

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

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



MAR 17 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 *[Signature]*

**RE: Committee Report on Bill No. 272-32 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 272-32 (COR) –An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhance sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

Committee votes are as follows:

- 7 TO DO PASS
- \_\_\_ TO NOT PASS
- \_\_\_ TO REPORT OUT ONLY
- \_\_\_ TO ABSTAIN
- \_\_\_ TO PLACE IN INACTIVE FILE

Respectfully,

*[Signature]*  
**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

2014 MAR 20 PM 3:17 *[Signature]*

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

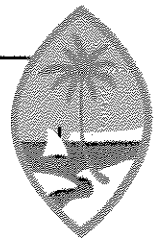
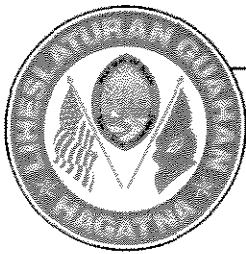
Senator  
**Thomas C. Ada**  
Committee Member

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

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Lmtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



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

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

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**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtlaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

## COMMITTEE REPORT

### **BILL NO. 272-32 (COR)** **Introduced by Brant McCreadie.**

**An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhance sentences for vulnerable victims, which may be cited as the “Vulnerable Victims Act of 2014.”**



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



March 10, 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. 272-32 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bili No. 272-32 (COR)- An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhance sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 272-32 (COR), as introduced
- Public Hearing Sign-in Sheet
- Referral of the Bill No. 272-32 (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'ase' !

**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

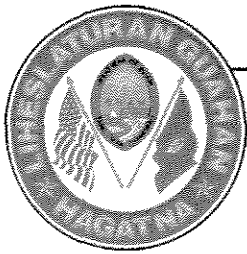
**Senator  
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Committee Member

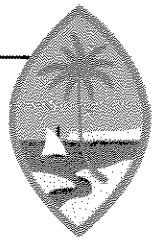
**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member



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COMMITTEE VOTING SHEET

Bill No. 272-32 (COR)- An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhance sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 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 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

Table with 7 columns: COMMITTEE MEMBERS, SIGNATURE, TO DO PASS, TO NOT PASS, TO REPORT OUT ONLY, TO ABSTAIN, TO PLACE IN INACTIVE FILE. Rows include AGUON, FRANK B. JR., MUNA BARNES, TINA ROSE, SPEAKER WON PAT, JUDITH T. Ed.D., RESPICIO, RORY J., ADA, THOMAS C., RODRIGUEZ, DENNIS G. JR., ADA, V. ANTHONY, LIMTIACO, MICHAEL, MORRISON, THOMAS.



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**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  
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**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**I. OVERVIEW**

Bill No. 272-32 (COR) was introduced on February 12, 2014 by Senator Brant 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 February 12, 2014.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 272-32 (COR) on February 25, 2014 at 9:00AM in I Liheslatura's Public Hearing Room.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the February 25, 2014 hearing on February 17, 2014 (5-Day Notice), and again on February 20, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the February 25, 2014 hearing on February 18, 2014 and February 20, 2014.

**Senators Present**

Senator Frank B. Aguon, Jr., Chairperson  
Senator Brant McCreadie  
Senator V. Anthony Ada  
Senator Aline Yamashita  
Senator Vincent (ben) Pangelinan

**Appearing Before the Committee**

Phil Tydingco, Chief Deputy Attorney General of Guam

The public hearing was Called-to-Order at 9:00 AM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

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

"Good morning ladies and gentlemen, this public hearing sponsored by the committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, 32<sup>nd</sup> Guam Legislature hereby convene. Just for the information for the public this public hearing was properly noticed and information given and extended with invitation to all the stakeholders, senators, the Chief Executive, the Lt. Governor, Congresswoman Bordallo, Chief Justice Torres, Special Assistant to the Governor in reference to a couple of items to be discussed and the different law enforcement agencies in conjunction with our media partners. I would like to also extend an appreciation on behalf of our committee for our media partners who were also generous in extending the information in regards to this public hearing and also the veterans' roundtable which will commence this evening at 5PM. And

