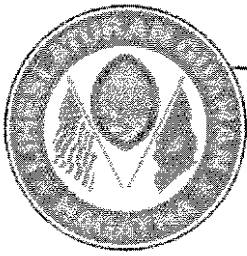


*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>242-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.	12/17/13 10:24 a.m.	12/17/13	Committee on the Guam U. S. Military Relocation, Homeland Security, Veterans's Affairs, and Judiciary	1/14/14 9:00 a.m.	1/23/14 10:58 a.m.	<b>Fiscal Note Requested 12/24/13 Fiscal Note Received 1/13/14</b>



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I Mina'Trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE*



Senator

**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator

**Tina Muna-Barnes**  
Committee Vice Chairperson

Speaker

**Judith T. Won Pat, Ed.D.**  
Committee Member

Senator

**Rory J. Respicio**  
Committee Member

Senator

**Thomas C. Ada**  
Committee Member

Senator

**Dennis G. Rodriguez, Jr.**  
Committee Member

Senator

**V. Anthony Ada**  
Committee Member

Senator

**Michael Limtiaco**  
Committee Member

Senator

**Thomas Morrison**  
Committee Member

**JAN 21 2014**

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

*I Mina'Trentai Dos Na Liheslaturan Guahan*

155 Hesler Place

Hagatna, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 242-32 (COR)**

2014 JAN 22 08:19:58

Dear Speaker Won Pat:

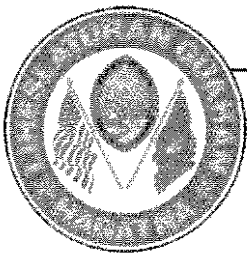
Transmitted herewith is the Committee Report on Bill No. 242-32 (COR)- An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

Committee votes are as follows:

- 4 TO DO PASS
- TO NOT PASS
- 3 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**Senator**

**FRANK B. AGUON, JR.**

Committee Chairperson

**Senator**

**Tina Muna-Barnes**

Committee Vice Chairperson

**Speaker**

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

Committee Member

**Senator**

**Rory J. Respicio**

Committee Member

**Senator**

**Thomas C. Ada**

Committee Member

**Senator**

**Dennis G. Rodríguez, Jr.**

Committee Member

**Senator**

**V. Anthony Ada**

Committee Member

**Senator**

**Michael Lintiaco**

Committee Member

**Senator**

**Thomas Morrison**

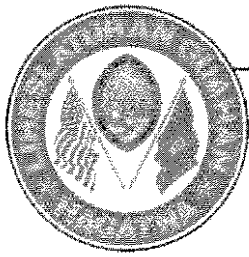
Committee Member

## **COMMITTEE REPORT**

### **BILL NO. 242-32 (COR)**

**Introduced by B.T. McCreadie**

**An act to amend §28.65 of Chapter 28,  
Title 9, Guam Code Annotated, relative to  
the crime of indecent exposure.**

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



JAN 22 2014

**MEMORANDUM**

**To:** ALL MEMBERS  
Committee on Guam U.S. Military Relocation, Homeland Security,  
Veterans Affairs, and Judiciary

**From:** Senator Frank B. Aguon, Jr.   
Committee Chairperson

**Subject:** Committee Report on Bill No. 242-32 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 242-32 (COR) - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 242-32 (COR)
- Public Hearing Sign-in Sheet
- Referral of the Bill No. 242-32 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse' !

Senator

**FRANK B. AGUON, JR.**

Committee Chairperson

Senator

**Tina Muna-Barnes**

Committee Vice Chairperson

Speaker

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

Committee Member

Senator

**Rory J. Respicio**

Committee Member

Senator

**Thomas C. Ada**

Committee Member

Senator

**Dennis G. Rodriguez, Jr.**

Committee Member

Senator

**V. Anthony Ada**

Committee Member

Senator

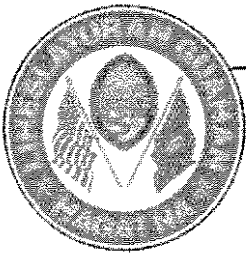
**Michael Limtiaco**

Committee Member

Senator

**Thomas Morrison**

Committee Member



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**COMMITTEE VOTING SHEET**

Bill No. Bill No. 242-32 (COR) - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

Senator

**FRANK B. AGUON, JR.**

Committee Chairperson

Senator

**Tina Muna-Barnes**

Committee Vice Chairperson

Speaker

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

Committee Member

Senator

**Rory J. Respicio**

Committee Member

Senator

**Thomas C. Ada**

Committee Member

Senator

**Dennis G. Rodriguez, Jr.**

Committee Member

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**V. Anthony Ada**

Committee Member

Senator

**Michael Limtiaco**

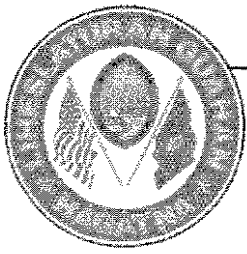
Committee Member

Senator

**Thomas Morrison**

Committee Member

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR Committee Chairperson 21 JAN 14		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MUNA BARNES, TINA ROSE Committee Vice Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESPICIO, RORY J. Committee Member		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Member		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RODRIGUEZ, DENNIS G. JR. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIMTIACO, MICHAEL Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MORRISON, THOMAS Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*(MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**COMMITTEE REPORT DIGEST**

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
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**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**I. OVERVIEW**

Bill No. 242-32 (COR) was introduced on December 17, 2013, by Senator B.T. McCreadie, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on December 17, 2013.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the January 14, 2014 hearing on January 06, 2014 (5-Day Notice), and again on January 9, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the January 14, 2014 hearing on January 06, 2014 and January 09, 2014.

**Senators Present**

Senator Frank B. Aguon, Jr., Chairperson  
Senator B.T. McCreadie, Sponsor of Bill No. 242-32(COR)  
Senator V.C. Pangelinan  
Senator Christopher M. Dueñas

**Appearing Before the Committee**

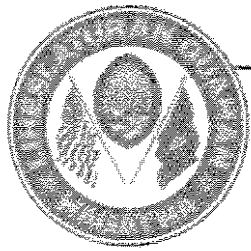
Mr. Jacob Cruz, Resident of Guam  
Mr. Phil Tydingco, Chief Deputy Attorney General

The public hearing was Called-to-Order at 09:00am.

**II. TRANSCRIPTION OF TESTIMONY & DISCUSSION**

***Senator Frank B. Aguon, Jr.***

"Good morning ladies and gentlemen. This public hearing sponsored by the committee on Guam us military relocation, veterans' affairs, homeland security and judiciary is hereby called to convene today Tuesday January fourteen at nine am. Just for information the public items on the agenda are bill number 242-32 an act relative to amending the Guam code annotated in reference to the crime of indecent exposure and bill number 247-32(COR) relative to expanding the Guam slayers statute the will prohibit inheritance by persons who murders someone from whom he or she tends to inherit. For the information for the public, information went out to all the stakeholders and to all the senators on January 3rd that was the initial publication and notices were sent out and then subsequent to that in compliance with the open government law.

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On January 9th, Second public hearing notice was forwarded to all stake holders inclusive of all the senators and the printing was published on January 6th Monday, the initial printing and subsequent on January 9th. So those are in compliance with the requirements. Other than that just a caveat to our discussion today because traditionally we would provide a timeline of 10 days for the public to provide written testimony subsequent to the public hearing but because there's an anticipation for session to be scheduled to commence as of the week of the 27th of January. I would like to request that should the sponsors of either of the two proposals want to have the bill placed on the agenda that all written testimonies be submitted no later than 12 noon on Tuesday January 21st. That would give the committee ample time to be able to finalize the report and to submit it within the timeline required by the committee in rules. So without any further adieu, I would like to invite Mr. Jacob Cruz and also Mr. Phil Tydingco from the AG's office to the table and prior to receiving testimony, I would like to recognize my colleagues, Senator Brant McCreadie for joining us today and also if you would like to say a few words with regards to the first legislation in reference the crime of indecent exposure, Senator McCreadie as a sponsor."

