

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
41-32 (LS). P.L. 32-017	Frank B. Aguon Jr	AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.	2/11/2013 2:27 P.M.	2/11/13	Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary		03/25/13 9:27 a.m.	Fiscal Note Requested 2/13/13 Fiscal Note Submitted 2/25/13 4:44 p.m.
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	4/1/2013	AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE	4/2/13	12:10pm	4/12/13	4/11/2013	32-017	As substituted by the Committee on the Guam U.S. Military Relocation, Homeland Security, Veterans Affairs and Judiciary.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 12, 2013

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

RE: Bill No. 41-32 (LS) – Public Law No. 32-017

Dear Madame Speaker:

Transmitted herewith is Bill No. 41-32 (LS), "AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE", which I signed into law on April 11, 2013, as Public Law 32-017.

Senseramente,


EDDIE BAZA CALVO

Attachment: Copy of Bill

2013 APR 12 PM 4: 23

32-13-279
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 4/12/13
Time 4PM
Received by RK

0279

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

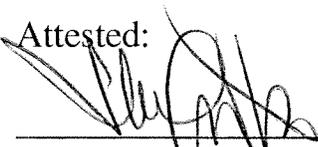
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 41-32 (LS), "AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE"**, was on the 1st day of April, 2013, duly and regularly passed.



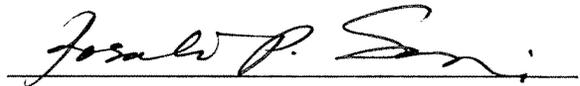
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2 day of April,
2013, at 12:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 11 2013

Public Law No. 32-017

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 41-32 (LS)

As substituted by the Committee on the Guam
U.S. Military Relocation, Homeland Security,
Veterans Affairs and Judiciary.

Introduced by:

Frank B. Aguon, Jr.
B. J.F. Cruz
Judith T. Won Pat, Ed.D.
V. Anthony Ada
T. C. Ada
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

**AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80
OF CHAPTER 30, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO STRENGTHENING THE
PENALTIES FOR CRIMES OF FAMILY VIOLENCE.**

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

2 **Section 1.** §30.20 of Chapter 30, Title 9, Guam Code Annotated, is hereby
3 *amended* to read as follows:

4 “§ 30.20. Family Violence.

1 (a) Any person who intentionally, knowingly, or recklessly
2 commits an act of family violence, as defined in §30.10 of this Chapter, is
3 guilty of a misdemeanor, or of a third degree felony, and *shall* be sentenced
4 as follows:

5 (1) for the first offense, the court *shall* impose a sentence of
6 *no less than* forty-eight (48) hours imprisonment;

7 (2) for the second offense, the court *shall* impose a sentence
8 of *no less than* thirty (30) days imprisonment; and

9 (3) for the third offense, the offense *shall* be classified as a
10 third degree felony and the court *shall* impose a sentence of *no less*
11 *than* one (1) year imprisonment. The person, upon conviction, *shall* be
12 termed a “repeat offender” and may be subject to extended terms
13 pursuant to §80.38 of Article 2, Chapter 80 of this Title.

14 (b) Upon a written, noticed motion prior to commencement of trial,
15 the defendant may move that a felony charge filed pursuant to this §30.20,
16 other than a felony charge filed pursuant to §30.20(a)(3), be reduced to a
17 misdemeanor. Whether any charge, other than a felony charge filed pursuant
18 to §30.20(a)(3), shall proceed as a misdemeanor or a felony rests within the
19 discretion of the court.

20 (c) In determining whether a felony charge filed pursuant to this
21 §30.20, other than a felony charge filed pursuant to §30.20(a)(3), should be
22 reduced to a misdemeanor, the court *shall* consider the following factors,
23 among others:

24 (1) the extent or seriousness of the victim's injuries;

25 (2) the defendant's history of violence against the same
26 victim whether charged or uncharged;

27 (3) the use of a gun or other weapon by the defendant;

1 (4) the defendant's prior criminal history;

2 (5) the victim's attitude and conduct regarding the incident;

3 (6) the involvement of alcohol or other substance, and the
4 defendant's history of substance abuse as reflected in the defendant's
5 criminal history and other sources; and

6 (7) the defendant's history of and amenability to counseling.

7 (d) If the court, after a hearing, finds substantial evidence that a
8 victim suffered serious bodily injury, as defined in Subsection (c) of §16.10,
9 Chapter 16 of this Title, no felony charged filed under this §30.20 shall be
10 reduced to a misdemeanor *unless* the court finds that due to unusual
11 circumstances a reduction of the charge is manifestly in the interest of
12 justice.

13 (e) The fact that an alleged criminal act involved family violence,
14 as defined in §30.10 of this Chapter, *shall not* preclude the prosecuting
15 attorney from charging and prosecuting the defendant for any other
16 violations of law, subject to the provisions set forth in §1.22 of Article 1,
17 Chapter 1 of this Title;

18 (f) In any case in which a person is convicted of violating this
19 §30.20 and probation is granted, the court *shall* require participation in an
20 education and treatment program as a condition of probation *unless*,
21 considering all the facts and the circumstances, the court finds participation
22 in an education and treatment program inappropriate for the defendant.

23 (g) If probation is granted, or the imposition of a sentence is
24 suspended, for any person convicted under Subsection (a) of this §30.20 who
25 previously has been convicted under such Subsection (a) for an offense that
26 occurred within seven (7) years of the offense of the second conviction, it
27 *shall* be a condition of such probation or suspended sentence that he or she

1 be punished by imprisonment for *not less than* thirty (30) days, and that he
2 or she participate in, for *no less than* one (1) year, and successfully complete
3 an education and treatment program, as designated by the court

4 (h) Probation *shall not* be granted for any person convicted under
5 Subsection (a) of this §30.20 who previously has been convicted of two (2)
6 or more violations of such Subsection (a) for offenses that occurred within
7 seven (7) years of the most recent conviction. The person *shall* be sentenced
8 to imprisonment for *not less than* one (1) year, and *shall* participate in, for
9 *no less than* one (1) year, and successfully complete an education and
10 treatment program, as designated by the court.”

11 **Section 2.** §30.32(b) of Chapter 30, Title 9, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 “(b) A high priority *shall* be assigned to calls involving alleged
14 incidents of abuse or violations of orders relative to family violence. Every
15 law enforcement agency *shall* develop and implement a comprehensive
16 inter-agency and intra-agency or departmental family violence policy and
17 protocol to include:

18 (1) the number of children in the family and/or household
19 exposed to family violence; and

20 (2) referral to Child Protective Services for coordination and
21 referral for assessment for appropriate counseling services.”

22 **Section 3.** §30.40 of Chapter 30, Title 9, Guam Code Annotated, is hereby
23 *amended* to read as follows:

24 “§ 30.40. Violation of a Court Order.

25 (a) Any knowing violation of any of the following court orders
26 *shall* be a misdemeanor punishable by imprisonment of *no less than* forty-

1 eight (48) hours and *not more than* one (1) year, and by a fine of *not more*
2 *than* One Thousand Dollars (\$1,000):

3 (1) an order enjoining a person from threatening to commit
4 or committing acts of family violence against, or from harassing,
5 annoying, or molesting, a family or household member, or any person
6 named in the order;

7 (2) an order removing or excluding a person from the family
8 dwelling or from the dwelling of another, or from any habitable
9 property, as defined in Subsection (b) of §34.10, Chapter 34 of this
10 Title;

11 (3) an order requiring a person to stay away from the
12 residence, dwelling, school, day care center, place of employment, or
13 any other specified place or from a specified person, within five
14 hundred feet (500') of the specified place or specified person;

15 (4) an order prohibiting a person from possessing a firearm
16 or other weapon specified by the court; or

17 (5) an order in a criminal case prohibiting the defendant from
18 harassing, annoying, telephoning, contacting, or otherwise
19 communicating with a victim or specified witness, either directly or
20 indirectly.

21 (b) In the event of a conviction for a second violation of under
22 Subsection (a) of this §30.40, or of a conviction for a violation under
23 Subsection (a) which results in bodily injury, as defined in Subsection (b) of
24 §16.10, Chapter 16 of this Title, the defendant *shall* be imprisoned for *at*
25 *least* thirty (30) days.

26 (c) In the event of a conviction for a third violation under
27 Subsection (a) of this §30.40, or of a conviction for a violation under

1 Subsection (a) of this §30.40 which results in bodily injury as defined in
2 Subsection (b) §16.10, Chapter 16 of this Title, after a prior conviction of a
3 violation under Subsection (a) of this §30.40, occurring within two (2) years
4 of the prior conviction, committed against the same victim or the victim's
5 family, the defendant *shall* be imprisoned for *no less than* one (1) year.

6 (d) When a peace officer has reasonable cause to believe that a
7 person has violated one (1) of the orders of the court specified in Subsection
8 (a) of this § 30.40 and verifies the existence of the order, the peace officer
9 *shall* presume that arresting and charging the person is the appropriate
10 response.

11 (e) An admission by the defendant that he or she had knowledge of
12 the court order *shall* be admissible in court notwithstanding the *corpus*
13 *delicti* rule.”

14 **Section 4.** §30.80 of Chapter 30, Title 9, Guam Code Annotated, is hereby
15 *amended* to read as follows:

16 **“§ 30.80. Deferred Guilty Plea for Family Violence.**

17 Upon a proper motion, when a defendant voluntarily pleads guilty,
18 prior to the commencement of trial, to a misdemeanor charge of family
19 violence, as defined in this Chapter, he or she is found eligible for a deferred
20 guilty plea pursuant to §30.80.1 of this Chapter, and the defendant agrees to
21 participate in education, counseling and/or treatment program(s) as directed
22 by the court, the court may defer criminal proceedings until such a time as
23 may be required for the defendant to complete the education, counseling
24 and/or treatment program(s). Upon the defendant's completion of the period
25 designated by the court and in compliance with the terms and conditions
26 established, the court may discharge the defendant and dismiss the charge
27 against the defendant. Such discharge of the defendant and dismissal of the

1 case *shall* be without adjudication of guilt and *shall* eliminate any civil
2 admission of guilt and is *not* a conviction. Offenses dismissed under this
3 Section and/or under a family violence diversion program *shall* count as
4 prior offenses in the application of minimum sentences under this Chapter.”



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

April 1, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY *[Signature]*
TIME 12:10 DATE 4/2/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 1-32(LS), 4-32(LS), 5-32(LS), 6-32(LS), 7-32(COR), 23-32(COR), 29-32(COR), 31-32(COR), 32-32(COR), 41-32(LS), 43-32(COR), 44-32(COR), 46-32(LS) and 54-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 1, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (14)

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

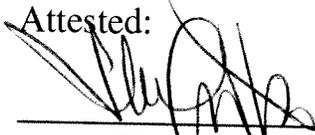
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 41-32 (LS), "AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE", was on the 1st day of April, 2013, duly and regularly passed.



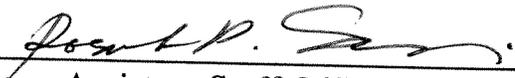
**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 2 day of April,
2013, at 12:10 o'clock P.M.



**Assistant Staff Officer
*Maga'lahi's Office***

APPROVED:

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

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 41-32 (LS)

As substituted by the Committee on the Guam
U.S. Military Relocation, Homeland Security,
Veterans Affairs and Judiciary.

Introduced by:

Frank B. Aguon, Jr.
B. J.F. Cruz
Judith T. Won Pat, Ed.D.
V. Anthony Ada
T. C. Ada
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

**AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80
OF CHAPTER 30, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO STRENGTHENING THE
PENALTIES FOR CRIMES OF FAMILY VIOLENCE.**

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

2 **Section 1.** §30.20 of Chapter 30, Title 9, Guam Code Annotated, is hereby
3 *amended* to read as follows:

4 “§ 30.20. Family Violence.

