

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

VOTING RECORD

Bill No. 242-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building June 2, 2022						
	NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓						
Senator Frank Blas Jr.	✓						
Senator Joanne Brown	✓						
Senator Christopher M. Dueñas	✓						
Senator James C. Moylan	✓						
Vice Speaker Tina Rose Muña Barnes	✓						
Senator Telena Cruz Nelson	✓						
Senator Sabina Flores Perez	✓						
Senator Clynton E. Ridgell						✓	✓
Senator Joe S. San Agustin	✓						
Senator Amanda L. Shelton						✓	✓
Senator Telo T. Taitague	✓						
Senator Jose "Pedo" Terlaje						✓	✓
Speaker Therese M. Terlaje	✓						
Senator Mary Camacho Torres						✓	✓

TOTAL

11

0

4

4

Aye

Nay

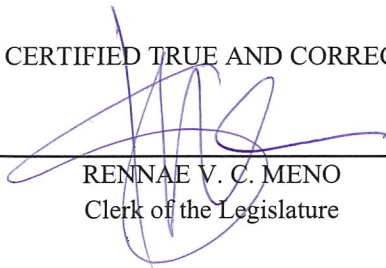
Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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

**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
5 insecurity and limited access to reliable communications tools to maintain essential

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

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

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

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

25 **“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.