



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

December 10, 2012

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

31-12-1973  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 12/10/12  
Time 5:20 PM  
Received by [Signature]

2012 DEC 11 AM 10:30

Dear Madame Speaker:

Transmitted herewith is Bill No. 476-31 (COR) "AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM 'PORNOGRAPHIC'", which I signed into law on December 6, 2012 as **Public Law 31-245**.

*Senseramente,*

EDDIE BAZA CALVO

Attachment: copy of Bill

1973

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2012 (SECOND) Regular Session**

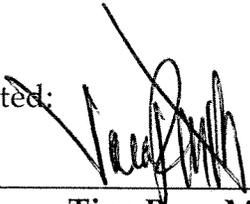
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Bill No. 476-31 (COR), "AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM 'PORNOGRAPHIC,'" was on the 26th day of November, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 28<sup>th</sup> day of Nov, 2012, at 11:10 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
EDWARD J. B. CALVO  
*I Maga'lahaen Guåhan*

Date: DEC 06 2012

Public Law No. 31-245

***I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**2012 (SECOND) Regular Session**

**Bill No. 476-31 (COR)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. A. Ada

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F. F. Blas, Jr.

B. J.F. Cruz

Chris M. Dueñas

Judith P. Guthertz, DPA

Sam A. Mabini, Ph.D.

T. R. Muña Barnes

V. C. Pangelinan

R. J. Respicio

Dennis G. Rodriguez, Jr.

M. Silva Taijeron

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF  
ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE  
ANNOTATED, RELATIVE TO DEFINING THE TERM  
“PORNOGRAPHIC”.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds,  
3 through communication and collaboration with the Office of the Attorney General,  
4 that the images of child pornography frequently involve child victims of sexual assault  
5 or exploitation, and that the possession, creation, and dissemination of child

1 pornography occurs over the internet, especially among pedophiles. According to the  
2 Office of the Attorney General of Guam, there have recently been cases involving the  
3 possession of child pornography here on Guam, but the Office’s Prosecution Division  
4 has had to forgo charging the specific crimes of “child pornography”. The Office of  
5 the Attorney General of Guam discovered that Guam’s statutes relative to child  
6 pornography did *not* specifically define the term “pornography” or “pornographic”  
7 and the references in the definition of “child pornography” found in the statute were  
8 circular and referred to Chapter 28 of Title 9 GCA for the specific definition of  
9 “pornographic.”

10 Moreover, *I Liheslaturan Guåhan* finds that a definition for the term  
11 “pornography” or “pornographic” is not present in Chapter 28. It appears to have  
12 been an oversight or may have been inadvertently omitted as much of Chapter 28 was  
13 modeled after applicable laws in the state of Hawaii.

14 Therefore, *I Liheslaturan Guåhan* intends to provide for a definition in statute  
15 for the term “pornographic”, by adding a new Subsection (i) to §28.40 of Article 2,  
16 Chapter 28, Title 9, Guam Code Annotated. Through the enactment of this Act, *I*  
17 *Liheslatura* further intends for the Office of the Attorney General of Guam to have the  
18 foundation for which to file criminal charges against individuals involved in the  
19 possession, creation and dissemination of child pornography.

20 **Section 2. “Pornographic” Defined.** A new Subsection (i) is hereby *added* to  
21 §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, to read:

22 “(i) *Pornographic* means any material or performance which all of the  
23 following coalesce:

24 (1) The average person, applying contemporary community standards,  
25 would find that taken as a whole, it appeals to the prurient interest.

26 (2) It depicts or describes sexual conduct in a patently offensive way.

1 (3) Taken as whole, it lacks serious literary, artistic, political, or scientific  
2 merit.”

3 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.

*6*

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

## 2012 (SECOND) Regular Session

Date: 11/26/12

### VOTING SHEET

Bill No. 476-31(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

**TOTAL**

13      0      0      0      2

CERTIFIED TRUE AND CORRECT:

*Patricia C. Sanja*  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirty-First  
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

**August 2, 2012**

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'Trentai Unu na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairman, Committee on Rules

**RE: Committee Report on Bill No. 476-31 (COR).**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 476-31 (COR)**— **"AN ACT TO ADD A NEW SUBSECTION (i) TO § 28.40 OF ARTICLE 2, CHAPTER 28 TITLE 9, GUAM CODE ANOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC",** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>10</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Chairman

Attachments

2012 AUG -2 PM 1:43

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muña-Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajeron  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources
- Member, Committee on  
Education and Public Libraries
- Member, Committee on Guam  
Military Buildup and Homeland  
Security
- Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: [Senator@SenatorPalacios.com](mailto:Senator@SenatorPalacios.com) • Website: [www.senatorpalacios.com](http://www.senatorpalacios.com)



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**COMMITTEE REPORT ON**  
**Bill No. 476-31 (COR)**

**AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC".**



Thirty-First  
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

July 30, 2012

**MEMORANDUM**

**TO: ALL MEMBERS**  
Committee on Public Safety, Law Enforcement, & Judiciary

**FROM: Senator Adolpho B. Palacios, Sr.**   
Committee Chairman

**SUBJECT: Committee Report on Bill No. 476-31 (COR).**

Transmitted herewith for your consideration is the Committee Report on **BILL NO. 476-31 (COR) - AN ACT TO ADD A NEW SUBSECTION (i) TO § 28.40 OF ARTICLE 2, CHAPTER 28 TITLE 9, GUAM CODE ANOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC".** - sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 476-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note for **Bill No. 476-31 (COR)**
- Copy of COR Referral of **Bill No. 476-31 (COR)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

