



Thirty-First  
Guam Legislature

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

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

February 16, 2011

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'Trentai Unu na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

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

**RE :**      **Committee Report – Bill No. 34-31 (COR).**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **BILL NO. 34-31 (COR) "AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE,"** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

|           |                    |
|-----------|--------------------|
| <u>11</u> | TO PASS            |
| <u>0</u>  | NOT TO PASS        |
| <u>0</u>  | TO REPORT OUT ONLY |
| <u>0</u>  | ABSTAIN            |
| <u>0</u>  | INACTIVE FILE      |

Sincerely,

**ADOLPHO B. PALACIOS, MPA, BS/CJA**  
Chairman

Attachments

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muna-Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajeron  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee Membership:*

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Education and Public Libraries
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

FEB 16 2011 9:00 AM



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**COMMITTEE REPORT**  
**ON**  
**BILL NO. 34-31 (COR)**  
**By Vice Speaker Benjamin J.F. Cruz**

**"AN ACT TO AMEND §11306 OF ARTICLE 3,  
CHAPTER 11, TITLE 7 OF THE GUAM CODE  
ANNOTATED; RELATIVE TO THE STATUTES OF  
LIMITATIONS FOR CIVIL ACTIONS INVOLVING  
CHILD SEXUAL ABUSE."**



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**VOTING SHEET ON:**

**Bill No. 34-31 (COR) – “AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE.”**

| SENATOR                              | SIGNATURE | TO PASS    | NOT TO PASS | TO REPORT OUT ONLY | ABSTAIN | INACTIVE FILE |
|--------------------------------------|-----------|------------|-------------|--------------------|---------|---------------|
| Adolpho B. Palacios, Sr.<br>Chairman |           | 2/14/11 ✓  |             |                    |         |               |
| Thomas C. Ada<br>Vice Chairman       |           | 2/15/11 ✓  |             |                    |         |               |
| Tina R. Muña-Barnes<br>Member        |           | 2/15/11 ✓  |             |                    |         |               |
| Judith P. Guthertz, DPA<br>Member    |           | 2/15/11 ✓  |             |                    |         |               |
| Rory J. Respicio<br>Member           |           | 2/15/11 ✓  |             |                    |         |               |
| Dennis G. Rodriguez, Jr.<br>Member   |           | 2/16/11 ✓  |             |                    |         |               |
| Judith T. Won Pat, Ed.D.<br>Member   |           | 02/15/11 ✓ |             |                    |         |               |
| V. Anthony Ada<br>Member             |           | 2/15/11 ✓  |             |                    |         |               |
| Christopher M. Duenas<br>Member      |           | 2/15/11 ✓  |             |                    |         |               |
| Mana Silva Taijeron<br>Member        |           | 2/16/11 ✓  |             |                    |         |               |
| Aline A. Yamashita, Ph.D.<br>Member  |           | 2/15/11 ✓  |             |                    |         |               |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

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**COMMITTEE REPORT DIGEST**

**I. OVERVIEW**

The Committee on Public Safety, Law Enforcement & Judiciary convened the public hearing on February 7, 2011 at 9:00 am in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 34-31 (COR)** - An act to amend §11306 of Article 3, Chapter 11, Title 7 of the Guam Code Annotated; relative to the statutes of limitations for civil actions involving child sexual abuse. - by **Vice Speaker Benjamin J. F. Cruz**.

**Public Hearing Requirements**

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 28, 2011 (5-day Notice) and on February 2, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

**Senators Present**

Senator Adolpho B. Palacios, Sr., Chairman  
Senator Thomas C. "Tom" Ada, Vice Chairman  
Speaker Judith T. Won Pat, member  
Senator Dennis Rodriguez, Jr., member  
Senator V. Anthony "Tony" Ada, member  
Senator Chris Duenas, member  
Senator Aline A. Yamashita, Ph.D., member  
Senator Rory Respicio, member  
Senator vicente c. "ben" pangelinan  
Senator Tina R. Muna Barnes, member  
Senator Frank F. Blas, Jr.  
Senator Mana Silva Taijeron, member

**Individual(s) Registered for oral or written testimony:**

1. Deacon Jeff D.T. Barcinas, Archdiocese of Agana, not in favor of the Bill, oral and written testimony (*See attached for written testimony*).
2. Jonathan Blas Diaz, private citizen, in favor of the Bill, oral and written testimony (*See attached for written testimony*).
3. Bobing Wolford, private citizen, in favor of the Bill, oral testimony

4. Philippe Cruz, private citizen, in favor of the Bill, oral testimony
5. Attorney Stephanie Flores, private citizen, in favor of the Bill, oral testimony

## II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, & Judiciary to order at 9:03 a.m. Chairman Palacios read the title of the bill and read Vice Speaker Benjamin J.F. Cruz's introduction of the bill. (*See attached for written testimony*).

Deacon Jeff Barcinas introduced himself and stated that the Archdiocese is opposed to Bill 34. He read his prepared written testimony. (*See attached written testimony.*)

Chairman Palacios thanked Deacon Barcinas for his testimony and calls Jonathan Diaz to testify.

Jonathan Diaz stated that he was a victim of sexual abuse. He said he cannot move forward without having the injustice redressed. He believes the bill does not target the Catholic Church, but institutions that have done nothing in the face of abuse. He sent an email as testimony. He said that he has gone to the authorities, to the Attorney General's Office. He urged the Archbishop to admit to what has been done in the Catholic Church on Guam.

Senator vicente c. "ben" pangelinan asked whether the Archbishop intends to submit testimony on Bill 33. Deacon Barcinas stated that Bill 33 does not have much relevance to the church.

Senator Aline A. Yamashita stated that she does not believe that the bill targets the Catholic Church. Chairman Palacios stated that he believes that the language is general and does not substantially target the Catholic Church.

Vice Chairman Thomas C. Ada stated that he is concerned about the defensive mode that the Catholic Church is taking.

Senator Rory Respicio asked whether the church is invoking sovereign immunity and Deacon Barcinas stated "no".

Mr. Wolford in support of Bill 34, spoke in Chamorro.

Mr. Phillip Cruz stated that he is in full support of this bill, but is concerned about the ability of false allegations to blemish one's reputation. He related a personal story where he was falsely accused of racial discrimination against a Caucasian, which was absurd because he is married to a Caucasian woman. He is in support of the bill, but would appreciate more balance for those who are accused falsely.

Stephanie Flores saw the testimony of Deacon Jeff Barcinas. She likes Deacon Barcinas, but feels that the bill is not an attack on the Catholic Church. She comes into contact with perpetrators, victims, doctors and families of criminal sexual abuse. She said that the legislative findings and intent is "right on." Often victims come many years later because of a triggering event. She stated that memories of traumatic events are often repressed. She stated that it would allow people to get closure. She believes that victims are not primarily interested in money, but want to achieve closure by being proactive. She validated some of what Mr. Cruz stated and believes that the bill is balanced and gives a form of redress for those who are targeted with malicious prosecution. She says that gross negligence is a high standard.

Senator Pangelinan brought up a question pertaining to how balanced the bill is and whether it protects those who are falsely accused. Ms. Flores stated that there is an ability to sue for malicious prosecution. Senator Muna-Barnes asked where parity can be placed when an accusation is false. Ms. Flores responded that there is the potential charge of perjury and stated that there might be call for adding an additional penalty in this case.

### III. WRITTEN TESTIMONIES

**Deacon Jeff D.T. Barcinas, Archdiocese of Agana.** Deacon Barcinas is the spokesperson of the Archdiocese of Agana, and presents testimony to the Committee not in support of Bill 34. In this testimony, he lists several reasons for not supporting this bill, and requests the Committee to take to heart when further examining the bill, and not use emotions as reasons for pursuing the passage of the bill. (*See attached written testimony.*)

**Jonathan Blas Diaz, private citizen.** Mr. Diaz supports Bill 34. He believes that people must be held accountable for their actions or inactions regarding sexual abuse. He believes that victims of abuse should be able to come forward in a court of law to address the abuses they have suffered. (*See attached written testimony.*)

**Ann Rios, Department of Mental Health and Substance Abuse.** Ms. Rios is in favor of Bill 34. She testified to the impacts that sexual abuse has on the local community and how the Healing Hearts Crisis Center has been able to help victims of abuse (*See attached written testimony.*)

**Dr. Ellen Bez, President, Guam Sexual Assault and Abuse Resource Center Association.** Dr. Bez is in favor of the Bill. She stated that eliminating the statute of limitations will reduce the number of sex offenders at large, that SOLs protect pedophiles and that sex offenders will be provided the treatment they require. (*See attached written testimony.*)

**Dr. Nerissa Bretania-Underwood, Superintendent of Department of Education.** Dr. Underwood supports Bill 34. She believes it will provide a deterrent for perpetrators and protect children. (*See attached written testimony*)

**Melani Marquez, private citizen.** Ms. Marquez is a survivor of sexual abuse. She stated that when she kept her abuse secret, it was enabling her abusers to victimize more children. She has been unable to prosecute her abusers because these crimes occurred over eighteen (18) years ago. (*See attached written testimony.*)

**Marci A. Hamilton, Paul R. Verkuil Chair in Public Law, Benjamin N. Cardozo School of Law, Yeshiva University.** Ms. Hamilton is in favor of Bill 34-31 (COR). Ms. Hamilton stated that 90% of child sexual abuse does not get reported and that this bill would protect the children of Guam by allowing them to come forward. The bill would allow for the identification of previously unknown child predators, giving victims a chance at justice and to remedy the wrong of creating an unreasonably short statute of limitations. (*See attached written testimony.*)

**Attorney Ramy S. Badaway, Senior Attorney, National District Attorneys Association.** Attorney Badaway is a former child abuse prosecutor. He supports Bill 34. He stated that child victims often disclose sexual abuse long after it has occurred, if at all. Fewer than 1 in 4 disclose it immediately following the abuse. A study has shown that the average time between the abuse and disclosure is fifteen (15) years. (*See attached written testimony.*)

**Kathleen Thomas, private citizen.** Ms. Thomas stated that she was a victim of child sexual abuse. She has resolved the issue of her abuse in her heart, but believes that Bill 34 can serve justice. *(See attached written testimony.)*

**Arthur San Agustin, Acting Director, Department of Public Health and Social Services.** Mr. San Agustin supports Bill 34. He is concerned about the potential for repeat offenses by the time a disclosure of abuse is made. *(See attached written testimony.)*

**Ms. Catherine McCollum, private citizen.** McCollum supports Bill 34. She believes that there should be no statute of limitations and related a story of her daughter's abuse. *(See attached written testimony.)*

**Ovita Perez, MSW, President, National Association of Social Workers.** Ms. Perez supports Bill 34. She believes that the Bill embodies the value of social justice. She hopes that services will be provided that will help both victims and perpetrators overcome their issues and deal with their pasts. *(See attached written testimony.)*

**Mary Weakley, BSW, Program Director, Latte Treatment Center, LLC.** Ms. Weakley submitted written testimony on February 16, 2011, in support of Bill 34. She explains that the Latte Treatment Center has seen first-hand the adverse affects this personal violation has on an individual's well-being. Latte Treatment Center supports the enactment of Bill 34, that justice for child sexual abuse survivors be achieved by reviving the statute of limitations for civil actions for past child sexual abuse for a two-year period, and also supports abolishing the statute of limitations for the criminal prosecution of perpetrators for sex crimes against children.

#### **IV. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 34-31 (COR), as introduced, with the recommendation TO PASS.**



***I MINA' TRENTAI UNO NA LIHESLATURAN GUÅHAN***  
**2011 (First) Regular Session**

Bill No. 34-31 (Cor)

Introduced by:

B.J.F. Cruz 

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2011 JAN 18 PM 2:06



**AN ACT TO AMEND § 11306 OF ARTICLE 3, CHAPTER 11,  
TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE  
TO THE STATUTE OF LIMITATIONS FOR CIVIL ACTIONS  
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 child sexual abuse survivors often are disabled from revealing abuse at the  
4 time they suffer it and for many years thereafter. For some, the abuser was a  
5 parent, stepparent, or relative, a member of the clergy, a teacher or other trusted  
6 adult. Some victims blame themselves and fear retribution if the abuse is revealed.  
7 For many, the trauma itself prevents them from coming forward earlier. As adults,  
8 victims may not connect the assault to its long-lasting impact until they seek  
9 therapeutic help years later. Many of the injuries associated with childhood sexual  
10 abuse do not manifest themselves until much later in life. The expiration of  
11 applicable statute of limitations during this period had the effect of barring many  
12 meritorious claims. This has allowed many child sexual abusers to escape civil  
13 liability. If evidence is sufficient to prove civil liability, the mere passage of time  
14 should not foreclose child sexual abuse survivors from seeking justice. Therefore,  
15 *I Liheslatura* finds that justice for child sexual abuse survivors may be achieved by

1 reviving the statute of limitations for civil actions for past child sexual abuse for a  
2 two year period.

3 **Section 2.** Subsection § 11306 of Article 3, Chapter 11 of Title 7, Guam  
4 Code Annotated is hereby *amended* to read:

5 **“§ 11306. Within Two Years.**

6 (1) An action for assault, battery, false imprisonment, seduction of a  
7 person below the age of legal consent, or for injury to, or for the death of, a  
8 person caused by the wrongful act or neglect of another except as provided  
9 for in § 11308.

10 (2) Notwithstanding the provisions of subsection (1) of this section,  
11 for a period of two years following the effective date of this bill, victims of  
12 child sexual abuse that occurred on Guam who have been barred from filing  
13 suit against their abusers by virtue of the expiration of the civil statute of  
14 limitations, shall be permitted to file those claims in the Guam Superior  
15 Court. If the person committing the act of sexual abuse against a minor was  
16 employed by an institution, agency, firm, business, corporation, or other  
17 public or private legal entity that owed a duty of care to the victim, or the  
18 accused and the minor were engaged in some activity over which the legal  
19 entity had some degree of responsibility of control, damages against the  
20 legal entity shall be awarded under this subsection only if there is a finding  
21 of gross negligence on the part of the legal entity.

