/22/2015

Office of Senator Frank B. Aguon, Jr. Mail - 1st Notice -- Public Hearing on Wednesday, December 30, 2015 at 2:00 PM



1st NOTICE public hearing HEARING.pdf

473K



December 28, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **2nd Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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Un Pangkoto' Na Si Yu'os Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COMWWW.FRANKAGUONJR.COMSenator
FRANK B. AGUON, JR.
ChairmanSenator
Thomas C. Ada
Vice ChairmanVice-Speaker
Benjamin J.F. Cruz
MemberSenator
Rory J. Respicio
MemberSenator
Dennis G. Rodriguez, Jr.
MemberSenator
Dr. Nerissa B. Underwood, Ph.D.
MemberSenator
V. Anthony Ada
MemberSenator
Frank F. Blas Jr.
MemberSenator
James V. Espaldon
MemberSenator
Brant T. McCreadie
MemberSpeaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



Lawrence Jay Alcairo <ljalcairo@gmail.com>

2nd Notice – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Mon, Dec 28, 2015 at 2:19 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>, Committee <committee@frankaguonjr.com>

Bcc: phnotice@guamlegislature.org

December 28, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

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Un Dangkolo Na Si Yu'os Ma'ase!

—

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

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Lawrence Jay Alcairo <ljalcairo@gmail.com>

2nd Notice – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Mon, Dec 28, 2015 at 2:19 PM
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 Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>, Committee <committee@frankaguonjr.com>
 Bcc: phnotice@guamlegislature.org

December 28, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

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Un Dangkolo Na Si Yu'os Ma'ase!

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Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

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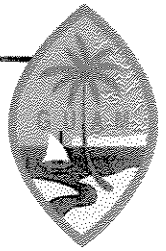
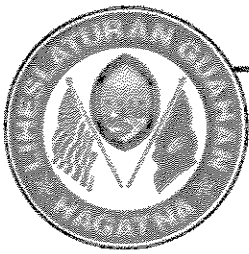
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December 22, 2015

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Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

The Honorable Edward J. Calvo
Governor of Guam

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: governor@guam.gov

Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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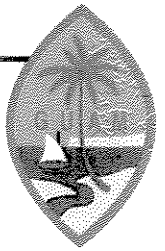
Un Dangkolo Na Si Yu'os Ma'ase!


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



December 22, 2015

Senator
FRANK B. AGUON, JR.
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Vice Chairman

Vice-Speaker
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Senator
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Senator
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Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

The Honorable Ray Tenorio
Lieutenant Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: ray.tenorio@guam.gov

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I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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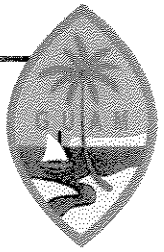
WWW.FRANKAGUONJR.COM



COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN / 33RD GUAM LEGISLATURE



December 22, 2015

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FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
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Rory J. Respicio
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Member

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Member

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Frank F. Blas Jr.
Member

Senator
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Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

The Honorable Elizabeth Barrett Anderson
Attorney General of Guam
Office of the Attorney General
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913
Sent via email to: ebanderson@guamag.org

Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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Un Pangkalo Na Yu'as Ma'asel

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE



December 22, 2015

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Senator
James V. Espaldon
Member

Senator
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Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

The Honorable Robert J. Torres, Jr.
Chief Justice of Guam
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: rjtorres@guamsupremecourt.com

Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

Mr. Joshua Tenorio

Administrator of Courts

Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive

Hagåtña, Guam 96910

Sent via email to: jtenorio@guamcourts.org

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Ex-Officio

Chief Joseph I. Cruz

Chief of Police

Guam Police Department

Bldg 13-16A Mariner Ave.

Tiyan, Barrigada, Guam 96913

Sent via email to: joseph.i.cruz@gpd.guam.govSubject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

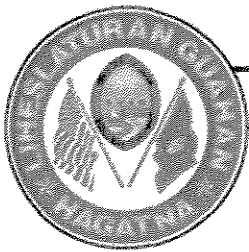
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Ex-Officio

COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS

C/O: Debbie San Nicolas

Guam Police Department

Bldg 13-16A Mariner Ave.

Tiyan, Barrigada, Guam 96913

Sent via email to: dfsannicolas@gmail.comSubject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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Updated: October 1, 2015

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Updated: October 1, 2015

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PUBLIC HEARING AGENDA

Wednesday, December 30, 2015 at 2:00 PM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

I. Call to Order at 2:00PM

II. Opening remarks/Announcements

- **Bill No. 197-33 (LS)** - An act to amend §77302 of Article 3, Chapter 77 of Title 10, Guam Code Annotated, relative to extending the duties of the Guam Police Department Community Assisted Policing Effort (CAPE) volunteers to include event supervision of the 12th Festival of Pacific Arts (FESTPAC). (Sponsors: Judith T. Won Pat, Ed.D./T. C. Ada/T. R. Muña Barnes)
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III. Closing Remarks

IV. Adjournment

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