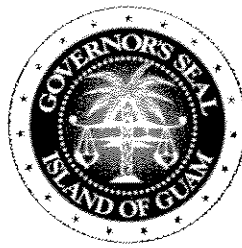


I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
273-32 (COR), P.L. 32-144	Aline A. Yamashita, PhD., Judith T. Won Pat, Ed.D. T. R. MUÑA BARNES	AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY	2/12/2014 10.45 a.m.	02/12/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	02/25/14 9 a.m.	3/20/14 3:18 P.M.	Fiscal Note Requested 02/13/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	4/15/2014	AN ACT TO REPEAL AND REENACT §70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY, CRIMINAL VOYEURISM AND VIDEO VOYEURISM.	4/16/14	1:10 p.m.	04/28/14	4/28/2014	32-144	As substituted by the Committee on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary, and the Author; and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

APR 30 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Date 5-2-14
Time 3:34 PM
Received by [Signature]

32-14-165

2014 MAY -2 PM 3:04

Dear Madame Speaker:

Transmitted herewith is Bill No. 273-32 (COR) "AN ACT TO REPEAL AND REENACT §70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY, CRIMINAL VOYEURISM AND VIDEO VOYEURISM" which I signed into law on April 28, 2014 as **Public Law 32-144**.

Senseramente,


EDDIE BAZA CALVO

1615

P.O. Box 2950 • Hagatna, Guam 96932

Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov



Eddie Baza Calvo



@eddiebazacalvo



@governorcalvo



governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 273-32 (COR), "AN ACT TO REPEAL AND REENACT §70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY, CRIMINAL VOYEURISM AND VIDEO VOYEURISM,"** was on the 15th day of April, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:

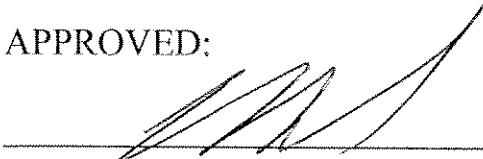

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 16 day of April,
2014, at 1:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: APR 28 2014

Public Law No. 32-144

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 273-32 (COR)

As substituted by the Committee on Guam U.S. Military
Relocation, Homeland Security, Veterans' Affairs, and the
Judiciary, and the Author; and amended on the Floor.

Introduced by:

Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Michael F. Q. San Nicolas
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
B. J.F. Cruz

**AN ACT TO REPEAL AND REENACT §70.35 OF
CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO INVASION OF PRIVACY, CRIMINAL
VOYEUERISM AND VIDEO VOYEURISM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that the community of Guam is disturbed that its laws have not kept pace with
audio, video and electronically digital camera technology which, though designed
to heighten the quality of life, can also be used for nefarious or perverse purposes.
Recently, a man, convicted for using electronic audio/video technology or cameras

1 to engage in surreptitious surveillance of women using restroom facilities, only
2 faced a misdemeanor penalty. The victims in this case suffered not only a gross
3 and severe invasion of their privacy, but a violation of their personal and physical
4 dignity, in addition to other psychological harm. *I Liheslatura* intends to address
5 this serious problem which bears in mind the need to balance privacy rights in
6 circumstances where surveillance may be legitimate. Thus, our criminal statutes
7 for invasion of privacy, or our version of criminal voyeurism, is in need of
8 updating and replacement.

9 **Section 2.** § 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
10 hereby *repealed* and *reenacted* to read as follows:

11 **“§ 70.35. Invasion of Privacy or Criminal Voyeurism and Video**
12 **Voyeurism; Penalty; Definitions.**

13 (a) A person commits a misdemeanor if, except in the execution of
14 a public duty or as authorized by law, the person intentionally or knowingly:

15 (1) trespasses on property for the purpose of subjecting
16 anyone to eavesdropping or other surveillance in a private place or in
17 a place where an individual has a reasonable expectation of privacy;

18 (2) peers or peeps into a window or other opening of a
19 dwelling or other structure adapted for sojourn or overnight
20 accommodations for the purpose of spying on the occupant thereof or
21 invading the privacy of another person with a lewd or unlawful
22 purpose, under circumstances in which a reasonable person in the
23 dwelling or other structure would not expect to be observed;

24 (3) trespasses on property for the sexual gratification of the
25 actor;

26 (4) installs or uses outside a private place any device for
27 hearing, recording, amplifying, or broadcasting sounds originating in

1 that place which would not ordinarily be audible or comprehensible
2 outside, without the consent of the person or persons entitled to
3 privacy therein;

4 (5) intercepts, without the consent of the sender or receiver, a
5 message or photographic image by telephone, telegraph, letter,
6 electronic transmission, or other means of communicating privately;
7 but this Subsection (5) *does not* apply to:

8 (A) overhearing of messages through a regularly
9 installed instrument on a telephone party line or an extension;
10 or

11 (B) interception by the telephone company, electronic
12 mail account provider, or telephone or electronic mail
13 subscriber incident to enforcement of regulations limiting use
14 of the facilities or incident to other operation and use;

15 (6) installs or uses, or both, in any private place or in a place
16 where an individual has a reasonable expectation of privacy, without
17 consent of the person or persons entitled to privacy therein, any means
18 or device for observing, recording, amplifying, or broadcasting sounds
19 or events in that place, including another person in a stage of undress
20 or sexual activity;

21 (7) covertly records or broadcasts an image of another
22 person's intimate area underneath clothing, by use of any device, and
23 that image is taken while that person is in a public place and without
24 that person's consent;

25 (8) divulges, without the consent of the sender or the
26 receiver, the existence or contents of any messages or photographic
27 image by telephone, telegraph, letter, electronic transmission, or other

1 means of communicating privately, if the accused knows that the
2 message or photographic image was unlawfully intercepted or if the
3 accused learned of the message or photographic image in the course
4 of employment with an agency engaged in transmitting it; or

5 (9) knowingly possesses materials created under
6 circumstances prohibited in Subsection (b) below.

7 (10) This Subsection (a) *shall not* apply to any dissemination,
8 distribution, or transfer of images subject to this Subsection by an
9 electronic communication service provider or remote storage service
10 in the ordinary course of its business.

11 (11) In addition to any penalties the court may impose, the
12 court may order the destruction of any recording made in violation of
13 this Subsection (a).

14 (b) A person commits a felony in the third degree, if, except in the
15 execution of a public duty or as authorized by law, when, with the intent of
16 arousing, appealing to or gratifying the lust or passions or sexual desires of
17 such person or another person, or for his own or another person's lascivious
18 entertainment or satisfaction of prurient interest, or for the purpose of
19 sexually degrading or abusing any other person, or for the purpose of
20 annoying, harassing or intimidating any other person, the person
21 intentionally or knowingly installs or uses, or both, in any private place or in
22 a place where an individual has a reasonable expectation of privacy, without
23 consent of the person or persons entitled to privacy therein, any device for
24 observing, recording, amplifying, or broadcasting another person in a stage
25 of undress or sexual activity. The court may order the destruction of any
26 recording made in violation of this Subsection (b).

1 (c) A person commits the crime of video voyeurism, which is a
2 felony in the second degree, if, except in the execution of a public duty or as
3 authorized by law, when, with the intent of arousing, appealing to or
4 gratifying the lust or passions or sexual desires of such person or another
5 person, or for his own or another person's lascivious entertainment or
6 satisfaction of prurient interest, or for the purpose of sexually degrading or
7 abusing any other persons, or for the purpose of annoying, harassing or
8 intimidating any other person, the person intentionally or knowingly
9 disseminates, publishes or sells any image or images of the intimate areas of
10 another person or persons without the consent of such other person or
11 persons and with knowledge that such image or images were obtained. The
12 court may order the destruction of any recording made in violation of this
13 Subsection (c).

14 (d) Definitions for the purpose of this Section:

15 (1) *broadcast* means the electronic transmittal of a visual
16 image with the intent that it be viewed by a person or persons;

17 (2) *disseminate* means to make available by any means to
18 any person;

19 (3) *electronic communication* means any transfer of signs,
20 signals, writings, images, sounds, data, or intelligence of any nature
21 transmitted in whole or part by a wire, radio, electromagnetic,
22 photoelectronic, or photo optical system;

23 (4) *electronic communication service provider* means any
24 person engaged in the offering or sale of electronic communication
25 services to the public;

26 (5) *electronic communication system* means any wire, radio,
27 electromagnetic, photo-optical, or photo-electronic facilities for the

1 transmission of wire or electronic communications, and any computer
2 facilities or related electronic equipment for the electronic storage of
3 such communications, including e-mail, web hosting, multimedia
4 messaging services, and remote storage services offered by an
5 electronic communication service provider;

6 (6) *imaging device* means any instrument capable of
7 recording, storing, viewing or transmitting visual images;

8 (7) *intimate areas* means any portion of a person's
9 underwear, pubic area, anus, buttocks, vulva, genitals, or female
10 breast;

11 (8) *intimate areas underneath clothing* does not include
12 intimate areas visible through a person's clothing or intimate areas
13 exposed in public;

14 (9) *person* means any natural person, corporation,
15 partnership, firm, association, joint venture or any other recognized
16 legal entity or any agent or servant thereof;

17 (10) *place where a person has a reasonable expectation of*
18 *privacy* means:

19 (A) a place where a reasonable person would believe
20 that he could undress, be undressed or engage in sexual activity
21 in privacy, without concern that he or she is being viewed,
22 photographed, filmed or otherwise recorded by an imaging
23 device; or

24 (B) a place where a person might reasonably expect to
25 be safe from casual or hostile surveillance by an imaging
26 device; or

1 (C) any public place where a person, by taking
2 reasonable steps to conceal intimate areas, should be free from
3 the viewing, recording, storing or transmitting of images
4 obtained by imaging devices designed to overcome the barriers
5 created by a person's covering of intimate areas;

6 (11) *public place* means an area generally open to the public,
7 regardless of whether it is privately owned, and includes, but is *not*
8 limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways,
9 parking lots, buses, tunnels, buildings, stores, and restaurants;

10 (12) *publish* means to:

11 (A) disseminate with the intent that such image or
12 images be made available by any means to any person; or

13 (B) disseminate with the intent that such images be
14 sold by another person; or

15 (C) post, present, display, exhibit, circulate, advertise
16 or allow access by any means so as to make an image or images
17 available to the public; or

18 (D) disseminate with the intent that an image or images
19 be posted, presented, displayed, exhibited, circulated,
20 advertised or made accessible by any means and to make such
21 image or images available to the public;

22 (13) *remote storage service* means the provision to the public
23 of computer storage or processing services by means of an electronic
24 communication system;

25 (14) *sell* means to disseminate to another person, or to
26 publish, in exchange for something of value.

(e) Notwithstanding any law to the contrary, any individual convicted of a criminal offense under this § 70.35 *shall* be registered on the Crimes Against Minors and Sex Offender Registry in Chapter 89 of Title 9, GCA, as follows: a level three offender for a misdemeanor conviction under this § 70.35; a level two offender for a felony in the third degree conviction under this § 70.35; and a level one offender for a second degree felony under this § 70.35.”

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

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



FILE

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

April 16, 2014

The Honorable Edward J.B. Calvo

I Maga'lahaen Guåhan

Ufisinan I Maga'lahi

Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 135-32 (COR), 183-32 (COR), 207-32 (COR), 222-32 (COR), 244-32 (COR), 266-32 (COR), 272-32 (COR), 273-32 (COR), 283-32 (COR), 286-32 (COR), 289-32 (COR), 311-32 (LS) and 315-32 (LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 15, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (13)

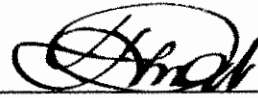
OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY *[Signature]*
TIME *1:10* DATE *4/16/14*

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

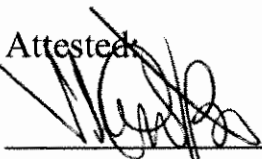
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 273-32 (COR), "AN ACT TO REPEAL AND REENACT §70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY, CRIMINAL VOYEURISM AND VIDEO VOYEURISM,"** was on the 15th day of April, 2014, duly and regularly passed.



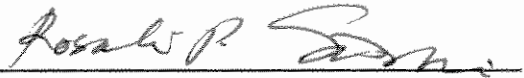
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 16 day of April, 2014, at 1:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahren Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

FILE

Bill No. 273-32 (COR)

As substituted by the Committee on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary, and the Author; and amended on the Floor.

Introduced by:

Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Michael F. Q. San Nicolas
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
B. J.F. Cruz

**AN ACT TO REPEAL AND REENACT §70.35 OF
CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO INVASION OF PRIVACY, CRIMINAL
VOYEUERISM AND VIDEO VOYEURISM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the community of Guam is disturbed that its laws have not kept pace with audio, video and electronically digital camera technology which, though designed to heighten the quality of life, can also be used for nefarious or perverse purposes. Recently, a man, convicted for using electronic audio/video technology or cameras

1 to engage in surreptitious surveillance of women using restroom facilities, only
2 faced a misdemeanor penalty. The victims in this case suffered not only a gross
3 and severe invasion of their privacy, but a violation of their personal and physical
4 dignity, in addition to other psychological harm. *I Liheslatura* intends to address
5 this serious problem which bears in mind the need to balance privacy rights in
6 circumstances where surveillance may be legitimate. Thus, our criminal statutes
7 for invasion of privacy, or our version of criminal voyeurism, is in need of
8 updating and replacement.

9 **Section 2.** § 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
10 hereby *repealed* and *reenacted* to read as follows:

11 **“§ 70.35. Invasion of Privacy or Criminal Voyeurism and Video**
12 **Voyeurism; Penalty; Definitions.**

13 (a) A person commits a misdemeanor if, except in the execution of
14 a public duty or as authorized by law, the person intentionally or knowingly:

15 (1) trespasses on property for the purpose of subjecting
16 anyone to eavesdropping or other surveillance in a private place or in
17 a place where an individual has a reasonable expectation of privacy;

18 (2) peers or peeps into a window or other opening of a
19 dwelling or other structure adapted for sojourn or overnight
20 accommodations for the purpose of spying on the occupant thereof or
21 invading the privacy of another person with a lewd or unlawful
22 purpose, under circumstances in which a reasonable person in the
23 dwelling or other structure would not expect to be observed;

24 (3) trespasses on property for the sexual gratification of the
25 actor;

26 (4) installs or uses outside a private place any device for
27 hearing, recording, amplifying, or broadcasting sounds originating in

1 that place which would not ordinarily be audible or comprehensible
2 outside, without the consent of the person or persons entitled to
3 privacy therein;

4 (5) intercepts, without the consent of the sender or receiver, a
5 message or photographic image by telephone, telegraph, letter,
6 electronic transmission, or other means of communicating privately;
7 but this Subsection (5) *does not* apply to:

8 (A) overhearing of messages through a regularly
9 installed instrument on a telephone party line or an extension;
10 or

11 (B) interception by the telephone company, electronic
12 mail account provider, or telephone or electronic mail
13 subscriber incident to enforcement of regulations limiting use
14 of the facilities or incident to other operation and use;

15 (6) installs or uses, or both, in any private place or in a place
16 where an individual has a reasonable expectation of privacy, without
17 consent of the person or persons entitled to privacy therein, any means
18 or device for observing, recording, amplifying, or broadcasting sounds
19 or events in that place, including another person in a stage of undress
20 or sexual activity;

21 (7) covertly records or broadcasts an image of another
22 person's intimate area underneath clothing, by use of any device, and
23 that image is taken while that person is in a public place and without
24 that person's consent;

25 (8) divulges, without the consent of the sender or the
26 receiver, the existence or contents of any messages or photographic
27 image by telephone, telegraph, letter, electronic transmission, or other

1 means of communicating privately, if the accused knows that the
2 message or photographic image was unlawfully intercepted or if the
3 accused learned of the message or photographic image in the course
4 of employment with an agency engaged in transmitting it; or

5 (9) knowingly possesses materials created under
6 circumstances prohibited in Subsection (b) below.

7 (10) This Subsection (a) *shall not* apply to any dissemination,
8 distribution, or transfer of images subject to this Subsection by an
9 electronic communication service provider or remote storage service
10 in the ordinary course of its business.

11 (11) In addition to any penalties the court may impose, the
12 court may order the destruction of any recording made in violation of
13 this Subsection (a).

14 (b) A person commits a felony in the third degree, if, except in the
15 execution of a public duty or as authorized by law, when, with the intent of
16 arousing, appealing to or gratifying the lust or passions or sexual desires of
17 such person or another person, or for his own or another person's lascivious
18 entertainment or satisfaction of prurient interest, or for the purpose of
19 sexually degrading or abusing any other person, or for the purpose of
20 annoying, harassing or intimidating any other person, the person
21 intentionally or knowingly installs or uses, or both, in any private place or in
22 a place where an individual has a reasonable expectation of privacy, without
23 consent of the person or persons entitled to privacy therein, any device for
24 observing, recording, amplifying, or broadcasting another person in a stage
25 of undress or sexual activity. The court may order the destruction of any
26 recording made in violation of this Subsection (b).

1 (c) A person commits the crime of video voyeurism, which is a
2 felony in the second degree, if, except in the execution of a public duty or as
3 authorized by law, when, with the intent of arousing, appealing to or
4 gratifying the lust or passions or sexual desires of such person or another
5 person, or for his own or another person's lascivious entertainment or
6 satisfaction of prurient interest, or for the purpose of sexually degrading or
7 abusing any other persons, or for the purpose of annoying, harassing or
8 intimidating any other person, the person intentionally or knowingly
9 disseminates, publishes or sells any image or images of the intimate areas of
10 another person or persons without the consent of such other person or
11 persons and with knowledge that such image or images were obtained. The
12 court may order the destruction of any recording made in violation of this
13 Subsection (c).