22 (3) A person against whom a suit is filed may recover attorney’s fees  
23 where the Court determines that a false accusation was made with no basis  
24 in fact and with malicious intent. A verdict in favor of the accused shall not  
25 be the sole basis for a determination that an accusation was false. The court  
26 must make an independent finding of an improper motive to award attorneys  
27 fees under this section.”



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

Monday, February 7, 2011

Bill No. 34-31 (COR) – AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE.  
– by Vice Speaker B. J. F. Cruz

| NAME<br>(Please Print) | AGENCY/ORGANIZATION  | CONTACT<br>NUMBER | ORAL<br>TESTIMONY | WRITTEN<br>TESTIMONY | IN<br>FAVOR | NOT IN<br>FAVOR |
|------------------------|----------------------|-------------------|-------------------|----------------------|-------------|-----------------|
| ✓ Jeff BARCINAS        | Archdiocese of Agaña | 472-6116          | X                 | X                    |             | X               |
| ✓ Ann Rios             | DMHSA                | 647-5351          | X                 | X                    | X           |                 |
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| NAME<br>(Please Print) | AGENCY/ORGANIZATION | CONTACT<br>NUMBER | ORAL<br>TESTIMONY | WRITTEN<br>TESTIMONY | IN<br>FAVOR | NOT IN<br>FAVOR |
|------------------------|---------------------|-------------------|-------------------|----------------------|-------------|-----------------|
| ✓ Jonathan Blas Diaz   | Self                | 727-4220          | X                 | X                    | X           |                 |
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| NAME<br>(Please Print)             | AGENCY/ORGANIZATION | CONTACT<br>NUMBER | ORAL<br>TESTIMONY | WRITTEN<br>TESTIMONY | IN<br>FAVOR | NOT IN<br>FAVOR |
|------------------------------------|---------------------|-------------------|-------------------|----------------------|-------------|-----------------|
| ✓ <i>Nevissa Britanni Anderson</i> | <i>DOE</i>          |                   | ✓                 |                      | ✓           |                 |
| <i>Bobiny Wolfred</i>              |                     |                   | ✓                 |                      | ✓           |                 |
| ✓ <i>Philippe Cruz</i>             |                     |                   | ✓                 |                      | ✓           |                 |
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

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| NAME<br>(Please Print) | AGENCY/ORGANIZATION | CONTACT<br>NUMBER | ORAL<br>TESTIMONY | WRITTEN<br>TESTIMONY | IN<br>FAVOR | NOT IN<br>FAVOR |
|------------------------|---------------------|-------------------|-------------------|----------------------|-------------|-----------------|
| ✓ STEPHANIE FURLES     |                     | 479-1000          | ✓                 |                      | ✓           |                 |
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February 7, 2011

The Honorable Adolpho Palacios  
Chairman  
Committee on Public Safety, Law Enforcement, and Judiciary  
31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96910

**Re: Sponsor Statement on Bill No. 34-31 (COR)**

Dear Chairman Palacios:

Thank you for the opportunity to present testimony on Bill No. 34-31 (COR) - "An act to amend § 11306 of Article 3, Chapter 11, Title 7 of the Guam Code Annotated; relative to the Statutes of Limitations for civil actions involving child sexual abuse."

In principle, this measure seeks to do two things: to accommodate the needs of childhood sexual abuse survivors by helping to craft a system that makes them and not the predator the priority; and to help authorities identify child predators in our midst.

Specifically, this measure seeks to open a two-year window to allow survivors of child sexual abuse to bring civil claims against their perpetrators even after the applicable statute of limitation has lapsed. Under existing law, the statute of limitations for civil claims against perpetrators of child sexual abuse is a mere two years. Bill No. 34-31 seeks not only to bring justice and vindication to survivors, but, more importantly help identify the perpetrators and **stop** them from continuing to commit this most egregious of criminal acts.

Under the existing legal system, perpetrators of child sexual abuse have an easier time to move from one victim to the other. This is in large part because of an inadequate statute of limitations. It is inadequate because childhood sexual abuse survivors often do not understand the harm that was done to them. As a result, they do not come forward to family, friends, a spouse or authorities; let alone go to court for decades.<sup>1</sup> As it currently stands, perpetrators of child sexual abuse can bank on this flawed system and then continue to commit harm against children, moving from one child to the other.

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<sup>1</sup> Mark Sauer, *Experts Say Long Delays in Reporting Sexual Abuse Are Common; Most Victims Don't Come Forward at All*, Union Tribune (San Diego), June 3, 2007

And while you may deliberate on the relevance of this issue to an island community such as ours, please consider the realities. Child sexual abuse is a serious problem locally. To illustrate this point, you need only to look at the case numbers of the Healing Hearts Crisis Center, which provides services to survivors of sexual assault. In 2010, 117 cases were handled by the center. Of that number, 100 cases were of persons aged 17 and under. In fact, the percentage of cases involving minors has grown from 72 percent in 2008 to 85 percent in 2010.<sup>2</sup>

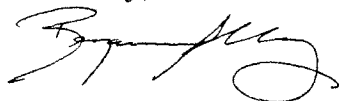
Please consider also the stark reality facing the child sexual abuse survivors everywhere. Consider that 90 percent of child sex abuse cases are never reported.<sup>3</sup> Therefore, the existing statute of limitation effectively increases the harm that is already being done to children. Since child sexual abuse occurs on Guam, we can only presume that the problem is far greater than what is already being reported.

In addition to identifying perpetrators and stopping them from continuing to commit their crime, Bill No. 34-31 provides an avenue for survivors to seek justice. The toll on survivors of child sexual abuse is worth considering. Survivors often end up enduring years or even decades of emotional and psychological damage, often undergoing treatment for myriad of problems including drug addiction. By opening a window, perpetrators of child sexual abuse can be made responsible for the longstanding damage they have caused to their victims.

For the sake of our island's young people and the existing survivors of child sexual abuse, I urge your support for this measure with your Committee's favorable action. For the Committee's consideration, I have enclosed additional information which highlights how others jurisdictions are dealing with this important issue.

Please do not hesitate to contact me if I may be of further assistance. Thank you for your time and kind consideration.

Sincerely,



Benjamin J.F. Cruz

Enclosures

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<sup>2</sup> Statistics provided by the Healing Hearts Crisis Center

<sup>3</sup> R.F. Hanson et al., *Child Abuse Neglect* 23, 559 (1999)





## Statute of Limitations Fact Sheet

**32 states** have crimes for which there is no criminal statute of limitation, meaning that a criminal prosecution can be brought at any time regardless of how much time has passed since the crime occurred, including:

**7 states** that have **no statute of limitation on any felony**

Kentucky, Maryland, North Carolina, South Carolina, West Virginia, Wyoming, and Virginia

**8 states** that have **no statute of limitation on the most serious felonies**

|              |   |
|--------------|---|
| Alabama      | crimes involving use or threat of violence      |
| California   | crimes punishable by death or life imprisonment |
| Louisiana    | crimes punishable by death or life imprisonment |
| Tennessee    | crimes punishable by death or life imprisonment |
| New York     | Class A felonies                                |
| New Mexico   | Class A felonies                                |
| Indiana      | Class A felonies                                |
| South Dakota | Class A or B or Class 1 felonies                |

**11 states** with **no statute of limitation on specific sex offenses**

|             |  |
|-------------|--|
| Alaska      | sexual abuse class A or B felony   |
| Arizona     | violent sexual assault   |
| Connecticut | Class A felony sexual assault  |
| Delaware    | any sex offense  |
| Florida     | 1 <sup>st</sup> or 2 <sup>nd</sup> degree sexual battery (if reported to police within 72 hours) |
| Nevada      | sexual assault (if reported within 4 years)  |
| New Jersey  | sexual assault or aggravated sexual assault  |
| Oklahoma    | certain sex crimes (if reported within 12 years, and DNA evidence applies)                       |
| Texas       | sexual assault (with DNA evidence)   |
| Vermont     | aggravated sexual assault  |
| Wisconsin   | 1 <sup>st</sup> degree sexual assault  |

**5 states** with **no statute of limitation on child sex abuse**

|              |   |
|--------------|---|
| Colorado     | any sex offense against a child                             |
| Idaho        | sexual abuse of a child                                     |
| Maine        | unlawful sexual contact with a minor                        |
| Mississippi  | various sex offenses against a child                        |
| Rhode Island | 1 <sup>st</sup> or 2 <sup>nd</sup> degree child molestation |

Additionally, **6 states** allow prosecutions of child sex abuse for **at least 20 years** after the victim's 18<sup>th</sup> birthday.

|               |          |
|---------------|----------|
| Connecticut   | 30 years |
| Illinois      | 20 years |
| Louisiana     | 30 years |
| Missouri      | 20 years |
| New Hampshire | 22 years |
| Wisconsin     | 27 years |

## **Criminal Statutes of Limitations**

This information brief provides an overview of criminal statutes of limitations in general and describes Minnesota's criminal statute of limitations.

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### **Contents**

|   |   |
|---|---|
| Background .....  | 2 |
| Policy Considerations .....   | 2 |
| Current Limitations Periods .....   | 4 |
| Practical Application.....  | 5 |
| Legislative History: Recent Changes<br>to the Criminal Statute of Limitations ..... | 6 |

## Background

Most states provide certain limitations periods in which a criminal prosecution must be commenced.<sup>1</sup> These limitations periods, which are contained in statutes, are usually called statutes of limitations. In general, limitations periods are longer for more serious offenses.<sup>2</sup> In some states, there are no limitations periods for the most serious offenses.<sup>3</sup>

Statutes of limitations provide a nonexculpatory defense to a criminal defendant; accordingly, even if the accused is guilty, the statute of limitations will prevent a conviction if an action is not timely commenced.<sup>4</sup>

The legislature can eliminate or change a criminal statute of limitations, subject to retroactivity concerns.

The legislature cannot expand a criminal statute of limitation for a crime for which the existing statute of limitations has already expired. Such an application constitutes an *ex post facto* law (punishing an act after it is committed) and is constitutionally barred. The legislature, however, may apply an extended limitations period to a crime committed before the enactment of the extension, if the limitations period for that crime has not run.<sup>5</sup>

## Policy Considerations

Scholars and commentators have identified various policy arguments supporting and opposing criminal statutes of limitations. Supporters of criminal statutes of limitations argue the following:

- ▶ There is less need for a criminal sanction against a person who demonstrates rehabilitation by remaining law-abiding for some time.<sup>6</sup>

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<sup>1</sup> See ROBINSON, PAUL H., CRIMINAL LAW DEFENSES, 462 (1984); see also 21 Am. Jur. 2d § 291 (observing that “statutes of limitation have been enacted to limit the time for commencement of most criminal proceedings”).

<sup>2</sup> See ROBINSON, *supra* note 1, at 463.

<sup>3</sup> See *id.*; see also 21 Am. Jur. 2d § 291 (noting that, “[a]s a general rule, the limitations are made applicable to all or most misdemeanors, and to some felonies, whereas murder is generally excepted; but sometimes all felonies are excepted.”).

<sup>4</sup> See ROBINSON, *supra* note 1, at 465.

<sup>5</sup> See *Falter v. U.S.*, 23 F.2d 420, 425 (2d Cir. 1928), *cert. denied*, 277 U.S. 590, *superceded by stat. as stated in U.S. v. Roselli*, 1993 U.S. Dist. LEXIS 18749 (N.D.N.Y. Dec. 30, 1993); see also 21 Am. Jur. 2d § 294 (stating that “where a statute extends the period of limitation, the extension applies to offenses not barred at the time of the passage of the act, so that prosecution may be commenced at any time within the newly established period.”).

<sup>6</sup> See ROBINSON, *supra* note 1, at 466; see also Note, *Barrier to Prosecution*, *supra* note 5, at 634 (stating that “...those persons who have committed crimes in the distant past and have not repeated their errors are apparently self-rehabilitated and as a result seem to offer little cause for fear as to their future conduct. The pursuit of only more recent criminals is consistent with that aim of criminal law which seeks to rehabilitate wrongdoers and serves to free the citizen from vexatious fear of prosecution for old crimes.”).

- ▶ In the interest of fairness, a prosecution should be based on recent—and more reliable—evidence.<sup>7</sup>
- ▶ Statutes of limitations encourage law enforcement and prosecutors to act in a timely fashion in apprehending and bringing wrongdoers to justice.<sup>8</sup>
- ▶ Statutes of limitations grant repose (closure) to a wrongdoer, which may be appropriate when a focus on the past does not serve current interests.<sup>9</sup>
- ▶ “[S]tatutes of limitations foster...a more stable and forward-looking society.”<sup>10</sup> As time goes by, society’s interest in retribution may lessen, and it is more appropriate to focus the state’s attention on dealing with recent criminal activity.

Opponents of criminal statute of limitations argue the following:

- ▶ The practical realities of the criminal justice system, such as rules of evidence to prevent admission of unreliable evidence, will prevent prosecution and/or convictions on evidence that is stale and possibly unreliable.<sup>11</sup>
- ▶ For some crimes, society’s interest in retribution and justice will exceed the time period provided in the statute of limitations.<sup>12</sup>
- ▶ If the certainty of punishment is reduced, the law does not effectively deter an individual from crime.<sup>13</sup>
- ▶ Even if an individual offender is reformed, society may still have an interest in punishment and general deterrence of crime.<sup>14</sup>

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<sup>7</sup> See Adlestein, Alan L., *Conflict of the Criminal Statute of Limitations with Lesser Offenses at Trial*, 37 William and Mary L. Rev. 199, 262 (1995); see also Note, *Barrier to Prosecution*, *supra* note 5, at 632 (observing that, “prosecution [should] be based on evidence that is reasonably fresh and therefore more trustworthy than evidence with a probative value which has grown weaker as man’s ability to remember has become impaired”); 21 Am. Jur. 2d § 291 (“Statutes of limitations on criminal prosecutions are designed to protect individuals from having to defend themselves against charges when the basic facts may become obscured by the passage of time....”).