1 (a) Any person who intentionally, knowingly, or recklessly
2 commits an act of family violence, as defined in §30.10 of this Chapter, is
3 guilty of a misdemeanor, or of a third degree felony, and *shall* be sentenced
4 as follows:

5 (1) for the first offense, the court *shall* impose a sentence of
6 *no less than* forty-eight (48) hours imprisonment;

7 (2) for the second offense, the court *shall* impose a sentence
8 of *no less than* thirty (30) days imprisonment; and

9 (3) for the third offense, the offense *shall* be classified as a
10 third degree felony and the court *shall* impose a sentence of *no less*
11 *than* one (1) year imprisonment. The person, upon conviction, *shall* be
12 termed a “repeat offender” and may be subject to extended terms
13 pursuant to §80.38 of Article 2, Chapter 80 of this Title.

14 (b) Upon a written, noticed motion prior to commencement of trial,
15 the defendant may move that a felony charge filed pursuant to this §30.20,
16 other than a felony charge filed pursuant to §30.20(a)(3), be reduced to a
17 misdemeanor. Whether any charge, other than a felony charge filed pursuant
18 to §30.20(a)(3), shall proceed as a misdemeanor or a felony rests within the
19 discretion of the court.

20 (c) In determining whether a felony charge filed pursuant to this
21 §30.20, other than a felony charge filed pursuant to §30.20(a)(3), should be
22 reduced to a misdemeanor, the court *shall* consider the following factors,
23 among others:

24 (1) the extent or seriousness of the victim's injuries;

25 (2) the defendant's history of violence against the same
26 victim whether charged or uncharged;

27 (3) the use of a gun or other weapon by the defendant;

- 1 (4) the defendant's prior criminal history;
- 2 (5) the victim's attitude and conduct regarding the incident;
- 3 (6) the involvement of alcohol or other substance, and the
- 4 defendant's history of substance abuse as reflected in the defendant's
- 5 criminal history and other sources; and
- 6 (7) the defendant's history of and amenability to counseling.

7 (d) If the court, after a hearing, finds substantial evidence that a
8 victim suffered serious bodily injury, as defined in Subsection (c) of §16.10,
9 Chapter 16 of this Title, no felony charged filed under this §30.20 shall be
10 reduced to a misdemeanor *unless* the court finds that due to unusual
11 circumstances a reduction of the charge is manifestly in the interest of
12 justice.

13 (e) The fact that an alleged criminal act involved family violence,
14 as defined in §30.10 of this Chapter, *shall not* preclude the prosecuting
15 attorney from charging and prosecuting the defendant for any other
16 violations of law, subject to the provisions set forth in §1.22 of Article 1,
17 Chapter 1 of this Title;

18 (f) In any case in which a person is convicted of violating this
19 §30.20 and probation is granted, the court *shall* require participation in an
20 education and treatment program as a condition of probation *unless*,
21 considering all the facts and the circumstances, the court finds participation
22 in an education and treatment program inappropriate for the defendant.

23 (g) If probation is granted, or the imposition of a sentence is
24 suspended, for any person convicted under Subsection (a) of this §30.20 who
25 previously has been convicted under such Subsection (a) for an offense that
26 occurred within seven (7) years of the offense of the second conviction, it
27 *shall* be a condition of such probation or suspended sentence that he or she

1 be punished by imprisonment for *not less than* thirty (30) days, and that he
2 or she participate in, for *no less than* one (1) year, and successfully complete
3 an education and treatment program, as designated by the court

4 (h) Probation *shall not* be granted for any person convicted under
5 Subsection (a) of this §30.20 who previously has been convicted of two (2)
6 or more violations of such Subsection (a) for offenses that occurred within
7 seven (7) years of the most recent conviction. The person *shall* be sentenced
8 to imprisonment for *not less than* one (1) year, and *shall* participate in, for
9 *no less than* one (1) year, and successfully complete an education and
10 treatment program, as designated by the court.”

11 **Section 2.** §30.32(b) of Chapter 30, Title 9, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 “(b) A high priority *shall* be assigned to calls involving alleged
14 incidents of abuse or violations of orders relative to family violence. Every
15 law enforcement agency *shall* develop and implement a comprehensive
16 inter-agency and intra-agency or departmental family violence policy and
17 protocol to include:

18 (1) the number of children in the family and/or household
19 exposed to family violence; and

20 (2) referral to Child Protective Services for coordination and
21 referral for assessment for appropriate counseling services.”

22 **Section 3.** §30.40 of Chapter 30, Title 9, Guam Code Annotated, is hereby
23 *amended* to read as follows:

24 “§ 30.40. Violation of a Court Order.

25 (a) Any knowing violation of any of the following court orders
26 *shall* be a misdemeanor punishable by imprisonment of *no less than* forty-

1 eight (48) hours and *not more than* one (1) year, and by a fine of *not more*
2 *than* One Thousand Dollars (\$1,000):

3 (1) an order enjoining a person from threatening to commit
4 or committing acts of family violence against, or from harassing,
5 annoying, or molesting, a family or household member, or any person
6 named in the order;

7 (2) an order removing or excluding a person from the family
8 dwelling or from the dwelling of another, or from any habitable
9 property, as defined in Subsection (b) of §34.10, Chapter 34 of this
10 Title;

11 (3) an order requiring a person to stay away from the
12 residence, dwelling, school, day care center, place of employment, or
13 any other specified place or from a specified person, within five
14 hundred feet (500') of the specified place or specified person;

15 (4) an order prohibiting a person from possessing a firearm
16 or other weapon specified by the court; or

17 (5) an order in a criminal case prohibiting the defendant from
18 harassing, annoying, telephoning, contacting, or otherwise
19 communicating with a victim or specified witness, either directly or
20 indirectly.

21 (b) In the event of a conviction for a second violation of under
22 Subsection (a) of this §30.40, or of a conviction for a violation under
23 Subsection (a) which results in bodily injury, as defined in Subsection (b) of
24 §16.10, Chapter 16 of this Title, the defendant *shall* be imprisoned for *at*
25 *least* thirty (30) days.

26 (c) In the event of a conviction for a third violation under
27 Subsection (a) of this §30.40, or of a conviction for a violation under

1 Subsection (a) of this §30.40 which results in bodily injury as defined in
2 Subsection (b) §16.10, Chapter 16 of this Title, after a prior conviction of a
3 violation under Subsection (a) of this §30.40, occurring within two (2) years
4 of the prior conviction, committed against the same victim or the victim's
5 family, the defendant *shall* be imprisoned for *no less than* one (1) year.

6 (d) When a peace officer has reasonable cause to believe that a
7 person has violated one (1) of the orders of the court specified in Subsection
8 (a) of this § 30.40 and verifies the existence of the order, the peace officer
9 *shall* presume that arresting and charging the person is the appropriate
10 response.

11 (e) An admission by the defendant that he or she had knowledge of
12 the court order *shall* be admissible in court notwithstanding the *corpus*
13 *delicti* rule.”

14 **Section 4.** §30.80 of Chapter 30, Title 9, Guam Code Annotated, is hereby
15 *amended* to read as follows:

16 **“§ 30.80. Deferred Guilty Plea for Family Violence.**

17 Upon a proper motion, when a defendant voluntarily pleads guilty,
18 prior to the commencement of trial, to a misdemeanor charge of family
19 violence, as defined in this Chapter, he or she is found eligible for a deferred
20 guilty plea pursuant to §30.80.1 of this Chapter, and the defendant agrees to
21 participate in education, counseling and/or treatment program(s) as directed
22 by the court, the court may defer criminal proceedings until such a time as
23 may be required for the defendant to complete the education, counseling
24 and/or treatment program(s). Upon the defendant's completion of the period
25 designated by the court and in compliance with the terms and conditions
26 established, the court may discharge the defendant and dismiss the charge
27 against the defendant. Such discharge of the defendant and dismissal of the

1 case *shall* be without adjudication of guilt and *shall* eliminate any civil
2 admission of guilt and is *not* a conviction. Offenses dismissed under this
3 Section and/or under a family violence diversion program *shall* count as
4 prior offenses in the application of minimum sentences under this Chapter.”

LEGISLATIVE SESSION ATTENDANCE

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

SBill No: 41-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

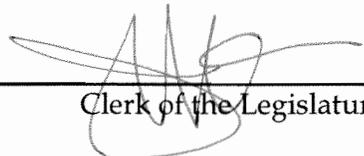
AN ACT TO AMEND §§ 30.20, 30.32(b), 30.40 AND 30.80 OF CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

15

TOTAL

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

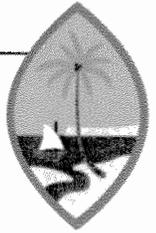
4/1/13



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



March 21, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslaturan Guahan
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

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

RE: Committee Report on Bill No. 41-32 (LS)

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on U.S. Military Relocation, Homeland Security, Veterans' Affairs and Judiciary on Bill No. 41-32 (LS) - F.B. Aguon, Jr. / B.J.F. Cruz / J.T. Won Pat, Ed.D. - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence. as substituted.

Committee votes are as follows:

- 7 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Sincerely,

[Signature]
SEN. FRANK B. AGUON, JR.
Chairperson

2013 MAR 25 AM 9:27 *[Signature]*

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
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Committee Member

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**Senator
V. Anthony Ada**
Committee Member

**Senator
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Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



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COMMITTEE REPORT

ON

BILL NO. 41-32 (LS)

**Bill No. 41-32 (LS) - F.B. Aguon, Jr. / B.J.F. Cruz /
J.T. Won Pat, Ed.D.**

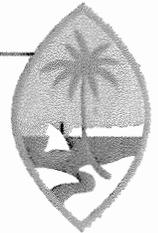
**An act to amend Chapter 30, Title 9 Guam Code
Annotated relative to strengthening the
penalties for crimes of family violence.**

as substituted.



**GUAM U.S. MILITARY RELOCATION
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Committee Member

February 25, 2013

MEMORANDUM

To: **Honorable Senator Members**
Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary

From: **Senator Frank B. Aguon, Jr.**
Chairperson, Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary

Subject: **First Notice – Public Hearing**
Monday, March 4, 2013 – 9:00 AM

Please be advised that the Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary will be conducting a Public Hearing on Monday, March 4, 2013 at 9:00 AM in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following items:

- **Bill No. 6-32 (LS)** - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".
- **Bill No. 10-32 (COR)** - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.
- **Bill No. 41-32 (LS)** - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.
- **Bill No. 43-32 (COR)** - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum
- **Resolution No. 33-32 (COR)** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

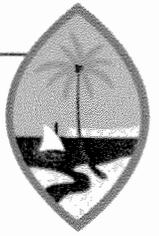
Testimony should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to committee@frankaguonjr.com, or via facsimile to (671) 475-GUM3 (4863). Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Karlo Dizon or Yvette Cruz at our office. We look forward to your attendance and participation. For further information, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2). We look forward to your attendance and participation.

CC: All Senators/Clerk of the Legislature/Sgt.at-Arms/Protocol



GUAM U.S. MILITARY RELOCATION VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



COMMITTEE VOTING SHEET

Bill No. 41-32 (LS) - F.B. Aguon, Jr. / B.J.F. Cruz / J.T. Won Pat, Ed.D. An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence. as substituted.

Senator FRANK B. AGUON, JR. Committee Chairperson

Senator Tina Muna-Barnes Committee Vice Chairperson

Speaker Judith T. Won Pat, Ed.D. Committee Member

Senator Rory J. Respicio Committee Member

Senator Thomas C. Ada Committee Member

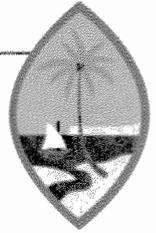
Senator Dennis G. Rodriguez, Jr. Committee Member

Senator V. Anthony Ada Committee Member

Senator Michael Limtiaco Committee Member

Senator Thomas Morrison Committee Member

Table with 7 columns: COMMITTEE MEMBERS, SIGNATURE, TO DO PASS, TO NOT PASS, TO REPORT OUT ONLY, TO ABSTAIN, TO PLACE IN INACTIVE FILE. Rows include AGUON, FRANK B., MUNA-BARNES, TINA, WON PAT, JUDITH T., RESPICIO, RORY J., ADA, THOMAS C., RODRIGUEZ, DENNIS G. JR., ADA, V. ANTHONY, LIMTIACO, MICHAEL, MORRISON, THOMAS.

