

*I Mina'Trentai Tres 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
<b>PUBLIC LAW 33-187 326-33 (COR)</b>	Frank F. Blas, Jr. FRANK B. AGUON, JR. R. J. Respicio Judith T. Won Pat, Ed.D. Mary Camacho Torres N. B. Underwood, Ph.D.	AN ACT TO AMEND § 11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL § 11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.	05/23/16 12:21 p.m.	05/23/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary	06/27/16 10:00 a.m.	08/17/16 3:29 p.m.	<b>Fiscal Note Request</b> 05/25/16 <b>Fiscal Note</b> 06/28/16
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>DATE AND TIME TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LÀ HEN GU'À HAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	09/12/16	AN ACT TO ADD A NEW § 11301.1; REPEAL SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEXUAL ABUSE.	09/12/16	4:05 p.m.	09/23/16	09/23/16	33-187	<b>M&amp;C No.</b> 33-16-2036



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor Of Guam.*

September 23, 2016

The People of Guam  
c/o Honorable Judith T. Won Pat, Ed.D.  
Speaker of the Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

33-16-2036  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 9/23/16

Time: 5:35 PM

Received By: [Signature]

2016 SEP 23 PM 5:35

**"We have been called to form consciences, not to replace them."**  
- Amoris Laetitia, Pope Francis

My dear People of Guam,

Transmitted herewith to the elected representatives of your Legislature is the new law opening the doors of justice to those who suffered a terrible harm as children. I have signed it into law as P.L. 33-187.

I am a practicing but imperfect Catholic; a husband, father, grandfather, brother, and son; a Chamorro man, who believes in second chances, yet has no tolerance for those who prey on the most innocent and vulnerable, the children. Thanks to the trust of our people, I'm also the governor. And on days like this, when my different roles may not join in harmonious conviction, I am resolute about this decision. It comes after days of listening to very different opinions, hearing the cries, considering the consequences, separating one issue from another and then reconciling it all within my conscience. So, today, though I am pleased that our community has confronted what once was unthinkable, I am saddened that even a single injustice had to happen in order to make this law necessary. There are no winners. Justice is the only victory.

When matters of justice come about, our system of government has spared me from any duty to judge another human being. It is neither my role,



nor my desire, to judge others. I will not second guess the assertions of those who have been victimized, nor will I deny the protestations of those accused. The law spares the governor from the duty of judging beyond one matter: whether there is a new threshold for justice, that will be determined by the judges.

Today is that day, when I am due and bound by duty to judge this matter. I now understand why some say leadership is a burden. My conscience has been conflicted for the last two weeks. Let me be clear that I am not judging any single person or institution. I am deciding whether a group of people has been denied justice and should therefore be entitled to seek it with judgment by due process of law.

As one who has attended Mass and church services islandwide, I am grateful for the concern of the 5,000 faithful who are worried about the consequences of this measure upon the mission and assets of the Catholic Church on Guam. For I see the great good the church and its institutions have provided to the people of Guam. I am suspicious of ambulance-chasing lawyers using the grief and the tragic stories of survivors to achieve profits at the expense of faithful donors who truly are innocent in these matters. I, too, do not want to see Catholic schools shuttered, social services ended, and church properties sold.

**“Do not be anxious about tomorrow, for tomorrow will be anxious for itself. Let the day’s own trouble be sufficient for the day.”**

*- Jesus of Nazareth*

Bill No. 326 does not proclaim any person or institution’s guilt or complicity. Whether assets are forfeited is secondary to a judgment of whether it is right – in the pursuit of justice – to do so. That judgment comes after due process of law is exhausted. And that judgment does not come with the enactment of this law or even from society itself. It is for a court to decide. We cannot deny and, in fact, have an obligation to allow this matter of justice to be heard in our courts of law.

No earthly asset can replace a child's stolen innocence. In judging whether this is a matter of justice, consequences upon assets are not for the governor to consider. We leave that to the wisdom of judges.

I recognize that Bill 326 has several legal and technical concerns. A major concern is over the bill's retroactive application of the civil statute of limitations for child sexual abuse cases. Whether such retrospect will pass constitutional muster is unclear. Also unclear is what type of actions or omissions constitute "child sexual abuse." For example, does the definition of "child sexual abuse" in Bill 326 include child pornography for which, unlike other sex crimes against minors, there exists a three-year criminal statute of limitations?<sup>1</sup> Additionally, how far does an individual or institution have to go (or not go) before being considered an "enabler" or an "aider or abettor" under Bill 326?