<sup>8</sup> See Adlestein, *supra* note 8, at 262; see also Note, *Barrier to Prosecution*, *supra* note 5, at 633 (“It has been suggested that statutes of limitations also aid the state in checking upon its officials by requiring vigilance on their part in discovering law-violators and bringing them to justice as speedily as possible”).

<sup>9</sup> See ROBINSON, *supra* note 1, at 466.

<sup>10</sup> *Id.* (citing Model Penal Code § 1.07, Comment 16 (tent. Draft No. 5, 1956)).

<sup>11</sup> ROBINSON, *supra* note 1, at 466.

<sup>12</sup> See ROBINSON, *supra* note 1, at 465; see also Note, *Barrier to Prosecution*, *supra* note 5, at 634 (suggesting that an alternative to limitation statutes would be to grant discretion to the prosecutor to prohibit or discontinue prosecution if the interest of justice so required, thus allowing prosecution of some individuals who otherwise would have been safe from prosecution due to the expiration of the statutory period).

<sup>13</sup> See Note, *Barrier to Prosecution*, *supra* note 5, at 634.

<sup>14</sup> See ROBINSON, *supra* note 1, at 466.

## Current Limitations Periods

| <b>Criminal Statute of Limitations (Minn. Stat. § 628.26)</b>  |  |
|--|--|
| Any crime resulting in the death of the victim   | No statute of limitation   |
| Kidnapping   | No statute of limitation   |
| Labor trafficking if the victim was under the age of 18  | No statute of limitation   |
| Sex offense (first, second, or third degree) if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics   | No statute of limitation   |
| Sex offense (first, second, third, or fourth degree) against a victim under 18 years of age if DNA evidence is <i>not</i> collected and preserved that is capable of being tested for its DNA characteristics  | The later of <b>nine years</b> after commission of offense or <b>three years</b> after the offense was reported to law enforcement |
| Sex offense (first, second, or third degree) against a victim 18 years old or older if DNA evidence is <i>not</i> collected and preserved that is capable of being tested for its DNA characteristics  | <b>Nine years</b> after commission of offense  |
| Labor trafficking if the victim was 18 years or older  | <b>Six years</b> after commission of offense   |
| Bribery of or by a public official   | <b>Six years</b> after commission of offense   |
| Medical Assistance fraud or theft  | <b>Six years</b> after commission of offense   |
| Certain thefts, check forgeries, credit card frauds, and financial exploitation of vulnerable adults (where value of property or services stolen exceeds \$35,000)   | <b>Five years</b> after commission of offense  |
| Hazardous and infectious waste crimes, except violations relating to false material statements, representations, or omissions  | <b>Five years</b> after commission of offense  |
| Arson in the first, second, or third degree  | <b>Five years</b> after commission of offense  |
| All other crimes   | <b>Three years</b> after commission of offense   |
| Section 628.26 has been amended numerous times over the years. The different amendments to the law have different enactment clauses that vary the application of the statute. For example, in 2009, there were two amendments to this section. The amendment to paragraph (e) is effective August 1, 2009, and applies to crimes committed on or after that date, as well as to crimes committed before that date if the limitations period did not expire before August 1, 2009. <i>See</i> Laws 2009, ch. 59, art. 5, § 20. The amendment to paragraph (h) is effective August 1, 2009, and applies only to crimes committed on or after that date. <i>See</i> Laws 2009, ch. 119, § 18. |  |

The running of all of these statutes of limitations is suspended (i.e., tolled) during the following:

- ▶ any period of time during which the defendant did not usually reside within Minnesota

- ▶ any period during which the defendant participated in a pretrial diversion program relating to the offense
- ▶ any period during which physical evidence relating to the offense was undergoing DNA analysis, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis procedure in order to gain an unfair advantage<sup>15</sup>

## Practical Application

The general rule is that a statute of limitations begins to run when a crime is complete.<sup>16</sup> A crime is complete when every element of the offense is satisfied.<sup>17</sup> “Absent a statute providing otherwise, a period of limitation runs without interruption from the time the offense is committed until the prosecution is commenced.”<sup>18</sup>

Some courts have recognized that, when an offense is a continuing one, the period of limitation does not begin to run until after the defendant’s activities end.<sup>19</sup>

A “continuous offense” or “continuing offense” is a continuous, unlawful act or series of acts set in motion by a single impulse and operated by unintermittent force; it is a breach of criminal law, not terminated by a single act or fact, but subsisting for a definite period and intended to cover or apply to successive similar obligations or occurrences.<sup>20</sup>

In *Toussie v. United States*, the U.S. Supreme Court considered whether failure to register for the draft was a continuing violation that would extend the statute of limitations for the offense.<sup>21</sup> The Court held that it was not. In reaching this decision, the Court articulated two factors to consider in analyzing whether an offense should be considered a continuing violation. The Court first noted that, in general, a statute of limitations should be liberally interpreted in favor of closure for an accused.<sup>22</sup> Second, the Court stated that where a criminal statute of limitation prescribes a specific limitations period for particular crimes, the particular offense should not be considered a

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<sup>15</sup> Minn. Stat. § 628.26.

<sup>16</sup> See *Toussie v. United States*, 397 U.S. 112, 115 (1970) (citing *Pendergast v. United States*, 317 U.S. 412, 418 (1943); see also *State v. Danielski*, 348 N.W.2d 352, 355 (Minn. App. 1984), *pet. for rev. denied* (July 26, 1984) (citing *Toussie*, 397 U.S. 112, 115-116 (1970)).

<sup>17</sup> See e.g., Model Penal Code § 1.06 (4).

<sup>18</sup> 1 CHARLES E. TORCIA, WHARTON’S CRIMINAL LAW, § 96 (15th ed. 1993).

<sup>19</sup> See ROBINSON, *supra* note 1 at 467; see also 21 Am. Jur. 2d § 298 (observing that, “in crimes of this nature, the statute of limitations does not begin to run from the occurrence of the initial act, which may in itself embody all the elements of the crime, but from the occurrence of the most recent act, or until such course of conduct terminates.”).

<sup>20</sup> 21 Am. Jur. 2d § 298.

<sup>21</sup> *Toussie*, 397 U.S. at 122.

<sup>22</sup> See *id.* at 115.

continuing one “unless the explicit language of the substantive criminal statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one.”<sup>23</sup>

The *Toussie* case has been followed in Minnesota.<sup>24</sup> In *State v. Lawrence*, the Minnesota Supreme Court determined that either concealing or possessing stolen goods is a continuing offense for the purpose of the statute of limitations for the crime of receiving stolen property because the words “concealing” and “possessing” contain “the notion that property is being kept from someone in violation of a duty to return and this duty to return continues.”<sup>25</sup>

## Legislative History: Recent Changes to the Criminal Statute of Limitations

The following information summarizes recent changes to the criminal statute of limitations.

**1989—Criminal sexual conduct cases involving minors.** In 1989, the legislature added a unique feature to the limitations period for child sex abuse to allow prosecution long after the offense occurred if the victim did not report the offense within the usual limitations period. This feature was added out of concern that many child sex abuse victims either repress their memories of the offense, are afraid to talk about it, or do not understand until adulthood that the behavior was unlawful. The legislature provided that, in these cases, the offense could be charged anytime within two years after the offense was reported to law enforcement, but not after the victim reached 25 years of age.<sup>26</sup>

**1991—Criminal sexual conduct case involving minors.** The 1991 Legislature extended the limitation period that applies to criminal sexual conduct against a victim under age 18 from two years to three years after the offense was reported to law enforcement authorities and struck language stating that the indictment or complaint could not occur after the victim reached 25 years of age. The legislature also provided a separate seven-year limitations period to criminal sexual conduct offenses against a victim 18 years of age or older.<sup>27</sup>

**1993—Extension of application of tolling provision for when defendant is absent from state.** In 1993, the legislature provided that *all* limitations periods must exclude any time period during

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<sup>23</sup> *Id.*

<sup>24</sup> See *State v. Lawrence*, 312 N.W.2d 251, 255 (Minn. 1981); see also *Danielski*, 348 N.W.2d at 355.

<sup>25</sup> *Lawrence*, 312 N.W.2d at 253; *c.f. Sargent v. Tahash*, 160 N.W.2d 139, 141 (Minn. 1968) (holding that the crime of child abandonment or desertion is a continuing offense because “the offense is committed not by an overt act but by omission or neglect, and the offense continues so long as the neglect continues without excuse”); *Danielski*, 348 N.W.2d at 356 (holding that criminal sexual acts against a child that involved elements of coercion by one in authority was a continuing violation and the statute of limitations did not begin to run until the child is no longer subject to that authority). But see *State v. French*, 392 N.W.2d 596, 598 (Minn. Ct. App. 1986) (limiting the *Danielski* rule and holding that where the defendant does not control the day-to-day activities of a child victim of criminal sexual conduct, the limitation period is not tolled).

<sup>26</sup> Laws 1989, ch. 290, art. 4, § 17.

<sup>27</sup> Laws 1991, ch. 232, § 3.

which the defendant was not an inhabitant of or usually resident within the state; prior to this change, the tolling provision applied only to offenses subject to the three-year limitations period.<sup>28</sup>

**1994—Diversion program participants.** In 1994, the legislature added the tolling provision for the time period during which the offender is involved in a diversion program related to the offense.<sup>29</sup>

**1995—Criminal sexual conduct; tolling of limitations period during DNA analysis.** In 1995, the limitation period for criminal sexual conduct offenses was increased from seven to nine years. Also, the legislature added the tolling provision for the time period during which evidence is under DNA analysis.<sup>30</sup>

**2000—Elimination of limitations period for crimes resulting in the death of the victim, kidnapping, and criminal sexual conduct cases where DNA evidence exists.** The 2000 Legislature eliminated the statute of limitations for any crime resulting in the death of the victim and for kidnapping. Prior to this change, the only crime that did not have a statute of limitations was murder. The legislature also eliminated the statute of limitations for first- through third-degree criminal sexual conduct offenses if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. The legislature retained the existing limitations periods for criminal sexual conduct offenses in which such evidence is not collected and preserved.<sup>31</sup>

**2005—Labor trafficking.** The 2005 Legislature created the crime of labor trafficking. In doing so, the legislature provided that there was no statute of limitations for labor trafficking if the victim was a minor, and a six-year limitations period applies if the victim was an adult.<sup>32</sup>

**2009—Criminal sexual conduct when victim is a minor; financial exploitation of a vulnerable adult.** In 2009, the legislature amended an exception to the statute's general nine-year limitations period for filing a complaint alleging criminal sexual conduct against a minor. The exception had provided that if the *victim* failed to report the offense within nine years of the commission of the offense, the limitations period would be three years after any source reported the offense. The legislature struck the clause providing that the exception would only apply if the victim failed to report the offense. Accordingly, under the 2009 law, the limitations period is the later of nine years after the commission of the offense or three years after reporting of the offense.<sup>33</sup>

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<sup>28</sup> Laws 1993, ch. 326, art. 4, § 36.

<sup>29</sup> Laws 1994, ch. 636, art. 2, § 64.

<sup>30</sup> Laws 1995, ch. 226, art. 2, § 35.

<sup>31</sup> Laws 2000, ch. 311, art. 4, § 9.

<sup>32</sup> Laws 2005, ch. 136, art. 17, § 52.

<sup>33</sup> Laws 2009, ch. 59, art. 5, § 20. *See State v. Krikorian*, WL 68841 (Minn. Ct. App. Jan. 8, 2008). In this case, a victim reported sexual abuse of both himself and his sister. At that time, the language of the statute provided that the "victim" must not have reported the abuse for the exception to be applicable (i.e., allowing a complaint to be filed within three years of the report). Since the victim *did* report within nine years of the offense, the exception did



As part of an omnibus vulnerable adults bill, the legislature added financial exploitation of a vulnerable adult to paragraph (h)—providing a five-year limitations period for certain theft offenses when the amount stolen exceeds \$35,000—thereby increasing the limitations period from three to five years for this offense.<sup>34</sup>

*For more information about criminal laws, visit the criminal justice area of our website, [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm)*

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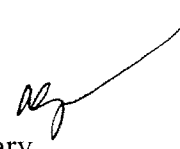
not apply and the state was barred from prosecuting the offense because it did not file the complaint within nine years of the end of the abuse. Because the sister did not report the abuse herself, the exception applied and the state was allowed to prosecute the case because the complaint was filed within three years of the report.

<sup>34</sup> Laws 2009, ch. 119, § 18.

Testimony Submitted on Bill 34  
Guam Legislature – Committee on Judiciary

February 7, 2011

By Deacon Jeff D.T. Barcinas  
Archdiocese of Agaña Spokesperson



Mr. Chairman, Senator Palacios and members of the Public Safety, Law Enforcement, and Judiciary committee, I extend my Si Yu'os Ma'ase' for the opportunity to provide testimony with regards to Bill 34 and to present the position of the Archdiocese of Agaña. I submit this testimony in its written form and orally as a submission of the record of position on the need to reexamine the intent and implications of the proposed bill.

My name is Deacon Jeff Barcinas, Archdiocese of Agaña Spokesperson and I am here to testify with regards to Bill 34 introduced by Senator BJ Cruz. This testimony that I present before the Committee on Judiciary is not in support of Bill 34.

It is my hope that as legislators that you take the following reasons to heart when you examine further Bill 34 and not use the emotions as reasons for pursuing the passage of the bill.