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY***I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE***COMMITTEE REPORT DIGEST****I. OVERVIEW**

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs and Judiciary convened a public hearing on Monday, March 4th, 2013, at 9:00 a.m. in the Public Hearing Room of *I Liheslaturan Guahan*. Among the items on the agenda was Bill No. 41-32 (LS) - F.B. Aguon, Jr. / B.J.F. Cruz / J.T. Won Pat, Ed.D. - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Public Notice Requirements

All legal requirements for public notices were met, with notices disseminated via-email to all senators and media outlets on February 25th, 2013, a published notice at the Marianas Variety on February 26th, 2013, and a notice again sent on March 1st, 2013. Copies of the hearing notices and e-mail notifications are appended to the report.

Senators Present

Senator Frank B. Aguon, Jr., Chairman
Speaker Judith Won Pat
Senator Anthony V. Ada
Senator Brant McCreadie
Senator Chris Duenas

Appearing before the Committee

Atty. Phil Tydingco, Deputy Attorney General
Joshua Tenorio, Director of Policy, Planning, & Community Relations, Judiciary of Guam
Atty. Siiri Wilson, Judiciary of Guam, Family Violence Coordinator

The public hearing was called to order at 9:00 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Senator Aguon: Opens the agenda on Bill 41-32, "An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence."

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**GUAM U.S. MILITARY RELOCATION
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



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Atty. Phil Tydingco: On behalf of Atty. General Rapadas, supports Bill 41-32. Appreciates the intent of the bill, especially for repeat offenders, and overall supports the bill.

Joshua Tenorio: Acknowledges Atty. Siiri Wilson, Family Violence Coordinator. Clarifies that testimony is not intended to show favor or opposition.

Atty. Siiri Wilson: Opens with a description of the Family Violence Court, and its openness to feedback from other branches of the government and the community. Claims that the 'greatest challenge' has been interpreting the 2011 amendment to Family Violence Act, which removed diversion program and replaced with deferred plea Agreement, bringing Guam law closer to majority of state jurisdictions. Court neither opposes nor supports mandatory sentences, but has concerns about how mandatory sentencing will interact with deferred plea agreements. Deferred pleas allow 'guilty' pleas to be deferred for one to three years while offender is given opportunity to complete counseling and/or substance abuse treatment program, during which defendant is placed on probation and closely monitored. If successful, the defendant's criminal charges are dismissed and the case is expunged from public, but not law enforcement, records. The concerns are with regards to the proposed bill that is centered around number of 'offenses' committed. It is not clear whether previously dismissed charges due to diversion or deferred pleas would count as an 'offense'. For example--if a defendant has two deferred pleas and then an offense, does that count as a third or first offense? The Family Violence Court anticipates challenges from both prosecution and defense bar accordingly.

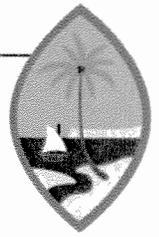
Sen. Aguon: Thanks testimony, acknowledges other pending testimonies in the room. States the history of recent rash of domestic violence crimes--in December, November 13th, November 3rd, October 31st, October 3rd, all of last year. Highlights what we can do to enhance or reinforce legislation. But would like to address Atty. Wilson's example. Why would an individual who has gone through diversion once, and the case has been dismissed or expunged, again go to diversion a second time?

Atty. Wilson: As of March 28th, 2012, it would be deferred plea, not diversion. But previously we have had people go through diversion more than once. We've had cases where it's been more than 7 years, or people just slip through the cracks.

Sen. Aguon: Asks how long Ms. Wilson has been in Family Court.

Atty. Wilson: Responds, two years.

Sen. Aguon: Asks--for individuals she has seen go through this process, from her perspective and not necessarily judiciary's--if she has seen an individual go through the process a second time, would she consider a third or re-arrest or another domestic violence as a third offense, or would it be counted as the first, having given the offender a 'clean slate'?

**GUAM U.S. MILITARY RELOCATION
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Atty. Wilson: Answers--in cases where, for example, they're considering whether a felony can be reduced a misdemeanor, previous diversions would count as an offense so potentially the charge would not be reduced. However, want to reiterate that their comments are just to take into account potential challenges from all sides.

Sen. Aguon: Thanks her testimony, and agrees that concern should be incorporated. Acknowledges question by Speaker Won Pat.

Speaker Won Pat: Asks about an unresolved case in the Supreme Court, whether that is due to the diversion program.

Atty. Wilson: The issue is with regards to the deferred plea law coming into force on March 28th, 2012. The AG's argument is that after March 28th, no one can enter diversion regardless of when they were charged or where the case is in the process. However Judge Bordallo decided that it was based on when the crime was committed--if the crime was committed before March 28th, then it was still possible to get diversion.

Speaker Won Pat: Clarifies whether now, everything falls under deferred pleas.

Atty. Wilson: Assents, but claims that a lot of people are still on diversion given the duration of the program.

Speaker Won Pat: Asks whether this legislation would have any impacts with regards to or would cause the need for reorganization by the court.

Atty. Wilson: She doesn't anticipate reorganization, given that the reorganization was more pertinent to issues regarding probation as a result of switching from diversion to deferred plea. They've had to move officers from one part of probation to another and retrained officers.

Speaker Won Pat: Asks whether there is conflict between AG's office and court on deferred pleas and potential mandatory sentencing.

Atty. Tydingco: He doesn't anticipate a conflict. Refers to domestic violence registry, defines prior or which priors are accounted for purposes of getting on registry, and sets some guidelines for the court. AG doesn't see a conflict because purpose of plea agreement is for offender to follow with the program, and if it isn't followed then the judge will accept guilty plea. If that plea is violated, then the court will sentence the mandatory in pursuant to this bill, if it becomes law. From the prosecution's perspective, he doesn't see conflicts or inconsistencies with regards to application. The case on appeal is a subset of cases that arises when transitions occur between laws. But they think, overall, that the deferred plea is better than the diversion. They have to see whether there are any conflicts with sexual offender registry law, but he doesn't think so.

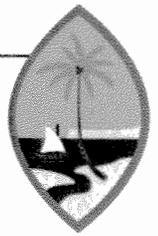
Atty. Wilson: While agrees that deferred plea was a good switch, sees a bit of conflict. Would like the Legislature to be very clear, specific, and straightforward.

Speaker Won Pat: Asks at what point request for deferred plea is put forward, whether at AG's or Court level.



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Atty. Tydingco: AG determines eligibility based on prior records. If they deny eligibility, defendant has the option to petition court for independent assessment.

Speaker Won Pat: Asks, where in this legislation would a deferred plea agreement kick in.

Atty. Tydingco: If this became law, want to incorporate it. Second and third offenses would be based on domestic violence registry guidance, or definition of repeat offender, based on this Chapter or 18.38.

Speaker Won Pat: Thought the same about sexual crimes, whether there were fine lines that separated and language that complemented the other.

Atty. Tydingco: Recalls Sen. Rodriguez's domestic violence registry law, that it has some definitions, and so it may be worthwhile to visit that bill.

Speaker Won Pat: Agrees that it may be prudent to look at that bill and other related bills, and hopefully can put together AG's and GPD's testimonies and incorporate accordingly.

Sen. Aguon: Asks whether there are follow up questions; given none, adjourns the public hearing on Bill 41-32.

III. FINDINGS AND RECOMMENDATION

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs and Judiciary to which was referred "Bill No. 41-32 (LS) - F.B. Aguon, Jr. / B.J.F. Cruz / J.T. Won Pat, Ed.D. - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence." hereby submits these findings to *I Mina' Trentai Dos na Lehislaturan Guahan* and reports out Bill No. 6-32 (COR) with a recommendation **TO DO PASS**.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (First) Regular Session

Bill No. 41-22 (LS)

Introduced by:

FRANK B. AGUON, JR. 
B. J. F. CRUZ 
J. T. WON PAT, ED. D. 

V. ANTHONY ADA (K)

**AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE
ANNOTATED RELATIVE TO STRENGTHENING THE
PENALTIES FOR CRIMES OF FAMILY VIOLENCE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 30.20 of Chapter 30, Title 9 Guam Code Annotated is hereby amended to read as follows:

“(a) Any person who intentionally, knowingly, or recklessly commits an act of family violence, as defined in § 30.10 of this Chapter, is guilty of a misdemeanor, or of a third degree felony, **and shall be sentenced as follows:**

(i) For the first offense, the court shall impose a sentence of no less than forty-eight (48) hours; and

(ii) For the second offense, the court shall impose a sentence of no less than thirty (30) days; and

(iii) For the third offense, the offense shall be classified as a third degree felony and the court shall impose a sentence of no less than one (1) year. The person, upon conviction, shall be termed a “repeat offender” and may be subject to extended terms as defined in 9 GCA § 80.38.

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1 (b) Upon a written, noticed motion prior to commencement of trial, the
2 defendant may move that a felony charge filed pursuant to this § 30.20, **other than**
3 **a felony charge filed pursuant to § 30.20(a)(iii)**, be reduced to a misdemeanor.
4 Whether any charge **other than a felony charge filed pursuant to § 30.20(a)(iii)**
5 shall proceed as a misdemeanor or a felony rests within the discretion of the court.

6 (c) In determining whether ~~any~~ **a** felony charge filed pursuant to this §
7 30.20, **other than a felony charge filed pursuant to § 30.20(a)(iii)**, should be
8 reduced to a misdemeanor, the court shall consider the following factors, among
9 others:

- 10 (1) The extent or seriousness of the victim's injuries;
- 11 (2) The defendant's history of violence against the same victim
12 whether charged or uncharged;
- 13 (3) The use of a gun or other weapon by the defendant;
- 14 (4) The defendant's prior criminal history;
- 15 (5) The victim's attitude and conduct regarding the incident;
- 16 (6) The involvement of alcohol or other substance, and the defendant's
17 history of substance abuse as reflected in the defendant's criminal history
18 and other sources; and
- 19 (7) The defendant's history of and amenability to counseling.

20 (d) If the court, after hearing, finds substantial evidence that a victim
21 suffered serious bodily injury as defined in subsection (c) of § 16.10 of this title, no
22 felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless
23 the court finds that due to unusual circumstances a reduction of the charge is
24 manifestly in the interest of justice.

25 (e) The fact that an alleged criminal act involved family violence as defined
26 in § 30.10 of this Chapter shall not preclude the prosecuting attorney from

1 charging and prosecuting the defendant for any other violations of law, subject to
2 the provisions set forth in § 1.22 of this title;

3 (f) In any case in which a person is convicted of violating this § 30.20 and
4 probation is granted, the court shall require participation in an education and
5 treatment program as a condition of probation unless, considering all the facts and
6 the circumstances, the court finds participation in an education and treatment
7 program inappropriate for the defendant.

8 (g) If probation is granted, or the imposition of a sentence is suspended, for
9 any person convicted under subsection (a) of this § 30.20 who previously has been
10 convicted under such subsection (a) for an offense that occurred within seven (7)
11 years of the offense of the second conviction, it shall be a condition of such
12 probation or suspended sentence that he or she be punished by imprisonment for
13 not less than ~~ten (10)~~ **thirty (30)** days, and that he or she participate in, for no less
14 than one (1) year, and successfully complete an education and treatment program,
15 as designated by the court. ~~However, the court, upon a showing of good cause,~~
16 ~~may find that the minimum imprisonment, or the participation in an education and~~
17 ~~treatment program, or both the minimum imprisonment and participation in an~~
18 ~~education and treatment program, as required by this subsection, shall not be~~
19 ~~imposed and may grant probation or the suspension of the imposition of a~~
20 ~~sentence.~~

21 (h) ~~If probation is granted or the imposition of a sentence is suspended~~
22 **Probation shall not be granted** for any person convicted under subsection (a) of
23 this § 30.20 who previously has been convicted of two (2) or more violations of
24 such subsection (a) for offenses that occurred within seven (7) years of the most
25 recent conviction, ~~it shall be a condition of such probation or suspended sentence~~
26 ~~that he or she be punished by~~ **The person shall be sentenced** ~~-imprisonment for~~
27 not less than ~~thirty (30) days~~ **one (1) year** and that he or she **shall** participate in,

1 for no less than one (1) year, and successfully complete an education and treatment
2 program, as designated by the court. ~~However, the court, upon a showing of good~~
3 ~~cause, may find that the minimum imprisonment, or the participation in an~~
4 ~~education and treatment program, or both the minimum imprisonment and~~
5 ~~participation in an education and treatment program, as required by this subsection,~~
6 ~~shall not be imposed and may grant probation or the suspension of the imposition~~
7 ~~of a sentence.”~~

8 **Section 2. § 30.32 of Chapter 30, Title 9 Guam Code Annotated is**
9 **hereby amended as follows:**

10 “(b) A ~~lower priority~~ **high priority** shall ~~not~~ be assigned to calls involving
11 alleged incidents of abuse or violations of orders relative to family violence ~~that is~~
12 ~~assigned in responding to like offenses involving strangers.~~ Every law enforcement
13 agency shall develop and implement a comprehensive inter- and intra-agency or
14 departmental family violence policy and protocol to include:

15 (1) the number of children in the family and/or household exposed to
16 family violence; and

17 (2) referral to Child Protective Services for coordination and referral
18 for assessment for appropriate counseling services.

