

From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, June 16, 2022 12:33 PM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje; Vice Speaker Tina Rose Muña Barnes
Subject: Messages and Communications for Doc. Nos. 36GL-22-2140 to 36GL-22-2144*.
Attachments: 36GL-22-2140.pdf; 36GL-22-2141.pdf; 36GL-22-2142.pdf; 36GL-22-2143.pdf; 36GL-22-2144.pdf

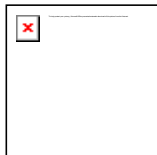
Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2140 to 36GL-22-2144 for processing:

36GL-22-2140	BILL NO. 242-36 (LS) nka P.L. 36-100 AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS*.	Office of the Governor of Guam
36GL-22-2141	BILL NO. 243-36 (LS) nka P.L. 36-101 AN ACT TO AMEND §§25.10(a), 25.15(a)(4)-(7), 25.20(a)(4)-(7), 25.25(a)(3), AND 25.30(a)(2) OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING "CONSENT," REVISING THE LANGUAGE OF "MENTALLY DEFECTIVE" TO "MENTALLY IMPAIRED," AND EXPANDING THE DEFINITION OF "MENTAL INCAPACITATION" AND "PHYSICALLY HELPLESS"*.	Office of the Governor of Guam
36GL-22-2142	BILL NO. 244-36 (LS) nka P.L. 36-102 AN ACT TO ADD A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE "SURVIVOR'S BILL OF RIGHTS ACT OF 2022"*.	Office of the Governor of Guam
36GL-22-2143	BILL NO. 300-36 (LS) nka P.L. 36-103 AN ACT TO REPEAL AND REENACT § 5213 OF SUBARTICLE B, ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE REQUIREMENTS OF SMALL PURCHASES*.	Office of the Governor of Guam
36GL-22-2144	BILL NO. 301-36 (LS) nka P.L. 36-104 AN ACT TO APPROVE THE SECOND AMENDED AND RESTATED LAND LEASE AGREEMENT BETWEEN THE GUAM POWER AUTHORITY AND GUAM UKUDU POWER LLC, AS LENDERS' CONDITION TO FUND THE CONSTRUCTION OF A 198 MW POWER PLANT AND BATTERY ENERGY STORAGE SYSTEM FACILITY LOCATED ON LOT NOS. 5010-1NEW-NEW-1 AND 5010-1NEW-NEW-R1, DEDEDO, AND A RELATED RESERVE FACILITY LOCATED ON LOT NO. 261-2, PITI, GUAM, AND TO AUTHORIZE THE USE OF THOSE PROPERTIES FOR SUCH PURPOSES*.	Office of the Governor of Guam

Electronic and Hard Copies attached.

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: Wed, Jun 15, 2022 at 5:07 PM

Subject: Messages and Communications for 36GL-22-2140 to 36GL-22-2144

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-22-2140 to 36GL-22-2144.

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Note: Hard Copies were hand delivered and received June 15, 2022 at 3:54 p.m.

Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison

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

I Mina'trentai Sais na Liheslaturan Guåhan
 36th Guam Legislature
 Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
 T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlaje@guam.gov
 website: www.senatorterlaje.com

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

From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>
 Date: Wed, Jun 15, 2022 at 4:48 PM
 Subject: Messages and Communications for 36GL-22-2140 to 36GL-22-2144
 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-22-2140 to 36GL-22-2144.*

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Please note that there is one statement for Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS), see attached.

Si Yu'os Ma'åse',

Marie Cruz
 Community Relations Liaison

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
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T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlaje@guam.gov
website: www.senatorterlaje.com

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

From: **Brianne LG Dunstan** <brianne.dunstan@guam.gov>
Date: Wed, Jun 15, 2022 at 3:18 PM
Subject: Governor Leon Guerrero's Statements regarding Legislative Bills passed on June 2, 2022
To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Cc: GOVERNOR Lourdes A. Leon Guerrero <governor@guam.gov>, LT. GOVERNOR Joshua F. Tenorio <lt.governor@guam.gov>, Geraldine A. Cepeda <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, Lisa C. Ibanez <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Cheerful Catunao <cheerful.catunao@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 (COS) <kathleen.cepeda@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>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

Enclosed are copies of statements from the *Honorable*, Lourdes A. Leon Guerrero, regarding the following five (5) bills. Please note that there is one statement for Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS).

