

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

Bill No. 244-36 (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 Telen 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

Not Voting/
Abstained

Out During
Roll Call

4

Absent

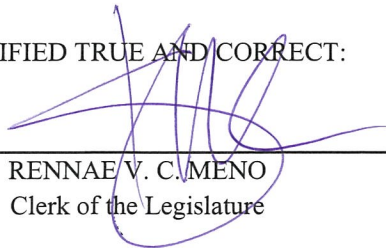
4

Excused

Aye

Nay

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

1 § 163.20. Legislative Findings and Intent.

2 § 163.30. Definition of Sexual Assault.

3 § 163.40. Bill of Rights.

4 § 163.50. Notice of Rights.

5 § 163.60. Severability.

6 **§ 163.10. Short Title.**

7 This Act shall be known and may be cited as the “Survivor’s Bill of Rights
8 Act of 2022.”

9 **§ 163.20. Legislative Findings and Intent.**

10 *I Liheslatura* finds and declares that the enactment of the “Crime Victim’s
11 Rights Act of 2004,” established by Public Law 21-96 and amended by Public Law
12 27-138:2, has resulted in significant advances in the recognition and protection of
13 the rights of crime victims and survivors once they enter the criminal justice system.
14 Nonetheless, victims of sexual assault, more than other victims, are likely to be
15 blamed for the crime, assumed to be fabricating the crime, or taken less seriously
16 than their injuries warrant. These victims are sometimes discouraged from
17 proceeding with their complaints and as a result are not afforded the protections and
18 rights that other crime victims receive in the criminal justice system. Therefore, with
19 no diminution of the legislatively-recognized rights of crime victims, it is the intent
20 of *I Liheslatura* to accord victims of sexual assault with rights which may be easily
21 located in this Chapter.

22 **§ 163.30. Definition of Sexual Assault.**

23 For purposes of this Chapter, the term “sexual assault” means any
24 nonconsensual sexual act proscribed by federal, tribal, state, or Guam law, including
25 when the victim lacks the capacity to consent.

26 **§ 163.40. Bill of Rights.**

27 Victims of sexual assault shall have the following rights:

1 (a) to have any allegation of sexual assault treated seriously; to be
2 treated with dignity and compassion; and to be notified of existing medical,
3 counseling, mental health, or other services available for victims of criminal
4 sexual conduct, whether or not the crime is reported to law enforcement;

5 (b) to be free, to the extent consistent with the Organic Act of Guam
6 or the United States Constitution, from any suggestion that victims are
7 responsible for the commission of crimes committed against them or any
8 suggestion that victims were contributorily negligent or assumed the risk of
9 being sexually assaulted;

10 (c) to be free from any suggestion that victims are to report the
11 crimes to be assured of any other guaranteed right; and to be free from any
12 suggestion that victims should refrain from reporting crimes in order to avoid
13 unwanted personal publicity;

14 (d) when applicable, to access the services, at no cost, of Guam's
15 Sexual Assault Response Team (SART) comprised of: the Healing Hearts
16 Crisis Center, the Guam Police Department, Child Protective Services, and
17 the Office of the Attorney General, as well as advocacy agencies such as
18 Victim Advocates Reaching Out, and the choice to opt into or out of any of
19 SART's services;

20 (e) to be informed of, and assisted in exercising, the right to be
21 confidentially or anonymously tested for acquired immune deficiency
22 syndrome (AIDS), or the human immunodeficiency virus (HIV), or any other
23 related virus identified as a probable cause agent of AIDS pursuant to 8 GCA
24 § 120.60; and to be informed of, and assisted in exercising, any rights that
25 may be provided by law to compel and disclose the test results of a person
26 convicted of criminal sexual conduct, for communicable diseases pursuant to
27 8 GCA § 120.60(a);

1 (f) to not be prevented from, or charged for, receiving a medical
2 forensic examination;

3 (g) to have forensic medical evidence, if collected, preserved
4 without charge for the duration of the maximum applicable statute of
5 limitations, or twenty (20) years, whichever is shorter; and to

6 (1) receive written information about the status of the
7 evidence upon request, including the location, testing date, and testing
8 results of a kit, whether a DNA profile was obtained from the kit,
9 whether or not the DNA profile was consistent with DNA profiles in
10 state or federal databases, a toxicology report, or other information
11 collected as part of a medical forensic examination, if such disclosure
12 would not impede or compromise an ongoing investigation;

13 (2) upon written request, receive written notification from the
14 Guam Police Department not later than sixty (60) days before the date
15 of the intended destruction or disposal of the kit;

16 (3) be informed in writing of policies governing the collection
17 and preservation of a forensic medical evidence collection kit; and

18 (4) upon written request, be granted further preservation of the
19 kit or its probative contents.

20 (h) to choose whether to participate in any investigation of the sexual
21 assault, unless subpoenaed under 8 GCA Chapter 75;

22 (i) to reasonable efforts to provide treatment and interviews in a
23 language in which the victim is fluent and the right to be given access to
24 appropriate assistive devices to accommodate disabilities that the victim may
25 have, whether temporary or long term;

26 (j) to information and assistance in accessing specialized mental
27 health services; protection from further violence; and other appropriate

1 community or governmental services, including services provided by the
2 Criminal Injuries Compensation Program; and all other assistance available
3 to crime victims under current law; and

4 (k) to be apprised of the availability and process by which to seek
5 protection through a temporary or permanent restraining order if the victim
6 believes that the victim is at risk for re-victimization or further harm by the
7 perpetrator.

8 **§ 163.50 Notice of Rights.**

9 The Office of the Attorney General Victim Services Center shall publish a
10 notice of these rights which shall be posted in all hospital emergency departments,
11 police stations and other law enforcement agencies, sexual violence service
12 organizations, the Guam Department of Education, the Guam Community College,
13 the University of Guam, and any other appropriate place to inform victims of sexual
14 assault of their rights. The Attorney General shall incorporate the rights and services
15 enumerated in this Chapter in its standards for providing services to victims of sexual
16 assault to ensure the compassionate and sensitive delivery of services to all sexual
17 assault victims.

18 **§ 163.60. Severability.**

19 If any provision of this Chapter or its application to any person or
20 circumstance is found to be invalid or contrary to law, such invalidity shall not affect
21 other provisions or applications of this Chapter that can be given effect without the
22 invalid provision or application, and to this end the provisions of this Chapter are
23 severable.”

24 **Section 2. Effective Date.** This Act shall be effective thirty (30) days
25 following the date of enactment, but the Office of the Attorney General may take
26 such anticipatory administrative action in advance thereof as shall be necessary for
27 the implementation of this Act.