*Si Yu'os ma'åse!*

*Committee Members:*

Senator Thomas C. Ada  
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.  
Member

Senator Tina R. Muna-Barnes  
Member

Senator Judith P. Guthertz, DPA  
Member

Senator Rory J. Respicio  
Member

Senator Dennis G. Rodriguez, Jr.  
Member

Senator V. Anthony Ada  
Member

Senator Christopher M. Duenas  
Member

Senator Mana Silva-Taijeron  
Member

Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs

Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform

Member, Committee on  
Education and Public Libraries

Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources

Member, Committee on Guam  
Military Buildup and Homeland  
Security

Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**

*I Mina Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

**COMMITTEE VOTING SHEET:**

**BILL NO. 476-31 (COR) - AN ACT TO ADD A NEW SUBSECTION (i) TO § 28.40 OF ARTICLE 2, CHAPTER 28 TITLE 9, GUAM CODE ANOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". – sponsored by Senator Adolpho B. Palacios, Sr.**

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		7/30/12 ✓				
Thomas C. Ada Vice Chairman		✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		✓				
Rory J. Respicio Member		7/30/12 ✓				
Dennis G. Rodriguez, Jr. Member		7/31/12				
Judith T. Won Pat, Ed.D. Member		7/30/12				
V. Anthony Ada Member		7/31/12				
Christopher M. Duenas Member						
Mana Silva Taijeron Member		7/31/12				
Aline A. Yamashita, Ph.D. Member		7/31/12				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

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COMMITTEE REPORT DIGEST

Bill No. 476-31 (COR) – “An act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term “Pornographic.” – Authored by Chairman Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary (“Committee”) convened the public hearing on July 13, 2011 at 9:05 a.m. in *I Liheslatura’s* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 476-31 (COR) - “An act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term “Pornographic””, authored by Chairman Adolpho B. Palacios, Sr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on July 3 and July 6, 2012 (5-day Notice) and on July 10, 2012 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman  
Vice-Speaker Benjamin J.F. Cruz  
Senator Aline Y. Yamashita, Member

Individual(s) Registered for oral or written testimony:

Philip J. Tydingco, Chief Deputy Attorney General, Office of the Attorney General, provided oral and written testimony in support of the Bill.  
Carol Hinkle-Sanchez, Deputy Attorney General, Family (Juvenile) Division, Office of the Attorney General, provided oral testimony in support of the Bill.  
Fred E. Bordallo, Jr., Chief of Police, Guam Police Department, provided written testimony in support of the Bill.

## II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at 9:05 a.m., read the agenda, recognized the Senators present, explained the procedures of the hearing, and provided brief opening remarks concerning Bill No. 476-31 (COR).

Chairman Palacios informed those in attendance that the introduction of Bill No. 476-31 (COR) and Bill No. 482-31 (COR) is a result of the ongoing collaboration between his office and the Office of the Attorney General. He thanked the Office of the Attorney General for raising the issues addressed in both bills, as a means to clarify specific statutory language which is critical to the Office's ability to file charges against individuals involved in the possession, creation and dissemination of child pornography; and, to address issues concerning the solicitation of minors as provided in Chapters 25 and 28 of 9GCA.

Following his introductory remarks, Chairman Palacios recognized Chief Deputy Attorney General Phillip Tydingco from the Office of the Attorney General to provide testimony regarding Bill No. 476-31 (COR). Chairman Palacios further allowed Mr. Tydingco to present comments on Bill No. 482-31 (COR), as both bills address similar matters.

Mr. Tydingco thanked Chairman Palacios for his assistance in introducing the legislation and proceeded with reading his prepared remarks in support of Bill No. 476-31 (COR) and Bill No. 482-31 (COR).

In summary, Mr. Tydingco expressed the need for *I Liheslatura* to amend specific language in Chapters 25 and 28 of 9GCA, relative to the definition of pornographic and the solicitation of minors. Mr. Tydingco informed the Committee that the ability of the Office of the Attorney General to file charges against individuals could be hampered because of a lack of definition(s), simple errors or misplaced terms or punctuations in statute. Mr. Tydingco concluded that his office has reviewed Bill Nos. 476-31 (COR) and 482-31 (COR), and has submitted minor edits for the Committee's consideration.

Deputy Attorney General Carol Sanchez followed Mr. Tydingco's presentation and briefly commented in support of Bill Nos. 476-31 (COR) and 482-31 (COR). Mrs. Sanchez echoed the concerns of Mr. Tydingco regarding the possibility of defense counsels questioning the constitutionality of certain statutes on the bases of displaced punctuations or similar clerical errors.

Following comments provided by Mrs. Sanchez, Chairman Palacios recognized Vice-Speaker Benjamin J.F. Cruz to offer some remarks or to ask questions. Vice-Speaker Cruz had no questions to ask but thanked the Office of the Attorney General for pursuing the proposed amendments, ensuring the closure of any loopholes offenders may use to avoid prosecution.

Chairman Palacios thanked Vice-Speaker Cruz for providing comments and further extended his appreciation to representatives from the Office of the Attorney General for submitting both verbal and written testimonies regarding Bill Nos. 476-31 (COR) and 482-31 (COR).

