

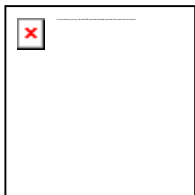
From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Monday, October 18, 2021 11:21 AM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje
Subject: Messages and Communications for Doc. No. 36GL-21-1202*.
Attachments: 36GL-21-1202.pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-21-1202 for processing:

36GL-21-1202	Bill No. 111-36 (COR) nka P.L. 36-58 "AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS*.	Office of the Governor of Guam
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Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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----- Forwarded message -----

From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Date: Fri, Oct 15, 2021 at 5:55 PM
Subject: Messages and Communications for 36GL-21-1202
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-21-1202.

36GL-21-1202	Bill No. 111-36 (COR) nka P.L. 36-58 "AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS	Office of the Governor of Guam
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Si Yu'os Ma'åse',

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.org

website: www.senatorterlaje.com

----- Forwarded message -----

From: **Brianne LG Dunstan** <brianne.dunstan@guam.gov>

Date: Fri, Oct 15, 2021 at 3:18 PM

Subject: Bill No. 111-36 (COR) nka P.L. 36-58

To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Cc: Governor Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Governor Joshua F. Tenorio <joshua.tenorio@guam.gov>, Geraldine A. Cepeda (Compiler) <gcepeda@guamcourts.org>, Guam Compiler of Laws <guamcompiler@gmail.com>, <libanez@guamcourts.org>, Jon Calvo (DCOS) <jon.calvo@guam.gov>, Alice Taijeron <alice.taijeron@guam.gov>, SSD (Legal) <sophia.diaz@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Brianne LG Dunstan <brianne.dunstan@guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, <lester.carlson@bbmr.guam.gov>, BERTHA <bertha.duenas@guam.gov>, Eliza G. Dames (Chamber) <eliza.dames@guam.gov>, Shamra L.A. Chargualaf (Chamber) <shamra.chargualaf@guam.gov>, Josephine C. Cepeda (Chamber) <josephine.cepeda@guam.gov>, Kathleen C. Cepeda (DCOS) <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, Jessica Cruz (CF) <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Anlyn Eustaquio <anlyn.eustaquio@bbmr.guam.gov>, Michael D. Weakley <michael.weakley@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker:

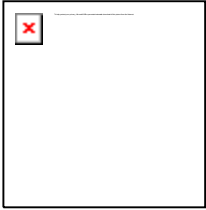
Please find attached a copy of Bill No. 111-36 (COR) which was passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on October 4, 2021 and **signed into public law by the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan** on October 15, 2021.

The original bill will be delivered to your office.

- **Bill No. 111-36 (COR) nka P.L. 36-58** "AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS

Thank you.

Respectfully,



Brianne LG Dunstan

Unisifan I Maga'hagan Guahan

Office of the Governor of Guam

Office of Legal Counsel

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

brianne.dunstan@guam.gov



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Bill No. 111-36 (COR) nka P.L. 36-58

Brienne LG Dunstan <brienne.dunstan@guam.gov>

Fri, Oct 15, 2021 at 3:18 PM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Cc: "Governor Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Governor Joshua F. Tenorio"

<joshua.tenorio@guam.gov>, "Geraldine A. Cepeda (Compiler)" <gcedepeda@guamcourts.org>, Guam Compiler of Laws <guamcompiler@gmail.com>, libanez@guamcourts.org, "Jon Calvo (DCOS)" <jon.calvo@guam.gov>, Alice Taijeron <alice.taijeron@guam.gov>, "SSD (Legal)" <sophia.diaz@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Brienne LG Dunstan <brienne.dunstan@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, lester.carlson@bbmr.guam.gov, BERTHA <bertha.duenas@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepada@guam.gov>, "Kathleen C. Cepeda (DCOS)" <kathleen.cepada@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, "Michael D. Weakley" <michael.weakley@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker:

Please find attached a copy of Bill No. 111-36 (COR) which was passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on October 4, 2021 and signed into public law by the *Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan* on October 15, 2021.

The original bill will be delivered to your office.

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Thank you.

Respectfully,

36GL-21-1202

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-10-15-2021

Time: 3:18 pm

Received: [Signature]

**Brienne LG Dunstan**

Unisifan I Maga'hågan Guåhan

Office of the Governor of Guam

Office of Legal Counsel

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

brienne.dunstan@guam.gov

COMMITTEE ON RULES

RECEIVED:

October 15, 2021

5:55 P.M.