- **BILL NO. 242-36 (LS) nka P.L. 36-100** AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS
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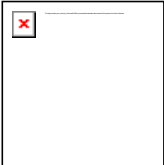
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The original statements and bills will be delivered to your office today.

Thank you.

Respectfully,

--



Brianne 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
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brianne.dunstan@guam.gov



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

Governor Leon Guerrero's Statements regarding Legislative Bills passed on June 2, 2022

Time changed to reflect actual time received.

Brianne LG Dunstan <brianne.dunstan@guam.gov>

Wed, Jun 15, 2022 at 3:11 PM

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

3:18 TC

Cc: "GOVERNOR Lourdes A. Leon Guerrero" <governor@guam.gov>, "LT. GOVERNOR Joshua F. Tenorio" <lt.governor@guam.gov>, "Geraldine A. Cepeda" <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Lisa C. Ibanez" <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Cheerful Catunao <cheerful.catunao@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Iester Carlson <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 (COS)" <kathleen.cepeda@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>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

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Thank you.

Respectfully,

Doc. No. 36GL-22-2140
 OFFICE OF THE SPEAKER
 THERESE M. TERLAJE

~~06~~ 15 2022

Time: 3:18pm
 Received: [Signature]

36GL-22-2141
36GL-22-2142
36GL-22-2143
36GL-22-2144



Brianne 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
 brianne.dunstan@guam.gov

3 attachments

- Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS) nka P.L. Nos. 36-100, 36-101, and 36-102 Respectively.pdf**
755K
- Bill No. 300-36 (LS) nka P.L. 36-103.pdf**
219K
- Bill No. 301-36 (LS) nka P.L. 36-104.pdf**
1493K

COMMITTEE ON RULES
 RECEIVED:
 June 15, 2022
 4:48 P.M.
[Signature]

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

June 15, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guāhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: BILL NO. 242-36 (LS) – AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS

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Hafa Adai Madame Speaker,

Over time, as society grows to further understand the nature of domestic violence and criminal sexual conduct, and the dynamics between aggressors and victims involved in these crimes, it is imperative that the body of governing law likewise evolves. Bill Nos. 242-36, 243-36, and 244-36 are three such efforts, intended to provide victims of domestic and sexual violence access to greater legal protections and rights. Today, I sign these bills into law as Public Law Nos. 36-100, 36-101, and 36-102, respectively, and I thank Senator Mary Torres, the main sponsor of these bills, for her leadership on these important issues.

Bill No. 242-36, now known as *Public Law No. 36-100*, requires wireless telecommunications service providers to remove or release complaining witnesses from a shared or family wireless service contract upon submission of a written request, along with documented evidence of family violence, sexual assault or stalking in the form of a court order, a police report, or a declaration from certain care providers for the complaining witnesses. The request may be submitted by the complaining witness

To: Speaker Terlaje
Fr: Governor of Guam
Date: June 15, 2022
Re: Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS)

Page 2 of 2

themselves, their attorney, or their advocate. Once the request and documentation is provided, the wireless service provider must act within 48 hours to transfer or remove the complaining witness from the shared family plan without charge, penalty, or fee. The bill emphasizes that a conviction is not necessary to effectuate the release. The intent of Bill No. 242-36 is clear and laudable – often, in cases involving domestic violence, sexual assault or stalking, time is of the essence, and immediate steps must be taken to ensure the safety of the complaining witness, including preventing alleged perpetrators of these crimes from tracking or contacting the complaining witnesses, or worse, confronting them in a manner that endangers all parties involved. By ensuring the confidentiality of the complaining witnesses, they can seek the services and support they need when they are vulnerable, and feel empowered to leave abusive circumstances, without potentially exposing them, their children, and their network to further harm.