19 **Section 3. § 30.40 of Chapter 30, Title 9 Guam Code Annotated is**
20 **hereby amended as follows:**

21 “(a) Any knowing violation of any of the following court orders shall be a
22 misdemeanor punishable by **imprisonment of no less than forty-eight (48) hours**
23 **and not more than one (1) year, and by** a fine of not more than One Thousand
24 Dollars (\$1,000); ~~or by imprisonment for not more than one (1) year, or by both~~
25 ~~such fine and imprisonment:~~

1 (1) An order enjoining a person from threatening to commit or
2 committing acts of family violence against, or from harassing, annoying, or
3 molesting, a family or household member, or any person named in the order;

4 (2) An order removing or excluding a person from the family dwelling
5 or from the dwelling of another, or from any habitable property as defined in
6 subsection (b) of § 34.11 of this title;

7 (3) An order requiring a person to stay away from the residence,
8 dwelling, school, day care center, place of employment, or any other
9 specified place or from a specified person, within five hundred feet (500') of
10 the specified place or specified person;

11 (4) An order prohibiting a person from possessing a firearm or other
12 weapon specified by the court; or

13 (5) An order in a criminal case prohibiting the defendant from
14 harassing, annoying, telephoning, contacting, or otherwise communicating
15 with a victim or specified witness, either directly or indirectly.

16 (b) In the event of a conviction for a **second** violation of **under** subsection
17 (a) of this § 30.40, **or of a conviction for a violation under subsection (a)** which
18 results in bodily injury as defined in subsection (b) of § 16.10 of this title, the
19 defendant shall be imprisoned for at least ~~forty-eight (48) hours~~ **thirty (30) days**.

20 (c) In the event of a conviction for a **third** violation under subsection **(a)** ~~(b)~~
21 of this § 30.40, **or of a conviction for a violation under subsection (a) of this §**
22 **30.40 which results in bodily injury as defined in subsection (b) § 16.10 of this**
23 **title after a prior conviction of a violation under subsection (a) of this § 30.40,**
24 occurring within ~~one (1) year~~ **two (2) years** of a ~~the prior~~ conviction of ~~either~~
25 ~~subsections (a) or (b),~~ committed against the same victim **or the victim's family,**
26 the defendant shall be imprisoned for no less than ~~thirty (30) days~~ **one (1) year**.

1 (d) When a peace officer has reasonable cause to believe that a person has
2 violated one (1) of the orders of the court specified in subsection (a) of this § 30.40
3 and verifies the existence of the order, the peace officer shall presume that
4 arresting and charging the person is the appropriate response.

5 (e) An admission by the defendant that he or she had knowledge of the court
6 order shall be admissible in court notwithstanding the corpus delicti rule.”

7

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 41-32 (LS)

As substituted by Committee on Guam U.S. Military Relocation,
Homeland Security, Veterans Affairs and Judiciary

Introduced by:

F. B. AGUON, JR.
B. J. F. CRUZ
J. T. WON PAT, ED.D.
V. A. ADA

**AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE
ANNOTATED RELATIVE TO STRENGTHENING THE
PENALTIES FOR CRIMES OF FAMILY VIOLENCE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 30.20 of Chapter 30, Title 9 Guam Code Annotated is hereby *amended* to read as follows:

“(a) Any person who intentionally, knowingly, or recklessly commits an act of family violence, as defined in § 30.10 of this Chapter, is guilty of a misdemeanor, or of a third degree felony, **and shall be sentenced as follows:**

(i) For the first offense, the court shall impose a sentence of no less than forty-eight (48) hours; and

(ii) For the second offense, the court shall impose a sentence of no less than thirty (30) days; and

(iii) For the third offense, the offense shall be classified as a third degree felony and the court shall impose a sentence of no less than one (1) year. The person, upon conviction, shall be termed a “repeat

1 **offender” and may be subject to extended terms as defined in 9 GCA §**
2 **80.38.**

3 (b) Upon a written, noticed motion prior to commencement of trial, the
4 defendant may move that a felony charge filed pursuant to this § 30.20, **other than**
5 **a felony charge filed pursuant to § 30.20(a)(iii)**, be reduced to a misdemeanor.
6 Whether any charge **other than a felony charge filed pursuant to § 30.20(a)(iii)**
7 shall proceed as a misdemeanor or a felony rests within the discretion of the court.

8 (c) In determining whether ~~any~~ **a** felony charge filed pursuant to this §
9 30.20, **other than a felony charge filed pursuant to § 30.20(a)(iii)**, should be
10 reduced to a misdemeanor, the court shall consider the following factors, among
11 others:

- 12 (1) The extent or seriousness of the victim's injuries;
- 13 (2) The defendant's history of violence against the same victim
14 whether charged or uncharged;
- 15 (3) The use of a gun or other weapon by the defendant;
- 16 (4) The defendant's prior criminal history;
- 17 (5) The victim's attitude and conduct regarding the incident;
- 18 (6) The involvement of alcohol or other substance, and the defendant's
19 history of substance abuse as reflected in the defendant's criminal history
20 and other sources; and
- 21 (7) The defendant's history of and amenability to counseling.

22 (d) If the court, after hearing, finds substantial evidence that a victim
23 suffered serious bodily injury as defined in subsection (c) of § 16.10 of this title, no
24 felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless
25 the court finds that due to unusual circumstances a reduction of the charge is
26 manifestly in the interest of justice.

1 (e) The fact that an alleged criminal act involved family violence as defined
2 in § 30.10 of this Chapter shall not preclude the prosecuting attorney from
3 charging and prosecuting the defendant for any other violations of law, subject to
4 the provisions set forth in § 1.22 of this title;

5 (f) In any case in which a person is convicted of violating this § 30.20 and
6 probation is granted, the court shall require participation in an education and
7 treatment program as a condition of probation unless, considering all the facts and
8 the circumstances, the court finds participation in an education and treatment
9 program inappropriate for the defendant.

10 (g) If probation is granted, or the imposition of a sentence is suspended, for
11 any person convicted under subsection (a) of this § 30.20 who previously has been
12 convicted under such subsection (a) for an offense that occurred within seven (7)
13 years of the offense of the second conviction, it shall be a condition of such
14 probation or suspended sentence that he or she be punished by imprisonment for
15 not less than ~~ten (10)~~ **thirty (30)** days, and that he or she participate in, for no less
16 than one (1) year, and successfully complete an education and treatment program,
17 as designated by the court. ~~However, the court, upon a showing of good cause,~~
18 ~~may find that the minimum imprisonment, or the participation in an education and~~
19 ~~treatment program, or both the minimum imprisonment and participation in an~~
20 ~~education and treatment program, as required by this subsection, shall not be~~
21 ~~imposed and may grant probation or the suspension of the imposition of a~~
22 ~~sentence.~~

23 (h) ~~If probation is granted or the imposition of a sentence is suspended~~
24 **Probation shall not be granted** for any person convicted under subsection (a) of
25 this § 30.20 who previously has been convicted of two (2) or more violations of
26 such subsection (a) for offenses that occurred within seven (7) years of the most
27 recent conviction. ~~it shall be a condition of such probation or suspended sentence~~

1 ~~that he or she be punished by~~ **The person shall be sentenced** -imprisonment for
2 not less than ~~thirty (30) days~~ **one (1) year** and ~~that he or she~~ **shall** participate in,
3 for no less than one (1) year, and successfully complete an education and treatment
4 program, as designated by the court. ~~However, the court, upon a showing of good~~
5 ~~cause, may find that the minimum imprisonment, or the participation in an~~
6 ~~education and treatment program, or both the minimum imprisonment and~~
7 ~~participation in an education and treatment program, as required by this subsection,~~
8 ~~shall not be imposed and may grant probation or the suspension of the imposition~~
9 ~~of a sentence.”~~

10 **Section 2. § 30.32 of Chapter 30, Title 9 Guam Code Annotated is**
11 **hereby amended as follows:**

12 “(b) A ~~lower priority~~ **high priority** shall ~~not~~ be assigned to calls involving
13 alleged incidents of abuse or violations of orders relative to family violence ~~that is~~
14 ~~assigned in responding to like offenses involving strangers.~~ Every law enforcement
15 agency shall develop and implement a comprehensive inter- and intra-agency or
16 departmental family violence policy and protocol to include:

- 17 (1) the number of children in the family and/or household exposed to
- 18 family violence; and
- 19 (2) referral to Child Protective Services for coordination and referral
- 20 for assessment for appropriate counseling services.

21 **Section 3. § 30.40 of Chapter 30, Title 9 Guam Code Annotated is**
22 **hereby amended as follows:**

23 “(a) Any knowing violation of any of the following court orders shall be a
24 misdemeanor punishable by **imprisonment of no less than forty-eight (48) hours**
25 **and not more than one (1) year, and by** a fine of not more than One Thousand
26 Dollars (\$1,000), ~~or by imprisonment for not more than one (1) year, or by both~~
27 ~~such fine and imprisonment:~~

1 (1) An order enjoining a person from threatening to commit or
2 committing acts of family violence against, or from harassing, annoying, or
3 molesting, a family or household member, or any person named in the order;

4 (2) An order removing or excluding a person from the family dwelling
5 or from the dwelling of another, or from any habitable property as defined in
6 subsection (b) of § 34.11 of this title;

7 (3) An order requiring a person to stay away from the residence,
8 dwelling, school, day care center, place of employment, or any other
9 specified place or from a specified person, within five hundred feet (500') of
10 the specified place or specified person;

11 (4) An order prohibiting a person from possessing a firearm or other
12 weapon specified by the court; or

13 (5) An order in a criminal case prohibiting the defendant from
14 harassing, annoying, telephoning, contacting, or otherwise communicating
15 with a victim or specified witness, either directly or indirectly.

16 (b) In the event of a conviction for a **second** violation of **under** subsection
17 (a) of this § 30.40, **or of a conviction for a violation under subsection (a)** which
18 results in bodily injury as defined in subsection (b) of § 16.10 of this title, the
19 defendant shall be imprisoned for at least ~~forty-eight (48) hours~~ **thirty (30) days**.

20 (c) In the event of a conviction for a **third** violation under subsection **(a)** ~~(b)~~
21 of this § 30.40, **or of a conviction for a violation under subsection (a) of this §**
22 **30.40 which results in bodily injury as defined in subsection (b) § 16.10 of this**
23 **title after a prior conviction of a violation under subsection (a) of this § 30.40,**
24 occurring within ~~one (1) year~~ **two (2) years** of a ~~the prior~~ conviction of ~~either~~
25 ~~subsections (a) or (b),~~ committed against the same victim **or the victim's family,**
26 the defendant shall be imprisoned for no less than ~~thirty (30) days~~ **one (1) year.**

1 (d) When a peace officer has reasonable cause to believe that a person has
2 violated one (1) of the orders of the court specified in subsection (a) of this § 30.40
3 and verifies the existence of the order, the peace officer shall presume that
4 arresting and charging the person is the appropriate response.

5 (e) An admission by the defendant that he or she had knowledge of the court
6 order shall be admissible in court notwithstanding the corpus delicti rule.”

7 **Section 4. § 30.80 of Chapter 30, Title 9 Guam Code Annotated is**
8 **hereby *amended* as follows:**

9 “§ 30.80. Deferred Guilty Plea for Family Violence.