### **Targets the Catholic Church**

This specific legislation targets the Catholic Church.

Bill 34 in its current form is also known as “window legislation.” This window legislation retroactively suspends the statute of limitation for childhood sexual abuse damage claims so that lawsuits filed during a specified period can proceed, regardless of whether the alleged abuse occurred five or 70 years earlier. Bill 34 is allowing two years for one to file a civil lawsuit.

One particular person in the United States, Law Professor Marci Hamilton argues that window legislation is not about targeting Catholic institutions but protecting children. This statement does not withstand scrutiny.

Professor Hamilton who advocates window legislation in the Mainland USA writes that the “most specious legal objection to the window legislation is that it is ‘targeting the Catholic Church.’” She reasons that because such legislation does not identify Catholic institutions by name, it could not possibly be targeting them. Not so and is far from the truth.

In 2002, the attorneys Jeffrey Anderson and Laurence Drivon, who specialize in suing Catholic institutions in childhood sexual abuse cases, drafted the first window legislation in California. After the bill's passage, Drivon, Anderson and others filed suit against Catholic institutions for over 1,030 plaintiffs.

Professor Hamilton is an attorney who regularly represents plaintiffs suing Catholic institutions have worked closely with Attorneys Anderson and Drivon and regularly assists the Voice Of The Faithful (VOTF) and the Survivors Network of those Abused by Priests (SNAP). Not surprisingly, Ms. Hamilton submitted testimony when this bill was first introduced in the last Guam Legislature.

Furthermore, in a report in The Los Angeles Times in May 2002, Senator John Burton, the bill's sponsor, identified the California General Assembly's target. The Los Angeles Times reported that, "Burton said the bill was aimed at 'deep pocket' defendants such as the Catholic Church." The Times continued that Senator Burton said his bill "was a direct response to the widening national scandal over sex-abuse by Catholic priests."

This window legislation, Bill 34, is similar in nature to what happened in California and is also in response to get back at the Catholic Church for rightfully advocating the views of our faith, a faith that is shared by most people on our Island. Is this the situation? I ask that you do your own homework and look at the similarities that are presented.

### **Bill 34 Does not Protect Children**

There is an ongoing impression this bill 34 is about protecting children. There is a strong position that is being conveyed and given to the Public on Guam that without this window legislation, "children will be at serious risk" and that society "must make children an absolute priority." Yes, protecting all children is a necessary priority. However, this proposed window legislation does not protect all children.

Its primary function is not about child protection but retroactively reviving time-barred claims and providing monetary damages for individuals who are well into middle age and beyond.

The goal of child protection is better served by immediate reporting of abuse, not by eliciting reports from the 1980's and earlier. This is why child abuse reporting statutes require immediate reporting upon reasonable suspicion of abuse.

It is also one reason why Archbishop Anthony Sablan Apuron and Catholic bishops call upon the abused individuals to report to the appropriate civil authorities first and then to inform the diocese so to protect the young and youth. On Guam, we direct people to report to the Child Protective Service, Attorney General, Guam police as soon as possible.

### **What is the Real Intent and Purpose of Bill 34?**

This points to the question of what is the real intent of this bill and whether it addresses the issues that it really should address. Is there a real need for this bill? For there is a local law in the books that provides the tolling provisions in 7 GCA, Section 11404? I am attaching a copy of the section for your review and ask that the question be raised for

the proponents of this Bill 34 on why these provisions of this law are inadequate? If the law is inadequate then what needs to be amended and strengthened in the existing law. Moreover, perhaps there is a need to look at the implications of the bill by having our legal scholars from the public and private sectors assess the relevance and fairness of the bill and those that are charged with our children's safety at all levels in the public have their voices heard and to seek their input. How do we involve the Attorney General's office and the Judiciary branch in the discussion?

While I am not sure that we need more laws to protect children from abuse, those who propose such laws need to ensure that the laws are fair. Let me suggest five criteria for fairness.

1. Fair laws are not retroactive.
2. Fair laws abolish sovereign immunity and make public and private institutions subject to the same notice requirements, statute of limitation, required proofs and damages.
3. Fair laws do not consider old claims against dead offenders, because it is too late to prevent recidivism, exonerating evidence is lost, and fraudulent claims increase.
4. Fair laws do not create new victims. This occurs when a statute of limitation is so lengthened that a generation of innocent persons supporting a church or taxpayers supporting a school are forced to pay huge damages for an earlier generation's negligence.
5. Fair laws strike the right balance between the competing demands of compensating victims and funding present services.

For example during the 2006 session of the Colorado Legislature, it appeared that public schools might prospectively be subjected to childhood sexual abuse liability similar to that experienced by Catholic institutions. A public school official questioned whether such a law would require the school to divert resources from its mission to the payment of damages. This is the question of striking the right balance. It applies to public and private institutions.

### **What Has the Archdiocese of Agaña Done To Ensure A Safe Environment?**

The Archdiocese of Agaña has taken proactive steps and precautions to ensure that any sexual abuse and neglect do not recur. Archbishop Anthony Sablan Apuron and the clergy has been proactive in implementing the following initiatives around a clear directive of the Archbishop: "The Archdiocese is opposed to, will not tolerate, and will diligently strive to prevent all forms of sexual misconduct." We do this as a matter of deep conviction of our faith that no one is to abuse the innocent and have implemented this directive as a matter of Archdiocese policy. We have:

1. Established Archdiocese Policy on Sexual Misconduct and Sexual Harassment since 2002. The Policy is published on the front page of the Archdiocese homepage (<http://agana-archdiocese.org/>) and regularly appears in the Pacific Voice (along with numerous articles related to the Church's response to abuse against children).

2. Appointed Sexual Abuse Response Coordinators to coordinate Archdiocese response to allegations of sexual misconduct.
3. Establish a Sexual Misconduct Review Board consisting of five professional people who advise and counsel the Archbishop on matters relating to sexual misconduct.
4. Clergy members attend mandatory workshops reviewing the Archdiocese Policy and understanding the Government of Guam Child Abuse and Neglect Laws. This included understanding expectations and requirements mandated by the local law and reporting to appropriate civil and government officials. Workshops were conducted in partnership with Department of Public Health Child Protective Services. Workshops are being scheduled for 2011 and shall be conducted at least annually.
5. Workshops were extended to religious community and Archdiocese School Districts. Principals, staff, and counselors attend workshop conducted in partnership with Department of Public Health Child Protective Services.
6. Workshops are initiated in the parish for training of ministers and volunteers. For example, Our Lady of Lourdes in Yigo offered workshops on a Saturday together with the Child Protective Service partnering with the Pastor.
7. Any allegations of sexual misconduct or neglect against children or youth are being asked to report them directly to Child Protective Services or Guam Police Department first and then to inform Archdiocese so that a safe environment is ensured.
8. Any allegations occurring in the Catholic Schools, administrators have been directed to report all allegations to Child Protective Services and/or Guam Police Department.
9. Outreach to Individuals with any allegations of sexual abuse by clergy members or within the Catholic School system or parishes continue through the Archdiocese website, Archdiocese newspaper, and other media sources.
10. Archdiocese is in the development stage of a systematic process of implementing background screening of its employees and volunteers.
11. Archdiocese is planning for an expanded scope of training and awareness through web-based technology, such as webinars to those working with children throughout the Archdiocese.

Archbishop Anthony Sablan Apuron and Bishops in other Diocese have taken extraordinary precautions to ensure that sexual misconduct does not recur. All effort in the Archdiocese is steadfastly ensuring that diocesan and parish ministries remain safe. The Archdiocese has gone out of its way beyond what would normally be expected because of a zero tolerance level of sexual misconduct and sexual harassment.

### **How Do We Protect All Children?**

So how do we really protect our children? There is a continued need to extend support to the first line of professionals who must deal with the enforcement of current laws of Child Abuse and Neglect. The support in terms of providing increase budgetary support to the Department of Public Health Child Protective Service, Attorney General Office, and even Guam Police Department.

Also, there is a need to address the over thousand cases each year of child abuse cases reported. There is a backlog because there are not enough professionals to investigate and enforce the public laws on the books. There is a need to provide for professionals who will follow-up on the cases and provide facilitation so that children will be protected.

What about the need to provide educational outreach to families so to create awareness and for families to develop an environment that is nurturing, caring, and loving. The families are weakening and breaking down because of stresses experienced by parents and our Island's children. This is where we can begin to protect children and develop parenting and coping skills. There are more suggestions but a needs assessment would have to be made on where are the priority. Perhaps this is where the focus should be than what Bill 34 is targeting.

### **Would this Affect the Charity Work of the Archdiocese?**

From all indications, Bill 34 has the potential to affect the charity work that is ongoing in the Archdiocese and will affect the diverse clientele that benefits from the Church's work. Many people speculate that the number of sexual abuse by clergy member on Guam is larger but that is far from the truth. Do sexual abuse occurs? Unfortunately it does and that's what we all are working to prevent and stop. It is a never ending work to protect our young and youth.

In comparison from the church to the public sector, the number of cases of child sexual abuse or neglect are far greater in the private and public sector such our public schools, in the homes, and among families. There are even rumors that there are large numbers of abuses and they are not reported. One does not have to look far but at the yearly statistics of the cases reported.

The Catholic Church has extended its outreach by continually calling out to report the allegations so that the healing process can be initiated and appropriate assistance could be determined. We continue to reach out with compassionate assistance for those injured or harmed. The doors will never be closed to these individuals who have been harmed and continue to wait with our Sexual Abuse Response Coordinators available.

In closing, I hope that this testimony provides some insights as to why the Archdiocese of Agaña takes its position in not supporting Bill 34 because the focus is not on protecting our Children. The Church agrees with the position that protection of our children is an essential priority but as you read and examine closely the provisions, it is primarily about retroactively reviving time-barred claims and providing monetary damages for individuals who are well into middle age and beyond. Who does that help?

The full weight of the law exists now, today to protect children. The Archdiocese has not ever asked for any exceptions to our laws and their purposes as they have existed for many, many years. Why would the legislature create an unfair law against the Church in this regard?

Furthermore, the Archdiocese is a critical partner to those in law enforcement in public protection of children through its training, overseeing and ensuring those that harm children within the umbrella of the Archdiocese, its schools and organizations are reported to authorities. The policies of the law and that of the Archdiocese compliment the purposes of protecting our children – the policies that impact these use of resources and which advance the purpose of protecting children on Guam should not be changed to opening the doors for litigation of old claims.

I will reiterate again that the Church continues to reach out with compassionate assistance for those harmed or injured but also will not sit idly by when others offer false arguments to hide the true intent of the Bill 34. I seek the rationality of the members of this legislature and even suggest to use the fair law criteria as your guide on this bill and all bills introduced.

Si Yu'os ma'ase' para i oputunidat ni inna'i yu' para u ufresi i pusision ginen i Gima'yu'os yan i Atsubispo Anthony Sablan Apuron. Si Yu'os infambinendisi!

7 GCA CIVIL PROCEDURE  
CH. 11 STATUTES OF LIMITATION 16

(1) Within two (2) years after the date the plaintiff first suffered disability and either before or after suffering the disability the plaintiff was informed by a licensed physician, clearly and comprehensively, to the degree that the plaintiff is capable of understanding, that he was diagnosed as having any one or more of the following several and distinct injuries, pleural disease, or pulmonary asbestosis, or malignant mesothelioma, or other carcinoma or other specific asbestos-related injury, causing the disability; or

(2) Within two (2) years after the date the plaintiff either knew, or through the exercise of reasonable diligence should have known, (i) that such disability was caused or contributed to by such exposure and (ii) that the disability or injury was caused by a violation of a duty towards the plaintiff; or

(3) Two (2) years from the effective date of this Act.

(b) Disability as used in Subsection (a) of this Section means the loss of time from work as a result of exposure to asbestos, which precludes the performance of the employee's regular occupation.

(c) In an action for the wrongful death of any plaintiff's decedent, based upon exposure to asbestos, the time for commencement of an action shall be the later of the following:

(1) Within two (2) years from the date of death of the plaintiff's decedent, or the date of enactment of this Act, whichever is later; or

(2) Within two (2) years from the date the plaintiff first knew, or through the exercise of reasonable diligence should have known, that the death was caused or contributed to by such exposure.

(d) The provisions of this Section shall apply retroactively to all unfiled claims and to all pending litigation in the courts of Guam, or which are on appeal. Pending litigation as used in this Subsection shall include any action that has been filed in the courts of Guam.

(e) The burden of proving that this Section is a bar to any cause of action for illness, injury, property damage or wrongful death is upon the party asserting this section as a defense.

(f) Nothing in this Section shall be construed as waiving the sovereign immunity of the government of Guam.

(g) This Section shall not change the statute of limitations for any claim against the government of Guam.

SOURCE: Added by P.L. 18-44:46 (11/14/86).



§ 11404. Exception for Persons Under Disabilities.

If a person entitled to bring an action, mentioned in Article 3 of this Chapter, be, at the time the cause of action accrued, either:

- (1) A minor; or
- (2) Insane; or
- (3) A married woman, and her husband be a necessary party with her in commencing such action; the time of such disability is not a part of the time limited for the commencement of the action.

SOURCE: CCP § 352, amended by P.L. 13-187:27.

February 7, 2011



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT AND THE JUDICIARY OF GUAM  
*I Mina' Trentaiuno na Liheslaturan Guahan* • 31st Guam Legislature

**Office of the Honorable Senator Adolpho B. Palacios, Sr.**

155 Hesler Place, Suite 104

Hagatña, Guam 96910

Re: Bills 33-31 and 34-31

**Dear Honorable Senators of the 31<sup>st</sup> Guam Legislature and Chairman Palacios,**

My name is Jonathan Blas Diaz, a resident of Guam for the past 33 years. I am writing in FULL SUPPORT of Bills 33-31 and 34-31 which was previously Bill 385-30 - "AN ACT TO REPEAL THE STATUTE OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF MAJORITY BY *ADDING* A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED;" sponsored by Vice-Speaker B.J.F. Cruz. The reason why I am coming forward in full support of the bill deals with my formative background as a Roman Catholic Lay Theologian and also a former seminarian for the Archdiocese of Agaña. I would like to kindly request that this bill move forward to session agenda for February 2011 and I kindly ask for your support for the bills.