**Senator Brant McCreadie**

"Thank you Mr. Chairman. Thank you for allowing me to speak and holding a public hearing for the bill, bill 242-32 which was introduced after hearing concerns from the Guam Police Department. Under the current statute, Police officers can arrest cannot arrest individuals for indecent exposure only if themselves witness the crime. Under this bill, the penalties for indecent exposure increases from a petty misdemeanor to a misdemeanor and it makes it a felony if the individual exposes himself to a minor or has prior sex crime convictions. Now based on the statistics I have received from the GPD, there are 26 arrests cases totaled from 2012 to 2013. So it is my goal to not just curb this indecent exposure problem but to end it from ever happening again. Indecent exposure is not a big problem but none the less it is a problem. The intent of this bill is to increase the penalties so that GPD can better perform its jobs. This bill will help this small problem from growing into a big problem and with that I would like to thank you again Mr. Chairman and I look for a positive response for our Attorney General's Office."

**Senator Frank B. Aguon Jr.**

"Thank you very much Senator McCreadie and to begin with these those individuals that have signed in the order of the sign in, we are going to have now Mr. Jacob Cruz to provide oral testimony then we'll share the podium with Mr. Tydingco, Mr. Cruz."

**Mr. Jacob Cruz**

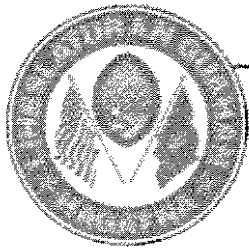
"Buenas yan Hafa Adai, Senator Aguon"

**Senator Frank B. Aguon Jr.**

"Buenas"

**Mr. Jacob Cruz**

"Senator Brant McCreadie or should I say Congressman? I'm here to provide testimony on bill 242 I think it's a good bill. I quickly glanced at it this morning and I commend Senator Frank Aguon for putting this piece of legislation into crafting this legislation. Thank you".

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**Senator Frank B. Aguon Jr.**

"Si Yu'os Ma åse Mr. Cruz. Put I fina' tomu pago and for your comments. Mr. Tydingco, please identify yourself for the record and proceed."

**Chief Deputy AG Phil Tydingco**

Buenas yan Hafa Adai, Mr. Chairman Senator Frank Aguon.

**Senator Frank B. Aguon Jr.**

"I apologize Chief or Deputy Attorney General but let me just go ahead and recognize the presence of one of my other colleagues, Senator Chris Dueñas. Thank you very much senator for joining us this morning. Please proceed."

**Chief Deputy AG Phil Tydingco**

"Good morning and I always defer to my fellow parishioner t here Chris Duenas. So and also good morning to the author of this bill, Brant, Senator Brant McCredie. On behalf of Attorney General Leonardo Rapadas and myself Chief Deputy Phil Tydingco, we support bill 243-32 which looks to strengthen the indecent exposure statute increasing the penalty from a petty misdemeanor to a misdemeanor. I also noticed that you're also increasing the penalty if convicted for up to a 3rd degree felony if this person does this to a person under the age of 16 or if they do it for purposes of gratification or they have a prior conviction or convicted of any prior sex offense. Again, would in its phase I know the intent of the bill it was meant to curb the act conduct or behavior which is offensive and alarming to the public and to folks. Although I would submit that there would be challenges. I anticipate and we support the bill and its intent. But the 21st century I have to share this observation. There are social morays that are a lot more looser and with technology this will present some challenges when some folks decide to press charges against other people because they have text or you know we have sex texting stature already but as you know there are a lot more going on there and increasing it into a felony will find ourselves being more challenge. But.....sounds like there is a need for it. So we support it. Thank you very much."

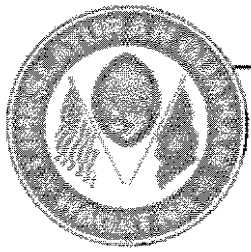
**Senator Frank B. Aguon Jr.**

"Thank you very much Mr. Tydingco. Just one particular question I guess, in regards to this I think it's always noble to move in the direction to making sure that crimes are stiffened up in terms of trying to discourage any illegal activities out there. My biggest concern is looking at the resources that have been provided to you by this legislature. I know that in the last 3-4 years that every single year you've seen a modest increment to the adjustment in the overall allocation to the Attorney General's office. But this really should not impact your resources because it is more or less increasing the penalties rather than imposing additional job or work responsibilities. Is that almost a correct assessment?"

**Chief Deputy AG Phil Tydingco**

"Well, at least based the reported numbers and it shouldn't and I'm not putting that testimony before this body. I'm just anticipating based on whenever you increased penalties you have to expect pushback. When you look the hierarchy of what the criminal justice system faces and the criminal justice system is not just simply the police and the prosecutors. It's not like Law and Order just those two groups. There's actually other group like DOC. There's pressures there and the courts



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are another body of organization that are in the criminal justice system and so in the hierarchy of prioritizing who should be getting jailed and who should be locked up longer and all of that. I'm just simply pointing out that this will complicate matters and when you deal with stiffer penalties you should expect stiffer push back especially with courts and defense attorneys are saying, "well you know that's indecent exposure I really want to put the I understand the prosecutors are pushing for more jail for the rapist, but why you pushing for felony on something like this?" especially for example when it happens in the content of boyfriend girlfriend break up. And again those are things the courts are going to have to sort out. Again I know that the intent here is for those folks that are less controlling of their impulses and so forth so and decent folks not to be offended by that. I'm just simply pointing that out factor. It's great to strengthen our laws but at the same time there's there are potential consequences and that's all I'm raising. I'm not trying to claim and impact issue even though there will be impact just not probably in a magnitude so I would agree with you senator."

**Senator Frank B. Aguon Jr.**

"I think Mr. Tydingco, I believe you're right in terms of not just an issue affecting GPD but also the Attorney General's Office or the Judicial system. It's really a community issue. And many times I would move in the direction of trying to stiffen up the laws. We always need to look at the implications and if we stiffen up the Laws on one end but does it resolve the discouraging any criminal activities because how stiff the laws are because it all goes back to providing the resources from the ground level. That whether it be the mayor so they can provide opportunities and activities within the village and then moving on to GPD providing the additional resources, providing your office and likewise the judicial system. So you're absolutely right in terms of looking at it from a community perspective because it is a public safety issue."

**Chief Deputy AG Phil Tydingco**

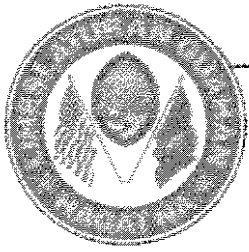
"And I think I was also hinting at and I feel like I'm sound like my parents when we were young we were all indecent too. But the promiscuity and exposure of peoples self to each other and many venues and events is a lot more different in this century than it was in the late 20th century. So I'm saying that we have to factor that in that comes into play."

**Senator Frank B. Aguon Jr.**

"Thank you very Mr. Tydingco. I would like to welcome speaker Pangelinan. Thank you very much Mr. Speaker for joining us this morning...Senator McCreadie."

**Senator Brant McCreadie**

"Thank you Mr. Chairman and you're right on the nose there. It's not a huge problem. This is a problem that when I spoke to some of the stakeholders at GPD they were in agreement that not a huge problem, but a problem that if we kind of catch it early like we're doing now and increase these penalties to allow them to arrest somebody because right now, as it stands, they have to witness it themselves to be able to arrest these individuals. And I think in 2012 there were 16 cases and in 2013 it went down by 10 so my whole intent of this bill is not just to curb it but to eliminate it. So if we can go from 16 to 10 to 5 and then maybe in 2015 to zero then I've think we've done what the intent of the bill was. So I'm happy that you support it the good senator to my right the chairman of the committee brought it up the revenue and how it's going to cost the department and I'm happy that it's not going to be a huge burden on you guys and so thank you for your testimony."