Chairman Adolpho B. Palacios, Sr., concluded the public hearing at 9:20 a.m.

Chairman Adolpho B. Palacios, Sr., declared that Bill Nos. 476-31 (COR) and 482-31 (COR) have been duly heard and that the Committee would continue to receive written testimony following the hearing. The hearing was adjourned at 9:20 a.m.

### III. WRITTEN TESTIMONIES

**Philip J. Tydingco**, Chief Deputy Attorney General, Office of the Attorney General.  
*(Summarized in Section II)*

**Fred E. Bordallo, Jr.**, Chief of Police, Guam Police Department.

Chief Bordallo submitted written testimony in support of Bill No. 476-31 (COR). He wrote that it is unfortunate that a mere definition, the lack of clarity and intention have precluded the Office of the Attorney General from formally charging a perpetrator for heinous acts against Guam's children, specifically the solicitation of children and child pornography. Chief Bordallo recognized that the collaboration between *I Liheslatura* and the Office of the Attorney General on this issue provides local law enforcement entities the confidence to move forward in assuring that these defenseless victims will now see justice.

*No further written testimony was received within the ten-(10-) day period following the public hearing of Bill No. 476-31 (COR).*

### IV. FINDINGS AND RECOMMENDATION

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 476-31 (COR), as introduced**, with the recommendation **TO PASS**.

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session**

**Bill No.** 476-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO ADD A NEW SUBSECTION (i) TO  
§28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9,  
GUAM CODE ANNOTATED, RELATIVE TO  
DEFINING THE TERM "PORNOGRAPHIC".**

2012 JUN 21 AM 9:34 

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan*  
3 *Guåhan* finds, through communication and collaboration with the  
4 Office of the Attorney General, that the images of child pornography  
5 frequently involve child victims of sexual assault or exploitation, and  
6 that the possession, creation, and dissemination of child pornography  
7 occurs over the internet, especially among pedophiles. According to  
8 the Office of the Attorney General of Guam, there have recently been  
9 cases involving the possession of child pornography here on Guam,  
10 but the Office's Prosecution Division has had to forgo charging the  
11 specific crimes of "child pornography". The Office of the Attorney  
12 General of Guam discovered that Guam's Statutes relative to child  
13 pornography did not specifically define the term "pornography" or

1 "pornographic" and the references in the definition of "child  
2 pornography" found in the Statute were circular and referred to  
3 Chapter 28 of Title 9 G.C.A. for the specific definition of  
4 "pornographic."

5 Moreover, *I Liheslaturan Guåhan* finds that a definition for the  
6 term "pornography" or "pornographic" is not present in Chapter 28.  
7 It appears to have been an oversight or may have been inadvertently  
8 omitted as much of Chapter 28 was modeled after applicable laws in  
9 the State of Hawaii.

10 Therefore, *I Liheslaturan Guåhan* intends to provide for a  
11 definition in Statute for the term "pornographic", by adding a new  
12 Subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code  
13 Annotated. Through the enactment of this Act, *I Liheslatura* further  
14 intends for the Office of the Attorney General of Guam to have the  
15 foundation for which to file criminal charges against individuals  
16 involved in the possession, creation and dissemination of child  
17 pornography.

18 **Section 2. "Pornographic" Defined.** A new Subsection (i) is  
19 hereby *added* to §28.40 of Article 2, Chapter 28, Title 9, Guam Code  
20 Annotated, to read:

21 **"§28.40. Definitions.**

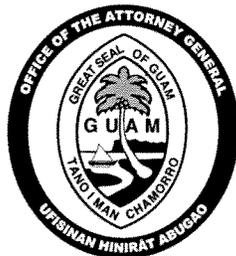
22 (i) *Pornographic* means any material or performance which  
23 all of the following coalesce:

- 1                   (1)The average person, applying contemporary  
2                   community standards would find that taken as a  
3                   whole, it appears to the prurient interest.  
4                   (2)It depicts or describes sexual conduct in a patently  
5                   offensive way.  
6                   (3)Taken as whole, it lacks serious literary, artistic,  
7                   political, or scientific merit.”

8                   **Section 3. Effective Date.** This Act shall be effective upon  
9                   enactment.



Leonardo M. Rapadas  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

## OFFICE OF THE ATTORNEY GENERAL

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July 12, 2012

The Honorable Adolpho B. Palacios, Sr.  
Senator, The 31<sup>st</sup> Guam Legislature  
Chairman, Committee on Public Safety,  
Law Enforcement & Judiciary  
155 Hesler Place  
Hagatna, Guam 96910

Subject: **Bill No. 476-31** that seeks to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, relative to defining the term “Pornographic;” and  
**Bill No. 482-31** that seeks to amend § 25.01.20, § 25.01.30, and § 25.01.40 of Chapter 25.01 under Title 9 of the Guam Code Annotated, relative to the solicitation of children

Dear Chairman Palacios,

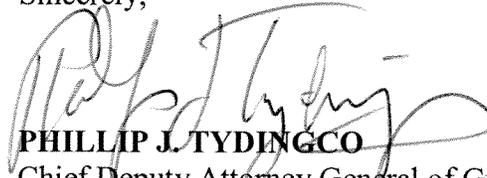
Attorney General Leonardo Rapadas and the Office of the Attorney General supports both Bill No. 476-31 that seeks to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, relative to defining the term “Pornographic,” and Bill No. 482-31 that seeks to amend § 25.01.20, § 25.01.30, and § 25.01.40 OF CHAPTER 25.01 UNDER TITLE 9 OF THE GUAM CODE ANNOTATED, relative to the solicitation of children in an attempt to fix a technical clerical error with respect to the elements of each respective crimes.