I believe that as a Legislative Body elected by the people of Guam, we must hold people accountable for their actions or inactions. It can be also stated that we have a duty to protect the innocent and to also allow them to pursue justice for the pain that they have had to endure. During this process, we must set aside our own beliefs of what is best or set aside our personal religious devotions and affiliations in order to assess what is fair and just. Even the Holy Father, Pope John Paul II and his predecessor Pope Benedict XVI have addressed this in Papal exhortations and letters to the Synod of Oceania. The Pope has also expressed that the statute of limitations be extended to ten (10) years. This action is the call of the baptized and the call of many prophets and saints to challenge us to be God's justice today for those at the margins of society and those who are kept in silence and in the dark.

If the lifting of the statute of limitations is passed, it allows a window of opportunity for victims to come forward. Perhaps the only thing we ought to amend on the session floor would be to increase the statute to ten (10) years as promulgated by the Holy Father Pope Benedict XVI. I am sure that once this is passed and signed into law by the Governor, we will see many people come forward in a court of law to address their abuse that they have held in silence for many years. I offer my thanks to God above who has allowed me to be on this earth to become the salt and light of the world.

I am also reminded that in order to make the best possible solution to a problem is to target what needs targeting. I ask that you help to lift the statute of limitations and that you are aware of the problem we all face on our island – especially as it relates to cover-ups across state, national and international lines of governance. If we fail to speak out or vote for Bills 33 and 34, the cycle of abuse persists where we are held in contempt for the complicit crimes against humanity, especially children. If we do not speak out knowing such crimes have happened, then we perhaps are the perpetrators. I know that I am not nor will ever be the perpetrator because I have come forward to show that there is no dignity in the silence. *Ti ma'maigu si Yu'us!* – God Never Sleeps!

If you have any questions, please feel free to contact me at the address below. Thank you for the opportunity to accept my testimony IN SUPPORT of Bills 33-31 and 34-31.

Peace and All that is Good,

Jonathan B. Diaz


P.O. Box 21603 GMF, Barrigada, GU 96921 tel: 671-727-4220

February 7, 2011

To: Vice Speaker B.J. Cruz

Chairman Committee on Youth, Cultural Affairs, Procurement, General  
Government Operations, and Public Broadcasting

Via: Acting Director 

From: Ann Rios, RN, BSN, SANE-A 

Subject: Bills: 33-31 (COR) & 34-31 (COR).

*Buenas yan Hafa Adai!*

My name is Ann Rios, a certified sexual assault nurse examiner, employed by the Department of Mental Health and Substance Abuse's Healing Hearts Crisis Center. On behalf of Healing Hearts Crisis Center, I will provide critical data in favor of supporting Bills 33-31 (COR) & 34-31 (COR).

The passage of Bills 33-31 (COR) & 34-31 (COR) will offer sexual assault victims the opportunity to find closure in a topic too taboo to talk about. Although, HHCC provides services specific to sexual assaulted patient, we realize the secondary victims are the families.

Healing Hearts Crisis Center has offered services to victims of sexual abuse and assault since its creation in 1993. Through the years, what has remained constant is sexual abuse does not discriminate. Victims come from all ethnicities, ages and economic status, although the most vulnerable are the young and those with disabilities – those individuals who can't speak for themselves.

HHCC served 57 minors (75%) in 2008. In 2009, 54 minors (72%) and 100 minors in 2010 (85%).

Healing Hearts has been fortunate to receive support from our department and funding through federal grants. We've established working relationships within our department – Adult Counseling, l'Famaguonta, Child-Adolescent Services, New Beginnings, & Community Support Services. We've identified resources in the community and built rapport with both governmental and non-governmental agencies-VARO; Sanctuary; University of Guam's Isa Psychological Services; Department of Public Health & Social Services' Child & Adult Protective Services; Guam Police Department; Attorney General of Guam; US Attorney General; Victims Advocates & Investigative Services representing the Air Force, Navy, Coast Guard and the National Guard; Alee Shelter; Guam Legal Services Corporation; the Guam Coalition Against Sexual Violence and Family Violence; and the Guam Sexual Abuse & Assault Resource Center Association.

In 2005, the US Department of Justice reported that 60% of rapes/sexual assault are not reported to the police and only about 6% of rapists ever spend a day in jail. This underreporting speaks to the victims fears and perceived consequence for reporting. Sexual assault affects not only the victim, but the loved ones and family of the survivor, as well as the community. Victims of sexual assault are 3 times more likely to suffer depression, 6 times more likely to suffer from post-traumatic stress disorder, 13 times more likely to abuse alcohol, 26 times more likely to abuse drugs and 4 times more likely to contemplate suicide. Bills 33 & 34 will allow victims to disclose their sexual assault and thereby deal with the psychological trauma that has likely limited their ability to reach their full potential.

*Un Dangkolo Na Si Yu'os Ma'ase.*

Mar 7-11  
Sex Abuse  
Conference.

My name is Dr. Ellen Bez, and I am the President and founder of the Guam Sexual Assault and Abuse Resource Center Association (GSAARCA), a non-profit organization committed to ending sexual violence in our community. Also, I am the Medical Consultant for Healing Hearts Crisis Center and have been in that position for over 15 years. I am in support of legislation to remove the statute of limitations in cases of child sexual abuse as provided for in Bill's 33 and 34.

THE SEXUAL ABUSE of children has been labeled "a silent, violent epidemic" by the American Medical Association. One in four girls and one in six boys have experienced some form of sexual abuse before age 18, according to the US Centers for Disease Control and Prevention. More than 80 percent of incidents are never reported to authorities.

A majority of states have extended the time for cases of sexual offenses against children. Those states have recognized the power imbalance between child victims and the adult perpetrators. It is well documented that child victims are more easily intimidated by offenders. It is also recognized that child victims may repress those memories or develop severe psychological trauma from the nature of the offense that may delay their ability to report this abuse. Children do not disclose this abuse because they need maturity to comprehend what happened. A study conducted by a Boston attorney revealed that victims of child sexual abuse took 32.3 years to disclose their abuse, at an average age of 45.

There are many reasons offered for eliminating the statute of limitations on sexual assault cases:

1. Eliminating all statutes of limitations will reduce the number of sexual offenders at large.

2. It opens the courthouse doors and lets victims expose perpetrators through peaceful, legal means.
3. Psychological studies have shown that there is no "statute of limitations" for a pedophile's attraction to children.
4. Statutes of limitations protect pedophiles. In the Massachusetts Catholic child abuse crisis, only 2% of the abusers were ever jailed. Many of those confirmed abusers are now living in those communities, unidentified.
5. There is no "statute of limitations" on the suffering of victims -- for many, the pain is pervasive and on-going, even after years of therapy. Often, molesters have threatened to hurt the victims or their families if they reveal the abuse.
6. Eliminating statutes will get more sexual offenders involved in the criminal justice system, where they will get access to much-needed treatment.

According to the National Conference of State Legislators, in their April 2007 Issues and Research Forum:

"Most states have laws limiting the time during which crimes other than murder may be prosecuted. In recent years, many states have adopted varying extensions to their criminal statutes of limitations for cases of sexual assault.

Seven states, Alabama, Delaware, Idaho, Mississippi, New York, North Carolina, and Virginia have no time limitation for the offense of rape. Nevada has no limitation for sexual assault if a written report has been filed with a law enforcement officer during the period of limitation. A number of states have no statute of limitations for prosecutions of the most serious, often Class A felonies, including rape crimes and regardless of the age of the victim. These include

Connecticut, Florida, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Jersey, New Mexico, Rhode Island, South Dakota and Vermont.

Availability of DNA evidence in sexual assault cases also has altered statutes of limitations.

Some states extend and others eliminate the statute of limitations on specified crimes if identity of the perpetrator is established by DNA. Those include Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Oklahoma, Texas, Utah and Wisconsin.”

The disparity between the time it takes for victims to come forward and the current statute of limitations represents a "justice gap." Closing this gap is critical for victims.

Additionally, it may also prevent the victimization of the most vulnerable citizens of our society by putting offenders on notice that they will not be allowed to continue offending with impunity.

**Ellen P. Bez, MD, FACP**  
**President, Guam SAARCA**  
**Medical Consultant, Healing**  
**Heart Crisis Center**



**DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT**

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Nerissa Bretania Underwood, Ph.D.  
Superintendent of Education

February 07, 2011

The Honorable B. J. Cruz  
Senator, 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96932

**Testimony on Bill 33-31 To repeal the Statute of Limitation  
for the Prosecution of a Sex Crime Involving a Victim  
Who is under the Age of the Majority**

Dear Senator Cruz,

Thank you for the opportunity to provide testimony on Bill 33-31 AN ACT TO REPEAL THE STATUTE OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF THE MAJORITY BY ADDING A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED. The Department of Education (DOE) supports Bill 33-31 because it will help us carry out our mission to *Prepare all students for life, Promote excellence, and Provide support.*

Repealing the statute of limitation will provide victims with ample time to heal and find the strength, support, and guidance to confront their perpetrators. Although the bruises of physical abuse may be more obvious and visible, this Bill will address the psychological bruises and scars that are not so visible. People cope and address trauma at different rates. This proposed legislation provides maximum time for all victims and hopefully provides a deterrent to perpetrators knowing that they could be prosecuted at any time.

In terms of establishing a strong basis for this legislation, DOE recommends the use of data from Child Protective Services (the Child Abuse and Neglect Statistics) and the Youth Risk Behavior Survey conducted by DOE and the DPHSS. Both data sets reflect behavioral trends in our community.

Again, thank you for the opportunity to provide this important testimony in support of this bill. The Department of Education agrees that this bill will help all victims, especially our youth.

**NERISSA BRETANIA UNDERWOOD, Ph.D**  
Superintendent of Education

2/7/2011  
DATE



## Citizen Testimony in Support of Bills 33-31 & 34-31

To Whom It May Concern:

My name is Melani Marquez and I am a former resident of Sinajana, Guam currently residing in Honolulu, Hawaii. I am writing to present my testimony in support of bills 33-31 *An act to repeal the Statutes of Limitation for the prosecution of a sex crime involving a victim who is under the age of the majority by adding a new § 10.16 to Chapter 10 of Title 8* and 34-31 *An act to amend § 11306 of Article 3, Chapter 11, Title 7 of the Guam Code Annotated; relative to the Statutes of Limitations for civil actions involving child sexual abuse.*

I'd like to begin by stating that I am a survivor of child sexual abuse and that I was molested by several male family members from the age of six until thirteen. I am now thirty-three years old and not until 2 years ago, I finally built up the courage to reveal and confront the issue of child sexual abuse within my family. As I anticipated, the news did not go over well with the older generation. Many of them felt that I was "airing out my dirty laundry" instead of "taking accountability" for what happened to me, as if it were my fault. Needless to say, my hesitation to come forth earlier with my abuse was greatly influenced by the social stigma associated with sexual abuse and the lack of support for its victims. I was also afraid for my life considering that my abusers had threatened to "kill" me if I were to tell anyone. It was for that reason that I had a strong desire to join the military so I could keep my distance from my abusers and the pain they had caused me to endure for many years.

For a long time I felt that by keeping my "secret" I was protecting my family from division but in reality, it only enabled my abusers to victimize more children in my family for a total of 4 in my generation. These abusers have never been confronted, charged, nor are there any interventions to ensure their conduct is not ongoing. Now that I am older, wiser, and stronger I have come to realize the magnitude and impact sexual abuse has had on my life such as engaging in self-destructive behavior and difficulty trusting or developing relationships with everyone including my children. I have also come to realize that my abusers must be held accountable for their crimes for generational cycles of sexual abuse to end and for justice to truly prevail in our society.

Unfortunately, since there is a statute of limitations for reporting sexual abuse on Guam, I am unable to prosecute my abusers because 18+ years have passed since the incidence of these crimes. This once again, enables my abusers to potentially victimize more children who are unable to defend themselves. As a mother and concern citizen, I feel compelled to protect my daughters and other children from the crime of sexual abuse. Regrettably, my actions are drastically limited due to Guam's current laws, which should be amended so others like me can seek justice and gain a sense of closure from our abuse. The crime of sexual abuse leaves a lifetime of pain, confusion, and trauma for its survivors that should not be overlooked based on statutes of regulations. I personally believe that by implementing bills 33-31 and 34-31, it will serve as a potential deterrent for sexual abusers to commit crimes. It will also send them a strong message that our community

will no longer tolerate this criminal behavior, that their victims will not remain silent forever and that we as a community are willing to take all necessary measures to ensure the safety of current and future generations on our island.

In closing, I'd like to thank the committee presiding of this resolution for their time and consideration in reading my testimony. Please feel free to contact me at the address and phone number below for any questions.

Sincerely,

Melani Q. Marquez  
1020 Makalika Loop  
Honolulu, HI 96818  
(808) 721-0926

# CARDOZO

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

MARCI A. HAMILTON  
Paul R. Verkuil Chair in Public Law

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PHONE 215-353-8984

February 6, 2011

## SUBMITTED VIA EMAIL

The Honorable Adolpho Palacios  
Chairman  
Committee on Public Safety, Law Enforcement, and Judiciary  
31st Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96910

RE: Hearing Before the Committee on Public Safety, Law Enforcement, and Judiciary on Bill No. B034-31(COR), AN ACT TO AMEND § 11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTE OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE

Dear Sen. Palacios:

I commend you and the Committee for taking up Bill No. B034-31(COR), which would establish a two-year window of opportunity for child sex abuse victims to file civil claims even if the previous statute of limitations has run. There are untold numbers of hidden child predators who are preying on one child after another, because the statutes of limitations have been configured to give them that opportunity. This bill would put Guam in the forefront of child protection.