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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**Senator Frank B. Aguon Jr.**

"Thank you very much senator McCredie. Senator Dueñas, any comments?"

**Senator Frank B. Aguon Jr.**

"Thank you very much senator McCredie. Senator Dueñas, any comments?"

**Senator Chris Dueñas**

"Thank you Mr. Chairman and deputy general, back at you in terms of our Sunday rituals, nice to see you every Sunday. I don't think or presume that this is something that the Attorney General's office or any other you know group that would look at how the law is charged. Is their intent... doesn't legislation such as this when you move the bar up especially with the possible emerging issue give you more of a tool, initial tool in the tool box, if you will in terms of working on your case load to maybe plead down whereas, there was nowhere to go in the past if this becomes an emerging issue as sometimes we see in the media and something that you know that could be offensive, particularly since senator McCredie is also working on issues with regards to our visitor industry. I know this type of activity and this type of lewd behavior has been noted several times even against tourists like a Micronesia mall. I know there was a case, a couple of cases where this has happened. It's an image issue for us right and so if the message is out there that there's a much larger penalty, and more flexibility with the office does that help?"

**Chief Deputy AG Phil Tydingco**

"Yes, it does."

**Senator Chris Dueñas**

"Thank you Mr. Chairman, I just want to kind of bring that up knowing that the resources and other resources are stretched at times. However, I think sometimes when we set the bar higher we set ourselves up the ability to able to create a deterrent and also add other options and opportunities . so I thank you for the chance to speak on this issue."

**Senator Frank B. Aguon Jr.**

"Thank you very much Senator Dueñas. Speaker Pangelinan, any comments?"

**Senator V.T. Pangelinan**

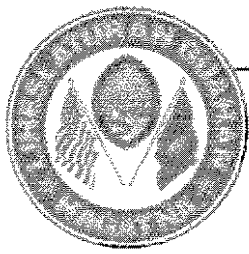
"I'm just curious if you've been invited to this and if we can get a statement from them."

**Senator Brant McCredie**

"They've actually said their statements already."

**Senator V. T. Pangelinan**

"Okay, do we have any reason why we reduced it without any addition to the law? Why it's been reduced from 12 to 10. I know senator McCredie had mentioned. You said in 2012 there were 16 cases and without any amendment to the law it was



reduced to 10. Is it accurate to say that in order the charge this crime or to make an arrest the police officer has to witness it, Mr. attorney general?"

**Chief Deputy AG Phil Tydingco**

"You know I believe the good senator reported that was GPD information that they provided and I don't think the officer has to. If it was exposed to me and I report it.

**Senator V. T. Pangelinan**

"You just have to be careful."

**Chief Deputy AG Phil Tydingco**

"Can the officer decide if I'm credible and make that arrest? I was sort of hinting at, so there could be circumstances where it would make sense of it police officer witness it because the person or tourist describes it in such a vague or neutral way ambiguous way then you would want to probably witness it because what is it? Is he dropping his pants and all we see is his underwear and you're offended versus actually exposing his genitals, dropping his pants and his underwear or flasher so it depends on the facts. I don't what GPD's experience is on this so we have to ask them. So I would say that this only helps because you as I understand these circumstances are probably still going on. It may be in a way it is described or reported to the police. I don't know, I can't really help you there senator, but I would say now if I say your genitals and you offended me or alarmed me...that should be sufficient to cause an arrest. I don't know why GPD would say that."

**Senator V.T. Pangelinan**

"Maybe we can get some clarification. If in fact this is a deterrent, would it be more deterrent if we made it a first degree felony?"

**Chief Deputy AG Phil Tydingco**

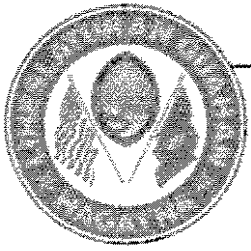
"Yes and no that's extremely high for this type of conduct. I mean if you try to look at the hierarchy of offensive, I'm going to call it offensive sexual conduct. I would say we have other more offensive sexual conduct that's not even first degree so and I would submit that these folks who are engaged may have, may be likely candidates for the mental health court. So whether it's first degree or third degree I would say is not as importantful, so I would say that third degree is probably sufficient. I think that first degree would be, no pun intended, but by over exposure of the penalty."

**Senator V.T. Pangelinan**

"Okay, I'll stop there then."

**Chief Deputy AG Phil Tydingco**

"By the way, I'm turning my orange juice around."

**GUAM U.S. MILITARY RELOCATION  
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**Senator Frank B. Aguon Jr.**

"Thank you very much speaker Pangelinan, gentlemen thank you for your testimony this morning. If I can ask you to remain in your seat and invite Mr. Don Clark for the next proposal."

Senators thank you for joining us. Once again I would like to please remind the public that because the sponsor of these 2 legislative measures may decide to place it on the agenda which is scheduled the week of the 27th that the committee receive any additional testimony written no later than 12PM Tuesday, January 21st a week from today and the committee will be closing out the committee report. There upon this public hearing is adjourned."

The public hearing was adjourned at 9:34 AM.

**III. Written Testimonies**

The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on January 14, 2014 at 9:00 AM:

1. Fred E. Bordallo, Jr., Chief of Police, Guam Police Department

**IV. FINDINGS & RECOMMENDATIONS**

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 242-32 (COR) by the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary, with a recommendation to do pass.

*MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

Bill No. 247-32CCOR)

Introduced by:

Brant T. McCreadie

2013 DEC 17 AM 10:24

**AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the crime of indecent exposure is currently classified as a petty misdemeanor in  
4 Guam's criminal code. Because of this, the Guam Police Department has had  
5 difficulty in arresting individuals who have been accused of committing indecent  
6 exposure. In order to ensure that those accused of indecent exposure are properly  
7 arrested, it is necessary to increase the penalty for the offense. Therefore, it is the  
8 intent of *I Liheslaturan Guåhan* to increase the penalty for indecent exposure by  
9 amending §28.65 of Chapter 28, Title 9 Guam Code Annotated.

10 **Section 2.** §28.65 of Chapter 28, Title 9 Guam Code Annotated, is hereby  
11 *amended* to read:

12 **"§ 28.65. Indecent Exposure; Defined & Punished.**

13 A person commits a ~~petty misdemeanor~~ the crime of indecent exposure if  
14 he or she exposes ~~his~~ their genitals or performs any other lewd act under  
15 circumstances in which ~~his~~ their conduct is likely to be observed by any person  
16 who would be offended or alarmed.

17 Except as provided below, indecent exposure is a misdemeanor.  
18 Indecent exposure is a felony in the third degree if:

1                   1) a person exposes their genitals or performs any other lewd act to  
2                   a person under the age of sixteen (16) years; or  
3                   2) a person exposes their genitals or performs any other lewd act  
4                   for the purpose of sexual gratification; or  
5                   3) a person has previously been convicted under this section; or  
6                   4) a person has been convicted of any other sex offense as defined  
7                   in a provision of the Guam Code Annotated.”

8           **Section 3. Effective Date.** This Act shall be effective upon enactment.