14 (d) Definitions for the purpose of this Section:

15 (1) *broadcast* means the electronic transmittal of a visual
16 image with the intent that it be viewed by a person or persons;

17 (2) *disseminate* means to make available by any means to
18 any person;

19 (3) *electronic communication* means any transfer of signs,
20 signals, writings, images, sounds, data, or intelligence of any nature
21 transmitted in whole or part by a wire, radio, electromagnetic,
22 photoelectronic, or photo optical system;

23 (4) *electronic communication service provider* means any
24 person engaged in the offering or sale of electronic communication
25 services to the public;

26 (5) *electronic communication system* means any wire, radio,
27 electromagnetic, photo-optical, or photo-electronic facilities for the

1 transmission of wire or electronic communications, and any computer
2 facilities or related electronic equipment for the electronic storage of
3 such communications, including e-mail, web hosting, multimedia
4 messaging services, and remote storage services offered by an
5 electronic communication service provider;

6 (6) *imaging device* means any instrument capable of
7 recording, storing, viewing or transmitting visual images;

8 (7) *intimate areas* means any portion of a person's
9 underwear, pubic area, anus, buttocks, vulva, genitals, or female
10 breast;

11 (8) *intimate areas underneath clothing* does not include
12 intimate areas visible through a person's clothing or intimate areas
13 exposed in public;

14 (9) *person* means any natural person, corporation,
15 partnership, firm, association, joint venture or any other recognized
16 legal entity or any agent or servant thereof;

17 (10) *place where a person has a reasonable expectation of*
18 *privacy* means:

19 (A) a place where a reasonable person would believe
20 that he could undress, be undressed or engage in sexual activity
21 in privacy, without concern that he or she is being viewed,
22 photographed, filmed or otherwise recorded by an imaging
23 device; or

24 (B) a place where a person might reasonably expect to
25 be safe from casual or hostile surveillance by an imaging
26 device; or

1 (C) any public place where a person, by taking
2 reasonable steps to conceal intimate areas, should be free from
3 the viewing, recording, storing or transmitting of images
4 obtained by imaging devices designed to overcome the barriers
5 created by a person's covering of intimate areas;

6 (11) *public place* means an area generally open to the public,
7 regardless of whether it is privately owned, and includes, but is *not*
8 limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways,
9 parking lots, buses, tunnels, buildings, stores, and restaurants;

10 (12) *publish* means to:

11 (A) disseminate with the intent that such image or
12 images be made available by any means to any person; or

13 (B) disseminate with the intent that such images be
14 sold by another person; or

15 (C) post, present, display, exhibit, circulate, advertise
16 or allow access by any means so as to make an image or images
17 available to the public; or

18 (D) disseminate with the intent that an image or images
19 be posted, presented, displayed, exhibited, circulated,
20 advertised or made accessible by any means and to make such
21 image or images available to the public;

22 (13) *remote storage service* means the provision to the public
23 of computer storage or processing services by means of an electronic
24 communication system;

25 (14) *sell* means to disseminate to another person, or to
26 publish, in exchange for something of value.

1 (e) Notwithstanding any law to the contrary, any individual
2 convicted of a criminal offense under this § 70.35 *shall* be registered on the
3 Crimes Against Minors and Sex Offender Registry in Chapter 89 of Title 9,
4 GCA, as follows: a level three offender for a misdemeanor conviction under
5 this § 70.35; a level two offender for a felony in the third degree conviction
6 under this § 70.35; and a level one offender for a second degree felony under
7 this § 70.35.”

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

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 273-32 (COR)

Speaker Antonio R. Unipingo Legislative Session Hall
April 15, 2014

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

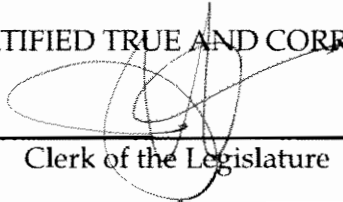
Nay

Not Voting/
Abstained

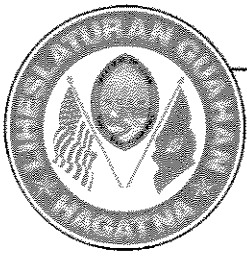
Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

I = Pass



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'Trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE



MAR 17 2014

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

Speaker

I Mina'Trentai Dos Na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 273-32 (COR), as Substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 273-32 (COR), as substituted by the Committee- An act relative to repeal and reenact Section 70.35 of Chapter 70, Title 8, Guam Code Annotated; Relative to invasion of privacy, criminal voyeurism and video voyeurism.

Committee votes are as follows:

<u>7</u>	TO DO PASS
_____	TO NOT PASS
_____	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

2014 MAR 20 PM 3:18

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

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

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lmtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



Senator
FRANK B. AGUON, JR.
Committee Chairperson

Senator
Tina Muna-Barnes
Committee Vice Chairperson

Speaker
Judith T. Won Pat, Ed.D.
Committee Member

Senator
Rory J. Resplcio
Committee Member

Senator
Thomas C. Ada
Committee Member

Senator
Dennis G. Rodríguez, Jr.
Committee Member

Senator
V. Anthony Ada
Committee Member

Senator
Michael Limtlaco
Committee Member

Senator
Thomas Morrison
Committee Member

COMMITTEE REPORT

BILL NO. 273-32 (COR) **Introduced by Aline Yamashita** **As substituted by the Committee**

**An Act relative to repeal and reenact
Section 70.35 of Chapter 70, Title 8, Guam
Code Annotated; Relative to invasion of
privacy, criminal voyeurism and video
voyeurism.**



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



March 10, 2014

MEMORANDUM

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Homeland Security,
Veterans Affairs, and Judiciary

From: Senator Frank B. Aguon, Jr.
Committee Chairperson

Subject: Committee Report on Bill No. 273-32 (COR), as substituted by the Committee

Transmitted herewith for your consideration is the Committee Report on Bill No. 273-32 (COR), as substituted by the Committee – An Act to repeal and reenact section 70.35 of Chapter 70, Title 9, Guam Code Annotated; Relative to invasion of privacy, criminal voyeurism and video voyeurism.

This report includes the following:

Committee Vote Sheet
Committee Report Digest
Copy of Bill No. 273-32 (COR), as introduced
Copy of Bill No. 273-32 (COR), as substituted by the Committee
Public Hearing Sign-in Sheet
Referral of the Bill No. 273-32 (COR)
Notices of Public Hearing
Copy of Public Hearing Agenda

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'åse' !

Senator
FRANK B. AGUON, JR.
Committee Chairperson

Senator
Tina Muna-Barnes
Committee Vice Chairperson

Speaker
Judith T. Won Pat, Ed.D.
Committee Member

Senator
Rory J. Respicio
Committee Member

Senator
Thomas C. Ada
Committee Member

Senator
Dennis G. Rodriguez, Jr.
Committee Member

Senator
V. Anthony Ada
Committee Member

Senator
Michael Llimtlaco
Committee Member

Senator
Thomas Morrison
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**COMMITTEE VOTING SHEET**

Bill No. 273-32 (COR), as Substituted by the Committee – An Act to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated; relative to invasion of privacy, criminal voyeurism and video voyeurism.

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 3/11/14		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MUNA BARNES, TINA ROSE Committee Vice Chairperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member		<input checked="" type="checkbox"/> 3/13/14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESPICIO, RORY J. Committee Member		<input checked="" type="checkbox"/> 3/13/14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RODRIGUEZ, DENNIS G. JR. Committee Member		<input checked="" type="checkbox"/> 3/11/14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member		<input checked="" type="checkbox"/> 3/11/14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIMTIACO, MICHAEL Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MORRISON, THOMAS Committee Member		<input checked="" type="checkbox"/> 3/14/14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Senator

FRANK B. AGUON, JR.
Committee Chairperson

Senator

Tina Muna-Barnes
Committee Vice Chairperson

Speaker

Judith T. Won Pat, Ed.D.
Committee Member

Senator

Rory J. Respicio
Committee Member

Senator

Thomas C. Ada
Committee Member

Senator

Dennis G. Rodriguez, Jr.
Committee Member

Senator

V. Anthony Ada
Committee Member

Senator

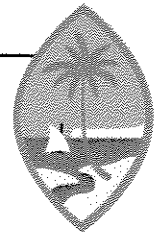
Michael Limtiaco
Committee Member

Senator

Thomas Morrison
Committee Member

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**COMMITTEE REPORT DIGEST****Senator****FRANK B. AGUON, JR.**

Committee Chairperson

Senator**Tina Muna-Barnes**

Committee Vice Chairperson

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

Committee Member

Senator**Rory J. Respicio**

Committee Member

Senator**Thomas C. Ada**

Committee Member

Senator**Dennis G. Rodriguez, Jr.**

Committee Member

Senator**V. Anthony Ada**

Committee Member

Senator**Michael Limtlaco**

Committee Member

Senator**Thomas Morrison**

Committee Member

I. OVERVIEW

Bill No. 273-32 (COR) was introduced on February 12, 2014 by Senator Aline Yamashita, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on February 12, 2014.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 273-32 (COR) on February 25, 2014 at 9:00AM 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 for the February 25, 2014 hearing on February 17, 2014 (5-Day Notice), and again on February 20, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the February 25, 2014 hearing on February 18, 2014 and February 20, 2014.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Brant McCreadie
Senator V. Anthony Ada
Senator Aline Yamashita
Senator Vincent (ben) Pangelinan

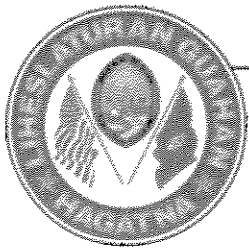
Appearing Before the Committee

Mr. Phil Tydingco, Chief Deputy Attorney General of Guam

The public hearing was Called-to-Order at 9:00 AM.