This is a sunshine law for children. There is an epidemic of child sex abuse around the world. At least one in four girls is sexually abused and at least one in five boys. Sadly, 90% never go to the authorities and the vast majority of claims expire before the victims are capable of getting to court. Most victims are abused by family or family acquaintances. This bill would protect the children of Guam by making it possible for victims to come forward and identify their perpetrators in a court of law. It would also bring delayed, but still welcome, justice to these victims.

By way of introduction, I hold the Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University, where I specialize in church/state relations and constitutional law. My most recent book, *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008), makes the case for statute of limitations reform in the child sex abuse arena. I am the leading expert

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on the history and constitutionality of retroactive statutes of limitations with respect to child sex abuse and have advised many child sex abuse victims on constitutional issues.

**There are three compelling public purposes served by window legislation:**

- (1) the identification of previously unknown child predators to the public so other children will not be abused in the future;**
- (2) giving child sex abuse survivors justice; and**
- (3) remedying the wrong done to child sex abuse survivors caused by an overly short statute of limitations that resulted in keeping child sex abuse secret and that aided perpetrators.**

I have been involved in statute of limitations reform in numerous states. This is the only means of identifying child predators. As Professor Timothy Lytton has documented, civil tort claims have been the only means by which survivors of clergy abuse have been able to obtain any justice. Timothy Lytton, *Holding Bishops Accountable: How Lawsuits Helped the Catholic Church Confront Sexual Abuse* (Harvard University Press, 2008).

Legislative reform of statutes of limitations for child sex abuse victims is on the rise. This week alone, there are hearings in Guam and Hawaii.<sup>1</sup> Bills that would eliminate, extend, or create windows for the statutes of limitations covering child sex abuse are pending or have recently passed in Massachusetts,<sup>2</sup> Connecticut,<sup>3</sup> Virginia,<sup>4</sup> Florida,<sup>5</sup> New Jersey,<sup>6</sup> and Oregon.<sup>7</sup> Information on the statutes of limitations for child sex abuse can be found on my website, [www.sol-reform.com](http://www.sol-reform.com).

Statute of limitations reform is the one tried and true means that will identify the many hidden child predators, who are grooming other children right now. The “window” in California led to the public identification of over 300 perpetrators previously unidentified. Delaware also enacted a window, which led to the public identification of dozens of perpetrators previously hidden. Given that most child perpetrators abuse many

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<sup>1</sup> Bill No. B034-31(COR), An Act To Amend § 11306 Of Article 3, Chapter 11, Title 7 Of The Guam Code Annotated; Relative To The Statute Of Limitations For Civil Actions Involving Child Sexual Abuse, establishing a two-year window of opportunity for child sex abuse victims whose claims have expired under the Guam statute of limitations to bring their civil claims.

<sup>2</sup> H.R. 689, 187th Gen. Ct., Reg. Sess. (Mass. 2011) (pending) (statute of limitations for child sex abuse runs for three years from when claimant discovers connection between sex abuse and harm suffered).

<sup>3</sup> S.B. No. 784, 2011 Gen. Assemb., 2011 Reg. Sess. (Conn. 2011) (pending) (eliminates the limitation of time for bringing a civil action with respect to a new occurrence of sexual abuse, sexual exploitation or sexual assault in order to recognize the severity of such occurrences and give victims increased access to the civil court system.)

<sup>4</sup> H.B. 1476, 2011 Gen. Assemb., 2011 Reg. Sess. (Va. 2011) (pending) (extends the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 25 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues).

<sup>5</sup> Fla. Stat. Ann. § 95.11(7) (2010) (enacted) (eliminating statute of limitations for sexual battery if victim was under 16 years old, for claims not barred as of July 2010).

<sup>6</sup> S.B. No. A1164, 2009 (pending) (eliminating the statute of limitations for sexual assault when the victim reaches majority).

<sup>7</sup> H.B. 3057, 76<sup>th</sup> Gen. Assemb., 2011 Reg. Sess. (Or. 2011)(enacted) (extending statute of limitations for sexual abuse crimes committed against minors).

children over the course of their lives,<sup>8</sup> window legislation does far more than create justice for victims in the past. It also forestalls future abuse of today's children.

Any claim that window legislation leads to bankruptcy of institutions is irresponsible. First, only two bankruptcies have followed window legislation, one in San Diego and the other in Wilmington. In both cases, the bankruptcy was a voluntary bankruptcy, which was intended to protect assets and avoid trials that would have revealed the Roman Catholic hierarchy's secrets regarding their role in endangering children. These bankruptcies were not filed because the dioceses were actually indigent. In San Diego, the bankruptcy court publicly stated that the diocese was not honest about its actual wealth and that there was no justification for the bankruptcy filing. The Wilmington bankruptcy has just settled, and the settlement includes remuneration for victims for the Diocese's cover up of child sex abuse predators, and just as important, an agreement to release the identities of those priests who have been accused of abuse.

The window legislation in California brought justice to a large number of victims, exposed the identities of more than 300 perpetrators, and did not result in cuts in church services or even make a dent in ambitious plans for new cathedrals. Rather, the settlements were paid out of insurance proceeds and the sale of properties not dedicated to religious use.

Some have argued that retroactive legislation is unconstitutional. While such an implication was true in the nineteenth century, it is no longer an accurate description of federal constitutional law, as the United States Supreme Court has explained: "The presumption against statutory retroactivity had special force in the era in which courts tended to view legislative interference with property and contract rights circumspectly. In this century, legislation has come to supply the dominant means of legal ordering, and circumspection has given way to greater deference to legislative judgments." Landgraf v. USI Film Prods., 511 U.S. 244, 272 (1994); see also Republic of Austria v. Altmann, 541 U.S. 677 (2004).

The majority of states have not found retroactive statutes of limitations unconstitutional. See Catholic Bishop of N. Alaska v. Does, 141 P.3d 719 (Alaska 2006); San Carlos Apache Tribe v. Superior Court ex rel. County of Maricopa, 972 P.2d 179 (Ariz. 1999), superseded by statute, Arizona Rev. Stat. § 12-505 (2010); Liebig v. Superior Court, 257 Cal. Rptr. 574 (Cal. Ct. App. 3d 1989); Mudd v. McColgan, 183 P.2d 10 (Cal. 1947); Shell Western E&P, Inc. v. Dolores County Bd. of Comm'rs, 948 P.2d 1002 (Colo. 1997); Rossi v. Osage Highland Dev., LLC, 219 P.3d 319 (Col. App. 2009) (citing In re Estate of Randall, 441 P.2d 153, 155 (Col. 1968)); Roberts v. Caton, 619 A.2d 844 (Conn. 1993); Whitwell v. Archmere Acad., Inc., C.A. No: 07C-08-006 (RBY), 2008 Del. Super. LEXIS 141 (Del. Super. Ct. April 16, 2008); Riggs Nat'l Bank v. District of Columbia, 581 A.2d 1229 (D.C. 1990); Vaughn v. Vulcan Materials Co.,

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8 Kenneth V. Lanning, *Child Molesters: A Behavioral Analysis* 5, 37 (4th ed. 2001) available at [http://www.cybertipline.com/en\\_US/publications/NC70.pdf](http://www.cybertipline.com/en_US/publications/NC70.pdf). ("Except for child prostitution, most sexual-exploitation-of-children cases in the United States involve acquaintance molesters who rarely use physical force on their victims. . . . Although a variety of individuals sexually abuse children, preferential-type sex offenders, and especially pedophiles, are the primary acquaintance sexual exploiters of children. A preferential-acquaintance child molester might molest 10, 50, hundreds, or even thousands of children in a lifetime, depending on the offender and how broadly or narrowly child molestation is defined. Although pedophiles vary greatly, their sexual behavior is repetitive and highly predictable.").

465 S.E.2d 661 (Ga. 1996); Gov't Employees Ins. Co. v. Hyman, 975 P.2d 211 (Haw. 1999); Roe v. Doe, 581 P.2d 310 (Haw. 1978); Henderson v. Smith, 915 P.2d 6 (Idaho 1996); Hecla Mining Co. v. Idaho State Tax Comm'n, 697 P.2d 1161 (Idaho 1985); Metro Holding Co. v. Mitchell, 589 N.E.2d 217 (Ind. 1992); Ripley v. Tolbert, 921 P.2d 1210 (Kan. 1996); Shirley v. Reif, 920 P.2d 405 (Kan. 1996); Kienzler v. Dalkon Shield Claimants Trust, 686 N.E.2d 447 (Mass. 1997); Rookledge v. Garwood, 340 Mich. 444 (Mich. 1954); Gomon v. Northland Family Physicians, Ltd., 645 N.W.2d 413 (Minn. 2002); Cosgriffe v. Cosgriffe, 864 P.2d 776 (Mont. 1993); Panzinov. Continental Can Co., 364 A.2d 1043 (N.J. 1976); Alsenz v. Twin Lakes Village, 843 P.2d 834 (Nev. 1992) (open question); Bunton v. Abernathy, 73 P.2d 810 (N.M. 1937); Hymowitz v. Eli Lilly & Co., 539 N.E.2d 1069 (N.Y. 1989); In Interest of W.M.V., 268 N.W.2d 781 (N.D. 1978); Pratte v. Stewart, 929 N.E.2d 415 (Ohio 2010); McFadden v. Dryvit Systems, Inc., 112 P.3d 1191, 1195 (Or. 2005); McDonald v. Redevelopment Auth., 952 A.2d 713, 718 (Pa. Commw. Ct. 2008); Bible v. Dep't of Labor and Indus., 696 A.2d 1149 (Pa. 1997); Stratmeyer v. Stratmeyer, 567 N.W.2d 220 (S.D. 1997); Ballard Square Condo. Owners Ass'n v. Dynasty Constr. Co., 146 P.3d 914 (Wash. 2006) superseded by statute, Wash. Rev. Code 25.15.303, as recognized in Chadwick Farms Owners Ass'n v. FHC, LLC, 160 P.3d 1061 (Wash. 2007); Neiman v. Am. Nat'l Prop. & Cas. Co., 613 N.W.2d 160 (Wis. 2000) (open question); RM v. State Dept. of Family Servs., Div. of Public Servs., 891 P.2d 791, 792 (Wyo. 1995).

Guam operates under the presupposition that is in place in many states, that legislation is not retroactive unless its intended retroactive is explicit. Guam Code Annotated § 702. Bill No. B034-31(COR), is clearly retroactive and, therefore, should be applied accordingly.

Once again, I applaud you for introducing this legislation and the Committee for taking up the cause of child sex abuse victims. Guam's children deserve the passage of Bill No. B034-31(COR), which creates a two-year window of opportunity for Guam's child sex abuse victims to find justice and to identify their perpetrators.

Please do not hesitate to contact me if you have questions regarding window legislation or if I can be of assistance in any other way.

Sincerely,

Marci A. Hamilton  
[hamilton02@aol.com](mailto:hamilton02@aol.com)  
212-790-0215 (office)  
215-493-1094 (facsimile)



**National District Attorneys Association**  
44 Canal Center Plaza, Suite 110, Alexandria, Virginia 22314  
703.549.9222 / 703.836.3195 Fax  
www.ndaa.org

February 11, 2011  
Senator Adolpho Palacios  
Chairperson  
Committee on Public Safety  
31<sup>st</sup> Guam Legislature

RE: Bill No. 33-3 1 and 34-31

Dear Senator Palacios:

As a former child abuse prosecutor and current Senior Attorney with the National District Attorney's Association's National Center for Prosecution of Child Abuse, I understand the dynamics of child sexual abuse. Throughout my career, I worked to bring closure to victims and survivors of sexual assault and to hold perpetrators accountable for their actions.

Too often the youngest citizens of the United States of America and its territories are the victims of sexually motivated crimes. According to the 2006 National Report on Juvenile Offenders and Victims, minors accounted for seventy percent of sexual assault victims. Forty-seven percent of those victims were under the age of twelve. Children ages twelve to seventeen are more than twice as likely as adults to be victims of sexual assault (2006 National Report: Juvenile Offenders and Victims, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention).

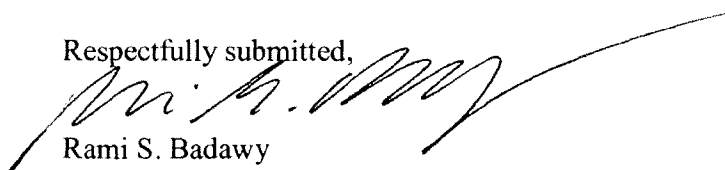
The natural vulnerability of children makes them targets for sexual predators. They are trusting and curious, need attention and affection, and are dependent on adults for their survival. In the vast majority of cases, the perpetrator of the abuse is an individual with special access to children; this person can be a trusted authority figure such as a family member, neighbor, members of the clergy, scoutmasters or teachers. Children are often manipulated into silence fearing they will not be believed, fearing they will be punished for disclosure and terrified that they will be removed from the household. The trauma of the abuse along with the victim's feelings of guilt, shame, fear and embarrassment all influence a child's compulsion to endure the abuse and keep it a secret.

