

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 388 (~~LS~~ EC)

Introduced by:


R. Klitzkie

**AN ACT TO AMEND TITLE 1, CHAPTER 16, §1603 TO ALLOW THE
COMPILER OF LAWS TO PROVIDE A SEARCHABLE DATABASE
VIA THE INTERNET.**

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

2 **Section One. Legislative Intent.** In Public Law 27-77, *I Liheslaturan Guåhan*
3 transferred the Compiler of Laws from the Department of Law to the Supreme Court of
4 Guam. Pursuant to the mandate of P.L. 27-77, the Compiler of Law has made available the
5 Guam Code Annotated and other publications of the office via the internet free of charge to
6 the people of Guam.

7 The Compiler's office has received numerous requests from the bar, private
8 individuals and government employees to install a search engine on the website. However,
9 P.L. 27-77 prohibits the Compiler from publishing any text-based searchable or researchable
10 data. Without a search engine, the public is denied meaningful access to the laws of Guam
11 via the internet. Moreover, the laws of Guam and the publications of the Compiler belong to
12 the people of Guam.

13 Traditional private publishers of the public laws and court decisions typically
14 annotate, summarize, and enhance the raw information and thus transform it into their own
15 publications, which are then sold to the public. *I Liheslaturan Guåhan* recognizes and
16 encourages this. However, *I Liheslaturan Guåhan* must also respect and protect the right of
17 the people of Guam to have meaningful access to their laws in this age of the internet.

18 *I Liheslaturan Guåhan* finds that increasing the public's access to the statutes, session
19 laws, rules and regulations and court opinions, which are created for the benefit of the public,
20 is of great importance to maintaining an open and accountable government and for increasing
21 the efficient administration of justice and does not unfairly compete with private enterprise.
22 This is apparent by reviewing the websites of courts and legislatures from throughout the

1 United States, which universally contain some sort of search engine for the efficient location
2 of a particular statute, rule or court decision. Thus, *I Liheslaturan Guåhan* herein approves
3 of the following amendment which will allow a search engine on the Compiler of Laws
4 website.

5 **Section Two.** Title 1 G.C.A., Chapter 16, § 1603 is amended to read:

6 **“§1603. Definitions.**

7 **(a) Publication Defined.** The terms ‘publish, published, publishing, and publication’
8 as used in this Chapter means any printed or duplicated material, regardless of format, which
9 is produced, purchased for distribution, or authorized by the Compiler of law for distribution
10 and purchase to the public, including the Guam Code Annotated, Legislature Session Laws,
11 Attorney General’s Opinions, Executive Orders, Administrative Rules, and Court cases. The
12 offering to distribute printed or duplicated materials to a group of persons for purposes of
13 further distribution or public display constitutes publication. The distribution to other
14 agencies or instrumentalities of the government of Guam constitutes publication. ~~The term~~
15 ~~‘publication’ shall not include the authority to create or enable any text based searchable or~~
16 ~~researchable database of such printed or duplicated materials.~~

17 **(b) Distribution Defined.** The term ‘distribute or distribution’ shall mean to ~~sale~~
18 sell, lease, assign or otherwise transfer published materials, or offer to ~~sale~~ sell, lease, assign
19 or otherwise transfer published materials. ~~The term ‘distribution’ shall not include the~~
20 ~~authority to sale, lease, assign, transfer or offer to sale, lease, assign or transfer, or otherwise~~
21 ~~create or enable any text based searchable or researchable database of published materials.”~~