

*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
<b>273-32 (COR)</b>	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			



## COMMITTEE ON RULES

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

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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*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

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

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

Senator  
Dennis G. Rodriguez, Jr.  
Member

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

Vice-Speaker  
Benjamin J.F. Cruz  
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)**.

Legislative Secretary  
Tina Rose Muña Barnes  
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  
Frank Blas Aguon, Jr.  
Member

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

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member

**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