Despite these questions, today I will err on the side of the aggrieved. If am wrong, then the courts will tell me so. Or perhaps the Legislature will craft new legislation in order to clarify these issues.

This is about our children, my dear people. God has delivered them from His kingdom to our care. If they cannot depend upon our love and care, then we are going against the very words and will of Christ. After all consideration, there is no way I could reconcile my conscience to any decision but signing this measure into law. In forming conscience, I take my cue from Christ: "Who, then, is the greatest in the kingdom of heaven? He called a little child to him, and placed the child among them.... And whoever welcomes one such child in my name welcomes me ... For it is not the will of your Father who is in heaven that one of these little ones perish." (Matthew 18: 1-14)

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<sup>1</sup> See, 10 G.C.A. § 10.15 (prosecution for child pornography may be commenced up to three years after the minor reaches the age of majority); *but compare*, 10 G.C.A. § 10.16 (no time limitation for prosecution of "sex crimes" against a minor).

This is not for us to argue over. This is for the accused and the complicit to answer before God and, until then, a court of man's law. Bill No. 326 opens justice's door to an aggrieved group of people – children – systematically denied justice over years. And that is why I signed it into law. Finally, these survivors will be heard the way they should have been heard.

My children are grown now, but I remember when they were young and innocent, when one would fall and was injured or feel pain or sadness. I wished I could take their pain. I wish it were I and not they.

I look at the victims and if I could take their pain, or prevent their grief, or wipe their tears from their fearful childhood eyes, then I would. But I am neither God nor Father Time; my desire for goodwill cannot erase what was done and will not, alone, pay the debt that stains our conscience every time a silenced child reveals his parents' worst nightmare.

One may ask what amount of money could ever return a child's innocence. What could possibly be said or done to turn back time and prevent a life of depression, substance abuse, self-hate or suicide? How do we make things right?

It is precisely Grace that answers how we may reconcile justice with the evil done against the survivors. For parents, it is beyond our comprehension that of all fathers, our Lord would will His son to suffer and die on the Cross. Why? Were our sins so sordid and repulsive that the Son of Man had to die so the truth could be served? What good could ever come from a mob order that crucified God's only Son? What good will come to the survivors of abuse if we cannot return their childhood and innocence to them?

The answer is justice, and we need only to look at the core message of the very church, fearful of the debts it may now be forced to recognize and pay. Christ's sacrifice on the Cross was the design of perfect justice by His own Father. Before it, the weight of our sins sunk our souls to perdition. Because of it, all was forgiven. All debts were paid.

In dark rooms throughout this island and buoyed by silence harnessed from the fear of authority, an enormous evil occurred. Children were hurt. Their shame was so great, they could not tell a soul. They thought they sinned or they lost their faith. And in all this, after all these years, they suffered alone. Their pain never went away. Weep, my dear people, for our collective sorrow will bear in our hearts solidarity and resolution never to be silent again.

Whether we did not know or we just did not help, we were silent. And now, each and every Guamanian is asked to reach into his soul and examine his conscience and accept that justice may and should very well mean a sacrifice from this community to right this terrible wrong. The sacrifice may hurt, but it is nothing compared to the pain children have carried to their deaths. Make no doubt about it, we are called at this time to give justice a chance. My signature today answers that call for us all. All debts should be paid.

So let us end the fighting and the hate. Lighten your hearts from anger knowing justice will be served and the burden of judgment will not be ours. In our democratic tradition, our judges will judge the accused and the complicit. And in our Catholic tradition, the Lord will judge us all.

With humility and love for the children of Guam,

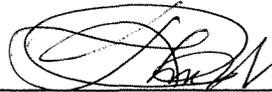


Eddie Baza Calvo  
Governor of Guam

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) Regular Session

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

This is to certify that **Bill No. 326-33 (COR)**, "AN ACT TO ADD A NEW § 11301.1; REPEAL SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEXUAL ABUSE," was on the 12<sup>th</sup> day of September 2016, duly and regularly passed.