9           **Section 4. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan* | 32<sup>nd</sup> Guam Legislature



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Tuesday, January 14, 2014 @ 9:00A.M.**

**Bill No. 242-32 (COR) - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.**

NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Jerich Sadler	PDN					

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan* | 32<sup>nd</sup> Guam Legislature



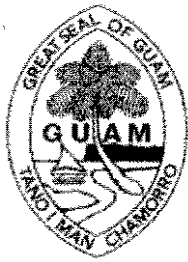
**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Tuesday, January 14, 2014 @ 9:00A.M.**

**Bill No. 242-32 (COR) - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.**

NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
JAKE Cruz	Self	670-286-4558	✓			
Phil [Signature]	AGO					





# GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

Bldg. 13-16A Mariner Avenue, Tiyan  
Barrigada, Guam 96913  
P.O. Box 23909 Barrigada, Guam 96921  
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512  
Fax: (671) 472-4036

FRED E. BORDALLO, JR.  
Chief of Police

MAURICE J.Q. SAYAMA, Colonel  
Police Commander

January 14, 2014

The Honorable Senator Frank B. Aguon, Jr.  
Chairperson, Committee on Guam U.S. Military  
Relocation, Homeland Security Veterans'  
Affairs and Judiciary  
32<sup>nd</sup> Guam Legislature  
Suite 104, 155 Hesler Street  
Hagatna, Guam 96910

**Subject: Written Testimony**  
**Re: Bill No. 242-32 (COR)**

Dear Senator Aguon:

*Buenas Yan Hafa Adai!* The Guam Police Department has reviewed and supports the enactment of Bill No. 242-32, which seeks to increase the penalty for the crime of indecent exposure by amending §28.65 of Chapter 28, Title 9, Guam Code Annotated.

The current penalty as a petty misdemeanor for violation of the subject statute poses an enforcement challenge for the Guam Police Department in that in order for a police officer to effectuate an arrest for violation of the statute, the commission of the crime must be in the presence of an officer. Therefore, in a situation where the requisite officer's direct observation of the crime is absent, the Department's recourse is to record the citizen's complaint and forward the complaint to the Attorney General's Office for their disposition. Unless the crime of indecent exposure is accompanied with the commission of a crime with higher penalty or compelling circumstances exist to cause the officer to detain the perpetrator after the fact, the officer will annotate the perpetrator's personal and other pertinent information and release the perpetrator without further police action.

The Honorable Frank B. Aguon, Jr.

32<sup>nd</sup> Guam Legislature

Subject: Written Testimony

Re: Bill 242-32(COR)

January 14, 2014

Page 2 of 2

The enactment of this Bill into law not only empowers GPD officers to arrest perpetrators of the crime, but it also provides for higher penalty of felony under the circumstances included in the Bill, which are absent in the current statute.

The Guam Police Department reiterates its support for Bill 242-32, and encourages members of the 32<sup>nd</sup> Guam Legislature to enact the Bill into law.

We thank you for giving us the opportunity to provide our comments on this Bill.  
*Dangkulo na si Yu'os ma'ase!*

Sincerely,



**FRED E. BORDALLO, JR.**  
Chief of Police

FEB:MRR\scr



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
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Tina Rose Muña Barnes  
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Frank Blas Aguon, Jr.  
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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

January 13, 2014

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

**Subject:** Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

Bill Nos. 235-32 (COR), 236-32 (COR), 237-32 (COR); 239-32 (COR), 240-32 (COR), 241-32 (COR), and 242-32 (COR)

### WAIVER:

Bill No. 245-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

RECEIVED  
JAN 13 2014  
2:30

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**JOSE S. CALVO**  
DEPUTY DIRECTOR

***FACSIMILE INFORMATION PAGE***

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 15

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

**RE:** Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR), 242-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR).

**COMMENTS:** Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNORJOSE S. CALVO  
DEPUTY DIRECTOR

JAN 10 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR). <sup>242-32(COR)</sup>

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note for Bill No. 242-32**

**AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Attorney General's Office		Dept./Agency Head: Leonardo Rapadas	
Department's General Fund (GF) appropriation(s) to date:		11,817,973	
Department's Other Fund (Specify) appropriation(s) to date:		-	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>511,817,973</b>	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>			
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-235)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? // Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A
- Does the Bill establish a new program/agency? // Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No  
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No  
// Requested agency comments not received by due date // Other: \_\_\_\_\_

Analyst: Matt Quinata Date: JAN 13 2014 Director: John A. Rios, BBMR Director Date: JAN 13 2014

**Footnotes:**

Currently, indecent exposure is a petty misdemeanor. The intent of this bill is to amend the offense as a misdemeanor and a felony in the third degree if four (4) conditions are met. The fiscal impact will result in new guidelines in the length of possible imprisonment if convicted. Currently, a petty misdemeanor sets a term not to exceed 60 days. A misdemeanor requires a maximum term not to exceed one (1) year; and a felony in the third degree, the courts may impose a sentence of not more than three (3) years. The additional sentencing requirements for the proposed bill will have a fiscal impact on the services provided by the government. These imprisonment requirements will have an effect on a potential increase in operational costs to all law enforcement departments/agencies.



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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

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MAJORITY LEADER

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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 24, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes– Bill Nos. 241-32 (COR), 242-32(COR), 243-32 (COR), 244-32 (COR) and 245-32 (COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos 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,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
241-32 (COR)	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.
242-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.
243-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO IMPLEMENT THE LAW ENFORCEMENT PAY ADJUSTMENT FOR EMPLOYEES OF THE UNIFIED JUDICIARY OF GUAM, FUND CAPITAL IMPROVEMENTS TO THE MUNICIPAL MARKET OF MANGILAO AND TO CREATE THE RESPONSIBLE NON- PROFIT ENDOWMENT FUND, BY AMENDING §2 OF CHAPTER I AND ADDING §§ 13, 14 AND 15 TO CHAPTER XI, EACH OF PUBLIC LAW 32-68.
244-32 (COR)	FRANK B. AGUON, JR.	AN ACT AMENDING PUBLIC LAW 32-068 RELATIVE TO WITHHOLDING TAX REVENUE COLLECTIONS AND MAKING APPROPRIATIONS TO THE UNIFIED JUDICIARY FOR LAW ENFORCEMENT SALARY INCREASE IMPLEMENTATION.
245-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTIONS 8144, 8145, AND 8149, ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO CUSTODIANS, INVESTMENT AGENTS, AND BANK DEPOSITS.





## COMMITTEE ON RULES

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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

December 17, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 242-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 242-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

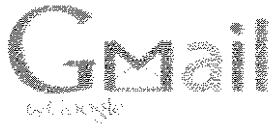
Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Gaahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
242-32 (COR)	Brant T. McCreddie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.	12/17/13 10:24 a.m.	12/17/13	Committee on the Guam U. S. Military Relocation, Homeland Security, Veterans's Affairs, and Judiciary			



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## FIRST NOTICE of Public Hearing on Tuesday, January 14, 2014 at 9AM

---

Senator Aguon Communications <media@frankaguonjr.com>

Fri, Jan 3, 2014 at 4:09 PM

To: phnotice@guamlegislature.org

Cc: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, mis@guamlegislature.org, Guam Legislature Clerks Office <clerks@guamlegislature.org>

January 3, 2014

### MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary

SUBJECT: FIRST NOTICE of Public Hearing on Tuesday, January 14, 2014 at 9:00AM

### *Buenas yan Hata Adail*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM, Tuesday, January 14, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Bill No. 242-32 (COR)** - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

**Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.

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 Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *Liheslaturan Guåhan*'s website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

***Si Yu'os Ma'åse!***

cc: Clerks  
MIS  
Sgt.-at-Arms

—  
**Thanks!**

**Office of Senator Frank B. Aguon, Jr.**

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

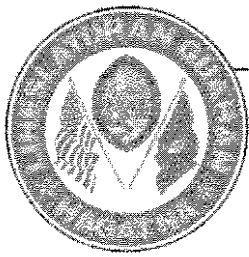
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**FIRST NOTICE of PH Bill 242-32 and 247-32.pdf**