II. SUMMARY OF TESTIMONY & DISCUSSION***Senator Frank B. Aguon, Jr.***

"Thank you very much Mr. Speaker and Deputy Chief Attorney General. Once again the committee will continue to accept any written testimony on Bill No. 272. We are now going to proceed with Bill no. 273 which is relative to the invasion of privacy introduced by Senator Yamashita and just prior to her presenting a brief comments, I would like to invite Ms. Lorraine Guzman please join us up front. So your testimony is going to be just. Okay, I apologize Ms. Guzman is in the audience but she will be submitting written testimony subsequent to this hearing and so we still continue to recognized deputy chief attorney general Tydingco. Senator Yamashita."

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Aline Yamashita**

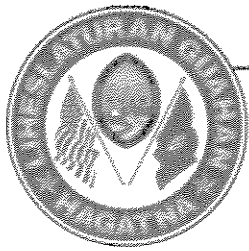
"Thank you very much Mr. Chair. Mr. Chair, Bill No. 273-32 (COR) was introduced as a result of a conversation that I had with a person who was involved in an unfortunate situation where some might refer to as a peeping tom issue and it was broadcast in the media and long story short the folks involved the folks whose pictures were taken felt victimized over and over again and at the end the law had the person being indicted and convicted but the penalty was a misdemeanor and so we pulled it up and started looking at it and we worked with our attorney general office Mr. Tydingco and Mr. Quan and Lenny Rapadas met with us and we talked and he helped us with this language now already we've gotten 2 messages: one, that we need to do an technical amendment on the title and that will certainly be addressed and the other that we've got information that we need to define private place is what we are being advised. The deliberation of course is always happens through these mechanisms of the public hearings and mark ups even further deliberation on the floor. Today, 2014 the electronics, world of media technology has taken us to a certain place where it is everywhere and our laws have not moved to quickly as the technology has and so certainly we know that it is legal if someone wants to hire a private investigator to do some private work that's allowable and we know that we have cameras in certain places to capture what could be happening or might not be happening. We have them in banks, put in elevators, but this particular issue was in a bathroom and so the attorney general's office helped us craft the language to update it so that when it happens again the person may be penalized with stricter penalties that would hopefully as our attorney generals say here. There are four different reasons for going through the whole judgment issue and the whole penalty issue and one of it is retribution and one of it is to deterrence perhaps people saw that that kind of behavior is unacceptable and you will suffer the consequences or these kind of consequences perhaps it will deter along with doing a better job in raising our children so that they make better choices as they get older and so Mr. Chair, thank you for hearing our bill."

Senator Frank B. Aguon

"Thank you very much Senator Yamashita. Deputy Chief Attorney General."

Phil Tydingco

"On behalf of the Office of the Attorney General Lenny Rapadas we support this bill and have been working with the senator on it. It does need some tweaking. This is always a process right? As stated in the legislative findings. This law was written long time ago and so it was only a misdemeanor and certain types of these acts especially serve electronic surveillance in a place where one should have a reasonable expectation of privacy which is probably the phrase that we should probably incorporate in the bill instead of saying private place you may want to tweak that a little bit. The first draft was done by the prosecutors and I waited a little bit later. Instead of saying "private place" it should say "where one has a reasonable expectation of privacy." I think they were just trying to tweak what is on the books. And certainly increase the penalty from a misdemeanor to a felony third degree where if you do the first tow types of misconduct that described in A1 and A2. I also sent additional language you may want to add another one where you know the person distributes. This covers because of the internet that's why these guys whoever these folks are. Their purpose is not to only have theses recordings for themselves, but you know they trade it on the internet. So you know we probably need to add another additional element of crime for those who do it for that purpose too the distribution or in front of the computer or so fourth. Who know who publishes or sells them. Again, we support updating and enhancing. It needs to be updated private place 30 years ago when we have an expectation of privacy. So it needs tweaking and updating so we support it. Thank you."

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Frank B. Aguon, Jr.**

"Thank you very much for your testimony. Senator Yamashita."

Senator Aline Yamashita

"Thank you very much AG Director Tydingco. Senator Aguon had just raised that the whole electronic distribution aspect and now I am wondering. You just raised something. The whole trading aspect. So the whole human trafficking part. How does this?"

Phil Tydingco

"Well, I think that the impetus case for this is more of a private thing. But I think the statute would be something along the lines. Somebody publishes or sells these images that were lawfully obtained and that's usually through the internet and that covers that kind of misconduct or offense or you also want the one who disseminates the image. So again we have the sexting statutes where with the young folks. The stranger folks now just publishing it through their smart phones."

Senator Aline Yamashita

"So does that, I know the legislatures have done a better and better job at protecting our young and growing children. Now I am wondering if we can maybe meet again because it's not only criminally wrong if you're just a child. It's also very wrong if you're an adult."

Phil Tydingco

"I think if we had the mark up whoever disseminates the image element in here cause I don't know how big the numbers are there's also the classic boyfriend/girlfriend breaks up and he/she is a jerk you know whatever folks do privately for their period of interest. They photograph themselves and then break up and that person decides to have their revenge. I'm going to shame you through the internet; I'm going to send it to all my friends. So I think if we add that there we'll be able to if you turn that conduct because it's not punishable. And certainly our statute should have the ability to do that because they weren't able to do that in the 20th century and it's a 21st century thing."

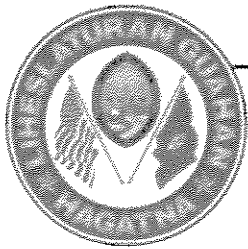
Senator Aline Yamashita

"Thank you"

Senator Frank B. Aguon, Jr.

"Thank you very much, Speaker Pangelinan? Just a follow up question in regards to that sample. If the committee could request verbiage some guidance cause I think that's an excellent example in terms of relationships and should the relationship go sour then obviously the distribution of some authorized photos through the internet or someone could become an issue. Thank you very much for your testimony this morning. Ladies and gentlemen like wise on 273 the committee will continue to receive testimony for the subsequent 10 calendar days from the date of this public hearing. The committee will suspend all other activities until 5PM whereby we will continue discussion with our veterans on our quarterly veterans' roundtable."

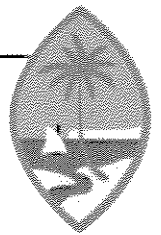
The public hearing was adjourned at 9:47AM.



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



III. **Written Testimonies**

1. N/A

IV. **FINDINGS & RECOMMENDATIONS**

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 273-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO DO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 273-32 (COR)

Introduced by

Aline A. Yamashita, PhD
Judith T. Won Pat, Ed.D.
T.R. MUÑA BARNES

**AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM
CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO
CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO INVASION OF PRIVACY.**

2014 FEB 12 AM 10:45
[Signature]

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that

the community of Guam is disturbed that its laws have not kept pace with audio, video and electronic digital camera technology which, though designed to heighten the quality of life, can also be used for nefarious or perverse purposes. *I Liheslatura* further finds that recently, a man, convicted for using electronic audio/video technology or cameras to engage in surreptitious surveillance of women using restroom facilities, only faced a misdemeanor penalty. The victims in this case suffered not only a gross and severe invasion of their privacy, but a violation of their personal and physical dignity, in addition to other psychological harm.

1 *I Liheslaturan Guahan intends to address this serious problem which bears in*
2 *mind the need to balance privacy rights in circumstances where surveillance may be*
3 *legitimate.*

4 **Section 2.** Section 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
5 hereby repealed:

6 ~~§ 70.35. Invasion of Privacy: Penalty; Definitions.~~

7 ~~(a) A person commits a misdemeanor if, except as authorized by law, if he:~~

8 ~~(1) trespasses on property with intent to subject anyone to eavesdropping or other~~
9 ~~surveillance in a private place;~~

10 ~~(2) installs in any private place, without the consent of the person or persons entitled~~
11 ~~to privacy there, any device for observing, photographing, recording, amplifying or~~
12 ~~broadcasting sounds or events in such place, or uses any such unauthorized~~
13 ~~installation;~~

14 ~~(3) installs or uses outside a private place any device for hearing, recording,~~
15 ~~amplifying or broadcasting sounds originating in such place which would not~~
16 ~~ordinarily be audible or comprehensible outside, without the consent of the person~~
17 ~~or persons entitled to privacy there;~~

18 ~~(4) intercepts without the consent of the sender or receiver a message by telephone,~~
19 ~~telegraph, letter or other means of communicating privately; but this Paragraph does~~
20 ~~not extend to;~~

1 ~~(A) overhearing of messages through a regularly installed instrument on a~~
2 ~~telephone party line or on an extension; or~~

3 ~~(B) interception by the telephone company or subscriber incident to~~
4 ~~enforcement of regulations limiting use of the facilities or to other normal~~
5 ~~operation and use; or~~

6 ~~(5) divulges without the consent of the sender or receiver the existence or contents~~
7 ~~of any message described in Paragraph (4) if the defendant knows that the message~~
8 ~~was illegally intercepted, or if he learned of the message in the course of employment~~
9 ~~with an agency engaged in transmitting it.~~

10
11 **Section 3.** A new Article 3 is hereby added to Chapter 28 of Title 9, Guam
12 Code Annotated, to read:

13 **“ARTICLE 3**

14 **§ 70.35. INVASION OF PRIVACY: PENALTY: DEFINITIONS**

15 (a) A person commits a misdemeanor if, except as authorized by law, he:

16 (1) Knowing that he is not licensed or privileged to do so, enters or
17 surreptitiously remains on property for the intent to subject anyone to
18 eavesdropping or to non-consented observation in a private place; or

1 (2) Knowing that he is not licensed or privileged to do so, looks through a
2 hole or opening of a bedroom, bathroom, changing room, fitting room,
3 dressing room or the interior of any other area in which the occupant has a
4 reasonable expectation of privacy, with the intent to subject the occupant to
5 non-consented observations; or

6 (3) Installs in any private place any device for observing, photographic,
7 recording, amplifying or broadcasting sounds or events in such private place,
8 without the consent of at least one person entitled to privacy there or the owner
9 or possessor of such private place; or

10 (4) Installs in any private place any device for hearing, recording, amplifying,
11 or broadcasting sounds originated in such private place which would not
12 ordinarily be audible or comprehensible of at least one person entitled to
13 privacy there or the owner or possessor of such private place; or

14 (5) Intercepts without the consent of the sender or receiver a message by
15 telephone, telegraph, letter or other means of communicating privately; but
16 this paragraph does not extend to:

17 (A) overhearing of messages through a regularly installed instrument
18 on a telephone party line or on an extension; or

1 (B) interception by the telephone company or subscriber incident to
2 enforcement of regulations limiting use of the facilities or to other
3 normal operation and use; or

4 (6) Divulges without the consent of the sender or receiver the existence of
5 contents of any message described in paragraph (4) if the defendant knows
6 that the message was illegally intercepted, or if he learned of the message in
7 the course of employment with an agency engaged in transmitting it.

8 (b) Whoever uses or attempts to use any device for hearing, observing,
9 photographing, recording, amplifying or broadcasting in violation of (a)(1) or (a)(2)
10 *supra*, is guilty of a felony of the third degree.

11 **Section 4.** Effective Date. This Act shall become effective upon enactment.

12 **Section 5.** Severability. *If* any of the provisions of this law or its application
13 to any person or circumstance is found to be invalid or contrary to law, such
14 invalidity *shall* not affect other provisions or applications of this law which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this law are severable

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

Bill No. 273-32 (COR)

As substituted by the Committee and the author.

Introduced by

Aline A. Yamashita, PhD
Judith T. Won Pat, Ed.D.
Tina Rose Muña Barnes

**AN ACT REPEAL AND REENACT SECTION 70.35 OF
CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED;
RELATIVE TO INVASION OF PRIVACY, CRIMINAL
VOYEUERISM AND VIDEO VOYEURISM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds

that the Community of Guam is disturbed that its laws have not kept pace with

audio, video and electronically digital camera technology which, though designed

to heighten the quality of life, can also be used for nefarious or perverse purposes.

Recently, a man, convicted for using electronic audio/video technology or cameras

to engage in surreptitious surveillance of women using restroom facilities, only

faced a misdemeanor penalty. The victims in this case suffered not only a gross

and severe invasion of their privacy, but a violation of their personal and physical

dignity, in addition to other psychological harm. *I Liheslatura* intends to address

1 dignity, in addition to other psychological harm. *I Liheslatura* intends to address
2 this serious problem which bears in mind the need to balance privacy rights in
3 circumstances where surveillance may be legitimate. Thus, our criminal statute for
4 invasion of privacy or our version of criminal voyeurism is in need of updating and
5 replacement.

6 **Section 2.** § 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
7 hereby repealed and reenacted as follows:

8 **“§70.35 Invasion of Privacy or Criminal Voyeurism and Video**
9 **Voyeurism; Penalty; Definitions.**

10 **(a)** A person commits a *misdemeanor* if, except in the execution of a public
11 duty or as authorized by law, the person intentionally or knowingly:

12 (1) Trespasses on property for the purpose of subjecting anyone to
13 eavesdropping or other surveillance in a private place or in a place where
14 an individual has a reasonable expectation of privacy;

15 (2) Peers or peeps into a window or other opening of a dwelling or other
16 structure adapted for sojourn or overnight accommodations for the
17 purpose of spying on the occupant thereof or invading the privacy of
18 another person with a lewd or unlawful purpose, under circumstances in
19 which a reasonable person in the dwelling or other structure would not
20 expect to be observed;

- 1
- 2 (3) Trespasses on property for the sexual gratification of the actor;
- 3 (4) Installs or uses outside a private place any device for hearing,
- 4 recording,
- 5 (5) amplifying, or broadcasting sounds originating in that place which
- 6 would not ordinarily be audible or comprehensible outside, without the
- 7 consent of the person or persons entitled to privacy therein;
- 8 (6) Intercepts, without the consent of the sender or receiver, a message or
- 9 photographic image by telephone, telegraph, letter, electronic
- 10 transmission, or other means of communicating privately; but this
- 11 paragraph does not apply to:
- 12 (i) Overhearing of messages through a regularly installed instrument
- 13 on a telephone party line or an extension; or
- 14 (ii) Interception by the telephone company, electronic mail account
- 15 provider, or telephone or electronic mail subscriber incident to
- 16 enforcement of regulations limiting use of the facilities or incident to
- 17 other operation and use;
- 18 (7) Installs or uses, or both, in any private place or in a place where an
- 19 individual has a reasonable expectation of privacy, without consent of the
- 20 person or persons entitled to privacy therein, any means or device for

1 observing, recording, amplifying, or broadcasting sounds or events in that
2 place, including another person in a stage of undress or sexual activity;

3 (8) Covertly records or broadcasts an image of another person's intimate
4 area underneath clothing, by use of any device, and that image is taken
5 while that person is in a public place and without that person's consent;

6 (9) Divulges, without the consent of the sender or the receiver, the
7 existence or contents of any messages or photographic image by
8 telephone, telegraph, letter, electronic transmission, or other means of
9 communicating privately, if the accused knows that the message or
10 photographic image was unlawfully intercepted or if the accused learned
11 of the message or photographic image in the course of employment with
12 an agency engaged in transmitting it; or

13 (10) Knowingly possesses materials created under circumstances
14 prohibited in section (b) below.

15 (11) This section (a) shall not apply to any dissemination,
16 distribution, or transfer of images subject to this section by an electronic
17 communication

18 service provider or remote storage service in the ordinary course of its
19 business.

1 (12) In addition to any penalties the court may impose, the court
2 may order the destruction of any recording made in violation of this
3 section (a).

4 **(b)** A person commits *a felony in the third degree*, if, except in the execution of
5 a public duty or as authorized by law, when, with the intent of arousing,
6 appealing to or gratifying the lust or passions or sexual desires of such person
7 or another person, or for his own or another person's lascivious entertainment
8 or satisfaction of prurient interest, or for the purpose of sexually degrading or
9 abusing any other person, or for the purpose of annoying, harassing or
10 intimidating any other person, the person intentionally or knowingly installs or
11 uses, or both, in any private place or in a place where an individual has a
12 reasonable expectation of privacy, without consent of the person or persons
13 entitled to privacy therein, any device for observing, recording, amplifying, or
14 broadcasting another person in a stage of undress or sexual activity. The court
15 may order destruction of any recording made in violation of this section.

16 **(c)** A person commits the crime of video voyeurism which is a *felony in the*
17 *second degree*, if, except in the execution of a public duty or as authorized by
18 law, when, with the intent of arousing, appealing to or gratifying the lust or
19 passions or sexual desires of such person or another person, or for his own or
20 another person's lascivious entertainment or satisfaction of prurient interest, or

1 for the purpose of sexually degrading or abusing any other persons, or for the
2 purpose of annoying, harassing or intimidating any other person, the person
3 intentionally or knowingly disseminates, publishes or sells any image or images
4 of the intimate areas of another person or persons without the consent of such
5 other person or persons and with knowledge that such image or images were
6 obtained. The court may order destruction of any recording made in violation of
7 this section.

8 **(d) Definitions for the purpose of this Section:**

9 (i) "Broadcast" means the electronic transmittal of a visual image with
10 the intent that it be viewed by a person or persons.

11 (ii) "Disseminate" means to make available by any means to any person.

12 (iii) "Electronic communication" means any transfer of signs, signals,
13 writing, images, sounds, data, or intelligence of any nature transmitted in
14 whole or part by a wire, radio, electromagnetic, photoelectronic, or
15 photo
16 optical system.

1 (iv) "Electronic communication service provider" means any person
2 engaged in the offering or sale of electronic communication services to
3 the public.

4 (v) "Electronic communication system" means any wire, radio,
5 electromagnetic, photo-optical, or photo-electronic facilities for the
6 transmission of wire or electronic communications, and any computer
7 facilities or related electronic equipment for the electronic storage of
8 such communications, including e-mail, web hosting, multimedia
9 messaging services, and remote storage services offered by an electronic
10 communication service provider.

11 (vi) "Imaging device" means any instrument capable of recording,
12 storing, viewing or transmitting visual images.

13 (vii) "Intimate areas" means any portion of a person's underwear, pubic
14 area, anus, buttocks, vulva, genitals, or female breast.

15 (viii) "Intimate areas underneath clothing" does not include intimate
16 areas visible through a person's clothing or intimate areas exposed in
17 public.

18 (ix) "Person" means any natural person, corporation, partnership,

1 firm, association, joint venture or any other recognized legal entity or
2 any
3 agent or servant thereof.

