

**FILE COPY**

**I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session**

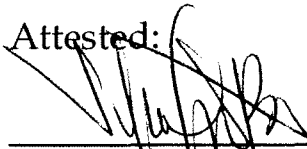
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 148 (EC), "AN ACT TO ADD A NEW CHAPTER 91, AND TO ADD A NEW §80.70 TO CHAPTER 80 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO VULNERABLE WITNESS TESTIMONY,"** was on the 21<sup>st</sup> day of November, 2008, duly and regularly passed.



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

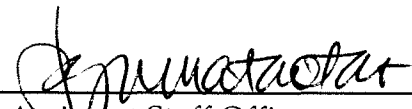
Attested:



**Tina Rose Muña Barnes  
Senator and Secretary of the Legislature**

-----

This Act was received by *I Maga'lahaen Guåhan* this 10 day of Dec, 2008, at 1225 o'clock P.M.



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

APPROVED:

\_\_\_\_\_  
**FELIX P. CAMACHO  
*I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN*  
**2007 (FIRST) Regular Session**

**Bill No. 148 (EC)**

As substituted by the Committee on  
Public Safety, Criminal Justice and  
Youth, and amended.

Introduced by:

Ray Tenorio  
Edward J.B. Calvo  
Frank T. Ishizaki  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith P. Guthertz, DPA  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dr. David L.G. Shimizu  
J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW CHAPTER 91, AND TO *ADD* A NEW  
§80.70 TO CHAPTER 80 OF TITLE 8, GUAM CODE  
ANNOTATED, RELATIVE TO VULNERABLE WITNESS  
TESTIMONY.**

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

2 **Section 1.** A new Chapter 91 is hereby *added* to Title 8, Guam Code  
3 Annotated, to read:

4 **“Chapter 91**

5 **PRIVACY FOR VULNERABLE WITNESSES**

1           **§91101. Exclusion of Public from Trial for Sex Offenses Involving**  
2 **Minors Under Age of Eighteen.** At the trial of a complaint *or* indictment for  
3 criminal sexual conduct, incest, carnal abuse *or* other crime involving sex, where a  
4 minor under eighteen (18) years of age is the person upon, with *or* against whom  
5 the crime is alleged to have been committed *or* at the trial of a complaint *or*  
6 indictment for any criminal act in which a child was conceived as a result of such  
7 act or related act (such as stalking where the predator committed a prior sexual  
8 assault against the stalking victim), *or* for the non-support of a child born out of  
9 wedlock, the judge *may* exclude the general public from the court room, admitting  
10 only such persons as may have a direct interest in the case.

11           **§91102. Exclusion of Public from Trial of Criminal Proceeding**  
12 **Involving Husband and Wife.** The judge *may* exclude the general public from  
13 the court room during the trial of any criminal proceeding involving husband and  
14 wife.

15           **§91103. Exclusion of Public from Trial Involving Crime of Incest,**  
16 **Child Pornography *or* Criminal Sexual Conduct.** To protect the parties  
17 involved at a trial arising from a complaint *or* indictment for incest, child  
18 pornography *or* criminal sexual conduct, the judge *may* exclude all spectators from  
19 the courtroom in which such trial is being held, *or* from said courtroom during  
20 those portions of such trial when direct testimony is to be presented; provided, that  
21 either of the parties requests that all spectators be so excluded at the trial *or*  
22 portions thereof; and provided further, that the defendant in such trial by a written  
23 statement waives his right to a public trial for those portions from which spectators  
24 are so excluded.

25           **§91104. Compelling Interest Must Justify Closure.** The court must  
26 determine, on a case-by-case basis, whether the Territory's legitimate concern for

1 the victim's well-being necessitates closure of court proceedings as provided for in  
2 §§91101, 91102 and 91103 of this Chapter. In accommodating the Territory's  
3 interest for closure of court proceedings, the court *shall* further determine *if* such  
4 accommodation requires the closure *or* all proceedings *or* only portions of the  
5 proceedings. The court *may*, in consideration of accommodating the Territory's  
6 interest for closure of court proceedings, deny access to the transcript, court  
7 personnel, *or* any other possible source that could provide an account of the  
8 victim's testimony during such time the order of closure was in effect. The court  
9 *may*, in consideration of accommodating the Territory's interest for closure of  
10 court proceedings, deny access to the victim's identity."

11 **Section 2.** A new §80.70 is hereby *added* to Chapter 80 of Title 8, Guam  
12 Code Annotated, to read:

13 **"§80.70. Expedited Trials of Sex Crimes Involving Minor**  
14 **Children as Victims *or* Witnesses; Continuance; Impact Statement.** In  
15 any criminal proceeding involving an alleged sex crime perpetrated upon a  
16 minor child, *or* in which a minor child is expected to testify as a witness to a  
17 sex crime, the court *shall*, in order to minimize stress on such child, take  
18 action to expedite trial and give precedence to the case over any other case;  
19 provided, however, that nothing in this Section *shall* be construed to mean  
20 that trial *shall* be expedited *if* it is *not* in the best interests of the child.

21 When a motion *or* a request for a continuance is made the prosecutor  
22 *shall* file an impact statement which specifies whether the prosecution  
23 agrees to the request for continuance, whether the child *or* the child's  
24 representative agrees to such request, and the effect, *if* any, the granting of  
25 the continuance will have on the child. In ruling on any motion *or* request  
26 for continuance *or* other delay, the court *shall* consider and give weight to

1           any possible adverse impact that a delay *or* continuance may have on the  
2           child. Prior to issuing an order on a motion for continuance *or* delay, the  
3           court *shall* make written findings of fact concerning the impact on the child  
4           of continuing *or* delaying the case.”