The Office of the Attorney General has been working closely with *I Liheslaturan Guåhan* to amend current laws and/or enact new criminal laws that combat the new forms of crimes taking shape over the internet and cyberspace, especially internet crimes against children. The Office of the Attorney General and law enforcement agencies have seen an increase in the number of sex crimes occurring on Guam, and particularly, a rise in crimes involving possession of child pornography. Although Guam has a current law in place for child pornography, the Prosecution Division of the Office of the Attorney General has had to forgo charging the specific crimes of “child pornography” as a result of having discovered that our child pornography statutes did not specifically define the term “pornography” or “pornographic,” and the references in the definition of “child pornography” found in the statute were circular and referred to Chapter 28 of Title G.C.A. for the specific definition of “pornographic.” However, for reasons not known, the definition is **not** present in Chapter 28. It appears to have been an oversight or somehow was inadvertently omitted since much of Chapter 28 was

modeled after the State of Hawaii's laws that had the definition. Bill 476-31 seeks to rectify and resolve this issue by correcting and adding the definition to our laws. Therefore, the Office of the Attorney General fully supports this Bill.

Further, *I Liheslaturan Guåhan*, through Bill 482-31, also seeks to amend the current electronic enticement legislations to correct a clerical oversight that possibly occurred when the current legislation was finalized which caused the statute to be unclear as to the elements of the crime. Guam's legislation was drafted using Hawaii's statute, however in the drafting and enacting of the initial legislation, the formatting of the Bill was not followed making the law's reading unclear. The Office of the Attorney General fully supports Bill 482-31, where *I Liheslaturan Guåhan* now seeks to correct such clerical and technical error so that there will be no issues as to the clarity and intent of the legislation with respect to these crimes.

Sincerely,



**PHILLIP J. TYDINGCO**

Chief Deputy Attorney General of Guam



**GUAM POLICE DEPARTMENT**  
**DIPATTAMENTON POLISIAN GUAHAN**  
*Government of Guam*



EDDIE BAZA CALVO  
 Governor

RAY TENORIO  
 Lieutenant Governor

Bldg. 13-16A Mariner Avenue, Tiyan  
 Barrigada, Guam 96913  
 P.O. Box 23909 Barrigada, Guam 96921  
 Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512  
 Fax: (671) 472-4036

FRED E. BORDALLO, JR.  
 Chief of Police

RICARDO M. LEON GUERRERO  
 Acting Police Commander

July 5, 2012

The Honorable Adolpho B. Palacios, Sr.   
 Senator and Chairman, Committee on Public Safety,  
 Law Enforcement & Judiciary  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*  
 155 Hesler Place  
 Hågatña, Guam 96910

**Subject: Written Testimony**  
**Re: Bill No. 476-31(COR) and Bill No. 482-31(COR)**

Dear Senator Palacios:

*Buenas yan Hafa Adai!* The Guam Police Department (GPD) hereby submits this written testimony relative to **Bill No. 476-31(COR)**: An Act to add a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic;" and **Bill No. 482-31(COR)**: An Act to amend a §§25.01.20 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, Relative to the Solicitation of Children and Child Pornography.

With respect to existing statutes it is unfortunate that a mere definition, the lack of clarity and intention have precluded the Office of the Attorney General from formally charging a perpetrator for heinous acts against our children, specifically the solicitation of children and child pornography.

The collaboration with the 31<sup>st</sup> Guam Legislature and the Office of the Attorney General now provides local law enforcement entities the confidence to move forward in assuring that these defenseless victims will now see justice.

The Guam Police Department fully supports the intent of both Bill No. 476-31(COR) and Bill No. 482-31(COR) and certainly appreciates the dialogue initiated to address the grave concerns affecting our children. *Dangkulo na si Yu'os ma'ase!*

*Senseramente,*



FRED E. BORDALLO, JR.

**Bureau of Budget & Management Research  
Fiscal Note for Bill No. 476-31 (COR)**

**AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC".**

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	13,333,779
Department's Other Fund (Specify) appropriation(s) to date:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$13,333,779</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appr. (P.L. 31-77)	\$0	\$0	\$0
Sub-total:		\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1. Does the bill contain "revenue generating" provisions? // Yes /x/ No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes / / No  
If no, what is the additional amount required? \$ /x/ N/A
3. Does the Bill establish a new program/agency? // Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No  
Is there a federal mandate to establish the program/agency? // Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No  
Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst:   LW   Date:   7/29/12   Director:   John A. Rios   Date:   JUL 06 2012    
John A. Rios, BBMR Director

**Footnotes:**  
Bill 476-31 adds the definition of the term "pornographic" in Title 9 of the Guam Code Annotated. In its present form, a fiscal impact can not be determined at this time.

7/2/12



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

June 22, 2012

MEMORANDUM

To: Pat Santos  
*Clerk of the Legislature*

Attorney Therese M. Terlaje  
*Legislative Legal Counsel*

From: Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

Subject: Referral of Bill Nos. 475-31 (COR) thru 477-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 474-31 (COR) through 477-31 (COR).

