EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUN 15 2015

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

2015 JUN 15 PM 4:41

Dear Madame Speaker:

Transmitted herewith is Bill No. 79-33 (COR) **"AN ACT TO *ADD* A NEW § 9102 TO CHAPTER 9 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CATEGORY OF PRIVILEGED COMMUNICATIONS BETWEEN VICTIM AND VICTIM ADVOCATE"** which I signed into law on June 12, 2015, as **Public Law 33-51.**

Senseramente,

EDDIE BAZA CALVO

33-15-0541
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 06-15-15
Time: 4:15pm
Received By:

0541

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 79-33 (COR), "AN ACT TO *ADD* A NEW § 9102 TO CHAPTER 9 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CATEGORY OF PRIVILEGED COMMUNICATIONS BETWEEN VICTIM AND VICTIM ADVOCATE,"** was on the 29th day of May 2015, 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 1st day of June, 2015, at 5:20 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: JUN 1 2 2015

Public Law No. 33-51

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 79-33 (COR)
As substituted by the Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary; further substituted by the Author on the Floor; and further substituted by the Author on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
Frank F. Blas, Jr.
FRANK B. AGUON, JR.
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW § 9102 TO CHAPTER 9 OF TITLE 6, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CATEGORY OF PRIVILEGED COMMUNICATIONS BETWEEN VICTIM AND VICTIM ADVOCATE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 9102 is hereby *added* to Chapter 9 of Title 6, Guam Code Annotated, to read:

"**§ 9102. Victim and Crime Victim Advocate Communication.**

(a) Definitions. As used in this Section, *crime victim advocate* means a person who is employed or authorized by a public or private entity to provide counseling, treatment or other support assistance to crime victims.

(b) Victim-Advocate Privilege.

(1) A crime victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a crime victim advocate or any record made in the course of advising, counseling or assisting the victim. The privilege applies to confidential communications made between the victim and the advocate, and to records of those communications. This privilege *does not* include communications excluded under Subsection (c)(3) of this Section.

(2) The privilege may be claimed by the following:

(A) The victim, or the victim's attorney on behalf of the victim.

(B) A guardian or conservator of the victim.

(C) The personal representative of a deceased victim.

(D) The crime victim advocate, but only on behalf of the victim. The authority of the advocate to claim the privilege is presumed in the absence of evidence to the contrary.

(c) Consultation Between Crime Victim Advocate and Victim; Privileged Information; Exception.

(1) A crime victim advocate *shall not* disclose as a witness or otherwise, any communication made by or with the victim, including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.

(2) Unless the victim consents either verbally or in writing to the disclosure, a crime victim advocate *shall not* disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim, or that are based on communications made by or with the victim, including communications made to or in the presence of others.

(3) The communication is *not* privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.

(4) Notwithstanding Subsections (c)(1) and (2) of this Section, with the written or verbal consent of the victim, a crime victim advocate who is employed by the Attorney General's Office may disclose information to the prosecutor.

(5) If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the advocate, or any records, notes, document, correspondence, reports or memoranda; the prosecutor or law enforcement agent *shall* disclose the material to the defendant's attorney *only* if such information is otherwise exculpatory.

(6) Notwithstanding Subsections (c)(1) and (2) of this Section, with the written or verbal consent of the victim, a crime victim advocate may disclose information to other professional and administrative support persons with whom the advocate works for the purpose of assisting the advocate in providing services to the victim."

1 **Section 2. Severability.** If any of the provisions of this Act, or the
2 application thereof to any person or circumstance, are held invalid, such invalidity
3 *shall not* affect any other provision or application of this Act which can be given
4 effect without the invalid provision or application, and to this end the provisions of
5 this Act are severable.

6 **Section 3. Effective Date.** This Act *shall* become effective upon
7 enactment.