401K



**Senator**

**FRANK B. AGUON, JR.**

Committee Chairperson

**Senator**

**Tina Muna-Barnes**

Committee Vice Chairperson

**Speaker**

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

Committee Member

**Senator**

**Rory J. Respicio**

Committee Member

**Senator**

**Thomas C. Ada**

Committee Member

**Senator**

**Dennis G. Rodriguez, Jr.**

Committee Member

**Senator**

**V. Anthony Ada**

Committee Member

**Senator**

**Michael Limtiaco**

Committee Member

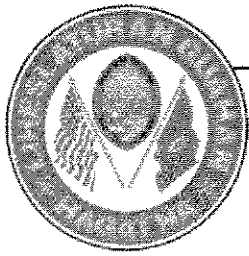
**Senator**

**Thomas Morrison**

Committee Member

## Notified Stakeholders

- **All Senators of Mina'Trentai Dos Na Lihenlaturan Guaha**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice F. Philip Carbullido**
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
  - Mark Calvo
- **Guam Customs & Quarantine Agency**
  - Pedro Leon Guerrero, Director
  - Rafalle J. M. Sgambellure, Chief
- **Guam Homeland Security Advisor**
  - Ambrose Constantino
- **Office of Veterans Affairs**
  - The Honorable John Unpingco, Esq.
- **Office of Civil Defense**
  - James T. McDonald, Administrator
- **Office of the Attorney General**
  - Attorney General Leonardo G. Rapadas
- **Public Defender Service Corporation**
  - Eric D. Miller
- **Media Outlets**

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



January 3, 2014

**MEMORANDUM**

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing on Tuesday, January 14, 2014 at 9:00AM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM, Tuesday, January 14, 2014, at I Liheslaturan Guáhan's Public Hearing Room in Hagåtña, on the following:

**Bill No. 242-32 (COR)** - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

**Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.

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***Si Yu'os Ma'áse!***

cc: Clerks  
MIS  
Sgt.-at-Arms

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Rory J. Respicio**  
Committee Member

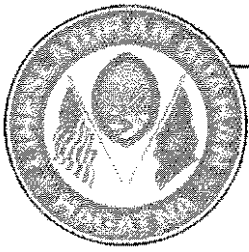
Senator  
**Thomas C. Ada**  
Committee Member

Senator  
**Dennis G. Rodriguez, Jr.**  
Committee Member

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtlaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE*



January 6, 2014

**The Honorable Edward J. Calvo  
Governor of Guam**

513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910

*Sent via email to [governor@guam.gov](mailto:governor@guam.gov)*

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

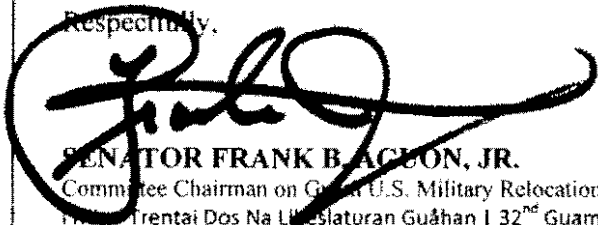
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Respectfully,



**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'trentai Dos Na Liheslaturan Guáhan | 32<sup>nd</sup> Guam Legislature

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

**Senator**

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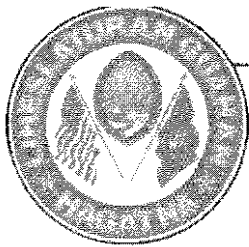
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Committee Member

**Senator**

**Thomas Morrison**

Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>ND</sup> GUAM LEGISLATURE

January 6, 2014

**Honorable Madeleine Z. Bordallo****Guam Delegate****GUAM DISTRICT OFFICE**

Suite 107 Capitol Plaza

120 Father Dueñas Avenue

Hagåtña, Guam 96910

Sent via electronic email to [andrew.tenorio@mail.house.gv](mailto:andrew.tenorio@mail.house.gv)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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I Mina Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam LegislaturePHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
135 HESLER PLACE HAGATÑA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)**Senator****FRANK B. AGUON, JR.**

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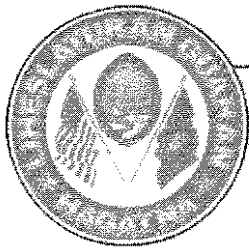
**Senator****Michael Limtiaco**

Committee Member

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Committee Member





COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE*



January 6, 2014

**The Honorable F. Phillip Carbullido  
Chief Justice of the Judiciary of Guam**

Suite 300, Guam Judicial Ctr.

120 West O' Brien Drive

Hagåtña, Guam 96910

*Sent via email to [fpcarbullido@quamsupremecourt.com](mailto:fpcarbullido@quamsupremecourt.com)*

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

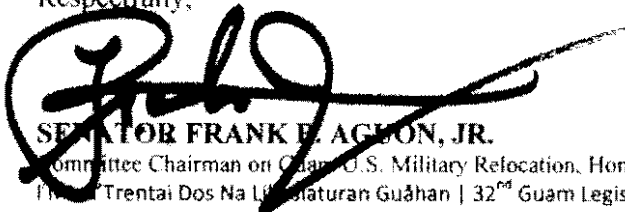
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155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

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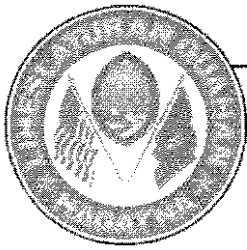
**Michael Limtiaco**

Committee Member

**Senator**

**Thomas Morrison**

Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE

January 6, 2014

**Mr. Mark Calvo****Special Assistant to Governor on Military Buildup & Infrastructure**

513 West Marine Corps Drive

Ricardo J. Bordallo Complex

Hagåtña, Guam 96910

Sent via email to [mark.calvo@guam.gov](mailto:mark.calvo@guam.gov)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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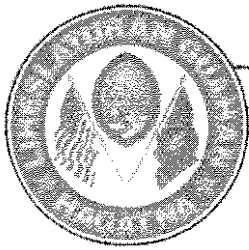
Committee Member

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COMMITTEE ON

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



January 6, 2014

**Pedro Leon Guerrero**  
**Director, Guam Customs & Quarantine Agency**  
770 East Sunset Boulevard Airport Rd.  
AB Won Pat, Guam 96913  
Sent via email to [pedro.leonguerrero@cqa.guam.gov](mailto:pedro.leonguerrero@cqa.guam.gov)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

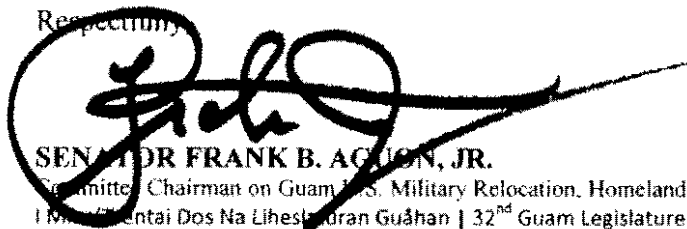
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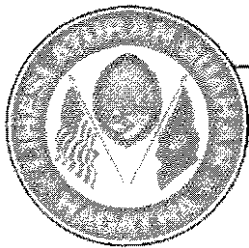
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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY***(MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE*

January 6, 2014

**Colonel Raffaele J.M. Sgambelluri**  
**Chief of Guam Customs and Quarantine Agency**  
770 East Sunset Boulevard Airport Rd.  
AB Won Pat, Guam 96913  
*Sent via email to [Raffaele.sgambelluri@cqa.guam.gov](mailto:Raffaele.sgambelluri@cqa.guam.gov)*

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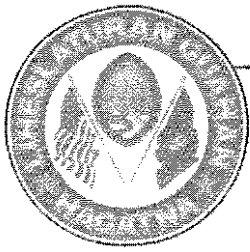
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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



January 6, 2014

**Ambrose Constantino**  
**Advisor, Guam Homeland Security**

2218 Chalan Palasyo

Agana Heights, Guam 96910

Sent via email to [ambrosio.constantino@ahs.guam.gov](mailto:ambrosio.constantino@ahs.guam.gov)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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Committee Member

**Senator****V. Anthony Ada**

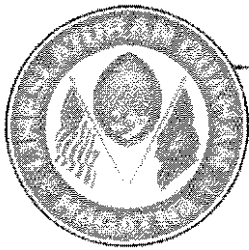
Committee Member

**Senator****Michael Limtiaco**

Committee Member

**Senator****Thomas Morrison**

Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>ND</sup> GUAM LEGISLATURE

January 6, 2014

**James T. McDonald**  
**Office of Civil Defense Administrator**  
221B Chalan Palasyo  
Agana Heights, Guam  
Sent via email to [jim.mcdonald@ahs.guam.gov](mailto:jim.mcdonald@ahs.guam.gov)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Tuesday, January 14, 2014 beginning at 9:00am at I Liheslaturan Guåhan. Included on the agenda are the following bills:

- **Bill No. 242-32 (COR)** - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.
- **Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.