[Signature]



Bill No. 111-36 (COR) nka P.L. 36-58 RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS.pdf

172K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

October 15, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: BILL NO. 111-36 (COR) – “AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS”

Dear Madame Speaker,

Existing Guam law requires that a person convicted of criminal sexual conduct submit to testing for sexually transmitted diseases, including HIV. While this law affords victims of sex crimes access to information that may affect their health, it requires them to await a conviction to receive it, a process that could take years. Bill No. 111-36, now known as *Public Law No. 36-58*, aims to provide victims of sex crimes more timely access to a critical portion of this information by requiring HIV testing for individuals charged with criminal sexual conduct. To preserve a defendant's due process rights, the bill provides that such testing may be ordered upon the filing of a petition at a victim's request and a court finding of probable cause that the conduct underlying the allegations would pose a risk of transmission of HIV. Results would then be furnished only to the defendant and the victim or the victim's parents, in the event the victim is a minor. This amendment to existing Guam law, which is consistent with the laws in many other jurisdictions around the country, balances the physical and emotional well-being of our victims with the rights and privacy of individuals accused of crime, and ultimately allows victims of sex crimes to seek services and begin the process of healing.

Senseremente,

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure: Bill No. 111-36 (COR) *nka P.L. No. 36-58*

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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

This is to certify that **Bill No. 111-36 (COR)**, “AN ACT TO *AMEND* § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS,” was on the 4th day of October 2021, duly and regularly passed.



Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

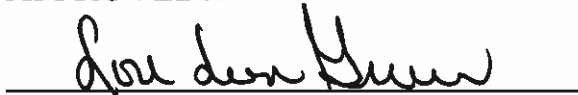
.....

This Act was received by *I Maga'hågan Guåhan* this 5th day of October,
2021, at 5:13 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/15/2021

Public Law No. 36-58

2021-14789

RCVD AT CENTRAL FILES
OCT 5 '21 PM5:13

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 111-36 (COR)

As amended by the Committee Health,
Land, Justice and Culture.

Introduced by:

Amanda L. Shelton
Mary Camacho Torres
Tina Rose Muña Barnes
Telena Cruz Nelson
Therese M. Terlaje
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Telo T. Taitague
Jose "Pedo" Terlaje

AN ACT TO *AMEND* § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that a victim of a criminal offense that involves the transmission of body fluids, or
4 involves certain sexual offenses in which the victim is a minor, disabled adult, or

1 elderly person, is entitled to know at the earliest possible opportunity whether the
2 person charged with the offense has tested positive for human immunodeficiency
3 virus (HIV) infection.

4 *I Liheslatura* further finds that to deny victims access to HIV test results
5 causes unnecessary mental anguish in persons who have already suffered trauma;
6 and, because medical science now recognizes that early diagnosis is a critical factor
7 in the treatment of hepatitis and HIV infection, both the victim and the person
8 charged with or alleged by petition for delinquency to have committed the offense
9 benefit from prompt disclosure of hepatitis and HIV test results. HIV testing is
10 beneficial to the parties involved, but it also serves to protect the health, safety, and
11 welfare of the community in general.

12 *I Liheslatura* further finds that the Bureau of Women's Affairs and the Federal
13 Programs Office recently received a Nine Hundred Thousand Dollar (\$900,000)
14 grant from the Office on Violence Against Women to employ six (6) more nurses
15 trained to administer forensic sexual assault exams under the Improving Criminal
16 Justice Responses (ICJR) to Domestic Violence, Dating Violence, Sexual Assault,
17 and Stalking Grant Program. A condition of this grant is that the jurisdiction must
18 meet the requirements under 34 U.S.C. § 10461(d) concerning HIV testing of
19 individuals charged with sexual assault; and, if requirements are not met, five
20 percent (5%) of grant funds will be withheld.

21 It is, therefore, the intent of *I Liheslaturan Guåhan* to further the care and
22 treatment of victims of sexual assault by providing them with critical medical
23 information about their assailants through the provision of an additional statutory
24 mechanism whereby a court may order HIV testing of individuals who are charged
25 with committing certain sexual offenses.

26 **Section 2.** § 120.60 of Article 1, Chapter 120, Title 8, Guam Code
27 Annotated, is hereby *amended* to read:

1 **“§ 120.60. Medical Examinations of Those Convicted of Criminal**
2 **Sexual Abuse and Services to Victims of Criminal Sexual Conduct.**

3 (a) Any person convicted of criminal sexual conduct shall submit to
4 the necessary medical examinations for determining whether such convicted
5 person is infected with the human immunodeficiency virus (HIV) or with any
6 other sexually transmitted disease such as, but not limited to, the examination
7 of such convicted person’s blood, urine, genital discharge, or lesions. The
8 Department of Public Health and Social Services shall administer and analyze
9 such necessary medical examinations in accordance with standard medical
10 procedures and HIPAA confidentiality and privacy laws and regulations.

11 The court shall furnish the results of such examinations to the victim,
12 or parent of a minor victim, or guardian of the victim of such conduct, and to
13 the convicted person, and comply with HIPAA confidentiality and privacy
14 laws and regulations as required within the criminal justice system.