10 Upon a proper motion, when a defendant voluntarily pleads guilty, prior to
11 the commencement of trial, to a misdemeanor charge of family violence, as
12 defined in this Chapter, he or she is found eligible for a deferred guilty plea
13 pursuant to §30.80.1 of this Chapter, and the defendant agrees to participate in
14 education, counseling and/or treatment program(s) as directed by the court, the
15 court may defer criminal proceedings until such a time as may be required for the
16 defendant to complete the education, counseling and/or treatment program(s).
17 Upon the defendant’s completion of the period designated by the court and in
18 compliance with the terms and conditions established, the court may discharge the
19 defendant and dismiss the charge against the defendant. Such discharge of the
20 defendant and dismissal of the case shall be without adjudication of guilt and shall
21 eliminate any civil admission of guilt and is not a conviction. **Offenses dismissed**
22 **under this subsection and/or under a family violence diversion program shall**
23 **count as prior offenses in the application of minimum sentences under this**
24 **Chapter.**



Karlo Dizon <committee@frankaguonjr.com>

Substituted Bill 41-32

1 message

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Fri, Mar 22, 2013 at 11:05 AM

To: Rory Respicio <cor@guamlegislature.org>

Hello COR Team,

Please see attached the substituted version of Bill 41-32, for your records and reference.

Thank you,

Karlo

**Bill-DV-031813.doc**

45K



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

Senator FRANK B. AGUON, Jr.
 CHAIRMAN

MONDAY, MARCH, 4, 2013

Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence. - F.B. Aguon, Jr. / B.J.F. Cruz / J.T. Won Pat, Ed.D.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Siri Wilson	Judiciary	475-3115	✓	✓		
Joshua Tenorio	Judiciary	4826904	✓	✓		
Phil Tydurga	ABU					



JUDICIARY OF GUAM

Administrative Office of the Courts
120 West O'Brien Drive · Hagåtña, Guam 96910-5174
Telephone: (671)475-3544 · Facsimile: (671)477-3184



PERRY C. TAITANO
Administrator of the Courts

March 01, 2013

MEMORANDUM

TO: Director of Policy Planning and Community Relations

FROM: Family Violence Court Judicial Coordinator

SUBJECT: Proposed Amendment to the Family Violence Act

Thank you for the opportunity to comment on Bill B041-32, an Act to Amend the Family Violence Act Relative to Strengthening Penalties for Crimes of Family Violence.

The Judiciary of Guam, through the specialized Family Violence Court, is committed to ensuring victim safety, improving caseload efficiency, and increasing offender accountability. These goals are accomplished through continual review of courtroom procedures, implementation of nationally recognized best practices for domestic violence courts, and responding to feedback from attorneys, community partners, and victims and their families. This system has led to important changes – such as dedicated victim advocates available at all family violence hearings – that have enabled the Family Violence Court to better serve our victims and the community at large.

In the past year, our greatest challenge has come in interpreting and implementing the 2011 amendment to the Family Violence Act. In March 2012, the amendment to Family Violence Act removed the previous Diversion Program and replaced it with a Deferred Plea Agreement. This legislative change was not unwelcome as it brought the domestic violence laws of Guam into greater conformity with the domestic violence laws of the majority of state jurisdictions. Nonetheless, the legislative change required the Judiciary to reorganize our Probation Department, rework multiple legal forms, revamp courtroom procedures, and, most critically, decide upon a series of as yet still unresolved legal challenges to the Court's interpretation and implementation of the new law.

The Family Violence Court neither opposes nor supports mandatory sentences for defendants convicted of family violence offenses. The court will not lobby for a position, but exists as a neutral body dedicated to interpreting and implementing the law. That said, the Family Violence Court has concerns about the proposed legislation as it is currently drafted. Having recently gone through a legislative amendment to the Family Violence Act, we are very much aware of the many arguments that will be brought by both the prosecution and the defense bar in interpreting this new legislation, should it become law. Of primary concern to the Court, is how the mandatory sentencing will interact with the Deferred Plea Agreement enacted into law in 2012.

The recently enacted Deferred Plea Agreement permits eligible defendants to have their 'guilty plea' deferred for a period of 1 to 3 years while they are given the opportunity to complete counseling and/or a substance abuse treatment program. During this 1 to 3 year period, the defendant is on probation and is closely monitored by one of our specialized family violence probation officers. If the defendant successfully completes all of the conditions of counseling, treatment, and the probationary period, he or she may have their criminal charges dismissed and their case expunged from public (but not law enforcement) records. If the defendant is unsuccessful, the 'guilty plea' is 'accepted' by the judge and the defendant proceeds to sentencing. The 'Family Violence Deferred Plea' is distinct from other deferred pleas. A prosecutor and defense counsel may negotiate a plea agreement that includes any number of restrictive conditions upon a defendant. By contrast, a Family Violence Deferred Plea may only contain terms related to counseling and treatment, the standard probation terms during the 1 to 3 year period, community service, and restitution where applicable.

The proposed legislative amendment would require the court to sentence offenders based upon the number of "offenses" committed. However, it is not clear whether charges that were dismissed due to a previous diversion or a successful deferred plea should count as an 'offense'. For example, if there is a defendant who received two previous diversions and was now arrested on a third set of charges, is that a third offense for the purpose of sentencing, or a first offense? As mentioned earlier, when charges are dismissed and expunged due to a previous Diversion or Deferred Plea, the record of those charges are not available to the public – but they are used by the court and law enforcement for purposes of determining eligibility to receive a future deferred plea, in analyzing a motion to reduce a felony to a misdemeanor, and in sentencing. Without knowing precisely how the sentencing guidelines are intended to interact with the Deferred Plea Agreement, the Court anticipates legal challenges from both the prosecution and the defense bar on any legal interpretation it may offer.

The Family Violence Court welcomes the opportunity to work with the legislature on the important issue of reducing family and dating violence on Guam. We are always willing to meet with the legislature to discuss the introduction of proposed legislation and to offer input on the impact a proposed amendment may have on adjudication of criminal cases. The Family Violence Court does not have a stance on whether mandatory sentencing for domestic violence offenders should or should not be enacted. Instead, the Court asks that the legislature consider making clear their intent on how the sentencing would or would not interact with the recently enacted Family Violence Deferred Plea.

SIIRI AILEEN WILSON



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
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Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2013 FEB 25 PM 4:44
WR

February 25, 2013

Memorandum

To: Reanne Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

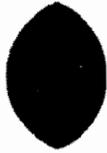
Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 21-32 (COR), 40-32(COR), 41-32(COR), and 44-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 8

If you do not receive legible copies of all the pages, please call back as soon as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note Waiver on the following Bill Nos.: 21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR**FEB 25 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guáhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 41-32 (COR)**

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Correction and Others	Dept./Agency Head: San Agustin
Department's General Fund (GF) appropriation(s) to date:	20,111,228
Department's Other Fund (Specify) appropriation(s) to date: Corrections Revolving, Safe Street, TEFF	951,661
Total Department/Agency Appropriation(s) to date:	521,062,889

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance¹			
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (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
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /x No
If Yes, see attachment
- 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
- Does the Bill establish a new program/agency? // Yes /x No
If yes, will the program duplicate existing programs/agencies? // Yes /x No
Is there a federal mandate to establish the program/agency? // Yes /x No
- Will the enactment of this Bill require new physical facilities? // Yes /x No
- 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: Matt Quinata **Date:** _____ **Director:** John A. Rio, BBMR Director **Date:** FEB 25 2013

Footnotes:

Bill no. 41-32 intends to make it mandatory for the courts to impose sentences to include mandatory incarceration of those found guilty of family violence, to include first time offenders. Based the Department of Correction's FY2012 expenditures, the cost of incarcerating an inmate is approximately \$37,230 a year at an estimated average cost of \$102 per day. GPD statistics showed a total of 272 individuals were arrested for family violence in FY2012. Assuming a 50% guilty rate (136 individuals) for first time offenders, the potential fiscal impact would cost about \$204 per person or \$27,500 per year if the bill is passed. This cost will potentially increase if additional guilty verdicts are made and if individuals have more than one offense; it will increase costs and add burden to facilities and resources of other GovGuam departments/agencies. The proposed legislation my suggest options of monetary penalties rather than incarcerate to strengthen the penalties



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

February 11, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 41-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **41-32(LS)**.

Please ensure that the subject bill is 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 Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I Mina Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
41-32 (LS)	Frank B. Aguon Jr	AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.	2/11/2013 2:27 P.M.	2/11/13	Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary			

Public Hearing Notice

Gina Reilly <media@frankaguonjr.com>

Mon, Feb 25, 2013 at 4:15 PM

To: "Frank Aguon Jr." <aguon4guam@gmail.com>, Aline Yamashita <Aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, BJ Cruz <senator@senatorbjcruz.com>, Brant McCreadie <brantforguam@gmail.com>, Christopher Duenas <duenasenator@gmail.com>, Dennis Rodriguez <senatordrodriguez@gmail.com>, Judi Won Pat <speaker@judiwonpat.com>, Mike Limtiaco <mike@mikelimtiaco.com>, Mike San Nicholas <senatorsannicolas@gmail.com>, Rory Respicio <cor@guamlegislature.org>, Tina Muna Barnes <senator@tinamunabarnes.com>, Tom Ada <tom@senatorada.org>, Tommy Morrison <tommy@senatormorrison.com>, Tony Ada <senatorTonyada@guamlegislature.org>

Cc: dena.mafnas@gmail.com, friar_70dylan@yahoo.com, Christine Chan <christinechan1130@yahoo.com>, "Gina T. Reilly" <ginatreilly@gmail.com>, Joe Crisostomo <jacrisostomo1940@yahoo.com>, Karlo Dizon <karlo.dizon@gmail.com>, Nicholas Santos <nicksantos.design@gmail.com>, Yvette Cruz <yvettelgcruz@gmail.com>, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, mis@guamlegislature.org

Hafa Adai Senators,

Please see attached Memo regarding our scheduled Public Hearing on March 4, 2013 at 9AM.

Si Yu'use Maase!

Gina Tabonares-Reilly

Office of Senator Frank B. Aguon, Jr.

Communications Manager
671-475-GUM1/2 (4861/2)



PublicHearingMarch4.pdf

524K

Press Release Public Hearing

Gina Reilly <media@frankaguonjr.com>

Mon, Feb 25, 2013 at 4:34 PM

To: geraldine@mvguam.com, guamforum671@gmail.com, janela@spbguam.com, joy@mvguam.com, mabuhaynews@yahoo.com, managingeditor@glimpsesofofguam.com, reporter1@glimpsesofofguam.com, uogtritonscall@gmail.com, Alicia Perez <perezksto@gmail.com>, Bob Gaeth <bgaeth@k57.com>, Brett Kelman <bmkelman@guampdn.com>, Clynt Ridgell <clynt@spbguam.com>, Coleen R San Nicolas-Perez <coleen.perez@fe.navy.mil>, David Crisostomo <dcrisost@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Gerry Partido <gerry@mvguam.com>, Jason Salas <jason@kuam.com>, Jesse Lujan <jessthebuzz@gmail.com>, JoAnna Delfin <joanna.delfin.ctr@fe.navy.mil>, John Davis <john@kuam.com>, Jon Anderson <editor@mvguam.com>, K57 <news@k57.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, KUAM Tip Line <hottips@kuam.com>, Louella Losinio <louella@mvguam.com>, "Lt. William Knight" <william.knight@fe.navy.mil>, Mar-Vic Cagurangan <mar_vic_cagurangan@yahoo.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Pacific Daily News <news@guampdn.com>, Patti Arroyo <parroyo@k57.com>, PDN Lifestyle <life@guampdn.com>, Ray Gibson <rgibson@k57.com>, Romeo Carlos <guamblog@ymail.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Shaina Santos <shaina.santos.ctr@fe.navy.mil>, Sorensen <news@spbguam.com>, Stars & Stripes <Guam@pstripes.osd.mil>, Steve Limtiaco <slimtiaco@guampdn.com>, Travis Coffman <travis.coffman@gmail.com>, dena.mafnas@gmail.com, friar_70dylan@yahoo.com, Christine Chan <christinechan1130@yahoo.com>, "Frank Aguon Jr." <aguon4guam@gmail.com>, "Gina T. Reilly" <ginatreilly@gmail.com>, Joe Crisostomo <jacrisostomo1940@yahoo.com>, Karlo Dizon <karlo.dizon@gmail.com>, Nicholas Santos <nicksantos.design@gmail.com>, Yvette Cruz <yvettelgacruz@gmail.com>, Guam Legislature Clerks Office <clerks@guamlegislature.org>, Rory Respicio <cor@guamlegislature.org>, sgtarms@guamlegislature.org, mis@guamlegislature.org

Hafa Adai All!