Bill No. 243-36, now known as *Public Law No. 36-101*, is a critical measure updating our laws to reflect, among other things, that individuals who are significantly impaired or intoxicated are mentally incapacitated within the meaning of Guam law, such that they cannot consent to a sexual act, regardless of whether such impairment or intoxication was voluntary or involuntary. For too long, perpetrators of sexual assault, in Guam and in similarly situated U.S. jurisdictions, have relied on the fact that their victims *voluntarily* consumed alcohol or other substances as a defense for sexual misconduct committed while these victims were clearly unable to consent. This loophole allowed predators to prey on victims they knew, or should have known, did not have the mental capacity to freely agree to engage in sexual acts. Closing this gap in our statute more accurately represents our community's understanding about the responsibilities we have to each other when we engage in conduct that involves our bodily agency, more fully protects our right to control our bodies, and restores to us the power to decide when and with whom we want to share our most intimate selves.

Bill No. 244-36, now known as *Public Law No. 36-102*, enacts the Survivor's Bill of Rights. This bill codifies the rights that victims of sexual assault shall have. It encapsulates key priorities to sexual assault survivors, including being treated with respect, dignity and compassion, and providing access to services and advocacy, including access to timely examinations, testing, protection, and support. It further requires publication of the Survivor's Bill of Rights in hospitals, police stations, and school campuses, ensuring that the necessary information is available and readily accessible to affected persons. This Bill will help raise awareness in our communities, that our island stands with survivors of sexual assault, that we support them, and that we are committed to helping them achieve justice, and, ultimately, peace.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill No. 242-36 (LS) *nka P.L. No. 36-100*
Bill No. 243-36 (LS) *nka P.L. No. 36-101*
Bill No. 244-36 (LS) *nka P.L. No. 36-102*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen 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-22-2140

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2022 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*


This is to certify that **Bill No. 242-36 (LS)**, “AN ACT TO *ADD A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS,*” was on the 2nd day of June 2022, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of June,
2022, at 3:15 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/15/2022

Public Law No. 36-100

2022-16706
RCVD AT CENTRAL FILES
JUN 3 '22 PM 3:15

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 242-36 (LS)

As amended by the Committee on Health,
Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

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

AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that victims of family violence, sexual assault, and stalking often lack viable options
4 when establishing a plan to leave an abuser due to barriers such as financial

1 insecurity and limited access to reliable communications tools to maintain essential
2 connections with family, social safety networks, employers, and support services.
3 Independence of a wireless phone plan may often aid these victims in formulating
4 and following through on a means of escape, especially in situations where the
5 abuser is the account manager or administrator of the cell phone plan, and as a result,
6 may view any calls and account activity of phones associated with the shared or
7 family plan.

8 *I Liheslaturan Guåhan* duly recognizes that a variety of options should be
9 afforded to victims of family violence, sexual assault, and stalking when seeking to
10 be released from a shared or family mobile phone plan; and the purpose of this Act
11 is to assist victims by authorizing the courts to issue an order requiring wireless
12 telecommunications service providers to transfer billing authority and all rights to
13 the wireless numbers of a shared wireless plan to said victim, or remove or release
14 the victim from a shared wireless plan and assign a substitute telephone number or
15 numbers.

16 While seeking a court order to be released from a shared wireless plan is a
17 viable option, *I Liheslaturan Guåhan* further recognizes that some victims of family
18 violence, sexual assault, or stalking may not be willing or financially able to obtain
19 a court order. Accordingly, another option for a victim is to submit an opt-out request
20 to be released from a shared or family mobile phone plan, especially under limited
21 time constraints; therefore, the purpose of this Act is to also assist victims of family
22 violence, sexual assault, or stalking by providing them with options to be released
23 from shared or family cellular phone plans.

24 **Section 2.** A new Article 2 is hereby *added* to Chapter 40 of Title 7, Guam
25 Code Annotated, to read:

26 **“ARTICLE 2**

1 **TRANSFER OR RELEASE OF VICTIMS FROM SHARED**
2 **WIRELESS PLANS**

3 § 40201. Definitions.

4 § 40202. Conviction Not Required.

5 § 40203. Transfer or Release from Shared Wireless Plan.

6 **§ 40201. Definitions.**

7 For purposes of this Article:

8 (a) *Family violence* means any act or conduct described in 9 GCA,
9 Chapter 30, § 30.10(a);

10 (b) *Sexual assault* means any act or conduct described in 9 GCA,
11 Chapter 25, §§ 25.15, 25.20, 25.25, 25.30, and 25.35;

12 (c) *Stalking* means any act or conduct described in 9 GCA, Chapter
13 19, § 19.70;

14 (d) *Wireless telecommunications service* shall have the same
15 meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3;

16 (e) *Wireless telecommunications service provider* means a provider
17 of wireless telecommunications service.

