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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

September 12, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam


Dear *Maga'låhi* Calvo:

Transmitted herewith is Substitute Bill No. 326-33 (COR), which was passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on September 12, 2016.

Sincerely,


RORY J. RESPICIO
Acting Legislative Secretary

Enclosure (1)

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

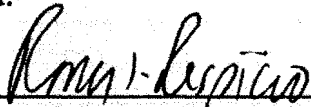
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that Bill No. 326-33 (COR), "AN ACT TO ADD A NEW § 11301.1; REPEAL SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEXUAL ABUSE," was on the 12th day of September 2016, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 12th day of SEPT,
2016, at 4:05 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR
CENTRAL FILES

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**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session**

Bill No. 326-33 (COR)

As substituted by the Committee on the
Guam U.S. Military Relocation, Public Safety,
and Judiciary; and amended on the Floor.

Introduced by:

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

**AN ACT TO ADD A NEW § 11301.1; REPEAL
SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL §
11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7,
GUAM CODE ANNOTATED, RELATIVE TO THE
STATUTE OF LIMITATIONS IN CASES INVOLVING
CHILD SEXUAL ABUSE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that in Bill 34-31, which became Public Law 31-07, *I Trentai Uno Na Liheslatura*
4 made extensive findings, to wit:

1 “*I Liheslaturan Guåhan* finds that child sexual abuse survivors often are
2 disabled from revealing abuse at the time they suffer it and for many years thereafter.
3 For some, the abuser was a parent, stepparent, or relative, a member of the clergy,
4 a teacher or other trusted adult. Some victims blame themselves and fear retribution
5 if the abuse is revealed. For many, the trauma itself prevents them from coming
6 forward earlier. As adults, victims may not connect the assault to its long-lasting
7 impact until they seek therapeutic help years later. Many of the injuries associated
8 with childhood sexual abuse do not manifest themselves until much later in life. The
9 expiration of applicable statute of limitations during this period had the effect of
10 barring many meritorious claims. This has allowed many child sexual abusers to
11 escape civil liability. If evidence is sufficient to prove civil liability, the mere
12 passage of time should not foreclose child sexual abuse survivors from seeking
13 justice. Therefore, *I Liheslatura* finds that justice for child sexual abuse survivors
14 may be achieved by reviving the statute of limitations for civil actions for past child
15 sexual abuse for a two (2) year period.”

16 *I Mina'Trentai Tres Na Liheslatura* wholeheartedly adopts and republishes
17 those findings.

18 *I Liheslaturan Guåhan* further finds that while the noble intent of Public Law
19 31-07 was to encourage child sexual abuse survivors to come forward and bring their
20 victimizers to account, provisions in § 11306.1 of Article 3, Chapter 11, Title 7,
21 Guam Code Annotated, served to discourage counsel from undertaking the
22 representation of child sexual abuse survivors, an unintended consequence of Public
23 Law 31-07. The chilling effect of the provisions in Public Law 31-07 was apparently
24 sufficient to dissuade counsel from bringing actions for child sexual abuse no matter
25 how meritorious the claim.

26 It is, therefore, the intent of *I Liheslaturan Guåhan* to make it possible for
27 those child sexual abuse survivors to seek justice against their victimizers. Further,

1 it is the intent of *I Liheslaturan Guåhan* to remove the current section requiring
2 Certificates of Merit as such information would have a chilling effect on those sexual
3 abuse survivors who choose to seek justice against their victimizers.

4 **Section 2.** A new § 11301.1 is *added* to Article 3 of Chapter 11, Title 7,
5 Guam Code Annotated, to read:

6 **“§ 11301.1. No Limit for Child Sexual Abuse.**

7 (a) Any claim arising from an incident of child sexual abuse *may* be
8 commenced against a person, a legal entity, abusers, their enablers, their
9 aiders or abettors, those acting in concert with them and their institutions at
10 any time.

11 (b) Any claim arising from an incident of child sexual abuse that
12 occurred on Guam which has been barred by virtue of the expiration of the
13 previous civil statute of limitations *shall* be permitted to be filed in any court
14 of competent jurisdiction.”

15 **Section 3.** Subsections (b) and (c) of § 11306 of Article 3, Chapter 11, Title
16 7, Guam Code Annotated, are hereby *repealed*.

17 **Section 4.** § 11306.1 of Article 3, Chapter 11, Title 7, Guam Code
18 Annotated, is hereby *repealed*.