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information also of the public in terms of meeting the public notification requirement, information was extended in one of our print media on Tuesday, February 18 and also a subsequent print on Tuesday, February 25 highlighting all legislative measures which are on the agenda today and then in conjunction with likewise mentioned earlier with regards to the veteran's roundtable scheduled for later this evening. The two items for this morning's public hearing include Bill No. 273-32 (COR) which is to repeal a section in the Guam Code Annotated relative to the invasion of privacy sponsored by the Honorable Senator Aline Yamashita and Bill No. 272-32 (COR) an act relative to amending Guam Code Annotated relative to enhancing sentences for vulnerable victims which may be cited at the "vulnerable victims act of 2014" introduced by the Honorable Senator Brant McCreadie. As we proceed to recognize individuals who have signed in for to provide testimony, I would like to recognize my colleagues in the 32<sup>nd</sup> Guam Legislature beginning with my far right Speaker Ben Pangelinan, thank you very much Mr. Speaker for joining us, Senator Aline Yamashita, thank you very much senator for joining us. Also, Senator Brant McCreadie and Senator Tony Ada. Thank you senators for joining us this morning. So, Ladies and Gentlemen we are going to proceed with Bill No 272 and I will grant the sponsor the opportunity to be able to render some comments and impact on this particular legislation. And as we receive comments from Senator Brant McCreadie, I would like to invite Chief Deputy Attorney General to the table to present us testimony. If there are anyone else from the public who would like to provide testimony, I encourage you to sign up. Thank you very much, Senator McCreadie."

**Senator Brant McCreadie**

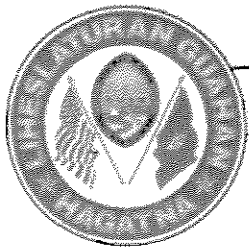
"Thank you very much Mr. Chair, Mr. Attorney General. Bill 272 is also known as the "vulnerable victims act of 2014" has been a piece of legislation that my office has worked on closely with the attorney generals office as it is intended to provide additional protection to our most vulnerable members of our community. Under Bill 272 additional punishment shall be applied to persons who are convicted of against anyone of the age of 55 and older, any of the age of 13 and under, anyone with a physical or mental disability or visitors of Guam. Provision of Bill 272 would be applicable to anyone who commits a violent felony, theft, forgery or fraudulent practices to any of the groups I previously mentioned. When sentenced under this act the person shall receive an additional 5-25 years for a felony or 60 days to a year if it's a misdemeanor or petty misdemeanor in addition to the original sentence for the crime. This Bills intent is to ensure that the purse snatchers and criminals of that nature serve meaningful jail time and to give people peace of mind that they are being punished for the crimes that they commit. It is an assertion that though those who are most vulnerable and susceptible to those crimes have additional rights under the law to see those who violate them get punished. With that I'd like to thank Mr. Chairman and my colleagues for being here and I hope for favorable testimony from our attorney general."

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

"Thank you very much Senator McCreadie. Deputy Chief if you can identify yourself for the record. Please proceed."

**Phil Tydingco**

"Good Morning Chairman Senator Frank Aguon, Senator Brant McCreadie, Senator Aline Yamashita, Senator Ben Pangelinan, Senator Tony Ada. Phil Tydingco chief deputy attorney general on behalf of attorney general Rapadas and the Office of the Attorney General. We appreciate the opportunity that

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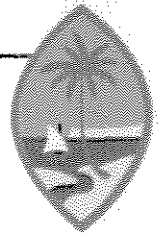