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 Unu na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

(3) Attachment

*I Mina Trentai Unu Na Liheslaturan Guahan*

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
476-31 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC".	06/21/12 9:34 a.m.	6/22/12		Committee on Public Safety, Law Enforcement, and Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guáhan*

SENATOR ADOLPHO B. PALACIOS, SR.   
Chairman

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**PRESS RELEASE**

**FIRST NOTICE OF PUBLIC HEARING  
FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE**  
**(Hagatna, Guam – July 3, 2012)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at 9:00 a.m., Friday, July 13, 2012 at *I Liheslaturan Guáhan's* Public Hearing Room in *Hagåtña*, based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
- **Bill No. 477-31 (COR)** - AN ACT TO AMEND §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS. – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 482-31 (COR)** - AN ACT TO AMEND §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY. – by Senator Adolpho B. Palacios, Sr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at [www.senatorpalacios.com](http://www.senatorpalacios.com). Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com), or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

###

**Subject:** First Notice of Public Hearing scheduled for July 13, 2012

**From:** Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

**To:** phnotice@guamlegislature.org;  
amier@mvguam.com; clynt@spbg Guam.com; dcristost@guampdn.com; dmgeorge@guampdn.com;  
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbg Guam.com;  
kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com;

**Cc:** mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbg Guam.com;  
nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com;  
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;  
therese.hart.writer@gmail.com; zita@mvguam.com;

**Date:** Tuesday, July 3, 2012 3:23 PM

***Hafa Adai!*** Please see attached First Notice of Public Hearing scheduled for Friday, July 13, 2012 beginning at 9:00am in the Legislature's Public Hearing Room. Thank you for your kind attention!

*Committee on Public Safety, Law Enforcement & Judiciary*  
*Senator Adolpho B. Palacios, Sr., Chairman*  
*155 Hesler Place, Hagåtña, Guam 96910*  
*477-5047/5048*  
*477-5022 (fax)*

Destination	Start Time	Time	Prints	Result	Note
PDN	07-03 14:57	00:00:37	001/001	OK	
KJAM	07-03 14:58	00:00:32	001/001	OK	
PNC	07-03 14:59	00:00:22	001/001	OK	
K57	07-03 15:00	00:00:19	001/001	OK	
HIT RADIO 100	07-03 15:00	00:00:20	001/001	OK	
KSTO	07-03 15:01	00:00:43	001/001	OK	
GLIMPSES	07-03 15:02	00:00:20	001/001	OK	
MARIANAS VARIETY	07-03 15:03	00:00:20	001/001	OK	
KSTEREO/KISH	07-03 15:04	00:00:43	001/001	OK	
JOY 92 FM	07-03 15:05	00:00:19	001/001	OK	
KPRG	07-03 15:06	00:00:19	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trentai Unu Na Liheslaturan Gudhan*

SENATOR ADOLPHO B. PALACIOS, SR. *adp*  
 Chairman

**PRESS RELEASE**

**FIRST NOTICE OF PUBLIC HEARING  
 FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE  
 (Hagatna, Guam – July 3, 2012)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at 9:00 a.m., Friday, July 13, 2012 at *I Liheslaturan Gudhan's* Public Hearing Room in Hagatna, based on the following schedule:

- **Bill No. 476-31 (COR) - AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.**
- **Bill No. 477-31 (COR) - AN ACT TO AMEND §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS. - by Senator Adolpho B. Palacios, Sr.**
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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at [www.senatorpalacios.com](http://www.senatorpalacios.com). Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com), or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

###



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**PRESS RELEASE**

**FIRST NOTICE OF PUBLIC HEARING  
FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE**  
***(Hagatna, Guam – July 6, 2012)***

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at **9:00 a.m., Friday, July 13, 2012** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
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###

**Subject:** First Notice of Public Hearing scheduled for July 13, 2012

**From:** Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

**To:** phnotice@guamlegislature.org;

**Cc:** amier@mvguam.com; clynt@spbguam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbguam.com; kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbguam.com; nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com; riimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

**Date:** Friday, July 6, 2012 10:46 AM

***PRESS RELEASE***  
***FIRST NOTICE OF PUBLIC HEARING***  
**FRIDAY, JULY 13, 2012**

***FOR IMMEDIATE RELEASE***  
***(Hagåtña, Guam – July 6, 2012)***

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at **9:00 a.m., Friday, July 13, 2012** at ***I Liheslaturan Guåhan's Public Hearing Room*** in *Hagåtña*, based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
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###

***Committee on Public Safety, Law Enforcement & Judiciary***  
***Senator Adolpho B. Palacios, Sr., Chairman***  
***155 Hesler Place, Hagåtña, Guam 96910***  
***477-5047/5048***  
***477-5022 (fax)***

Broadcast Report

P 1  
 07/06/2012 10:33  
 Serial No. A02E011003085  
 TC: 188278

Destination	Start Time	Time	Prints	Result	Note
PDN	07-06 10:24	00:00:37	001/001	OK	
MV GUAM	07-06 10:25	00:00:19	001/001	OK	
KUAM	07-06 10:25	00:00:35	001/001	OK	
PNC	07-06 10:26	00:00:22	001/001	OK	
KS7	07-06 10:27	00:00:18	001/001	OK	
HIT RADIO 100	07-06 10:27	00:00:20	001/001	OK	
KSTO	07-06 10:28	00:00:42	001/001	OK	
GLIMPSES	07-06 10:30	00:00:20	001/001	OK	
KSTEREO/KISH	07-06 10:31	00:00:42	001/001	OK	
JOY 92 FM	07-06 10:31	00:00:29	001/001	OK	
KPRG	07-06 10:32	00:00:19	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SB: Special Original, FCODE: F-Code, RFX: Re-TX, RLY: Relay, NCR: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POWER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trentai Unu Na Liheslaturan Guåhan*  
**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**PRESS RELEASE**