15 (b) Upon the victim’s request, the prosecutor shall petition for an
16 order requiring the person charged with an offense of criminal sexual conduct
17 under Chapter 25 of Title 9, Guam Code Annotated, to submit to a medical
18 examination for human immunodeficiency virus (HIV). Upon a finding that
19 there is probable cause that the alleged sexual contact or sexual penetration
20 involved in the offense would pose a risk of transmission of HIV, the court
21 shall order the defendant to submit to the necessary medical examinations for
22 determining whether such person is infected with the HIV. An examination
23 for HIV of a defendant’s blood, urine, genital discharge, or lesions shall be
24 administered no later than forty-eight (48) hours after the date on which the
25 formal indictment is presented and the defendant is in custody or has been
26 served with the indictment. The Department of Public Health and Social
27 Services shall administer and analyze medical examinations, including

1 follow-up testing, in accordance with standard medical procedures, and
2 HIPAA confidentiality and privacy laws and regulations.

3 Upon reasonable request, the court may authorize testing at a private
4 clinic. Any and all costs of such testing at a private clinic shall be borne by
5 the defendant. The test results from the private clinic must be provided to the
6 court as well as to the defendant.

7 The court shall furnish the results of such examinations to the victim,
8 or parent of the minor victim, or guardian of the victim, and to the defendant,
9 and comply with HIPAA confidentiality and privacy laws and regulations as
10 required within the criminal justice system.

11 (c) The Department of Public Health and Social Services with the
12 assistance of the Sexual Abuse and Rape Crisis Center shall provide services
13 to victims of criminal sexual conduct. Such services to the victim shall be free
14 of charge, and shall include, but are not limited to:

15 (1) pre and post-HIV testing, counseling on HIV prevention
16 and other sexually transmitted diseases (STD), and ensuring that the
17 victim understands the implications of HIV and STD testing, their
18 benefits and results of the test(s); HIV or any other sexually transmitted
19 disease testing in accordance with standard medical procedures and
20 applicable law; and

21 (2) providing referrals for appropriate health care and support
22 services.

23 Such treatment shall not be construed to interfere with or diminish any
24 medical support already provided by any health insurer, agency or office; nor
25 shall provision of the services or treatment required by this Section relieve
26 any health insurer of its duty to provide coverage.”

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

October 15, 2021

Doc Type: 36GL-21-1202
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

10-15-2021

Time: 4:48 p

Received: [Signature]

Re: BILL NO. 111-36 (COR) – “AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS”

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Senseremente,

LOURDES A. LEON GUERRERO

Maga'hāgan Guåhan

Governor of Guam

COMMITTEE ON RULES

RECEIVED:

October 15, 2021

5:55 P.M.

Enclosure: Bill No. 111-36 (COR) *nka P.L. No. 36-58*

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen Guåhan*
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX

513 W. Marine Corps Drive Hagåtña, Guam 96910


governor.guam.gov | (671) 472-8931

Doc. No. 36GL-21-1202.*


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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


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Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of October,
2021, at 5:13 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/15/2021

Public Law No. 36-58

2021-14789
RCVD AT CENTRAL FILES
OCT 5 '21 PM 5:13

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

Bill No. 111-36 (COR)

As amended by the Committee Health,
Land, Justice and Culture.

Introduced by:

Amanda L. Shelton
Mary Camacho Torres
Tina Rose Muña Barnes
Telena Cruz Nelson
Therese M. Terlaje
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
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18 examination for human immunodeficiency virus (HIV). Upon a finding that
19 there is probable cause that the alleged sexual contact or sexual penetration
20 involved in the offense would pose a risk of transmission of HIV, the court
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25 formal indictment is presented and the defendant is in custody or has been
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27 Services shall administer and analyze medical examinations, including

1 follow-up testing, in accordance with standard medical procedures, and
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3 Upon reasonable request, the court may authorize testing at a private
4 clinic. Any and all costs of such testing at a private clinic shall be borne by
5 the defendant. The test results from the private clinic must be provided to the
6 court as well as to the defendant.

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13 to victims of criminal sexual conduct. Such services to the victim shall be free
14 of charge, and shall include, but are not limited to:

15 (1) pre and post-HIV testing, counseling on HIV prevention
16 and other sexually transmitted diseases (STD), and ensuring that the
17 victim understands the implications of HIV and STD testing, their
18 benefits and results of the test(s); HIV or any other sexually transmitted
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20 applicable law; and

21 (2) providing referrals for appropriate health care and support
22 services.

23 Such treatment shall not be construed to interfere with or diminish any
24 medical support already provided by any health insurer, agency or office; nor
25 shall provision of the services or treatment required by this Section relieve
26 any health insurer of its duty to provide coverage.”