Child victims typically disclose sexual abuse long after that abuse has occurred, if at all. Fewer than 1 in 4 survivors of sexual abuse disclose immediately following the abuse (Paine, M.L., & Hansen, J.D. (2002). "Factors Influencing Children to Self-disclose Sexual Abuse," *Clinical Psychology Review*, 22(2), 271-295). In one study, over fifty percent of 236 female survivors of childhood rape waited longer than eight years to disclose (Smith, D.W., Letourneau, E.J., Saunders, B.E., Kilpatrick, D.G., Resnick, H.S., & Best, C. (2000). "Delay in Disclosure of Childhood Rape: Results from a National Survey." *Child Abuse & Neglect*, 24(2), 273-287. In fact, twenty-eight percent of the participants disclosed their rape for the first time during the research interview. Another study found

that fifty-eight percent of child sexual abuse victims delayed disclosure until adulthood (Alaggia, R. (2004). "Many Ways of Telling: Expanding Conceptualizations of Child Sexual Abuse Disclosure," *Child Abuse & Neglect*, 28(1 1), 1213-1227. Many studies also report that abuse memories may be forgotten for long periods of time, only to be recalled at a later time (Epstein, M., & Bottoms, B. (1998). "Memories of Childhood Sexual Abuse: A Survey of Young Adults," *Child Abuse & Neglect*, 22, 1217. One study found that the average time between abuse and disclosure was fifteen years (Somer, e., & Szwarcberg, S. (2001). Variables in Delayed Disclosure of Childhood Sexual Abuse. *American Journal of Orthopsychiatry*, 71(3), 332-341. Most studies indicate that disclosure of sexual abuse during childhood is the exception, not the norm. (Finkelhor, D., Sexually Victimized Children, New York: Free Press, 1979; Finkelhor, D., Child Sexual Abuse: New Theory and Research, New York: Free Press, 1984; Russell, D., "The Incidence and Prevalence of Intrafamilial and Extra-Familial Sexual Abuse of Female Children." *Child Abuse & Neglect* 7 (1983), 33-146).

With any crime, the prosecutor must prove, beyond a reasonable doubt, that defendants are guilty of the crimes they are accused of Bill number 33-3 1 does not, in any way, lessen that constitutionally guaranteed burden. Rather, the elimination of the statute of limitations for sex crimes against children is an acknowledgement of the unique dynamics of these cases. Repealing the statute of limitations for sex crimes against minors, simply stated, removes an arbitrarily assigned time period which has prohibited the victims of these life altering crimes from seeking justice.

Respectfully submitted,



Rami S. Badawy  
Senior Attorney  
National District Attorneys Association  
National Center for Prosecution of Child Abuse



## Testimony On Bills 33 and 34

February 14, 20011

**Honorable Adolfo Palacios:**

**I was a victim of sexual abuse when I was a child. I did not deal with it at the time. I was only about 11 years old. I did not know what to do. I was scared to tell my dad because I knew he would really hurt the man. That man was my uncle. For years I grew up with the fear of being alone with my uncle. I told his daughter who believed me and she tried to make sure when I went to her house that I was not alone with her dad. That worked most of the time but now always. The abuse went on for a few years until their family left Guam and relocated to the states.**

**Throughout my life, I was fearful of men, including my own dad, who never did anything like that to me. I did not know what I now know. There were no child protective laws of any kind at that time.**

**I am now in the social services field working with women and children of sexual abuse and other types of abuse. I am so grateful for the laws that govern the protection of children and demands justice of those who hurt or try to hurt children.**

**I am now in my late 50's. When I grew up and found out about the laws, I figured it was too late because I was an adult already. Besides, I felt like my reporting it and demanding justice would hurt my family and my uncle's family. And they are not the guilty ones.**

**Now my siblings and my cousins are all grown. They have children of their own. My parents are deceased. My aunt is deceased. But my uncle lives. He is now in his 80's.**

**I have wondered whether or not I should go ahead and come out publicly with my story and make charges against him. But I think that years ago in working in social services, getting counseling and having a relationship with God, I have resolved that issue in my heart. But the key thing here is I CHOOSE TO LET THIS GO! And I am okay with it.**

**But with Bills 33 and 34, others who are now just getting support, having revelations about their abuse will have a choice, JUSTICE can get served. It is selfish and sinful for us as a community to not to be able to have choices or prevent victims of abuse from having choices. They should be able to decide if they have had justice or not. Too many perpetrators get away with their crime because of some technicality or misunderstanding of the law or just not aware of the laws. Even worse, the victim may be a child who has been traumatized into silence. Should they also wait until they are elderly before they are strong enough to**

**tell their stories or to find relief through charges that may or may not be carried out and doesn't end in Justice?**

**I support both Bills and encourage our beloved and trusted Senators to VOTE YES!**

**Thank you, Senator Palacios, for your time and dedication to our island and most importantly to our ISLAND'S CHILDREN .**

**Biba Guam! Biba Justice!**

**Si Yu'us Masse.  
Si Kathleen Thomas  
P.O. Box 22533  
GMF, Guam 96921  
© 727-4091**



GOVERNMENT OF GUAM  
 DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
 DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT




EDDIE BAZA CALVO  
 GOVERNOR

RAY TENORIO  
 LIEUTENANT GOVERNOR

FEB 07 2011

ARTHUR U. SAN AGUSTIN, MHR  
 ACTING DIRECTOR

LEO G. CASIL  
 DEPUTY DIRECTOR

Honorable Senator Adolpho B. Palacios, Sr.   
 31<sup>st</sup> Guam Legislature  
 Chairman  
 Committee on Public Safety, Law Enforcement & Judiciary

Testimony: Bill No. 33-31 "An Act to repeal the Statute of Limitation for the Prosecution of a Sex Crime involving a Victim who is under the age of the majority..."

Bill No. 34-31 "An act to amend subsection 11306 of Article 3, Chapter 11, Title 7 of the GCA; relative to the Statute of Limitations for Civil Actions involving Child Sexual Abuse"

Hafa Adai Mr. Chairman and Members of the Committee on Public Safety, Law Enforcement and Judiciary. I am Arthur U. San Agustin, Acting Director of the Department of Public Health & Social Services and I would like to express my support of Bill Nos. 33-31 and 34-31.

The department administers Child Protective Services (CPS), a program that serves to protect children who are victims of child abuse and neglect and therefore sees first-hand the complexities and dynamics involved in these cases. From the yearly reports of over a thousand (1,000) that are made to CPS, Child Sexual Abuse stands as the third highest reported, while physical abuse is first and physical neglect is second. This is not to say that incidents of sexual abuse are not prevalent, but may be indicative of the fact that a child victim is unable to understand, recognize or talk about their victimization until their later years.

The other fact about Child Sexual Abuse is that by the time a disclosure of the incident is made, the child has likely been repeatedly victimized by their perpetrator. In these instances, the perpetrator is also likely no stranger to the victim, but someone who has been in control of and provides care over the child. The victimization of a child is carefully crafted by the perpetrator who oftentimes has access and opportunity. The child is often groomed which later leads to threats. It is for this reason a child victim finds him or herself hopeless and helpless during the time of victimization and is unable to seek help. They usually tend to escape at the time they turn the age of majority. The reality is that the injury of Child Sexual Abuse remains to be manifested over an entire lifetime.

While the intent of the bills will clearly provide victims with the opportunity to report and seek justice, it will also become a source of healing. In addition, it will be a means to stop a perpetrator who may likely be further victimizing other children, unless caught and legally dealt with.

GOVERNMENT OF GUAM  
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT


Page 2 of 2  
Testimony on Bill Nos. 33-31 (COR) and 34-31 (COR)

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As CPS is a first and front line provider to these cases, along with our key partners, the Guam Police Department, Office of the Attorney General and the Healing Hearts Crisis Center, we ask that the resources required to support these victims who come forward be provided so we are able to give them the services they need without further delay by the system. It is important to recognize that these resources are in the areas of treatment, advocacy and support (formal support system) will be needed when these victims find the strength to come out and deal with their horrific experiences, face their perpetrator.

On behalf of the department and CPS, I thank you for this opportunity to speak on behalf of these bills that will provide victims of Child Sexual Abuse with the assurance they can take criminal action when they are prepared to do so, and for civil action, for two years from the date of the passage of the bill to help them with the healing process, a journey of a lifetime.

Sensaramente,

  
ARTHUR U. SAN AGUSTIN, MHR  
Acting

cathy

4:50 PM (15 hours ago)

From: Bj Cruzc

To: cathy

Sent: Wednesday, February 09, 2011 2:26 PM

Subject: Re: Bill 34-31

Ms. McCollum

Thank you for your support of Bill 34. I am sorry to hear about what happened to your daughter. I do not know how old she is but I assume that the rape occurred when the Statute of Limitation (SOL) for criminal prosecution was three(3) years from the date of the rape. That was also the time period within which the crime had to be reported. The the SOL for a civil suit was one(1) year from the event.

Most children victims were too afraid to report or complain about the rape so most pedophiles escaped prosecution. The US Constitution prohibits the passage of ex post facto laws meaning that for criminal prosecutions any amendment could not be applied retroactively.

The supreme Court has ruled that this ex post facto prohibition does not apply to civil actions.

Bill 34 Is intended to provide a two year window within which anyone who was a minor at the time they were victimized could bring a civil suit against the perpetrator regardless how long ago the rape was committed. I realize that this is not a criminal prosecution, but the intent was to allow the victim to get some closure by exposing the predator and maybe getting some money. The important thing is to expose the predator so that everyone will know who to keep away from their children. You are right, many of these pedophiles go from household to household and destroy many lives. even if we cannot prosecute them criminally we can at least

Expose them and prevent them from hurting other children.

I also introduced Bill 33 which repeals the SOL so that the predator can be criminally prosecuted at any time even if it is 20 or 30 years after the crime was committed. The reporting time becomes whenever the victim gets the nerve to speak out. This will only apply to criminal sexual abuse of minors committed after the bill becomes law . I hope that this explanation of the bills is sufficient. If you need further explanation please ask.

Also please send your support letter to Sen Palacios and the other senators . BJ Cruz

Sent from Bj Cruz

On Feb 9, 2011, at 11:51 AM, "cathy" <catherine.mccollum@gmha.org> wrote:

Dear Sir:ku

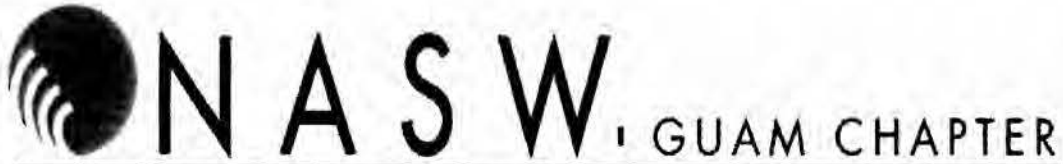
I am in support of Bill 34-31, but we really need Legislation to have no limitation of reporting. You see, my daughter was raped at the age of 10. I did not know of the incident because the culprit kept calling my daughter and making threats to her till she was 17 years old that he would harm or kill her siblings if she told. Finally, she got the courage to tell me. I tried to seek justice but found out that there was a statute of limitation on reporting the incident. After she had told me, news came to me that he had molested several children. This man is a pedophile, a menace to society and who knows how many more children he had raped. Please Sir, I beg of you to put closure to this for me and my daughter, who is 38 years old, has been through so much in her life because of the mental abuse that this caused her.

Can you give me more insight on this Bill and what it can do for me and my daughter? Thank you,

Z

647-2367


488-6662



## National Association of Social Workers

P.O. Box 2123 Hagatna, Guam 96932 – (671)727-7908, Fax (671) 4771077 E-mail: [naswgu@gmail.com](mailto:naswgu@gmail.com)

February 7, 2011

Senator Adolpho B. Palacios, Sr.   
Chairman, Committee on Public Safety, Law Enforcement & Judiciary  
155 Hessler Place  
Hagatna, Guam 96910

The National Association of Social Workers (NASW) is the largest organization of professional social workers in the world, with 150,000 members, 90% of whom hold master's degrees in social work. There are chapters in every state in the U.S., as well as Washington, D.C., New York City, Guam, Puerto Rico, the Virgin Islands, and an International Chapter.

NASW works to promote the well-being of individuals, families and communities. Through advocacy, it aims to shape legislation and public policy that:

- Protects and strengthens the social work profession
- Creates and maintains professional standards
- Promotes health, welfare and education

Every social worker is uniquely qualified to help people right in their own environment, by looking at all the different aspects of their life and culture. We work to ensure your personal well-being, prevent crises and to counsel individuals, families, and communities. We make sure people get the help they need, from the best resources available. And for more than 100 years, we've been doing just that!

Social workers care for people in every stage of life, from children to the elderly. We help them overcome life's most difficult challenges, and the troubles of everyday living. Our core values are service; social justice; dignity and worth of the person; importance of human relationships; integrity and competence.

Perhaps the greatest of these values is that of social justice which is the driving force for this letter to you today in support of Bills 33-31 (COR); 34-31 (COR) and 41-31 (COR). Continued legislation that protects social justice must continue to be advocated for; however, we must also consider the impact that arises especially with Bill 33-31. We must incorporate services that will help both the victim and the perpetrator overcome their issues such as counseling services to help them deal with what has been brought forth. With the passage of these bills, please consider its impact and promote the funding for the services that will be needed to address the issues.

Thank you for the opportunity to provide this testimony.

Respectfully Submitted,

Ovita Rebanio Perez, President



*Supporting the children and families of Guam*

## Latte Treatment Center, LLC

PMB 960 Ste.101, 1270 North Marine Corps Drive  
Tamuning, Guam 96913-4331  
Phone 671-647-5390; 671-969-6172;  
Day Treatment Center 671-989-5390



*Accredited by The Joint Commission*

15 February 2011

To: Honorable Benjamin J. F. Cruz  
Vice Speaker, Guam Legislature

Re: Testimony for Bill #33-31, #34-31 and #41-31

Please find attached the testimonies in support of Bill #33-31, #34-31 and #41-31. Thank you for allowing Latte Treatment Center, LLC the opportunity to submit comment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Weakley".