Please see attached Press Release re a scheduled Public Hearing on March 4, 2013, Monday.

Thank You!

Gina Tabonares-Reilly
Office of Senator Frank B. Aguon, Jr.
Communications Manager
671-475-GUM1/2 (4861/2)

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OFFICE OF SENATOR FRANK B. AGUON, JR.
Chairman, Committee on Guam US Military Relocation
Homeland Security, Veterans Affairs and Judiciary
Minu Trentai Dos Na Liheslaturan Guahan - 32nd Guam Legislature

PUBLIC HEARING

Monday, March 4, 2013

AGENDA

9:00AM

Bill No. 6-32 (LS)

An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR)

An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

Bill No. 41-32 (LS)

An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR)

An act to add a new (b) (1) and (2) to § 67.801, and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum

Resolution No. 33-32

Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault

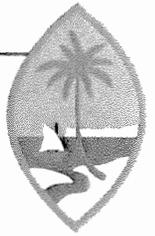
Should you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail committee@frankaguonjr.com.

THIS AD PAID FOR WITH GOVERNMENT FUNDS



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

MONDAY, MARCH 4, 2013 9:00 AM

FOR IMMEDIATE RELEASE

Please be advised that the Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will be conducting a Public Hearing on **Monday, March 4, 2013 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following items:

- **Bill No. 6-32 (LS)** - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".
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- **Resolution No. 33-32 (COR)** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Testimony should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to committee@frankaguonjr.com, or via facsimile to (671) 475-GUM3 (4863). Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Karlo Dizon or Yvette Cruz at our office. We look forward to your attendance and participation.

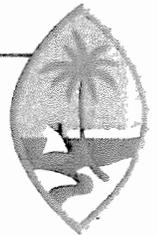
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For further information, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/1).



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

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Committee Member

**Senator
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Committee Member

**Senator
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Committee Member

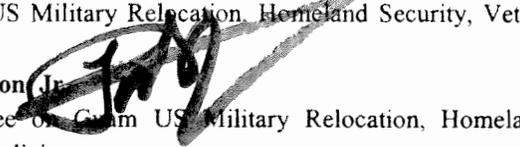
**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

February 25, 2013

MEMORANDUM

To: Honorable Senator Members
Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary

From: Senator Frank B. Aguon, Jr. 
Chairperson, Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary

Subject: **First Notice – Public Hearing**
Monday, March 4, 2013 – 9:00 AM

Please be advised that the Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary will be conducting a Public Hearing on Monday, March 4, 2013 at 9:00 AM in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following items:

- **Bill No. 6-32 (LS)** - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".
- **Bill No. 10-32 (COR)** - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.
- **Bill No. 41-32 (LS)** - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.
- **Bill No. 43-32 (COR)** - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum
- **Resolution No. 33-32 (COR)** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Testimony should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to committee@frankaguonjr.com, or via facsimile to (671) 475-GUM3 (4863). Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Karlo Dizon or Yvette Cruz at our office. We look forward to your attendance and participation. For further information, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2). We look forward to your attendance and participation.

CC: All Senators/Clerk of the Legislature/Sgt.at-Arms/Protocol

FRIDAY, MARCH 1, 2013 - MARIANAS VARIETY GUAM EDITION



OFFICE OF SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam US Military Relocation

Homeland Security, Veterans Affairs and Judiciary

Mina' Trentai Dos Na Liheslaturan Guahan · 32nd Guam Legislature

PUBLIC HEARING

Monday, March 4, 2013

AGENDA

9:00AM

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An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act"

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Resolution No. 33-32

Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

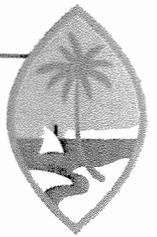
Should you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail committee@frankaguonjr.com.

THIS AD PAID FOR WITH GOVERNMENT FUNDS



**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



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Committee Chairperson

**Senator
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**Speaker
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Committee Member

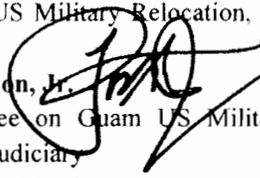
**Senator
Michael Lintiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

March 1, 2013

MEMORANDUM

To: Honorable Senator Members
Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary

From: Senator Frank B. Aguon, Jr. 
Chairperson, Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary

Subject: Second Notice – Public Hearing
Monday, March 4, 2013 – 9:00 AM

Please be advised that the Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs and Judiciary will be conducting a Public Hearing on Monday, March 4, 2013 at 9:00 AM in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following items:

- **Bill No. 6-32 (LS)** - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".
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- ~~**Resolution No. 33-32 (COR)** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.~~

Testimony should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to committee@frankaguonjr.com, or via facsimile to (671) 475-GUM3 (4863). Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Karlo Dizon or Yvette Cruz at our office. We look forward to your attendance and participation. For further information, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2). We look forward to your attendance and participation.

CC: All Senators/Clerk of the Legislature/Sgt.at-Arms/Protocol



Gina Reilly <media@frankaguonjr.com>

2nd Notice of Public Hearing

Gina Reilly <media@frankaguonjr.com>

Fri, Mar 1, 2013 at 12:49 PM

To: phnotice@guamlegislature.org, "Frank Aguon Jr." <aguon4guam@gmail.com>, Aline Yamashita <Aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, BJ Cruz <senator@senatorbjcruz.com>, Brant McCreddie <brantforguam@gmail.com>, Christopher Duenas <duenasenator@gmail.com>, Dennis Rodriguez <senatordrodriguez@gmail.com>, Judi Won Pat <speaker@judiwonpat.com>, Mike Limtiaco <mike@mikelimtiaco.com>, Mike San Nicholas <senatorsannicolas@gmail.com>, Rory Respicio <cor@guamlegislature.org>, Tina Muna Barnes <senator@tinamunabarnes.com>, Tom Ada <tom@senatorada.org>, Tommy Morrison <tommy@senatormorrison.com>, Tony Ada <senatortonyada@guamlegislature.org>
Cc: Karlo Dizon <committee@frankaguonjr.com>, Yvette Cruz <admin@frankaguonjr.com>, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, mis@guamlegislature.org

Hafa Adai Senators!

Please see attached notice of our scheduled Public Hearing on Monday, March 4, 2013 at 9AM.

Si Yu'us Ma'ase!

Gina Tabonares-Reilly
Office of Senator Frank B. Aguon, Jr.
Communications Manager
671-475-GUM1/2 (4861/2)

**2ndNoticeSenators.pdf**

510K



Gina Reilly <media@frankaguonjr.com>

Press Release - 2nd Notice of Public Hearing

Gina Reilly <media@frankaguonjr.com>

Fri, Mar 1, 2013 at 12:45 PM

To: geraldine@mvguam.com, guamforum671@gmail.com, janela@spbguam.com, joy@mvguam.com, mabuhaynews@yahoo.com, managingeditor@glimpsesofiguam.com, reporter1@glimpsesofiguam.com, uogtritonscall@gmail.com, Alicia Perez <perezksto@gmail.com>, Bob Gaeth <bgaeth@k57.com>, Brett Kelman <bmkelman@guampdn.com>, Clynt Ridgell <clynt@spbguam.com>, Coleen R San Nicolas-Perez <coleen.perez@fe.navy.mil>, David Crisostomo <dcrisost@guampdn.com>, Duane George <dmgeorge@guampdn.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>, Gerry Partido <gerry@mvguam.com>, Jason Salas <jason@kuam.com>, Jesse Lujan <jessthebuzz@gmail.com>, JoAnna Delfin <joanna.delfin.ctr@fe.navy.mil>, John Davis <john@kuam.com>, Jon Anderson <editor@mvguam.com>, K57 <news@k57.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, KUAM Tip Line <hottips@kuam.com>, Louella Losinio <louella@mvguam.com>, "Lt. William Knight" <william.knight@fe.navy.mil>, Mar-Vic Cagurangan <mar_vic_cagurangan@yahoo.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, Patti Arroyo <parroyo@k57.com>, PDN Lifestyle <life@guampdn.com>, Ray Gibson <rgibson@k57.com>, Romeo Carlos <guamblog@ymail.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Shaina Santos <shaina.santos.ctr@fe.navy.mil>, Sorensen <news@spbguam.com>, Stars & Stripes <Guam@pstripes.osd.mil>, Steve Limtiaco <slimtiaco@guampdn.com>, Travis Coffman <travis.coffman@gmail.com>

Hafa Adai All!

Please see attached Notice/Press Release regarding our scheduled Public Hearing on Monday, March 4, 2013 at 9AM.

Si Yu'us Ma'ase!

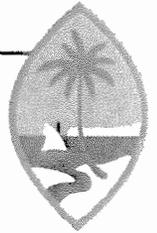
Gina Tabonares-Reilly
Office of Senator Frank B. Aguon, Jr.
Communications Manager
671-475-GUM1/2 (4861/2)

 **2ndNoticeMedia.pdf**
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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
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**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

MONDAY, MARCH 4, 2013 9:00 AM

FOR IMMEDIATE RELEASE

Please be advised that the Committee on Guam US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will be conducting a Public Hearing on **Monday, March 4, 2013 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following items:

- **Bill No. 6-32 (LS)** - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".
- **Bill No. 10-32 (COR)** - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.
- **Bill No. 41-32 (LS)** - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.
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- ~~**Resolution No. 33-32 (COR)** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.~~

Testimony should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to committee@frankaguonjr.com, or via facsimile to (671) 475-GUM3 (4863). Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Karlo Dizon or Yvette Cruz at our office. We look forward to your attendance and participation.

-30-

For further information, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/1).



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Edward J. Calvo
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagatna, Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Governor Calvo,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR) - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

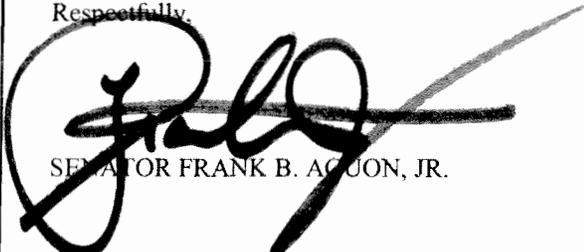
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Resolution No. 33-32 (COR) - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,


SENATOR FRANK B. AGUON, JR.

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

Senator
FRANK B. AGUON, JR.
Committee Chairperson

Senator
Tina Muna-Barnes
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COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Raymond S. Tenorio
Lieutenant Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagatna, Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Lieutenant Governor Tenorio,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR) - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR) - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum .

Resolution No. 33-32 (COR) - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

Mr. Angel R. Sablan
Executive Director
Mayors' Council of Guam
P.O.Box 786
Hagatna, Guam 96932

ATTENTION: All Mayors

RE: Public Hearing
Monday, March 4, 2013

Dear Mr. Sablan,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

**Senator
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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Madeleine Z. Bordallo
Guam Delegate - US House of Representative
120 Father Duenas Avenue , Suite 107
Hagatna Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Congresswoman Bordallo,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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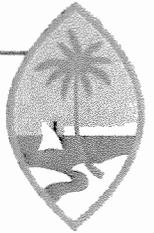
**Senator
Thomas Morrison**
Committee Member



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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

February 26, 2013

Dr. Julie Ulloa-Heath
President of the Board
Victims Advocates Reaching Out (VARO)
P.O.Box 2045
Hagatna Guam 96932

RE: Public Hearing
Monday, March 4, 2013

Dear Dr. Ulloa-Heath,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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SENATOR FRANK B. AGUON, JR.