4 (x) "Place where a person has a reasonable expectation of privacy"

5 means:

6 (1) A place where a reasonable person would believe that he could
7 undress, be undressed or engage in sexual activity in privacy, without
8 concern that he is being viewed, photographed, filmed or otherwise
9 recorded by an imaging device; or

10 (2) A place where a person might reasonably expect to be safe from
11 casual or hostile surveillance by an imaging device; or

12 (3) Any public place where a person, by taking reasonable steps to
13 conceal intimate areas, should be free from the viewing, recording,
14 storing or transmitting of images obtained by imaging devices
15 designed to overcome the barriers created by a person's covering of
16 intimate areas.

17 (xi) "Public place" means an area generally open to the public, regardless
18 of whether it is privately owned, and includes but is not limited to streets,

1 sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, buses,
2 tunnels, buildings, stores, and restaurants.

3 (xii) “Publish” means to:

4 (1) Disseminate with the intent that such image or images be made
5 available by any means to any person; or

6 (2) Disseminate with the intent that such images be sold by another
7 person; or

8 (3) Post, present, display, exhibit, circulate, advertise or allow access by
9 any means so as to make an image or images available to the public; or

10 (4) Disseminate with the intent that an image or images be posted,
11 presented, displayed, exhibited, circulated, advertised or made accessible
12 by any means and to make such image or images available to the public.

13 (xiii) “Remote storage service” means the provision to the public of
14 computer storage or processing services by means of an electronic
15 communication system.

16 (xiv) “Sell” means to disseminate to another person, or to publish, in
17 exchange for something of value.”

18 **Section 4.** Effective Date. This Act shall become effective upon enactment.

1 **Section 5.** Severability. *If* any of the provisions of this law or its
2 application to any person or circumstance is found to be invalid or contrary to law,
3 such invalidity *shall* not affect other provisions or applications of this law which
4 can be given effect without the invalid provisions or application, and to this end the
5 provisions of this law are severable.

SECURITY & JUDICIARY

I Milna' Trentai Dos na Liheslaturan Guahan | 32nd Guam Legislature



CHAIRMAN

Tuesday, February 25, 2014 @ 9:00A.M.

Bill No. 273-32 (COR) – An Act to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to the invasion of privacy.

[illegible]

SECURITY & JUDICIARY

Guam Legislature



SENATOR FRANK B. AGUON, JR
CHAIRMAN
Tuesday, February 25, 2014 @ 9:00A.M.

Bill No. 273-32 (COR) – An Act to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to the invasion of privacy.

[illegible]



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 19, 2014

Memorandum

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

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

Subject: **Waivers**

Hafa Adai!

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

WAIVERS:

Bill No. 272-32(COR)

Bill No. 273-32(COR)

Bill No. 289-32(COR)

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

Si Yu'os ma'åse'!

2014 MAR 19 AM 9:22
[Signature]

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
DEPUTY DIRECTOR**MAR 18 2014**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note Waiver on the following Bill Nos.: 272-32(COR), 273-32(COR), and 289-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

MAR 18 2014

The Bureau requests that Bill No(s). 273-32 (COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 273-32 (COR) intends to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated and to add new § 70.35 to Chapter 28 of Title 9, Guam Code Annotated to strengthen the laws regarding invasion of privacy, its penalties, definitions, and to balance privacy rights in circumstances where surveillance may be legitimate.

The Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.


JOHN A. RIOS
Director



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

February 12, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Vice Speaker Benjamin J.F. Cruz**
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill Nos. 272-32(COR) through 274-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 272-32(COR) through 274-32(COR)**.

Please ensure that the subject bills are 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 Dos 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 Dos Na Liheslaturan Guahan

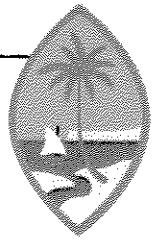
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
273-32 (COR)	Aline A. Yamashita, PhD., Judith T. Won Pat, Ed.D. T. R. MUÑA BARNES	AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY	2/12/2014 10:45 a.m.	02/12/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



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**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

Notified Stakeholders

- **All Senators of Mina'Trentai Dos Na Liheslaturan Guahan**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres, Jr.**
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
 - Mark Calvo
- **Guam Customs & Quarantine Agency**
 - Pedro Leon Guerrero, Director
 - Raffaele J. M. Sgambelluri, Chief
- **Guam Homeland Security Advisor**
 - Ambrose Constantino
- **Office of Veterans Affairs**
 - The Honorable John Unpingco, Esq.
- **Office of Civil Defense**
 - James T. McDonald, Administrator
- **Office of the Attorney General**
 - Attorney General Leonardo G. Rapadas
- **Public Defender Service Corporation**
 - Eric D. Miller
- **Veterans Stakeholders**
- **Media Outlets**



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
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**Senator
Thomas Morrison**
Committee Member

February 17, 2014

The Honorable Eddie Baza Calvo
Governor of Guam
513 West Marine Corps Drive
Hagåtña, Guam 96910
Sent via email to governor@guam.gov

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at *I Liheslaturan Guahan's* Public Hearing Room in Hagåtña, on the following:

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Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

Veterans Roundtable at 5:00PM:

Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic (CBOC).

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing / Round Table. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., 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 or services, please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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Committee Member

February 17, 2014

The Honorable Madeleine Z. Bordallo
Congresswoman of Guam | Guam Delegate
120 Father Dueñas Avenue Suite 107
Hagåtña, Guam 96910
Sent via email to cecilia.blas@mail.house.gov

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

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COMMITTEE ON

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Thomas Morrison**
Committee Member

February 17, 2014

**The Honorable Robert J. Torres
Chief Justice of Guam**

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910

Sent via email to rjtorres@quamsupremecourt.com

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Committee Member

**Senator
Thomas Morrison**
Committee Member

February 17, 2014

Mark Calvo

Special Assistant to the Governor on Military Buildup and Infrastructure

513 West Marine Corps Drive

Hagåtña, Guam 96910

Sent via email to mark.calvo@guam.gov

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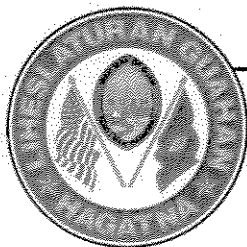
Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

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155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I Mina'trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE



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**Senator
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Committee Member

February 17, 2014

Pedro A. Leon Guererro, Jr.
Director, Guam Customs and Quarantine Agency
770 East Sunset Boulevard Airport Road
AB Won Pat, Guam 96913
Sent via email to pedro.leonquererro@cqa.guam.gov

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

Buenas yan Hafa Adail

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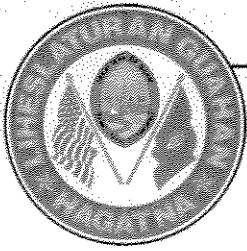
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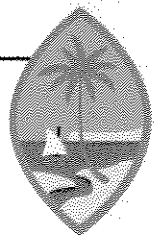
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Raffaele Sgambelluri
Chief, Guam Customs and Quarantine Agency
770 East Sunset Boulevard Airport Road
AB WonPat, Guam 96913

Sent via email to raffaele.sgambelluri@cqa.guam.gov

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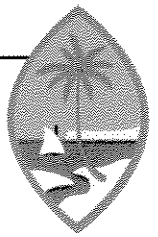
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Committee Member

February 17, 2014

Ambrosio Constantino
Advisor, Guam Homeland Security
221B Chalan Palasyo
Agana Heights, Guam 96910
Sent via email to ambrosia.constantino@qhs.guam.gov

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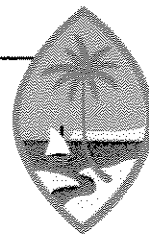
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Committee Member

February 17, 2014

The Honorable John Unpingco, Esq.
Administrator, Office of Veterans Affairs
172 S. Marine Drive, Asan
Hagåtña, Guam 96932
Sent via email to john.unpingco@vao.guam.gov

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February 17, 2014

James T. McDonald
Administrator, Office of Civil Defense
221B Chalan Palasyo
Agana Heights, Guam 96910
Sent via email to jim.mcdonald@qhs.guam.gov

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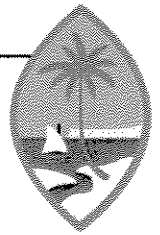
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February 17, 2014

The Honorable Leonardo G. Rapadas
Attorney General of Guam
237 W. O'Brian Drive
Hagåtña, Guam 96910
Sent via email to law@guamag.gov

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February 17, 2014

Eric D. Miller
Executive Director, Public Defender Service Corporation
MVP Sinajana Commercial Bldg., Unit B
779 Route 4, Sinajana, Guam 96910
Sent via email to emiller@quampdsc.gov

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Office of Senator Frank B. Aguon, Jr. | 155 Hester PL Suite 104, Hagåtña, Guam 96910

REQUEST: MARKUP MEETING for Bill No. 273-32 (COR)

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Tue, Feb 25, 2014 at 10:20 AM
To: Aline Yamashita <aline4families@gmail.com>, "tanya m.c. mendiola" <tanya4families@gmail.com>
Cc: Phil Tydingco <ptydingco@guamag.org>, Zerlyn Palomo <zpalomo@guamag.org>, "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

Hafa Adai Senator Aline Yamashita,

A markup meeting was requested by Chief Deputy Attorney General Tydingco for **Bill No. 273-32 (COR)**- An Act repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated relative to invasion of privacy.