Mary Weakley, BSW  
Program Director





*Supporting the children and families of Guam*

# Latte Treatment Center, LLC

PMB 960 Ste.101, 1270 North Marine Corps Drive  
Tamuning, Guam 96913-4331  
Phone 671-647-5390; 671-969-6172;  
Day Treatment Center 671-989-5390



*Accredited by The Joint Commission*

## Bill No. 34-31 AN ACT TO AMEND 1106 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUE OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE

Unfortunately, the Latte Treatment Center has been on the receiving end of treating children and adolescents who are victims of sexual abuse. Latte has seen first-hand the adverse affects this personal violation has on an individual's well-being. There is no one single identifiable sign or symptom subtle or pronounced. These children may have experienced bedwetting, waking up in the night screaming, loss of appetite, trouble eating, anger outbursts, withdrawal from activities and self mutilation to name a few and many carry this trauma through the rest of their lives and of which our treating clinicians and professionals deal with in treatment. Further, their ability to cope in situations is often a struggle, where, for non-victims, the same situations are merely routine and unobtrusive.

For the above-mentioned reasons, the Latte Treatment Center supports the enactment of legislation that justice for child sexual abuse survivors be achieved by reviving the statute of limitations for civil actions for past child sexual abuse for a two year period and also supports abolishing the statute of limitations for the criminal prosecution of perpetrators for sex crimes against children.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Senator  
vicente c. pangelinan

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Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

February 9, 2011

**VIA FACSIMILE**  
(671) 472-2825

Ms. Benita Manglona  
Acting Director  
Bureau of Budget & management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Note -  
Bill Nos. 27-31(COR) through 28-31(COR) and 30-31(COR) through 53-31(COR)**

*Hafa Adai* Ms. Manglona:

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

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

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

2011 FEB 10 AM 10:14



Rec'd: Jackie  
2/10/11 8:57am

*I Mina'trentai Unu Na Liheslaturan Gu ãhan*

**Bill Log Sheet**

Page 1 of 1

| Bill No.               | Sponsor(s)  | Title  | Date Introduced      | Date Referred | 120 Day Deadline | Committee/Office Referred                                  |
|------------------------|-------------|--|----------------------|---------------|------------------|--|
| <b>33-31<br/>(COR)</b> | B.J.F. Cruz | An act to repeal the statute of limitation for the prosecution of a sex crime involving a victim who is under the age of the majority by adding a new § 10.16 to Chapter 10 of Title 8, Guam Code Annotated. | 1/18/11<br>2:06 p.m. | 1/19/2011     |                  | Committee on Public Safety, Law Enforcement and Judiciary. |
| <b>34-31<br/>(COR)</b> | B.J.F. Cruz | An act to amend § 11306 of Article 3, Chapter 11, Title 7 of the Guam Code Annotated; relative to the statute of limitations for civil actions involving child sexual abuse.                                 | 1/18/11<br>2:06 p.m. | 1/19/2011     |                  | Committee on Public Safety, Law Enforcement and Judiciary. |



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

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

**PUBLIC HEARING NOTICE**

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, February 7, 2011**, at *1 Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 33-31 (COR) – AN ACT TO REPEAL THE STATUTES OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF THE MAJORITY BY ADDING A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 34-31 (COR) – AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 41-31 (COR) – AN ACT TO AMEND §§19.69, 19.70, AND 61.20 OF TITLE 9, GUAM CODE ANNOTATED; TO ADD NEW §§61.20.1, 28.90, 29.100, AND 28.101 TO TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO BULLYING, CYBERBULLYING, AND SEXTING. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *1 Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

*Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*



Adolpho Palacios <senabpalacios@gmail.com>

## First Notice of Public Hearing scheduled for Feb. 7, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 10:05 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, duenasenator@gmail.com, senatormabini@gmail.com

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

### PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, February 7, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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- **Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

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255.1750:00000000, 0.26849:00000000, 255.21817:DD040000, 0.26297:2D000000, 4.16585:DD040000, 0.32441:6C3B0000, 4.1706:DD040000, 0.24761:00000000, 4.20665:DD040000, 0.25785:00000000, 4.29881:DD040000".

----- Forwarded message -----

From: Adolpho Palacios <senabpalacios@gmail.com>

To: <sabrina@kuam.com>, <jason@kuam.com>, <mindy@kuam.com>, <news@guampdn.com>, Catriona Melyan <cmelyan@guampdn.com>, <news@spbg Guam.com>, <amier@mvguam.com>, <marvic@mvguam.com>, <ads@mvguam.com>, <clynt@spbg Guam.com>, <kstone@ite.net>

Date: Fri, 28 Jan 2011 09:58:57 +1000

Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: January 28, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for February 7, 2011*

PAGES: 2 (including this sheet)

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**PLEASE SEE ATTACHMENT. THANK YOU.**



BROADCAST REPORT

TIME : 01/28/2011 11:31  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S)

02

| DATE  | TIME  | FAX NO./NAME | DURATION | PAGE(S) | RESULT | COMMENT |
|-------|-------|--------------|----------|---------|--------|---------|
| 01/28 | 11:19 | 4773079      | 38       | 02      | OK     | ECM     |
| 01/28 | 11:20 | 6482007      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:22 | 6379865      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:23 | 4770793      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:24 | 4772240      | 01:46    | 02      | OK     | ECM     |
| 01/28 | 11:26 | 4773982      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:27 | 4727663      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:29 | 4776411      | 37       | 02      | OK     | ECM     |
| 01/28 | 11:30 | 6498883      | 37       | 02      | OK     | ECM     |

BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX



Adolpho Palacios <senabpalacios@gmail.com>

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## First Notice of Public Hearing scheduled for Feb. 7, 2011

2 messages

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Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 10:13 AM

To: clerks@guamlegislature.com, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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- **Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION**

**11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

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**Mail Delivery Subsystem <mailer-daemon@googlemail.com>****Fri, Jan 28, 2011 at 10:13 AM**To: [senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)

Delivery to the following recipient failed permanently:

[clerks@guamlegislature.com](mailto:clerks@guamlegislature.com) *org*

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550 5.1.1 <[clerks@guamlegislature.com](mailto:clerks@guamlegislature.com)>: Recipient address rejected: User unknown in local recipient table (state 14).

----- Original message -----

MIME-Version: 1.0

Received: by 10.223.83.197 with SMTP id g5mr1662171fal.5.1296173582392; Thu, 27 Jan 2011 16:13:02 -0800 (PST)

Received: by 10.223.120.147 with HTTP; Thu, 27 Jan 2011 16:13:02 -0800 (PST)

Date: Fri, 28 Jan 2011 10:13:02 +1000

Message-ID: &lt;AANLkTi=0Z7qco94AL3Y8A7ypsAkxY=AYfx\_hjh+ji8o5@mail.gmail.com&gt;

Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011

From: Adolpho Palacios <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>To: [clerks@guamlegislature.com](mailto:clerks@guamlegislature.com), Pat Santos <[psantos@guamlegislature.org](mailto:psantos@guamlegislature.org)>, [rtaitague@guamlegislature.org](mailto:rtaitague@guamlegislature.org), Rennae Perez <[rennae@guamlegislature.org](mailto:rennae@guamlegislature.org)>, "Atty. Therese Terlaje" <[tterlaje@guam.net](mailto:tterlaje@guam.net)>, [yong@guamlegislature.org](mailto:yong@guamlegislature.org), [sgtarms@guamlegislature.org](mailto:sgtarms@guamlegislature.org)

Content-Type: multipart/alternative; boundary=20cf3054a4a1f21ee2049adced66

\*January 28, 2011\*

[Quoted text hidden]



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**

*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

**February 2, 2011**

(Pursuant to §8107, Title 5 GCA - 48 hours prior to hearing date)

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*Office/Mailing Address: 155 Hester Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## Second Notice of Public Hearing scheduled for Feb. 7, 2011

1 message

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**Adolpho Palacios <senabpalacios@gmail.com>****Wed, Feb 2, 2011 at 10:36 AM**

To: speaker@judiwonpat.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, judiguthertz@gmail.com, senatordrodriguez@gmail.com, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, senatormana@gmail.com, duenasenator@gmail.com, senatorsam@senatormabini.com

February 2, 2011

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Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## Second Notice of Public Hearing scheduled for Feb. 7, 2011

1 message

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**Adolpho Palacios <senabpalacios@gmail.com>****Wed, Feb 2, 2011 at 10:39 AM**

To: clerks@guamlegislature.org, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org, garrett.duenas@senatorbjcruz.com, cmunabrecht@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, nsantos@senatorada.org, cyrus@senatorada.org, cipo@guamlegislature.org, Mary Fejeran <maryfejeran@gmail.com>, jamespcastro@gmail.com, evelyn4families@gmail.com, louise\_atalig@yahoo.com, leslie.g@senatormabini.com, alerta.jermaine@gmail.com

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Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## Second Notice of Public Hearing scheduled for Feb. 7, 2011

2 messages

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**Adolpho Palacios <senabpalacios@gmail.com>****Wed, Feb 2, 2011 at 10:45 AM**

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, parroyo@spbgum.com, thebigshow@spbgum.com, rgibson@k57.com, dmgeorge@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, mpieper@guampdn.com, dmgeorge@guam.gannett.com, amier@mvguam.com, admin@mvguam.com, marvic@mvguam.com, therese@mvguam.com, zytaitano@gmail.com, ads@mvguam.com, Kevin@spbgum.com, dmacaluso@spbgum.com, jtyquiengco@spbgum.com, clynt@spbgum.com, kstone@ite.net, news@guampdn.com, news@spbgum.com, kstokish@gmail.com

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**MAILER-DAEMON@mail.networksolutionsemail.com <MAILER-DAEMON@mail.networksolutionsemail.com>**  
To: [senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)

**Wed, Feb 2, 2011 at 10:46 AM**

Your message did not reach some or all of the intended recipients.

<[agla76@aol.com](mailto:agla76@aol.com)>:

205.188.146.193 does not like recipient.

Remote host said: 550 5.1.1 <[agla76@aol.com](mailto:agla76@aol.com)>: Recipient address rejected: [aol.com](http://aol.com)

Giving up on 205.188.146.193.

--- Below this line is a copy of the message.

Return-Path: <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>

Received: (qmail 21743 invoked by uid 78); 2 Feb 2011 00:45:50 -0000

Delivered-To: [mvquam.com-therese@mvquam.com](mailto:mvquam.com-therese@mvquam.com)

Received: (qmail 21710 invoked by uid 78); 2 Feb 2011 00:45:49 -0000

Received: from unknown (HELO cloudmark1) (10.49.16.98)

by 0 with SMTP; 2 Feb 2011 00:45:49 -0000

Return-Path: <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>

Received: from [209.85.161.48] ([209.85.161.48:34689] helo=[mail-fx0-f48.google.com](mailto:mail-fx0-f48.google.com))

by cm-mr23 (envelope-from <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>)

(ecelerity 2.2.2.41 r(31179/31189)) with ESMTP

id 81/7A-10738-C39A84D4; Tue, 01 Feb 2011 19:45:49 -0500

Received: by fxm2 with SMTP id 2so8354461fxm.7

for <multiple recipients>; Tue, 01 Feb 2011 16:45:48 -0800 (PST)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=[gmail.com](http://gmail.com); s=gamma;

h=domainkey-signature:mime-version:date:message-id:subject:from:to

:content-type;

bh=/qeEvbUd5cBTv6AtMHm6Zcvi0rLjQ1tRkUsGRqzmKgU=;

b=mQimeJMiKOaXTMzrfOkuJmppilECc5uDyCt/8eMHgYQahYplqcDVjcElvxyubtO1ZE

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gleV8xEFDjem14dLHsNxxDoqXckhZV090VleM=

DomainKey-Signature: a=rsa-sha1; c=noFWS;

d=[gmail.com](http://gmail.com); s=gamma;

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MIME-Version: 1.0

Received: by 10.223.96.73 with SMTP id g9mr2288639fan.24.1296607546885; Tue,

01 Feb 2011 16:45:46 -0800 (PST)

Received: by 10.223.120.147 with HTTP; Tue, 1 Feb 2011 16:45:46 -0800 (PST)



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: February 2, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for February 7, 2011*

PAGES: 1 (including this sheet)

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February 2, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, **Monday, February 7, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 33-31 (COR) – AN ACT TO REPEAL THE STATUTES OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF THE MAJORITY BY ADDING A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED. – by Vice Speaker B. J. F. Cruz
- Bill No. 34-31 (COR) – AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE. – by Vice Speaker B. J. F. Cruz
- Bill No. 41-31 (COR) – AN ACT TO AMEND §§19.69, 19.70, AND 61.20 OF TITLE 9, GUAM CODE ANNOTATED; TO ADD NEW §§61.20.1, 28.90, 29.100, AND 28.101 TO TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO BULLYING, CYBERBULLYING, AND SEXTING. – by Vice Speaker B. J. F. Cruz
- Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

*Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

BROADCAST REPORT

TIME : 02/02/2011 11:40  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S)

01

| DATE  | TIME  | FAX NO./NAME | DURATION | PAGE(S) | RESULT | COMMENT |
|-------|-------|--------------|----------|---------|--------|---------|
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| 02/02 | 11:30 | 6482007      | 27       | 01      | OK     | ECM     |
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| 02/02 | 11:34 | 4772240      | 01:31    | 01      | OK     | ECM     |
| 02/02 | 11:36 | 4773982      | 27       | 01      | OK     | ECM     |
| 02/02 | 11:37 | 4727663      | 27       | 01      | OK     | ECM     |
| 02/02 | 11:38 | 4776411      | 27       | 01      | OK     | ECM     |
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BUSY : BUSY/NO RESPONSE  
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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***PUBLIC HEARING***

9:00 am, Monday, February 7, 2011  
*I Liheslaturan Guåhan's Public Hearing Room, Hagåtña*

**AGENDA**

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