**FIRST NOTICE OF PUBLIC HEARING  
 FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE**  
*(Hagåtña, Guam – July 6, 2012)*

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- **Bill No. 476-31 (COR) - AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.**
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###



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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**Second Notice of Public Hearing scheduled for July 13, 2012**

2 messages

---

**Senator Adolpho B. Palacios, Sr.** <senator@senatorpalacios.com>

Tue, Jul 10, 2012 at 3:35 PM

Bcc: jason@kuam.com, life@guampdn.com, mindy@kuam.com, news@guampdn.com, news@spbguam.com, phnotice@guamlegislature.org, sabrina@kuam.com, slimtiaco@guampdn.com, telo.taitague@guam.gov, "amier@mvguam.com" <amier@mvguam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "jtyquiengco@spbguam.com" <jtyquiengco@spbguam.com>, "kstkish@gmail.com" <kstkish@gmail.com>, "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, "nick.delgado@kuam.com" <nick.delgado@kuam.com>, "officemanager@hitradio100.com" <officemanager@hitradio100.com>, "ricknauta@hitradio100.com" <ricknauta@hitradio100.com>, "rlimtiaco@guampdn.com" <rlimtiaco@guampdn.com>, "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>, "zita@mvguam.com" <zita@mvguam.com>, Adolpho Palacios <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Jennifer Louise Dulla <jennifer@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

**PRESS RELEASE**  
**48-HOUR NOTICE OF PUBLIC HEARING**  
**FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE**  
**(Hagåtña, Guam – July 10, 2012)**

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at **9:00 a.m., Friday, July 13, 2012** at **I Liheslaturan Guåhan's Public Hearing Room** in **Hagåtña**, based on the following schedule:

- **Bill No. 476-31 (COR)** - AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.
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- **Bill No. 482-31 (COR) - AN ACT TO AMEND §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAMCODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY. –**  
by Senator Adolpho B. Palacios, Sr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at [www.senatorpalacios.com](http://www.senatorpalacios.com). Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com), or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

###

--  
**Committee on Public Safety, Law Enforcement & Judiciary**  
**Senator Adolpho B. Palacios, Sr., Chairman**  
**155 Hesler Place, Hagåtña, Guam 96910**  
**477-5047/5048**  
**477-5022 (fax)**

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 **PH NOTICE 07102012.pdf**  
443K

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**Adam S. Bearce** <[adam@guamlegislature.org](mailto:adam@guamlegislature.org)> Tue, Jul 10, 2012 at 4:34 PM  
To: "Senator Adolpho B. Palacios, Sr." <[senator@senatorpalacios.com](mailto:senator@senatorpalacios.com)>, Yong Pak <[yong@guamlegislature.org](mailto:yong@guamlegislature.org)>

Hi. Confirmed posted.

---

**From:** [senabpalacios@gmail.com](mailto:senabpalacios@gmail.com) [<mailto:senabpalacios@gmail.com>] **On Behalf Of** Senator Adolpho B. Palacios, Sr.  
**Sent:** Tuesday, July 10, 2012 3:35 PM  
**To:** undisclosed-recipients:  
**Subject:** Second Notice of Public Hearing scheduled for July 13, 2012

[Quoted text hidden]

Destination	Start Time	Time	Prints	Result	Note
PDN	07-10 14:11	00:00:36	001/001	OK	
MV GUAM	07-10 14:12	00:00:18	001/001	OK	
KUAM	07-10 14:12	00:00:34	001/001	OK	
PNC	07-10 14:13	00:00:22	001/001	OK	
K57	07-10 14:14	00:00:18	001/001	OK	
HIT RADIO 100	07-10 14:14	00:00:19	001/001	OK	
KSTO	07-10 14:15	00:00:41	001/001	OK	
MARIANAS VARIETY	07-10 14:17	00:00:18	001/001	OK	
KSTEREO/KISH	07-10 14:18	00:00:42	001/001	OK	
JOY 92 FM	07-10 14:19	00:00:27	001/001	OK	
KPRG	07-10 14:20	00:00:18	001/001	OK	
Gov.	07-10 14:22	00:00:18	001/001	OK	
Lt. Gov.	07-10 14:22	00:00:20	001/001	OK	
GLIMPSES	07-10 14:26	00:00:19	001/001	OK	
GUAM BROADCASTING SE	07-10 14:26	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina' Trental Unu Na Liheslaturan Guahan*

SENATOR ADOLPHO B. PALACIOS, SR.   
Chairman

**PRESS RELEASE**

**48-HOUR NOTICE OF PUBLIC HEARING  
FRIDAY, JULY 13, 2012**

**FOR IMMEDIATE RELEASE**  
(Hagatna, Guam – July 10, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a Public Hearing beginning at 9:00 a.m., Friday, July 13, 2012 at *I Liheslaturan Guahan's* Public Hearing Room in *Hagatna*, based on the following schedule:

- **Bill No. 476-31 (COR) - AN ACT TO ADD A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM "PORNOGRAPHIC". - by Senator Adolpho B. Palacios, Sr.**
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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at [www.senatorpalacios.com](http://www.senatorpalacios.com). Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com), or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Jennifer Dulla at (671) 472-5047/5048.