18 **§ 40202. Conviction Not Required.**

19 Nothing in § 40201 of this Article shall be construed to require a criminal
20 conviction in order for an act or conduct to constitute family violence, sexual assault,
21 or stalking.

22 **§ 40203. Transfer or Release from Shared Wireless Plan.**

23 (a) The court may issue an order requiring a wireless telecommunications
24 service provider, without charge, penalty, or fee, to:

25 (1) transfer the billing authority and all rights to the wireless
26 telephone number or numbers of a shared wireless plan to a victim of family

1 violence, sexual assault or stalking if the victim is not the account holder of
2 the shared wireless plan or to another person who shall serve as the account
3 holder, as requested by or on behalf of the victim with the victim's approval;
4 or

5 (2) remove or release the victim of family violence, sexual assault,
6 or stalking from a shared wireless plan and assign a substitute telephone
7 number or numbers.

8 (b) The order issued pursuant to Subsection (a) of this Section shall be a
9 separate order that is directed to the wireless telecommunications service provider.
10 The order shall list the name and billing telephone number of the account holder, the
11 name of the person to whom the telephone number or numbers will be transferred,
12 and each telephone number to be transferred.

13 (c) A cause of action shall not lie against any wireless telecommunications
14 service provider, its officers, employees, or agents for the actions taken that are
15 related to the transfer of the billing authority and rights to the wireless telephone
16 number or numbers in accordance with the terms of a court order issued pursuant to
17 this Section.”

18 **Section 3.** A new § 30.400 is hereby *added* to Chapter 30, Title 9, Guam
19 Code Annotated, to read:

20 **“§ 30.400. Release of Victims from Shared Wireless Plans.**

21 (a) For purposes of this Section:

22 (1) *Abuser* means an individual who has committed or
23 allegedly committed an act or conduct described in Subsections
24 (a)(2),(3) and (4) of this Section;

25 (2) *Family violence* means any act or conduct described in 9
26 GCA § 30.10(a);

1 (3) *Sexual assault* means any act or conduct described in 9
2 GCA, Chapter 25, §§ 25.15, 25.20, 25.25, 25.30, and 25.35;

3 (4) *Stalking* means any act or conduct described in 9 GCA,
4 Chapter 19, § 19.70;

5 (5) *Wireless telecommunications service* shall have the same
6 meaning as “commercial mobile radio service” as defined in 47 C.F.R.
7 § 20.3;

8 (6) *Wireless telecommunications service provider* means a
9 provider of wireless telecommunications service.

10 (b) Nothing in Subsection (a) of this Section shall be construed to
11 require a criminal conviction in order for an act or conduct to constitute family
12 violence, sexual assault, or stalking.

13 (c) All wireless telecommunications service providers shall remove
14 or release, without charge, penalty, or fee, any victim of family violence,
15 sexual assault, or stalking from a shared or family wireless service contract
16 involving the victim’s abuser; provided, that the victim, or the victim’s
17 attorney or advocate, submits the opt-out request in writing and with evidence
18 of family violence, sexual assault, or stalking as documented by any of the
19 following items:

20 (1) a valid police report documenting an instance or series of
21 instances of family violence, sexual assault, or stalking;

22 (2) a valid court order of protection; or

23 (3) a declaration under penalty of perjury from a licensed
24 medical or mental health care provider, an employee of a court acting
25 within the scope of their employment, a social worker, or an advocate

1 acting on behalf of an agency that assists victims of family violence,
2 sexual assault, stalking, or criminal sexual conduct.

3 (d) When an opt-out request is submitted to a wireless
4 telecommunications service provider pursuant to Subsection (c) of this
5 Section, the wireless telecommunications service provider shall, within forty-
6 eight (48) hours from the time the opt-out request is submitted to the wireless
7 telecommunications service provider:

8 (1) transfer the billing authority and all rights to the wireless
9 telephone number or numbers of a shared wireless plan to the person
10 who has been granted the release pursuant to Subsection (c) of this
11 Section, if such a transfer is requested by or on behalf of the victim with
12 the victim's approval; or

13 (2) remove or release the person who has been granted the
14 release pursuant to Subsection (c) of this Section from a shared wireless
15 plan and assign a substitute telephone number or numbers, without
16 charge, penalty, or fee.