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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

Mr. Fred E. Bordallo
Chief of Police
Guam Police Department
Bldg. 13-16A Mariner Ave.
Tiyan, Barrigada Guam 96913

RE: Public Hearing
Monday, March 4, 2013

Dear Chief Bordallo,

Buenas yan Hafa Aдай! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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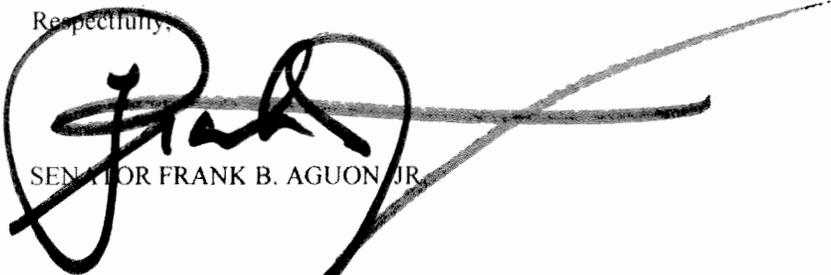
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**Senator
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**Senator
Michael Lintiacco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

February 26, 2013

Ms. Mildred Lujan
Executive Director
Sanctuary Incorporated
406 Mai Mai Road
Chalan Pago Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Ms.Lujan,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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SENATOR FRANK B. AGUON, JR.

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COMMITTEE ON

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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Judge F. Philip Carbullido
Chief Justice of Guam
Supreme Court of Guam
Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910-5174

RE: Public Hearing
Monday, March 4, 2013

Dear Chief Justice Carbullido,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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**Senator
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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Leonardo Rapadas
Attorney General
Office of the Attorney General
287 West O'Brien Drive
Hagatna, Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Honorable Leonardo Rapadas,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills which concern the Office of the Attorney General:

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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

Ms. Maria Teresa Aguon
Program Manager
Healing Hearts Crisis Center- Department of Mental Health and Substance Abuse
215 Duenas Drive
Tamuning, Guam 96913

RE: Public Hearing
Monday, March 4, 2013

Dear Ms. Aguon,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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COMMITTEE ON

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Committee Member

**Senator
Thomas Morrison**
Committee Member

February 26, 2013

Sister Bridgid Perez
Program Director
Alee Shelter
234-A US Army Juan C. Fejeran St.
Barrigada, Guam 96913

RE: Public Hearing
Monday, March 4, 2013

Dear Sister Bridgid,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

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SENATOR FRANK B. AGUON, JR.

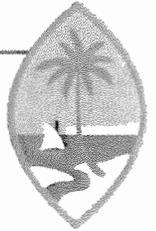
PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

Ms. Monica Taimanglo
Program Director
Erica's House
1102 East Sunset Blvd
Barrigada, Guam 96913

RE: Public Hearing
Monday, March 4, 2013

Dear Ms. Taimanglo,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR) - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR) - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum .

Resolution No. 33-32 (COR) - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lintiac**
Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Judge Alberto C. Lamorena II
Presiding Judge, Superior Court of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

RE: Public Hearing
Monday, March 4, 2013

Dear Presiding Judge Lamorena,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

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Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR) - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum .

Resolution No. 33-32 (COR) - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

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155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

**Senator
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Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

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Committee Member

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Committee Member

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Thomas C. Ada**
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Dennis G. Rodriguez, Jr.**
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Committee Member

**Senator
Michael Lintiac**
Committee Member

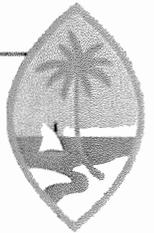
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



February 26, 2013

The Honorable Alicia Limtiaco
US Attorney
US Attorney's Office
Sirena Plaza Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96950

RE: Public Hearing
Monday, March 4, 2013

Dear Honorable Alicia Limtiaco,

Buenas yan Hafa Adai! The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, March 4, 2013 beginning at 9:00am. Included on the agenda are the following bills:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR) - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR) - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum .

Resolution No. 33-32 (COR) - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.

Your presence in this public hearing is highly encouraged. Please contact me or my office at (671) 475-GUM1/2 (4861/2) for further information or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

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WWW.FRANKAGUONJR.COM

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Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
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Rory J. Respicio**
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**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

Bill to strengthen penalties for domestic abuse, assault

By Louella Losinio
louella@mvguam.com
Variety News Staff

SEN. Frank B. Aguon Jr. has introduced a bill increasing the penalties for crimes of domestic violence and assault.

Bill 41-32, or "An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence," was co-sponsored by Vice-Speaker Benjamin J.F. Cruz, Speaker Judith Won Pat, and Sen. Tony V. Ada.

"This bill was created in response to what has seemed like an epidemic of family violence in our community," Aguon said in a news release. "The unfortunate truth is that domestic violence affects everyone involved – not just women, but children and other immediate family members as well."

The new law adopts a modification on the "three-strikes" policy implemented in other states to target and reduce repeat offenders. Changes to existing law include:

- ▶ 48 hours minimum imprisonment for first-time offenders;
- 30 days minimum imprisonment for second-time offenders;
- 1 year minimum imprisonment, and third-degree felony charge for third-time offenders;

- ▶ Stricter penalties for offenders who have broken a probation ruling on a first offense, including eliminating the possibility of probation for third-time offenders;

- ▶ Stricter penalties for offenders who have broken a protective order against the victim or the victim's family;

- ▶ Assigning higher priority to police calls involving family violence.

"The greater tragedy is that most offenders commit these acts repeatedly," Aguon said. "While I commend the hard work and dedication of our police force and domestic violence shelters, like Alee, in addressing these crimes, we still have a long way to go. My hope is that this law will ultimately serve as an effective deterrent against these crimes."

The bill follows an earlier resolution introduced by Aguon and co-sponsored by Sen. Tony V. Ada and Vice Speaker Benjamin J. F. Cruz relative to urging the U.S. Congress to pass the Violence Against Women Reauthorization Act of 2013, which expands VAWA protections to certain minority groups and increases services for victims of family violence and sexual assault.

Stiffer penalties for family violence eyed

By Geraldine Castillo
geraldine@mvguam.com
Variety News Staff

LOCAL laws concerning family violence could change with proposed legislation that intends to increase penalties for the crime committed.

Bill 41-32, introduced in February by Sen. Frank Aguon Jr., seeks to impose stiffer penalties for crimes of domestic violence and assault. The bill is in the agenda for today's public hearing which begins 9 a.m. at the Legislature's public hearing room.

The bill, according to Aguon, was created in response to what seemed like an epidemic of family violence in the community.

“The unfortunate truth is that domestic violence affects everyone involved – not just women, but children and other immediate family members as well,” he stated in a news release.

The proposed legislation adopts a modification on the “three strikes” policy implemented in other states to target and reduce repeat offenders.

For example, first-time offenders of family violence as a misdemeanor or felony could face no less than 48 hours of imprisonment. Current law regarding the sentencing for first-, second- and third-time offenders of family violence is at the discretion of the court.

For second-time offenders

of family violence, the bill suggests a minimum of 30 days imprisonment. As for third-time offenders, they could face a third-degree felony charge along with a minimum term of one year imprisonment.

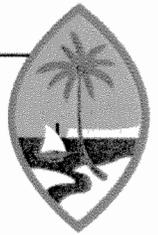
Other changes to the current law include stricter penalties for offenders who have broken a protective order against the victim or the victim's family. While no minimums are imposed for the first offense of breaking a protective order under current law, the bill seeks to change that to a minimum of 48 hours imprisonment.

The bill also calls for assigning higher priority to police calls involving family violence.



GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



PUBLIC HEARING

MONDAY MARCH 4, 2013

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

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

9:00 a.m.:

Bill No. 6-32 (LS) - An act to amend §25.15 and §25.20 of Chapter 25, Title 9, Guam Code Annotated, relative to strengthening penalties for crimes involving criminal sexual conduct, which may be cited as the "Predator Prevention Act".

Bill No. 10-32 (COR) - An act to add a new Chapter 39A to Title 7 of the Guam Code Annotated relative to creating the Uniform Child Abduction Prevention Act.

Bill No. 41-32 (LS) - An act to amend Chapter 30, Title 9 Guam Code Annotated relative to strengthening the penalties for crimes of family violence.

Bill No. 43-32 (COR) - An act to add a new (b) (1) and (2) to § 67.801; and to add a new § 67.802 and § 67.803 to Article 8 of Chapter 67 of Title 9 Guam Code Annotated relative to strengthening the penalties for the possession, manufacturing, selling, or distribution of any synthetic Cannabinoid or Salvia Divinorum

~~**Resolution No. 33-32 (COR) As Introduced** - Relative to urging the United States Congress to pass the Violence Against Women Reauthorization Act of 2013, in order to continue protecting the safety of women and children across the United States and ensure the provision of necessary services for victims of domestic violence and sexual assault.~~

- IV. Closing Remarks
- V. Adjournment

**Senator
FRANK B. AGUON, JR.**
Committee Chairperson

**Senator
Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
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**Senator
Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 25, 2013

Memorandum

To: Reanne Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 21-32 (COR), 40-32(COR), 41-32(COR), and 44-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 FEB 25 PM 4:44
WML

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 8

If you do not receive legible copies of all the pages, please call back as soon as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note Waiver on the following Bill Nos.: 21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR**FEB 25 2013**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 13, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

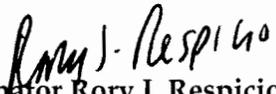
RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator **Rory J. Respicio**
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 14 AM 9:10

W

Bill No. 19-32(COR) – C.M. Duenas / B.J.F. Cruz / T.A. Morrison

AN ACT TO AMEND CHAPTER 7, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CAPTURING LICENSE FEES AND TAXES FORM GAMING OPERATORS.

Bill No. 20-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND BY PUBLIC HEALTH CARE PROVIDERS FOR SPECIFIC PURPOSES PERTAINING TO EXTINGUISHING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND PROVIDE EXPANDED HEALTHCARE SERVICES BY ESTABLISHING AND FUNDING A GMHA PRIMARY HEALTHCARE OR URGENT HEALTHCARE CENTER FOR NON-EMERGENCY PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013."

Bill No. 21-32 (COR) – B.J.F. Cruz

AN ACT TO AMEND § 66104.2 OF CHAPTER 66, TITLE 10, OF THE GUAM CODE ANNOTATED; RELATIVE TO THE EMPLOYMENT OF CIVILIAN VOLUNTEER POLICE RESERVE OFFICERS.

Bill No. 22-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

Bill No. 23-32 (COR) – A.A. Yamashita, T.R. Muna Barnes

AN ACT TO PLACE THE FORMER AGAT FIRE STATION UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR'S OFFICE OF AGAT, BY AMENDING ITEM(1) OF §40113(B) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 24-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §7120.3 OF CHAPTER 7, TITLE 16, OF THE GUAM CODE ANNOTATED RELATIVE TO WAIVER OF FEES FOR IMMEDIATE KIN OF FALLEN HEROES.

Bill No. 25-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO REPROGRAM AVAILABLE FUNDS FROM THE HIGHWAY 2001 BOND CONSTRUCTION FUND AND THE HIGHWAY 1985 BOND CONSTRUCTION FUND, AND DESIGNATE AND PRIORITIZE CERTAIN CAPITAL IMPROVEMENT PROJECTS, AND PURCHASE HEAVY EQUIPMENT NEEDED BY DPW FOR FLOOD MITIGATION.

Bill No. 26-32 (COR) – B.J.F. Cruz / V.A. Ada / T.R. Muna Barnes

AN ACT TO ADD A NEW § 8107.1 TO CHAPTER 8 OF TITLE 5, GUAM CODE ANNOATED; RELATIVE TO MANDATING THE CREATION OF THE 'GUAM PUBLIC NOTICE WEBSITE', AMENDING (A) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOTATED AND ADDING (C) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOATED.

Bill No. 27-32 (COR) – F.V. Aguon, Jr.

AN ACT TO ADD A NEW §850 TO TITLE 1, GUAM CODE ANNOTATED, TO DESIGNATE ROUTE 15 AS "AIR FORCE HIGHWAY" IN HONOR OF AND SPECIAL TRIBUTE TO THE MEN AND WOMEN OF GUAM WHO HAVE SERVED IN THE UNITED STATES AIR FORCE.