\*\*\*



Thirty-First  
Guam Legislature

*Committee Members:*

Senator Thomas C. Ada  
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.  
Member

Senator Tina R. Muña-Barnes  
Member

Senator Judith P. Guthertz, DPA  
Member

Senator Rory J. Respicio  
Member

Senator Dennis G. Rodriguez, Jr.  
Member

Senator V. Anthony Ada  
Member

Senator Christopher M. Duenas  
Member

Senator Mana Silva Tajeron  
Member

Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee*

*Membership:*

Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs

Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform

Member, Committee on  
Education and Public Libraries

Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources

Member, Committee on Guam  
Military Buildup and Homeland  
Security

Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.

*Chairman*

July 3, 2012

The Honorable Leonardo Rapadas  
Attorney General  
Office of the Attorney General of Guam  
287 W. O'Brien Drive  
*Hagåtña*, Guam 96910

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Håfa adai*, Attorney General Rapadas:

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a public hearing on **Friday, July 13, 2012**, beginning at **9:00 a.m.**, at the Legislative Hearing Room in *Hagåtña*. Included on the agenda are the following bills which concern the Office of the Attorney General of Guam:

- Bill No. 476-31 (COR):** An Act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic".;
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Should you have questions regarding this matter, please contact me directly at 688-2671 or thru e-mail at [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com).

*Senseramente,*

  
**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Chairman

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com) • Website: [www.senatorpalacios.com](http://www.senatorpalacios.com)

Destination	Start Time	Time	Prints	Result	Note
AGO	07-03 15:38	00:00:23	001/001	OK	

## Note

TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
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 I-FAX: Internet Fax

## Result

OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
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Thirty-First  
Guam Legislature

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 Speaker Judith T. Won Pat, Ph.D.  
Member  
 Senator Tina R. Muba-Barnes  
Member  
 Senator Judith P. Guthertz, DPA  
Member  
 Senator Roey J. Respicio  
Member  
 Senator Dennis G. Rodriguez, Jr.  
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 Senator V. Anthony Ada  
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 Senator Christopher M. Duenas  
Member  
 Senator Mans Silva Taljeron  
Member  
 Senator Alise A. Yonashita, Ph.D.  
Member

Other Committee  
Membership:

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Utilities, Transportation, Public  
Works and Veterans Affairs  
 Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform  
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Education and Public Libraries  
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trental Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
 Chairman

July 3, 2012

The Honorable Leonardo Rapadas  
 Attorney General  
 Office of the Attorney General of Guam  
 287 W. O'Brien Drive  
 Hagåtña, Guam 96910

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Håfa adai*, Attorney General Rapadas:

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*Senseramente,*

**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
 Chairman

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910  
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Works and Veterans Affairs

Vice Chairman, Committee on  
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Senior Citizens, Economic  
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Reform

Member, Committee on  
Education and Public Libraries

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**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**July 3, 2012**

Cynthia Ecube, Esq.  
President  
Guam Bar Association  
Guam Judicial Center  
*Hagåtña*, Guam 96910

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Håfa adai*, Attorney Ecube:

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*Senseramente,*

  
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Chairman

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trental Uno Na Liheslaturan Guåhan*  
SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

July 3, 2012

Cynthia Ecube, Esq.  
President  
Guam Bar Association  
Guam Judicial Center  
Hagåtña, Guam 96910

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ADOLPHO B. PALACIOS, SR., MPA, BS/CJA  
Chairman



Thirty-First  
Guam Legislature

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.

*Chairman*

July 3, 2012

Perry Taitano  
Administrator of the Courts  
Unified Judiciary of Guam  
120 W. O'Brien Drive  
*Hagåtña*, Guam 96910

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Håfa adai*, Mr. Taitano:

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a public hearing on **Friday, July 13, 2012**, beginning at **9:00 a.m.**, at the Legislative Hearing Room in *Hagåtña*. Included on the agenda are the following bills which concern the Unified Judiciary of Guam:

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*Senseramente,*

**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Chairman

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910  
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Email: [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com) • Website: [www.senatorpalacios.com](http://www.senatorpalacios.com)

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- Senator Deana G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mansa Silva Tafferon  
Member
- Senator Alina A. Yamashita, Ph.D.  
Member

**Other Committee Membership:**

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on  
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**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina Trental Uno Na Liheslaturan Guåhna*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

July 3, 2012

Perry Taitano  
Administrator of the Courts  
Unified Judiciary of Guam  
120 W. O'Brien Drive  
Hagåtña, Guam 96910

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Hafa adai, Mr. Taitano:*

The Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a public hearing on **Friday, July 13, 2012**, beginning at **9:00 a.m.**, at the Legislative Hearing Room in *Hagåtña*. Included on the agenda are the following bills which concern the Unified Judiciary of Guam:

1. **Bill No. 476-31 (COR):** An Act to *add* a new subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code Annotated, Relative to Defining the term "Pornographic".;
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3. **Bill No. 482-31 (COR):** An Act to *amend* a §§25.01.20 25.01.30 and 25.01.40 of Chapter 25.01, Title 9, Guam Code Annotated, Relative to the solicitation of children and child pornography.