17 (e) A wireless telecommunications service provider shall make
18 information about the options and process described in Subsections (c) and
19 (d) of this Section readily available to consumers:

20 (1) on its website and any mobile application of the provider;

21 (2) in physical stores; and

22 (3) in other forms of public-facing consumer communication.

23 (f) A wireless telecommunications service provider shall treat any
24 information submitted by a victim under Subsection (c) of this Section as
25 confidential.

1 (g) A cause of action shall not lie against any wireless
2 telecommunications service provider, its officers, employees, or agents for the
3 actions taken that are related to the transfer of the billing authority and rights
4 to the wireless telephone number or numbers in accordance with this Section.”

5 **Section 4. Effective Date.** This Act shall be effective thirty (30) calendar
6 days after enactment.

7 **Section 5. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall
9 not affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

June 15, 2022

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

36GL-22-2140
Doc Type: to 36GL-22-2142
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-06-15-2022

Time: 3:54pm
Received: [Signature]

Re: **BILL NO. 242-36 (LS)** – AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS

BILL NO. 243-36 (LS) – AN ACT TO *AMEND* § 25.10(a), 25.15(a)(4)-(7), 25.20(a)(4)-(7), 25.25(a)(3), AND 25.30(a)(2) OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING “CONSENT,” REVISING THE LANGUAGE OF “MENTALLY DEFECTIVE” TO “MENTALLY IMPAIRED,” AND EXPANDING THE DEFINITION OF “MENTAL INCAPACITATION” AND “PHYSICALLY HELPLESS”

BILL NO. 244-36 (LS) – AN ACT TO *ADD* A NEW CHAPTER 163 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A BILL OF RIGHTS FOR VICTIMS OF SEXUAL ASSAULT; AND TO CITE THIS ACT AS THE “SURVIVOR’S BILL OF RIGHTS ACT OF 2022”

Hafa Adai Madame Speaker,

Over time, as society grows to further understand the nature of domestic violence and criminal sexual conduct, and the dynamics between aggressors and victims involved in these crimes, it is imperative that the body of governing law likewise evolves. Bill Nos. 242-36, 243-36, and 244-36 are three such efforts, intended to provide victims of domestic and sexual violence access to greater legal protections and rights. Today, I sign these bills into law as Public Law Nos. 36-100, 36-101, and 36-102, respectively, and I thank Senator Mary Torres, the main sponsor of these bills, for her leadership on these important issues.

Bill No. 242-36, now known as *Public Law No. 36-100*, requires wireless telecommunications service providers to remove or release complaining witnesses from a shared or family wireless service contract upon submission of a written request, along with documented evidence of family violence, sexual assault or stalking in the form of a court order, a police report, or a declaration from certain care providers for the complaining witnesses. The request may be submitted by the complaining witness

To: Speaker Terlaje
Fr: Governor of Guam
Date: June 15, 2022
Re: Bill Nos. 242-36 (LS), 243-36 (LS), and 244-36 (LS)

Page 2 of 2

themselves, their attorney, or their advocate. Once the request and documentation is provided, the wireless service provider must act within 48 hours to transfer or remove the complaining witness from the shared family plan without charge, penalty, or fee. The bill emphasizes that a conviction is not necessary to effectuate the release. The intent of Bill No. 242-36 is clear and laudable – often, in cases involving domestic violence, sexual assault or stalking, time is of the essence, and immediate steps must be taken to ensure the safety of the complaining witness, including preventing alleged perpetrators of these crimes from tracking or contacting the complaining witnesses, or worse, confronting them in a manner that endangers all parties involved. By ensuring the confidentiality of the complaining witnesses, they can seek the services and support they need when they are vulnerable, and feel empowered to leave abusive circumstances, without potentially exposing them, their children, and their network to further harm.