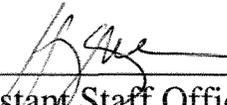
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



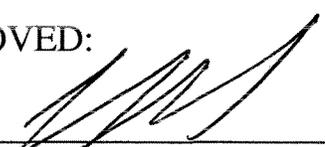
**Rory J. Respicio**  
**Acting Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 12<sup>th</sup> day of SEPT.,  
2016, at 4:05 o'clock P..M.

Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:

**EDWARD J.B. CALVO**  
*I Maga'låhen Guåhan*

Date:

SEP 23 2016

Public Law No.

33-187

**OFFICE OF THE GOVERNOR**  
**CENTRAL FILES**

RECEIVED BY  
TIME 4:25 PM DATE 9.12.16

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

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**Bill No. 326-33 (COR)**

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

Introduced by:

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

**AN ACT TO ADD A NEW § 11301.1; REPEAL  
SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL §  
11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7,  
GUAM CODE ANNOTATED, RELATIVE TO THE  
STATUTE OF LIMITATIONS IN CASES INVOLVING  
CHILD SEXUAL ABUSE.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that in Bill 34-31, which became Public Law 31-07, *I Trentai Uno Na Liheslatura*  
4 made extensive findings, to wit:

1           *I Liheslaturan Guåhan* finds that child sexual abuse survivors often are  
2 disabled from revealing abuse at the time they suffer it and for many years thereafter.  
3 For some, the abuser was a parent, stepparent, or relative, a member of the clergy,  
4 a teacher or other trusted adult. Some victims blame themselves and fear retribution  
5 if the abuse is revealed. For many, the trauma itself prevents them from coming  
6 forward earlier. As adults, victims may not connect the assault to its long-lasting  
7 impact until they seek therapeutic help years later. Many of the injuries associated  
8 with childhood sexual abuse do not manifest themselves until much later in life. The  
9 expiration of applicable statute of limitations during this period had the effect of  
10 barring many meritorious claims. This has allowed many child sexual abusers to  
11 escape civil liability. If evidence is sufficient to prove civil liability, the mere  
12 passage of time should not foreclose child sexual abuse survivors from seeking  
13 justice. Therefore, *I Liheslatura* finds that justice for child sexual abuse survivors  
14 may be achieved by reviving the statute of limitations for civil actions for past child  
15 sexual abuse for a two (2) year period.”

16           *I Mina'Trentai Tres Na Liheslatura* wholeheartedly adopts and republishes  
17 those findings.

18           *I Liheslaturan Guåhan* further finds that while the noble intent of Public Law  
19 31-07 was to encourage child sexual abuse survivors to come forward and bring their  
20 victimizers to account, provisions in § 11306.1 of Article 3, Chapter 11, Title 7,  
21 Guam Code Annotated, served to discourage counsel from undertaking the  
22 representation of child sexual abuse survivors, an unintended consequence of Public  
23 Law 31-07. The chilling effect of the provisions in Public Law 31-07 was apparently  
24 sufficient to dissuade counsel from bringing actions for child sexual abuse no matter  
25 how meritorious the claim.

26           It is, therefore, the intent of *I Liheslaturan Guåhan* to make it possible for  
27 those child sexual abuse survivors to seek justice against their victimizers. Further,

1 it is the intent of *I Liheslaturan Guåhan* to remove the current section requiring  
2 Certificates of Merit as such information would have a chilling effect on those sexual  
3 abuse survivors who choose to seek justice against their victimizers.

4 **Section 2.** A new § 11301.1 is *added* to Article 3 of Chapter 11, Title 7,  
5 Guam Code Annotated, to read:

6 **“§ 11301.1. No Limit for Child Sexual Abuse.**

7 (a) Any claim arising from an incident of child sexual abuse *may* be  
8 commenced against a person, a legal entity, abusers, their enablers, their  
9 aiders or abettors, those acting in concert with them and their institutions at  
10 any time.

11 (b) Any claim arising from an incident of child sexual abuse that  
12 occurred on Guam which has been barred by virtue of the expiration of the  
13 previous civil statute of limitations *shall* be permitted to be filed in any court  
14 of competent jurisdiction.”

15 **Section 3.** Subsections (b) and (c) of § 11306 of Article 3, Chapter 11, Title  
16 7, Guam Code Annotated, are hereby *repealed*.

17 **Section 4.** § 11306.1 of Article 3, Chapter 11, Title 7, Guam Code  
18 Annotated, is hereby *repealed*.