The Committee invites the Unified Judiciary of Guam to provide testimony relative to the bills referenced above. If you are unable to attend, a written comment would be appreciated. For your convenience, a copy of the aforementioned bills may be viewed via *I Liheslaturan Guåhna's* website: [www.guamlegislature.com/31st\\_bills\\_intro](http://www.guamlegislature.com/31st_bills_intro).

Should you have questions regarding this matter, please contact me directly at 688-2671 or thru e-mail at [senator@senatorpalacios.com](mailto:senator@senatorpalacios.com).

*Senseramente,*

**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Chairman



Thirty-First  
Guam Legislature

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Vice Chairman

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Member

Senator Tina R. Muña-Barnes  
Member

Senator Judith P. Guthertz, DPA  
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Senator Rory J. Respicio  
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SENATOR ADOLPHO B. PALACIOS, SR.

*Chairman*

July 3, 2012

Eric D. Miller  
Executive Director  
Public Defender Services Corporation  
Sinajana, Guam 96910

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Chairman

Destination	Start Time	Time	Prints	Result	Note
Public Defender	07-03 15:45	00:00:29	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,  
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-Tx,  
RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.

*Chairman*

July 3, 2012

Chief Fred Bordallo  
Guam Police Department  
Bldg. 13-16A Mariner Avenue  
Tiyán, Guam 96912

**RE: Notice of Public Hearing Scheduled for July 13, 2012**

*Håfa adai*, Chief Bordallo:

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Destination	Start Time	Time	Prints	Result	Note
GPD	07-03 15:46	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
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Chairman



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

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*Chairman*

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**PUBLIC HEARING**

**FRIDAY, JULY 13, 2012**

*I Liheslaturan Guåhan's Public Hearing Room, Hagatña*

**AGENDA**

- I. Call to Order**
- II. Opening Remarks/Announcements**
- III. Items for Discussion:**

**9:00 am:**

- **Bill No. 476-31 (COR)** – AN ACT TO *ADD* A NEW SUBSECTION (i) TO §28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM “PORNOGRAPHIC”. – **sponsored by Senator Adolpho B. Palacios, Sr.**
- **Bill No. 477-31 (COR)** – AN ACT TO *AMEND* §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS. – **sponsored by Senator Adolpho B. Palacios, Sr.**
- **Bill No. 482-31 (COR)** – AN ACT TO *AMEND* §§25.01.20, 25.01.30 AND 25.01.40 OF CHAPTER 25.01, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY. – **sponsored by Senator Adolpho B. Palacios, Sr.**

- IV. Closing remarks.**
- V. Recess/Adjournment.**

412

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session**

**Bill No.** 476-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO ADD A NEW SUBSECTION (i) TO  
§28.40 OF ARTICLE 2, CHAPTER 28, TITLE 9,  
GUAM CODE ANNOTATED, RELATIVE TO  
DEFINING THE TERM "PORNOGRAPHIC".**

2012 JUN 21 AM 9:34 

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan*  
3 *Guåhan* finds, through communication and collaboration with the  
4 Office of the Attorney General, that the images of child pornography  
5 frequently involve child victims of sexual assault or exploitation, and  
6 that the possession, creation, and dissemination of child pornography  
7 occurs over the internet, especially among pedophiles. According to  
8 the Office of the Attorney General of Guam, there have recently been  
9 cases involving the possession of child pornography here on Guam,  
10 but the Office's Prosecution Division has had to forgo charging the  
11 specific crimes of "child pornography". The Office of the Attorney  
12 General of Guam discovered that Guam's Statutes relative to child  
13 pornography did not specifically define the term "pornography" or

1 “pornographic” and the references in the definition of “child  
2 pornography” found in the Statute were circular and referred to  
3 Chapter 28 of Title 9 G.C.A. for the specific definition of  
4 “pornographic.”

5 Moreover, *I Liheslaturan Guåhan* finds that a definition for the  
6 term “pornography” or “pornographic” is not present in Chapter 28.  
7 It appears to have been an oversight or may have been inadvertently  
8 omitted as much of Chapter 28 was modeled after applicable laws in  
9 the State of Hawaii.

10 Therefore, *I Liheslaturan Guåhan* intends to provide for a  
11 definition in Statute for the term “pornographic”, by adding a new  
12 Subsection (i) to §28.40 of Article 2, Chapter 28, Title 9, Guam Code  
13 Annotated. Through the enactment of this Act, *I Liheslatura* further  
14 intends for the Office of the Attorney General of Guam to have the  
15 foundation for which to file criminal charges against individuals  
16 involved in the possession, creation and dissemination of child  
17 pornography.

18 **Section 2. “Pornographic” Defined.** A new Subsection (i) is  
19 hereby *added* to §28.40 of Article 2, Chapter 28, Title 9, Guam Code  
20 Annotated, to read:

21 **“§28.40. Definitions.**

22 (i) *Pornographic* means any material or performance which  
23 all of the following coalesce:

1 (1)The average person, applying contemporary  
2 community standards would find that taken as a  
3 whole, it appears to the prurient interest.

4 (2)It depicts or describes sexual conduct in a patently  
5 offensive way.

6 (3)Taken as whole, it lacks serious literary, artistic,  
7 political, or scientific merit.”

8 **Section 3. Effective Date.** This Act shall be effective upon  
9 enactment.