Bill No. 243-36, now known as **Public Law No. 36-101**, is a critical measure updating our laws to reflect, among other things, that individuals who are significantly impaired or intoxicated are mentally incapacitated within the meaning of Guam law, such that they cannot consent to a sexual act, regardless of whether such impairment or intoxication was voluntary or involuntary. For too long, perpetrators of sexual assault, in Guam and in similarly situated U.S. jurisdictions, have relied on the fact that their victims *voluntarily* consumed alcohol or other substances as a defense for sexual misconduct committed while these victims were clearly unable to consent. This loophole allowed predators to prey on victims they knew, or should have known, did not have the mental capacity to freely agree to engage in sexual acts. Closing this gap in our statute more accurately represents our community's understanding about the responsibilities we have to each other when we engage in conduct that involves our bodily agency, more fully protects our right to control our bodies, and restores to us the power to decide when and with whom we want to share our most intimate selves.

Bill No. 244-36, now known as **Public Law No. 36-102**, enacts the Survivor's Bill of Rights. This bill codifies the rights that victims of sexual assault shall have. It encapsulates key priorities to sexual assault survivors, including being treated with respect, dignity and compassion, and providing access to services and advocacy, including access to timely examinations, testing, protection, and support. It further requires publication of the Survivor's Bill of Rights in hospitals, police stations, and school campuses, ensuring that the necessary information is available and readily accessible to affected persons. This Bill will help raise awareness in our communities, that our island stands with survivors of sexual assault, that we support them, and that we are committed to helping them achieve justice, and, ultimately, peace.

Senseremente,



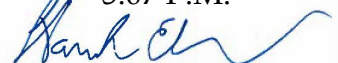
LOURDES A. LEON GUERRERO
Maga'hāgan Guåhan
Governor of Guam

Enclosure: Bill No. 242-36 (LS) *nka P.L. No. 36-100*
Bill No. 243-36 (LS) *nka P.L. No. 36-101*
Bill No. 244-36 (LS) *nka P.L. No. 36-102*

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

COMMITTEE ON RULES
RECEIVED:
June 15, 2022

5:07 P.M.

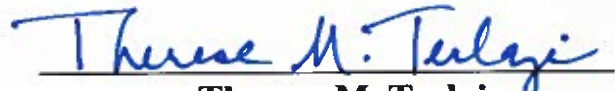


RICARDO J. BORDALLO GOVERNOR'S COMPLEX
513 W. Marine Corps Drive Hagåtña, Guam 96910
governor.guam.gov | (671) 472-8931

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2022 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*


This is to certify that **Bill No. 242-36 (LS)**, “**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 40 OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW § 30.400 TO CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING OR RELEASING VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT, AND STALKING FROM SHARED WIRELESS PLANS,**” was on the 2nd day of June 2022, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of June,
2022, at 3:15 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/15/2022

Public Law No. 36-100

2022-16706
RCVD AT CENTRAL FILES
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Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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As amended by the Committee on Health,
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Introduced by:

Mary Camacho Torres
Therese M. Terlaje
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OF TITLE 7, GUAM CODE ANNOTATED, AND A NEW §
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RELEASING VICTIMS OF FAMILY VIOLENCE,
SEXUAL ASSAULT, AND STALKING FROM SHARED
WIRELESS PLANS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that victims of family violence, sexual assault, and stalking often lack viable options
4 when establishing a plan to leave an abuser due to barriers such as financial

1 insecurity and limited access to reliable communications tools to maintain essential
2 connections with family, social safety networks, employers, and support services.
3 Independence of a wireless phone plan may often aid these victims in formulating
4 and following through on a means of escape, especially in situations where the
5 abuser is the account manager or administrator of the cell phone plan, and as a result,
6 may view any calls and account activity of phones associated with the shared or
7 family plan.

8 *I Liheslaturan Guåhan* duly recognizes that a variety of options should be
9 afforded to victims of family violence, sexual assault, and stalking when seeking to
10 be released from a shared or family mobile phone plan; and the purpose of this Act
11 is to assist victims by authorizing the courts to issue an order requiring wireless
12 telecommunications service providers to transfer billing authority and all rights to
13 the wireless numbers of a shared wireless plan to said victim, or remove or release
14 the victim from a shared wireless plan and assign a substitute telephone number or
15 numbers.