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Respectfully,

  
**SENATOR FRANK B. AGUON, JR.**Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>ND</sup> GUAM LEGISLATURE

Senator

**FRANK B. AGUON, JR.**

Committee Chairperson

Senator

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Committee Vice Chairperson

Speaker

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

Committee Member

Senator

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Committee Member

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**Thomas C. Ada**

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Committee Member

Senator

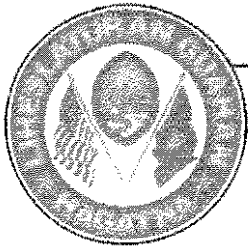
**Michael Limtiaco**

Committee Member

Senator

**Thomas Morrison**

Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



January 6, 2014

**The Honorable John Unpingco, Esq.**  
Administrator, Office of Veterans Affairs  
172 5. Marine Corp Dr. Asan  
P.O. Box 5178  
Hagåtña, Guam 96932  
Sent via email to [john.unpingco@qvao.guam.gov](mailto:john.unpingco@qvao.guam.gov)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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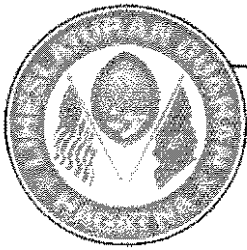
Committee Member

**Senator****Michael Limtlaco**

Committee Member

**Senator****Thomas Morrison**

Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



January 6, 2014

**Attorney General Leonardo G. Rapadas**  
**Office of the Attorney General**  
287 W. O'Brien Drive  
Hagåtña, Guam 96910  
Sent via email to [law@guamag.org](mailto:law@guamag.org)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

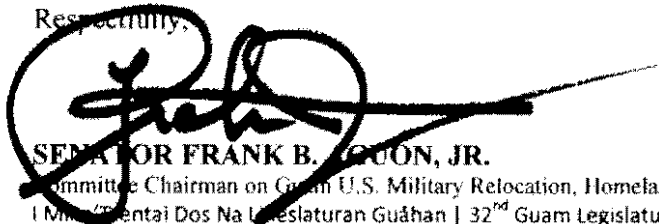
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I Miná'trentai Dos Na Liheslaturan Guáhan | 32<sup>nd</sup> Guam Legislature

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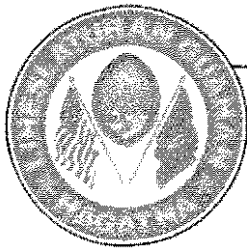
**Senator****Michael Limtlaco**

Committee Member

**Senator****Thomas Morrison**

Committee Member



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>ND</sup> GUAM LEGISLATURE

January 6, 2014

**Eric D. Miller**  
**Public Defender Service Corporation**

MVP Sinajana Commercial Bldg.,

Unit B 779 Route 4

Sinajana, Guam 96910

Sent via email to [emiller@guampdsc.net](mailto:emiller@guampdsc.net)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

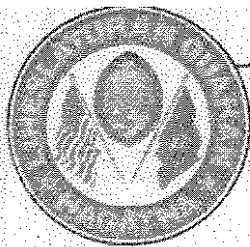
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**FRANK B. AGUON, JR.**  
Committee Chairperson**Senator**  
**Tina Muna-Barnes**  
Committee Vice Chairperson**Speaker**  
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Committee Member**Senator**  
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**Michael Limtiaco**  
Committee Member**Senator**  
**Thomas Morrison**  
Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



January 6, 2014

**Don Clark**

Vice President, ASC Trust Corporation, Guam Office

120 Father Duenas Avenue, Capitol Plaza Bldg., Ste. 110

Hagatna, Guam 96910

Sent via email to [don.clark@asctrust.com](mailto:don.clark@asctrust.com)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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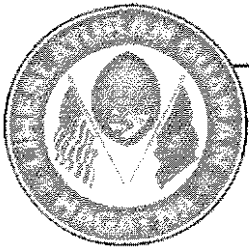
**Michael Limtiaco**

Committee Member

Senator

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Committee Member

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32<sup>ND</sup> GUAM LEGISLATURE

January 6, 2014

**David P. Leddy**  
President, Guam Chamber of Commerce  
P.O. Box 283  
Hagåtña, Guam 96932  
472-6311/8001 Fax: 472-6202  
Sent via email to [dleddy@guamchamber.com.gu](mailto:dleddy@guamchamber.com.gu)

RE: Public Hearing scheduled for Tuesday, January 14, 2014 at 9:00AM

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**Senator****V. Anthony Ada**

Committee Member

**Senator****Michael Limtiaco**

Committee Member

**Senator****Thomas Morrison**

Committee Member



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**PRESS RELEASE: First Notice of Public Hearing on Tuesday, January 14, 2014 at 9:00AM**

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Senator Aguon Communications <media@frankaguonjr.com>  
To: Gaynor Dumat-ol Daleno <gdumat-ol@guampdn.com>  
Bcc: admin@frankaguonjr.com

Tue, Jan 7, 2014 at 1:11 PM

*Hala adai,*

Please see attached press release regarding a Public Hearing that will be held Tuesday, January 14, 2014.

--  
Thanks!

**Office of Senator Frank B. Aguon, Jr.**

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Hester PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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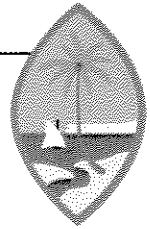


**PRESS RELEASE First Notice of Bill No 242-32 and 247-32.pdf**  
519K



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



FOR IMMEDIATE RELEASE  
January 9, 2014

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
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Committee Member

**Senator  
Thomas C. Ada**  
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Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**SECOND NOTICE OF PUBLIC HEARING**

Tuesday, January 14, 2014, 9:00AM

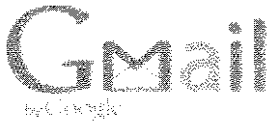
(Thursday, January 9, 2014- *Hagåtña, GU*) – In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM, Tuesday, January 14, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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###



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## SECOND NOTICE OF PUBLIC HEARING Tuesday, January 14, 2014, 9:00AM

---

Senator Aguon Communications <media@frankaguonjr.com>

Thu, Jan 9, 2014 at 9:10 AM

To: phnotice@guamlegislature.org

Cc: mis@guamlegislature.org, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

-- FOR IMMEDIATE RELEASE  
January 9, 2014

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###

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Heiser PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)


[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) | [www.frankaguonjr.com](http://www.frankaguonjr.com)

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---

**2 attachments**

 **SECOND NOTICE for Public Hearing for Bill No 242-32 and 247-32 (5).pdf**  
415K

 **PRESS RELEASE SECOND Notice of Public Hearing for Bill No 242-32 and 247-32 (1).pdf**  
519K



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



January 9, 2014

**MEMORANDUM**

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **SECOND NOTICE** of Public Hearing on Tuesday, January 14, 2014 at 9:00AM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM, Tuesday, January 14, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Bill No. 242-32 (COR)** - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

**Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.

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 Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@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 Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

***Si Yu'os Ma'åse!***

cc: Clerks  
MIS  
Sgt.-at-Arms

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Rory J. Respicio**  
Committee Member

Senator  
**Thomas C. Ada**  
Committee Member

Senator  
**Dennis G. Rodriguez, Jr.**  
Committee Member

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



THURSDAY, JANUARY 9, 2014 - MARIANAS VARIETY GUAM EDITION



Mina Trental Dos Na Liheslaturan Guahan  
32nd Guam Legislature

**OFFICE OF SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam US Military Relocation, Homeland Security  
Veterans Affairs and Judiciary

**Public Hearing**

**TUESDAY, January 14, 2014 | 9:00AM**

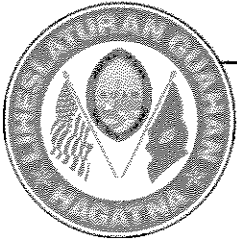
**Bill No. 242-32 (COR)** - An act to amend 5 28.05 of Chapter 28, Title 9  
Guam Code Annotated Relative to Crime of Indecent Exposure.

**Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's  
Statute that would prohibit inheritance by a person who murders  
someone from whom he or she stands to inherit, through the repeal and  
reenactment of 5819 of Chapter 8, Title 15, Guam Code Annotated.

The public hearing will be broadcasted on  
Docomo Pacific TV Channel 117 or GUMTV Channel 21.

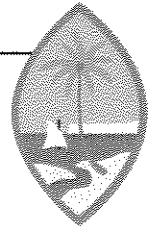
If you require any special accommodations, please contact the Office of  
Senator Frank B. Aguon, Jr. at 475-GUM1/2 (486-1121) or e-mail  
committee@frankaguonjr.com.

*This ad paid for with government funds.*



GUAM U.S. MILITARY RELOCATION  
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



FOR IMMEDIATE RELEASE  
January 7, 2014

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Thomas Morrison**  
Committee Member

**FIRST NOTICE OF PUBLIC HEARING**

Tuesday, January 14, 2014, 9:00AM

(Tuesday, January 7, 2014- *Hagåtña, GU*) – In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM, Tuesday, January 14, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Bill No. 242-32 (COR)** - An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

**Bill No. 247-32 (COR)** - An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.

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 Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@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 Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com), or please contact the office directly at 477-GUM1/2.

###

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Office of the Ombudsman

**OFFICE OF OMBUDSMAN FRANK B. AGUION, JR.**

Office of the Ombudsman, Department of Justice, Government of Guam

**Public Hearing**

**Tuesday, January 14, 2014 | 9:00AM**

**At the City of Dededo:** The City Council of the City of Dededo on this 9<sup>th</sup> day of January 2014 has adopted the following resolution:

**At the City of Dededo:** In an attempt to expedite the City Council's review of the proposed development and its impact upon the environment, the City Council of the City of Dededo, through the approval and implementation of the proposed City of Dededo Code Amendment.

The public hearing will be held on the 14<sup>th</sup> day of January 2014.

It is the intent of the City Council of the City of Dededo to expedite the review and implementation of the proposed City of Dededo Code Amendment.



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



30 December, 13

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
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V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**To: THE HONORABLE BRANT T. McCREADIE**

**From: SENATOR FRANK B. AGUON JR.**   
Chairperson, Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary

**Subject: Public Hearing for Bill No. 242-32(COR) scheduled for January 14, 2014.**

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at 9:00AM on Tuesday, 14 January 2014 at the Guam Legislature's Public Hearing Room, and among the items on the agenda is the following Bill of which you are the author.

**Bill No. 242-32(COR)** – An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on this bill. Thank you for your kind attention.

Si Yu'os Ma'åse' !



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**Senator**

**FRANK B. AGUON, JR.**

Committee Chairperson

**Senator**

**Tina Muna-Barnes**

Committee Vice Chairperson

**Speaker**

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

Committee Member

**Senator**

**Rory J. Respicio**

Committee Member

**Senator**

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Committee Member

**Senator**

**V. Anthony Ada**

Committee Member

**Senator**

**Michael Limtlaco**

Committee Member

**Senator**

**Thomas Morrison**

Committee Member

**PUBLIC HEARING**

January 14, 2014, Monday at 9:00AM

*I Liheslaturan Guahan's Public Hearing Room, Hagatna*

**AGENDA**

- I. **Call to Order**
- II. **Opening remarks/Announcements**
- III. **Items for discussion:**
  - **Bill No. 242-32 (COR)** – An act to amend §28.65 of Chapter 28, Title 9, Guam Code Annotated, relative to the crime of indecent exposure.
  - **Bill No. 247-32 (COR)** – An act relative to expanding the Guam Slayer's Statute that would prohibit inheritance by a person who murders someone from whom he or she stands to inherit; through the repeal and reenactment of §819 of Chapter 5, Title 15 Guam Code Annotated.
- IV. **Closing Remarks**
- V. **Adjournment**

# Bills to be discussed at public hearing

By **Jerick Sablan**

*Pacific Daily News*  
jpsablan@guampdn.com

Several bills that would address school facility issues are up for a public hearing today at the Legislature.

Guam Department of Education Superintendent Jon Fernandez recently asked Gov. Eddie Calvo in a letter to support Bill 225 and Bill 226, which would provide funding for school facilities.

"We must consider the needs of all of our schools and not just a couple of them," wrote Fernandez. "We have 40 public schools in GDOE that serve 31,000 students and I want all students to have school environ-

ments that not only meet their health and safety needs but are also conducive to learning in this century."

The bills would provide funding for Simon Sanchez High School and dedicate a revenue source for renovations and improvements at other schools.

The Yigo high school faced a possible shutdown in November after students raised concerns about the school's aging facilities.

The bills also will provide funding for the comprehensive Capital Improvement Plan, which will help identify how to best use limited resources and assist the education department in making decisions about long-term facility management and

## IFYOU GO

■ The public hearing for Bills 242 and 247 is at 9 a.m. and the hearing for bills 245, 228, 218, 225, 226 is at 2 p.m. at the Legislature's public hearing room.

## utilization.

Another bill also would provide funding for the Yigo high school. Sens. Dennis Rodriguez, D-Dededo, and Brant McCreadie, R-Agaña Heights, introduced Bill 218, which mirrors the lease-back mechanism used to build John F. Kennedy High School and several other schools.

Rodriguez and McCreadie have said if the bill passes, they hope construction will start on a new school

this year.

Meanwhile, two bills that would address existing criminal statutes will be addressed at another public hearing.

Bill 242 would increase the penalty for indecent exposure from a petty misdemeanor to a misdemeanor.

The bill also would make indecent exposure a third-degree felony for repeat offenders and those who expose themselves to minors, for the purpose of sexual gratification and who have been previously convicted of other sex offenses.

Bill 247 would prohibit inheritance by a person who murders someone from whom he may obtain an inheritance.



## Bill 242 tackles lewd behavior

THURSDAY, 19 DEC 2013 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF  
HITS: 297



SHARE

SEN. Brant McCreadie has introduced Bill 242-32 (COR), which increases the penalties for indecent exposure in Guam law.

"It is unfortunate that there are individuals on this island that choose to disturb people's lives by behaving in an indecent and lewd manner," McCreadie said. "The purpose of this bill is to ensure that those individuals are held accountable for their actions."

Bill 242 cracks down on repeat offenders and increases the penalty for indecent exposure from a petty misdemeanor to a misdemeanor.

It also increases penalties for repeat offenders and those who expose themselves to minors.



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### Bill ups penalties for lewd crimes

Posted: Dec 17, 2013 4:34 PM

Updated: Dec 17, 2013 4:34 PM

by Krystal Paco

Guam - Individuals caught in lewd acts could face higher penalties if Bill 242 passes into law. Introduced by Senator Brant McCreadie today, the legislation amends Guam law relative to crimes for those who expose their genitals or perform any lewd acts to a person under the age of 16.

"It's a bill that ups the penalty for lewdness from a petty misdemeanor to a misdemeanor," he explained. "And if you do any lewd acts in front of children under the age of 16 then it becomes a felony, my intention is to not just curb these kind of acts, which we recently just had one, but to eliminate it completely from this community."