Please advise when you will be conducting the mark-up meeting and upon conclusion of meeting, kindly forward the *substituted bill version* to the office. As a reminder, we will be finalizing the committee report after **March 7, 2014**. Please advise accordingly.

--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hester PL Suite 104, Hagåtña, Guam 96910

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

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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

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

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

February 13, 2014

To: THE HONORABLE ALINE A. YAMASHITA, Ph.D.

From: SENATOR FRANK B. AGUON JR. 
Chairperson, Committee on Guam U.S. Military Relocation, Homeland
Security, Veterans Affairs, and Judiciary

**Subject: Public Hearing for Bill No. 273-32(COR) scheduled for Tuesday, February 25,
2014 at 9:00AM**

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at on Tuesday, February 25, 2014 at 9:00AM at the Guam Legislature's Public Hearing Room, and among the items on the agenda is the following Bill of which you are the author.

Bill No. 273-32(COR) – An Act to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to Invasion of Privacy.

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on this bill. Thank you for your kind attention.

Si Yu'os Ma'åse' !

Yamashita Proposes Making "Peeping Tom" Crimes a Felony

Last Updated on Thursday, 13 February 2014 20:08

Written by News Release

Thursday, 13 February 2014 07:47



Guam News - Guam News

Guam - A new measure introduced by Senator Aline Yamashita would toughen the penalties against anyone convicted of invading another person's privacy.

In a release, Senator Yamashita cites the recent case of a man convicted of installing a camera in the women's bathroom at the Bank of Guam. He was only convicted of a misdemeanor. Senator Yamashita says her Bill #273 would make such acts a felony.

"Several jurisdictions have 'Peeping Tom' laws that make violations felonies", says Yamashita in a release. "Currently, this invasion of privacy for sexual gratification through recording instruments is only a misdemeanor in Guam."

Bill No. 273-32 (COR)

"Privacy is a shrinking valuable aspect of life", says the Senator in her release. "In the privacy of our own homes, or even in a restroom, we should feel safe and it is not an unreasonable expectation that we should be safe."

READ the release from Senator Yamashita below:

PRESS RELEASE

FOR IMMEDIATE RELEASE

12 February 2014

Bill introduced to strengthen invasion of privacy laws

Recently a man was convicted in local Court for being a peeping tom after he installed cameras in the women's restrooms of a local banking institution capturing thousands of images. Yet, he was only convicted of a misdemeanor crime.

This injustice to the victims prompted Senator Aline A. Yamashita, PhD, to introduce, today, Bill No. 273 -along with colleagues, Speaker Judith T. Won Pat, Ed.D., and Senator Tina Rose Muna Barnes- to make such an act a felony as part of Guam's invasion of privacy laws. The senator thanks the Office of the Attorney General who has been instrumental in the measure's design.

"With criminal acts come consequences," says Yamashita. "As a victim spoke about the ugliness of the crime, I listened and as she spoke of the unfairness of the penalty, I told her we would do something about it."

Several jurisdictions have "Peeping Tom" laws that make violations felonies. Currently, this invasion of privacy for sexual gratification through recording instruments is only a misdemeanor in Guam.

"To be violated - physically, mentally - through any means - face to face or through recordings or images- is unacceptable," says Sen. Yamashita. "Privacy is a shrinking valuable aspect of life. In the privacy of our own homes, or even in a restroom, we should feel safe and it is not an unreasonable expectation that we should be safe."

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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



February 17, 2014

MEMORANDUM

TO: All Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

Public Hearing at 9:00AM:

Bill No. 273-32 (COR) - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy.

Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

Veterans Roundtable at 5:00PM:

Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic (CBOC).

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., 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 Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taltague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

Si Yu'os Ma'åse!

cc: Clerks
MIS
Sgt.-at-Arms

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
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Senator

FRANK B. AGUON, JR.

Committee Chairperson

Senator

Tina Muna-Barnes

Committee Vice Chairperson

Speaker

Judith T. Won Pat, Ed.D.

Committee Member

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Committee Member

Senator

Michael Limtiaco

Committee Member

Senator

Thomas Morrison

Committee Member



FIRST NOTICE of Public Hearing/ Roundtable on Tuesday, February 25, 2014

Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

Mon, Feb 17, 2014 at 11:26 AM

To: phnotice@guamlegislature.org

February 17, 2014

MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders
FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary
SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

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Si Yu'os Ma'åse!

2/17/2014

Office of Senator Frank B. Aguon, Jr. Mail - FIRST NOTICE of Public Hearing/ Roundtable on Tuesday, February 25, 2014

cc: Clerks
MIS
Sgt.-at-Arms



First Notice of Public Hearing for 2-25-14.docx.pdf

1390K



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



February 17, 2014

MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam U.S. Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

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Si Yu'os Ma'åse!

cc: Clerks
MIS
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**Senator
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Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

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

**Senator
Rory J. Respicio**
Committee Member

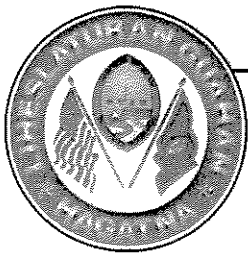
**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



February 17, 2014

MEMORANDUM

TO: All Media

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Si Yu'os Ma'åse!

cc: Clerks
MIS
Sgt.-at-Arms

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Committee Chairperson

**Senator
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**Speaker
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Committee Member

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V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member



SECOND NOTICE of Public Hearing/ Roundtable on Tuesday, February 25, 2014

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

Thu, Feb 20, 2014 at 9:19 AM

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

Cc: PHrg Notice <phnotice@guamlegislature.org>

Bcc: PCol Adolf Sgambelluri <olyman@gmail.com>, "Alan G. Van Aken" <AGunner77@teleguam.net>, tsguam@hotmail.com, alwin.rafael@va.gov, victor.dunga@va.gov, varoguam1@yahoo.com, "Santos, Bernadette S." <bernadette.santos@va.gov>, "Baleto, Francine T." <Francine.Baleto@va.gov>, idaycab@yahoo.com, wwbradford@live.com, bill.cundiff@afcmstg24@yahoo.com, jnbatulai@guam.net, bjmerenda@yahoo.com, celine.sanchez@us.army.mil, ritalynn_flores@yahoo.com, jgrivera1949@ymail.com, Guam.RAO@gmail.com, cil_m@hotmail.com, "Palomo-Burns, Gaudencia" <Gaudencia.Palomo-Burns@va.gov>, harold.kirk@med.navy.mil, MCPOShimizu@yahoo.com, joe_kamudo@yahoo.com, joyimar13@yahoo.com, Melissa McDaniel <mel.mvision@gmail.com>, nancy.t.kuper.ctr@mail.mil, norma.castillon@gmail.com, jacerteza@yahoo.com, Jennifer Lee Naputi <jbazanaputi@gmail.com>, alegionguam@yahoo.com, mophtd@ite.net, "guambully01 ." <guambully@gmail.com>, jcbblas@nikkoguam.com, matthew.charfauros@us.army.mil, patricia.gay@andersen.af.mil, kim.a.harris@uscg.mil, richard.l.russell@uscg.mil, aisha.bakkar@fe.navy.mil, brian.price@fe.navy.mil, Sarah Thomas-Nededog <sarah.thomasnededog@westcare.com>, Carmelita Calvo <carmelita.calvo@westcare.com>

February 20, 2014

To: All Honorable Senators/All Stakeholders/ All Media

From: SENATOR FRANK B. AGUON JR.
Chairperson, Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary

Subject: SECOND NOTICE of Public Hearing/Roundtable on Tuesday, February 25, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at **9:00AM** and a Veterans' roundtable starting at **5:00PM** on **Tuesday, February 25, 2014**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

Public Hearing at 9:00AM:

Bill No. 273-32 (COR) - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy.

Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

Veterans Roundtable at 5:00PM:

Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and

Community Based Outreach Clinic (CBOC).

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., 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 Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

--

Thanks!**Office of Senator Frank B. Aguon, Jr.**

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hester PL Suite 104, Hagåtña, Guam 96910

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

Fax: (671) GUM3 (4863)

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**Second Notice of Public Hearing for 2-25-14.pdf**

1380K

TUESDAY, FEBRUARY 18, 2014 • MARIANAS VARIETY GUAM EDITION



OFFICE OF SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam US Military Relocation,
Homeland Security, Veterans Affairs and Judiciary
Mina' Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

Tuesday, February 25 2014- PUBLIC HEARINGS for
Bill No. 272-32(COR) and Bill No. 273-32(COR) at 9:00AM

Tuesday, February 25, 2014 - ROUND TABLE with
VETERANS' ORGANIZATIONS and STAKEHOLDERS 5:00PM

9:00AM- Bill No. 272-32 (COR)- An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

9:00AM- Bill No. 273-32 (COR)- An Act to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated, and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to Invasion of Privacy.

5:00PM- Veterans Roundtable- Veteran stakeholders to discuss a number of issues important to the veterans community, including the following topics: Veterans' Bill, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic(CBOC).

The public hearing will be broadcasted on
Docomo Pacific TV Channel 11 or GUDTV Channel 21.