Bill No. 28-32 (COR) – A.A. Yamashita

AN ACT RELATIVE TO AUTHORIZING THE RE-ALLOCATION OF UNDISTRIBUTED COLLECTION FUNDS BY THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE FOR THE CRITICAL SUPPORT NEEDED FOR CHILD SUPPORT AND PROTECTIVE SERVICES; THROUGH AMENDING §34111 OF CHAPTER 34, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 29-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GUAM PROPERTY.

Bill No. 30-32 (COR) – M.T. Limtiaco

AN ACT TO AMEND 2 GCA § 1106 (a) AND TO REPEAL 2 GCA § 1106 (b), TO REDUCE SENATORS' SALARIES TO FIFTY-FIVE THOUSAND THREE HUNDRED SEVEN DOLLARS (\$55,307.00) PER ANNUM

Bill No. 31-32 (COR) – V.A. Ada

AN ACT TO ADD A NEW §5132 TO CHAPTER 5 OF 5GCA RELATIVE TO RETENTION OF PROCUREMENT RELATED EMAIL MESSAGES.

Bill NO. 32-32 (COR) –V.A. Ada

AN ACT TO ADD A NEW (e) TO §5008 OF CHAPTER 5 OF 5GCA RELATIVE TO PROHIBITING GOVERNMENT OF GUAM BRANCHES, DEPARTMENTS, AGENCIES AND INSTRUMENTALITIES FROM EXCLUDING LOCAL BUSINESSES FROM THE PROCUREMENT PROCESS

Bill NO. 33-32 (COR) – V.A. Ada / R.J. Respicio

AN ACT TO AMEND §7105 OF CHAPTER 7 OF 16GCA RELATIVE TO REQUIRING PROOF OF USE TAX PAYMENT AS A CONDITION OF REGISTRATION FOR VEHICLES ACQUIRED OFF-ISLAND.

Bill NO. 34-32 (COR) – V.A. Ada / R.J. Respicio

AN ADD A NEW §§ 7178 & 7179 TO 16GCA RELATIVE TO VEHICLE REGISTRATIONS

Bill No. 35-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS

Bill No. 36-32 (COR) - M.F.Q. San Nicolas/ V.A. Ada

AN ACT TO ADD A NEW (e) AND (f) TO §30111 OF CHAPTER 30, TITLE 22, GUAM CODE ANNOTATED AND A NEW §24307.1, §24307.2, §24307.3, §24307.4, §24307.5, §24307.6, §24307.7 TO CHAPTER 24, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REAL ESTATE APPRAISERS TO SUBMIT VALUATIONS TO THE DEPARTMENT OF REVENUE AND TAXATION AND TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO ADJUST PROPERTY TAX ASSESSMENTS THEREWITH.

Bill No. 37-32 (COR) – F.B. Aguon, Jr. / R.J. Respicio / V.A. Ada

AN ACT TO REZONE LOT NO. 2247-REM, LOT NO. 2242-R1, LOT NO. 2244-R2, LOT NO. 2247 EASTERN PART-R1, AND LOT NUMBER 2247-PART-R1 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO MULTIPLE DWELLING ZONE (R2).

Bill No 38-32 (COR) – Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources and Election Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

Bill No. 39-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §3103 OF CHAPTER 3, TITLE 7, OF THE GUAM CODE ANNOTATED RELATIVE TO ADDING A SUCCESSIVE TERM OF SERVICE FOR THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

Bill No. 40-32 (COR) – T.C. Ada/B.J.F. Cruz / R.J. Respicio

AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA

Bill No. 41-32 (LS) – B.B. Aguon, Jr. / B.J.F. Cruz/ J.T. Won Pat, Ed.D.

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

MESSAGE CONFIRMATION

FEB-13-2013 05:59 PM WED

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February 13, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio
Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Received by:
Analya Justaquio
2/14/13
sent to me above with a copy of the



COMMITTEE ON RULES

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February 11, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 41-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 41-32(LS).

Please ensure that the subject bill is 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 Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. ()

Introduced by:

FRANK B. AGUON, JR. 

B. J. F. CRUZ 

J. T. WON PAT, ED.D. 

V. ANTHONY ADA 

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE
ANNOTATED RELATIVE TO STRENGTHENING THE
PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 30.20 of Chapter 30, Title 9 Guam Code Annotated is
3 hereby *amended* to read as follows:

4 “(a) Any person who intentionally, knowingly, or recklessly commits an act
5 of family violence, as defined in § 30.10 of this Chapter, is guilty of a
6 misdemeanor, or of a third degree felony, and shall be sentenced as follows:

7 (i) For the first offense, the court shall impose a sentence of no less
8 than forty-eight (48) hours; and

9 (ii) For the second offense, the court shall impose a sentence of no
10 less than thirty (30) days; and

11 (iii) For the third offense, the offense shall be classified as a third
12 degree felony and the court shall impose a sentence of no less than one
13 (1) year. The person, upon conviction, shall be termed a “repeat
14 offender” and may be subject to extended terms as defined in 9 GCA §
15 80.38.

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1 (b) Upon a written, noticed motion prior to commencement of trial, the
2 defendant may move that a felony charge filed pursuant to this § 30.20, **other than**
3 **a felony charge filed pursuant to § 30.20(a)(iii)** , be reduced to a misdemeanor.
4 Whether any charge **other than a felony charge filed pursuant to § 30.20(a)(iii)**
5 shall proceed as a misdemeanor or a felony rests within the discretion of the court.

6 (c) In determining whether ~~any~~ **a** felony charge filed pursuant to this §
7 30.20, **other than a felony charge filed pursuant to § 30.20(a)(iii)**, should be
8 reduced to a misdemeanor, the court shall consider the following factors, among
9 others:

- 10 (1) The extent or seriousness of the victim's injuries;
- 11 (2) The defendant's history of violence against the same victim
12 whether charged or uncharged;
- 13 (3) The use of a gun or other weapon by the defendant;
- 14 (4) The defendant's prior criminal history;
- 15 (5) The victim's attitude and conduct regarding the incident;
- 16 (6) The involvement of alcohol or other substance, and the defendant's
17 history of substance abuse as reflected in the defendant's criminal history
18 and other sources; and
- 19 (7) The defendant's history of and amenability to counseling.

20 (d) If the court, after hearing, finds substantial evidence that a victim
21 suffered serious bodily injury as defined in subsection (c) of § 16.10 of this title, no
22 felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless
23 the court finds that due to unusual circumstances a reduction of the charge is
24 manifestly in the interest of justice.

25 (e) The fact that an alleged criminal act involved family violence as defined
26 in § 30.10 of this Chapter shall not preclude the prosecuting attorney from

1 charging and prosecuting the defendant for any other violations of law, subject to
2 the provisions set forth in § 1.22 of this title;

3 (f) In any case in which a person is convicted of violating this § 30.20 and
4 probation is granted, the court shall require participation in an education and
5 treatment program as a condition of probation unless, considering all the facts and
6 the circumstances, the court finds participation in an education and treatment
7 program inappropriate for the defendant.

8 (g) If probation is granted, or the imposition of a sentence is suspended, for
9 any person convicted under subsection (a) of this § 30.20 who previously has been
10 convicted under such subsection (a) for an offense that occurred within seven (7)
11 years of the offense of the second conviction, it shall be a condition of such
12 probation or suspended sentence that he or she be punished by imprisonment for
13 not less than ~~ten (10)~~ **thirty (30)** days, and that he or she participate in, for no less
14 than one (1) year, and successfully complete an education and treatment program,
15 as designated by the court. ~~However, the court, upon a showing of good cause,~~
16 ~~may find that the minimum imprisonment, or the participation in an education and~~
17 ~~treatment program, or both the minimum imprisonment and participation in an~~
18 ~~education and treatment program, as required by this subsection, shall not be~~
19 ~~imposed and may grant probation or the suspension of the imposition of a~~
20 ~~sentence.~~

21 (h) ~~If probation is granted or the imposition of a sentence is suspended~~
22 **Probation shall not be granted** for any person convicted under subsection (a) of
23 this § 30.20 who previously has been convicted of two (2) or more violations of
24 such subsection (a) for offenses that occurred within seven (7) years of the most
25 recent conviction. ~~it shall be a condition of such probation or suspended sentence~~
26 ~~that he or she be punished by~~ **The person shall be sentenced** ~~-imprisonment for~~
27 not less than ~~thirty (30) days~~ **one (1) year** and that he or she **shall** participate in,

1 for no less than one (1) year, and successfully complete an education and treatment
2 program, as designated by the court. ~~However, the court, upon a showing of good~~
3 ~~cause, may find that the minimum imprisonment, or the participation in an~~
4 ~~education and treatment program, or both the minimum imprisonment and~~
5 ~~participation in an education and treatment program, as required by this subsection,~~
6 ~~shall not be imposed and may grant probation or the suspension of the imposition~~
7 ~~of a sentence.”~~

8 **Section 2. § 30.32 of Chapter 30, Title 9 Guam Code Annotated is**
9 **hereby *amended* as follows:**

10 “(b) A ~~lower priority~~ **high priority** shall ~~not~~ be assigned to calls involving
11 alleged incidents of abuse or violations of orders relative to family violence ~~than is~~
12 ~~assigned in responding to like offenses involving strangers.~~ Every law enforcement
13 agency shall develop and implement a comprehensive inter- and intra-agency or
14 departmental family violence policy and protocol to include:

15 (1) the number of children in the family and/or household exposed to
16 family violence; and

17 (2) referral to Child Protective Services for coordination and referral
18 for assessment for appropriate counseling services.

19 **Section 3. § 30.40 of Chapter 30, Title 9 Guam Code Annotated is**
20 **hereby *amended* as follows:**

21 “(a) Any knowing violation of any of the following court orders shall be a
22 misdemeanor punishable by **imprisonment of no less than forty-eight (48) hours**
23 **and not more than one (1) year, and by** a fine of not more than One Thousand
24 Dollars (\$1,000), ~~or by imprisonment for not more than one (1) year, or by both~~
25 ~~such fine and imprisonment:~~

1 (1) An order enjoining a person from threatening to commit or
2 committing acts of family violence against, or from harassing, annoying, or
3 molesting, a family or household member, or any person named in the order;

4 (2) An order removing or excluding a person from the family dwelling
5 or from the dwelling of another, or from any habitable property as defined in
6 subsection (b) of § 34.11 of this title;

7 (3) An order requiring a person to stay away from the residence,
8 dwelling, school, day care center, place of employment, or any other
9 specified place or from a specified person, within five hundred feet (500') of
10 the specified place or specified person;

11 (4) An order prohibiting a person from possessing a firearm or other
12 weapon specified by the court; or

13 (5) An order in a criminal case prohibiting the defendant from
14 harassing, annoying, telephoning, contacting, or otherwise communicating
15 with a victim or specified witness, either directly or indirectly.

16 (b) In the event of a conviction for a **second** violation of **under** subsection
17 (a) of this § 30.40, **or of a conviction for a violation under subsection (a)** which
18 results in bodily injury as defined in subsection (b) of § 16.10 of this title, the
19 defendant shall be imprisoned for at least ~~forty-eight (48) hours~~ **thirty (30) days**.

20 (c) In the event of a conviction for a **third** violation under subsection **(a) (b)**
21 of this § 30.40, **or of a conviction for a violation under subsection (a) of this §**
22 **30.40 which results in bodily injury as defined in subsection (b) § 16.10 of this**
23 **title after a prior conviction of a violation under subsection (a) of this § 30.40,**
24 occurring within ~~one (1) year~~ **two (2) years** of a ~~the prior~~ conviction of either
25 subsections ~~(a) or (b)~~, committed against the same victim **or the victim's family**,
26 the defendant shall be imprisoned for no less than ~~thirty (30) days~~ **one (1) year**.

1 (d) When a peace officer has reasonable cause to believe that a person has
2 violated one (1) of the orders of the court specified in subsection (a) of this § 30.40
3 and verifies the existence of the order, the peace officer shall presume that
4 arresting and charging the person is the appropriate response.

5 (e) An admission by the defendant that he or she had knowledge of the court
6 order shall be admissible in court notwithstanding the corpus delicti rule.”

7