McCreadie notes that smaller crimes should be handled early on to prevent more serious crimes, like the recent rape of two young girls in Dededo over the weekend.

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## VIDEO: McCreadie Bill Would Increase Penalties for Indecent Exposure

Last Updated on Tuesday, 17 December 2013 16:33

Written by News Release

Tuesday, 17 December 2013 09:39



Guam News - Guam News

Guam - Senator Brant McCreadie has introduced a measure that would increase the penalty for indecent exposure from a petty misdemeanor to a misdemeanor with additional penalties for those who expose themselves to minors.

The Senator explains in a release that police officers have told him that *"time and again the same individuals are cited for indecent exposure to no avail."*

READ Bill #242 HERE

*"It's not a big problem, but it's a problem that if we can eliminate it completely out of our community by raising the fraction of a crime thus helping us deal with the problem on the front end,"* said McCreadie. *"We want lewd acts to be an arrestable offense and if you do that in front of kids, it's a felony. A lot of these guys think it's funny. I think they should pay for it and know the consequences for their actions."*

As a result he says he wants *"to hopefully eliminate this nuisance from our community, and Bill 242-32 is a step in that direction."*



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READ the release from Senator McCreadie below:

*Senator McCreadie tackles individuals who engage in lewd behavior*

**FOR IMMEDIATE RELEASE**

December 17, 2013

*Senator McCreadie today introduced Bill 242-32 (COR), which increases the penalties for indecent exposure in Guam law.*

*"It is unfortunate that there are individuals on this island that choose to disturb people's lives by behaving in an indecent and lewd manner," said Senator McCreadie. "The purpose of this bill is to ensure that those individuals are held accountable for their actions."*

*Senator McCreadie introduced this bill to crack down on repeat offenders. Bill 242-32 increases the penalty for indecent exposure from a petty misdemeanor to a misdemeanor, and has increased penalties for repeat offenders and those who expose themselves to minors, for example. Adds Senator McCreadie, "based on my conversations with several police officers, time and again the same individuals are cited for indecent exposure to no avail. I would like to hopefully eliminate this nuisance from our community, and Bill 242-32 is a step in that direction."*

< Prev      Next >



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

January 13, 2014

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## Memorandum

Senator  
Vicente (Ben) C. Pangelinan  
Member

**To:** Rennae Meno  
*Clerk of the Legislature*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject:** Fiscal Notes /Waivers

Vice-Speaker  
Benjamin J.F. Cruz  
Member

*Hafa Adai!*

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

### FISCAL NOTES:

Bill Nos. 235-32 (COR), 236-32 (COR), 237-32 (COR); 239-32 (COR), 240-32 (COR), 241-32 (COR), and 242-32 (COR)

Senator  
Frank Blas Aguon, Jr.  
Member

### WAIVER:

Bill No. 245-32 (COR)

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
Aline Yamashita  
Member

*Si Yu'os ma'åse'!*

2014 JAN 13 PM 2:38

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

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GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

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**JOSE S. CALVO**  
DEPUTY DIRECTOR

***FACSIMILE INFORMATION PAGE***

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 15

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as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

**RE:** Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR), 242-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR).

**COMMENTS:** Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNORJOSE S. CALVO  
DEPUTY DIRECTOR

JAN 10 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR), <sup>242-32(COR)</sup>

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note for Bill No. 242-32**

**AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Attorney General's Office		Dept./Agency Head: Leonardo Rapadas	
Department's General Fund (GF) appropriation(s) to date:		11,817,973	
Department's Other Fund (Specify) appropriation(s) to date:		-	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>\$11,817,973</b>	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>			
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appr. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? // Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A
- Does the Bill establish a new program/agency? // Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No  
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No  
// Requested agency comments not received by due date // Other: \_\_\_\_\_

Analyst: Matt Quinata Date: JAN 13 2014 Director: John A. Rios, BBMR Director Date: JAN 13 2014

**Footnotes:**

Currently, indecent exposure is a petty misdemeanor. The intent of this bill is to amend the offense as a misdemeanor and a felony in the third degree if four (4) conditions are met. The fiscal impact will result in new guidelines in the length of possible imprisonment if convicted. Currently, a petty misdemeanor sets a term not to exceed 60 days. A misdemeanor requires a maximum term not to exceed one (1) year; and a felony in the third degree, the courts may impose a sentence of not more than three (3) years. The additional sentencing requirements for the proposed bill will have a fiscal impact on the services provided by the government. These imprisonment requirements will have an effect on a potential increase in operational costs to all law enforcement departments/agencies.





## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
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Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

December 24, 2013

**VIA E-MAIL**

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 241-32 (COR), 242-32(COR), 243-32 (COR), 244-32 (COR) and 245-32 (COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos 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,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>241-32 (COR)</b>	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.
<b>242-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.
<b>243-32 (COR)</b>	Michael F.Q. San Nicolas	AN ACT TO IMPLEMENT THE LAW ENFORCEMENT PAY ADJUSTMENT FOR EMPLOYEES OF THE UNIFIED JUDICIARY OF GUAM, FUND CAPITAL IMPROVEMENTS TO THE MUNICIPAL MARKET OF MANGILAO AND TO CREATE THE RESPONSIBLE NON- PROFIT ENDOWMENT FUND, BY AMENDING §2 OF CHAPTER I AND ADDING §§ 13, 14 AND 15 TO CHAPTER XI, EACH OF PUBLIC LAW 32-68.
<b>244-32 (COR)</b>	FRANK B. AGUON, JR.	AN ACT AMENDING PUBLIC LAW 32-068 RELATIVE TO WITHHOLDING TAX REVENUE COLLECTIONS AND MAKING APPROPRIATIONS TO THE UNIFIED JUDICIARY FOR LAW ENFORCEMENT SALARY INCREASE IMPLEMENTATION.
<b>245-32 (COR)</b>	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTIONS 8144, 8145, AND 8149, ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO CUSTODIANS, INVESTMENT AGENTS, AND BANK DEPOSITS.



## COMMITTEE ON RULES

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MINORITY LEADER


Senator  
Aline Yamashita  
Member

December 17, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 242-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 242-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

***MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

Bill No. 242-32CCOR)

Introduced by:

Brant T. McCreadie

2013 DEC 17 AM 10:24

**AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the crime of indecent exposure is currently classified as a petty misdemeanor in  
4 Guam's criminal code. Because of this, the Guam Police Department has had  
5 difficulty in arresting individuals who have been accused of committing indecent  
6 exposure. In order to ensure that those accused of indecent exposure are properly  
7 arrested, it is necessary to increase the penalty for the offense. Therefore, it is the  
8 intent of *I Liheslaturan Guåhan* to increase the penalty for indecent exposure by  
9 amending §28.65 of Chapter 28, Title 9 Guam Code Annotated.

10 **Section 2.** §28.65 of Chapter 28, Title 9 Guam Code Annotated, is hereby  
11 *amended* to read:

12 **"§ 28.65. Indecent Exposure; Defined & Punished.**

13 A person commits ~~a petty misdemeanor~~ the crime of indecent exposure if  
14 he or she exposes ~~his~~ their genitals or performs any other lewd act under  
15 circumstances in which ~~his~~ their conduct is likely to be observed by any person  
16 who would be offended or alarmed.

17 Except as provided below, indecent exposure is a misdemeanor.  
18 Indecent exposure is a felony in the third degree if:

1                   1) a person exposes their genitals or performs any other lewd act to  
2                   a person under the age of sixteen (16) years; or  
3                   2) a person exposes their genitals or performs any other lewd act  
4                   for the purpose of sexual gratification; or  
5                   3) a person has previously been convicted under this section; or  
6                   4) a person has been convicted of any other sex offense as defined  
7                   in a provision of the Guam Code Annotated.”

8                   **Section 3. Effective Date.** This Act shall be effective upon enactment.

9                   **Section 4. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.