16 While seeking a court order to be released from a shared wireless plan is a
17 viable option, *I Liheslaturan Guåhan* further recognizes that some victims of family
18 violence, sexual assault, or stalking may not be willing or financially able to obtain
19 a court order. Accordingly, another option for a victim is to submit an opt-out request
20 to be released from a shared or family mobile phone plan, especially under limited
21 time constraints; therefore, the purpose of this Act is to also assist victims of family
22 violence, sexual assault, or stalking by providing them with options to be released
23 from shared or family cellular phone plans.

24 **Section 2.** A new Article 2 is hereby *added* to Chapter 40 of Title 7, Guam
25 Code Annotated, to read:

26 **“ARTICLE 2**

1 **TRANSFER OR RELEASE OF VICTIMS FROM SHARED**
2 **WIRELESS PLANS**

3 § 40201. Definitions.

4 § 40202. Conviction Not Required.

5 § 40203. Transfer or Release from Shared Wireless Plan.

6 **§ 40201. Definitions.**

7 For purposes of this Article:

8 (a) *Family violence* means any act or conduct described in 9 GCA,
9 Chapter 30, § 30.10(a);

10 (b) *Sexual assault* means any act or conduct described in 9 GCA,
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14 (d) *Wireless telecommunications service* shall have the same
15 meaning as “commercial mobile radio service” as defined in 47 C.F.R. § 20.3;

16 (e) *Wireless telecommunications service provider* means a provider
17 of wireless telecommunications service.

18 **§ 40202. Conviction Not Required.**

19 Nothing in § 40201 of this Article shall be construed to require a criminal
20 conviction in order for an act or conduct to constitute family violence, sexual assault,
21 or stalking.

22 **§ 40203. Transfer or Release from Shared Wireless Plan.**

23 (a) The court may issue an order requiring a wireless telecommunications
24 service provider, without charge, penalty, or fee, to:

25 (1) transfer the billing authority and all rights to the wireless
26 telephone number or numbers of a shared wireless plan to a victim of family

1 violence, sexual assault or stalking if the victim is not the account holder of
2 the shared wireless plan or to another person who shall serve as the account
3 holder, as requested by or on behalf of the victim with the victim's approval;
4 or

5 (2) remove or release the victim of family violence, sexual assault,
6 or stalking from a shared wireless plan and assign a substitute telephone
7 number or numbers.

8 (b) The order issued pursuant to Subsection (a) of this Section shall be a
9 separate order that is directed to the wireless telecommunications service provider.
10 The order shall list the name and billing telephone number of the account holder, the
11 name of the person to whom the telephone number or numbers will be transferred,
12 and each telephone number to be transferred.

13 (c) A cause of action shall not lie against any wireless telecommunications
14 service provider, its officers, employees, or agents for the actions taken that are
15 related to the transfer of the billing authority and rights to the wireless telephone
16 number or numbers in accordance with the terms of a court order issued pursuant to
17 this Section.”

18 **Section 3.** A new § 30.400 is hereby *added* to Chapter 30, Title 9, Guam
19 Code Annotated, to read:

20 **“§ 30.400. Release of Victims from Shared Wireless Plans.**

21 (a) For purposes of this Section:

22 (1) *Abuser* means an individual who has committed or
23 allegedly committed an act or conduct described in Subsections
24 (a)(2),(3) and (4) of this Section;

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26 GCA § 30.10(a);

1 (3) *Sexual assault* means any act or conduct described in 9
2 GCA, Chapter 25, §§ 25.15, 25.20, 25.25, 25.30, and 25.35;

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6 meaning as “commercial mobile radio service” as defined in 47 C.F.R.
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9 provider of wireless telecommunications service.

10 (b) Nothing in Subsection (a) of this Section shall be construed to
11 require a criminal conviction in order for an act or conduct to constitute family
12 violence, sexual assault, or stalking.

13 (c) All wireless telecommunications service providers shall remove
14 or release, without charge, penalty, or fee, any victim of family violence,
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16 involving the victim’s abuser; provided, that the victim, or the victim’s
17 attorney or advocate, submits the opt-out request in writing and with evidence
18 of family violence, sexual assault, or stalking as documented by any of the
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21 instances of family violence, sexual assault, or stalking;

22 (2) a valid court order of protection; or

23 (3) a declaration under penalty of perjury from a licensed
24 medical or mental health care provider, an employee of a court acting
25 within the scope of their employment, a social worker, or an advocate