If you require any special accommodations, please contact the
Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2)
e-mail: committee@frankaguonjr.com/ policy@frankaguonjr.com

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OFFICE OF SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam US Military Relocation,
Homeland Security, Veterans Affairs and Judiciary
Mind' Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

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COMMITTEE ON

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



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V. Anthony Ada**
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**Senator
Michael Limtlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

PUBLIC HEARING

February 25, 2014 Tuesday at 9:00AM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order**
- II. Opening remarks/Announcements**
- III. Items for discussion:**

Bill No. 273-32 (COR) - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy. (Sponsored by Senator Aline A. Yamashita, Ph.D.)

Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

(Sponsored by Senator Brant McCreadie)

- IV. Closing Remarks**
- V. Adjournment**



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 19, 2014

Memorandum

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

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

Subject: **Waivers**

Hafa Adai!

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

WAIVERS:

Bill No. 272-32(COR)

Bill No. 273-32(COR)

Bill No. 289-32(COR)

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

Si Yu'os ma'åse'!

2014 MAR 19 PM 9:22

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
DEPUTY DIRECTOR

MAR 18 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note Waiver on the following Bill Nos.: **272-32(COR), 273-32(COR), and 289-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

MAR 18 2014

The Bureau requests that Bill No(s). 273-32 (COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 273-32 (COR) intends to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated and to add new § 70.35 to Chapter 28 of Title 9, Guam Code Annotated to strengthen the laws regarding invasion of privacy, its penalties, definitions, and to balance privacy rights in circumstances where surveillance may be legitimate.

The Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.


JOHN A. RIOS
Director



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 13, 2014

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910


RE: Request for Fiscal Notes– Bill Nos. 269-32(LS) through 274-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,



Vice Speaker Benjamin J.F. Cruz
Acting Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
269-32 (LS)	Committee on Rules, Federal, Foreign, & Micronesian Affairs, Human & Natural Resources, and Election Reform by request of I Maga'lāhenGuåhan, the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
270-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE PROCESS BY WHICH A PERSON MAY SEEK REMOVAL OF HIS/HER NAME FROM THE FAMILY VIOLENCE REGISTRY DATABASE, TO BE CODIFIED UNDER A NEW ARTICLE 3 IN CHAPTER 1 OF TITLE 19 - LAW, GUAM ADMINISTRATIVE RULES AND REGULATIONS.
271-32 (COR)	FRANK B. AGUON, JR. T. C. Ada V. Anthony Ada Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW §67102.2 TO CHAPTER 67, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO GRANTING THE GUAM VETERANS COMMISSION THE AUTHORITY TO IMPLEMENT A COMPREHENSIVE MASTER PLAN TOWARDS THE ESTABLISHMENT OF "I SENGSONG BETERANUN GUAHAN - GUAM VETERANS VILLAGE," WHICH SHALL SERVE AS A ONE- STOP VETERANS SERVICE CENTER; AND FOR OTHER PURPOSES.
272-32 (COR)	Brant T. McCreadie	AN ACT TO ADD A NEW §80.37.6 TO CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO ENHANCED SENTENCES FOR VULNERABLE VICTIMS, WHICH MAY BE CITED AS THE "VULNERABLE VICTIMS ACT OF 2014".
273-32 (COR)	Aline A. Yamashita, PhD., Judith T. Won Pat, Ed.D. T. R. MUÑA BARNES	AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY.
274-32 (COR)	Aline A. Yamashita, PhD V. Anthony Ada Judith T. Won Pat, Ed.D. B. J.F. Cruz	AN ACT AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO IMPLEMENT A STATE PRESCHOOL PROGRAM BY ADDING A NEW SECTION 6101.1; AND TO ADJUST THE COMPULSORY AGE OF SCHOOL ATTENDANCE BY AMENDING SECTIONS 6102, 6103, 6104, 6105, 6105.1 AND 6106; AND TO ESTABLISH THE PRESCHOOL DAY AND YEAR BY ADDING A NEW SECTION 6121 ALLOF ARTICLE 1, DIVISION 2, CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED.



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 12, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

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

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: **Vice Speaker Benjamin J.F. Cruz**
Acting Chairperson of the Committee on Rules

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: **Referral of Bill Nos. 272-32(COR) through 274-32(COR)**

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 272-32(COR) through 274-32(COR)**.

Senator
Frank Blas Aguon, Jr.
Member

Please ensure that the subject bills are 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 Dos na Liheslaturan Guåhan*.

Senator
Michael F.Q. San Nicolas
Member

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

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os Ma'åse!

Senator
Aline Yamashita
Member

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 273 - 32 (COR)

Introduced by

Aline A. Yamashita, PhD
Judith T. Won Pat, Ed.D.
T.R. MUÑA BARNES

**AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM
CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO
CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO INVASION OF PRIVACY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that

the community of Guam is disturbed that its laws have not kept pace with audio, video and electronic digital camera technology which, though designed to heighten the quality of life, can also be used for nefarious or perverse purposes. *I Liheslatura* further finds that recently, a man, convicted for using electronic audio/video technology or cameras to engage in surreptitious surveillance of women using restroom facilities, only faced a misdemeanor penalty. The victims in this case suffered not only a gross and severe invasion of their privacy, but a violation of their personal and physical dignity, in addition to other psychological harm.

2014 FEB 12 AM 10:45

1 *I Liheslaturan Guahan intends to address this serious problem which bears in*
2 mind the need to balance privacy rights in circumstances where surveillance may be
3 legitimate.

4 **Section 2.** Section 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
5 hereby repealed:

6 ~~§ 70.35. Invasion of Privacy: Penalty; Definitions.~~

7 ~~(a) A person commits a misdemeanor if, except as authorized by law, if he:~~

8 ~~(1) trespasses on property with intent to subject anyone to eavesdropping or other~~
9 ~~surveillance in a private place;~~

10 ~~(2) installs in any private place, without the consent of the person or persons entitled~~
11 ~~to privacy there, any device for observing, photographing, recording, amplifying or~~
12 ~~broadcasting sounds or events in such place, or uses any such unauthorized~~
13 ~~installation;~~

14 ~~(3) installs or uses outside a private place any device for hearing, recording,~~
15 ~~amplifying or broadcasting sounds originating in such place which would not~~
16 ~~ordinarily be audible or comprehensible outside, without the consent of the person~~
17 ~~or persons entitled to privacy there;~~

18 ~~(4) intercepts without the consent of the sender or receiver a message by telephone,~~
19 ~~telegraph, letter or other means of communicating privately; but this Paragraph does~~
20 ~~not extend to:~~

1 ~~(A) overhearing of messages through a regularly installed instrument on a~~
2 ~~telephone party line or on an extension; or~~

3 ~~(B) interception by the telephone company or subscriber incident to~~
4 ~~enforcement of regulations limiting use of the facilities or to other normal~~
5 ~~operation and use; or~~

6 ~~(5) divulges without the consent of the sender or receiver the existence or contents~~
7 ~~of any message described in Paragraph (4) if the defendant knows that the message~~
8 ~~was illegally intercepted, or if he learned of the message in the course of employment~~
9 ~~with an agency engaged in transmitting it.~~

10
11 **Section 3.** A new Article 3 is hereby added to Chapter 28 of Title 9, Guam
12 Code Annotated, to read:

13 **“ARTICLE 3**

14 **§ 70.35. INVASION OF PRIVACY: PENALTY: DEFINITIONS**

15 (a) A person commits a misdemeanor if, except as authorized by law, he:

16 (1) Knowing that he is not licensed or privileged to do so, enters or
17 surreptitiously remains on property for the intent to subject anyone to
18 eavesdropping or to non-consented observation in a private place; or

1 (2) Knowing that he is not licensed or privileged to do so, looks through a
2 hole or opening of a bedroom, bathroom, changing room, fitting room,
3 dressing room or the interior of any other area in which the occupant has a
4 reasonable expectation of privacy, with the intent to subject the occupant to
5 non-consented observations; or

6 (3) Installs in any private place any device for observing, photographic,
7 recording, amplifying or broadcasting sounds or events in such private place,
8 without the consent of at least one person entitled to privacy there or the owner
9 or possessor of such private place; or

10 (4) Installs in any private place any device for hearing, recording, amplifying,
11 or broadcasting sounds originated in such private place which would not
12 ordinarily be audible or comprehensible of at least one person entitled to
13 privacy there or the owner or possessor of such private place; or

14 (5) Intercepts without the consent of the sender or receiver a message by
15 telephone, telegraph, letter or other means of communicating privately; but
16 this paragraph does not extend to:

17 (A) overhearing of messages through a regularly installed instrument
18 on a telephone party line or on an extension; or

1 (B) interception by the telephone company or subscriber incident to
2 enforcement of regulations limiting use of the facilities or to other
3 normal operation and use; or

4 (6) Divulges without the consent of the sender or receiver the existence of
5 contents of any message described in paragraph (4) if the defendant knows
6 that the message was illegally intercepted, or if he learned of the message in
7 the course of employment with an agency engaged in transmitting it.

8 (b) Whoever uses or attempts to use any device for hearing, observing,
9 photographing, recording, amplifying or broadcasting in violation of (a)(1) or (a)(2)
10 *supra*, is guilty of a felony of the third degree.

11 **Section 4.** Effective Date. This Act shall become effective upon enactment.

12 **Section 5.** Severability. *If* any of the provisions of this law or its application
13 to any person or circumstance is found to be invalid or contrary to law, such
14 invalidity *shall* not affect other provisions or applications of this law which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this law are severable