Senator McCreadie had brought to our attention. Actually it was via the crime free zone bill that sort of out there and meeting with the I can't recall if it was a public hearing and or just a roundtable meeting we had proposed alternatively the office of the attorney general to Senator McCreadie and to the legislature if they would consider a vulnerable victims sentencing enhancement statute. And I know the impetus on text of the targeting of criminal of our visitors, tourists and so forth. Which categorically they are vulnerable because they may not necessarily know our areas to avoid or their ways around here where they can be taken advantage of the purse snatching but just restricting it to that category we also thought that there was a need that as many jurisdictions has recognized sentencing enhancements for people who commit crimes upon those who may be as vulnerable and so other categories that we thought of vulnerable victims should be thought as children. This is again something the legislature as a matter of policy can decide whether you want it restricted to I think the definition was minors under, I can't recall, under 13. That was kind of consistent with our statute that recognizes that demarcation that are criminal conduct cases that are higher penal liability for those that are under 14 or 13 or younger that was sort of the rational for proposing that. Also the elderly or the *manamko* again we try to be consistent with our laws. Our laws recognize our *manamko* as defined as 55.

Again, these are on tweaking that I leave it to the legislature if you want to come up with a different number for what should be. I mean I'm almost 60 and I believe 60 is the new 40's. Again I leave that to you in terms of if you want to tweak that. Know that our practice here is that we recognize that as the folks who are 55 or older. Or you could make that consistent with I can't recall what the exact age of the adult protection act, the adult protection statute. I forget that number to make that consistent and also those who are and I try to be use the correct terminology in the field which again individuals with disabilities so I hope we track with the research with both medical and psychological and says how the label should be used is people with disabilities and again that can be tweaked. Those disabilities can be defined in both local and federal laws or as certified by a physician or by a mental health professional. Again how you want to qualify that person as a person with a disability is something that of course we would defer to the legislature and tie it more closely to the existing law. I did look at and try to examine all the statutes that reference folks with disabilities in the wage law in the DISID laws there are also federal definitions you could use. I think the goal here is you could is we try to be as broad as possible but it's also helpful t be specific too to define it and so again I encourage the legislature to make that policy decision whether how broad or specific you want to be with defining individuals with disabilities. Again they vary there's different definition in the education laws, there's different definitions in the wage laws, there's different definitions in the federal protection of rights laws so for those folks so again this is just an enhancement statute. It's not made to aiming at a specific crime. So for example if you murder a child with a deadly weapon you would now have, we remodeled it by the way. We have two special allegations for sentencing enhancement statutes if you use of a deadly weapon in a commission of a crime or felony which basically says in addition to the underlying sentence you shall serve 5 to 25 consecutive. We have also committing a felony while a felony release that also carries the penalty of 5 to 25 and again those are policies decision those two types of sentencing enhancement statutes that recognizes if the right case comes along that perhaps punishment is appropriate. In many ways we find it also as a plea bargaining tool that resolves cases without going to trial because its always been an issue that they're willing to plea to underlying crime rather than tack on the enhancements so that resolves a lot of cases too so again we support the bill and we urge you to consider it. Thank you."

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

"Thank you Mr. Tydingco for your testimony this morning. Senator McCreadie."

**Senator Brant McCreadie**

"Thank you Mr. Chairman. I just had a question of clarification, just so the public would know and that colleagues would know now. If the attorney general's office takes the alleged offense and pleas the allege offense down to a lesser charge then the offender would still face the enhanced sentencing so you could still plead on the first one but you cant plead on the second one correct?"

**Phil Tydingco**

"No, that is not correct. Plea agreements or plea bargaining it can be designed in many fashions. The best way is to go through and example so in homicide cases, you're with murder and you used a gun so you would get murder and we would also add the sentencing enhancement use of a deadly weapon in a commission of a felony. So there you're looking at life imprisonment and on top of that if you went to trial and jury convicted you of both you would have to serve 5 to 25 years consecutive to the murder of sentence. If it was a person who is blind so we have this vulnerable victim, another special allegation or was released from jail on bail and he commits a murder he would be facing a sentencing enhancement. He could have all those circumstances and then the party negotiates and wants to avoid a trial and says, "I'm willing to plea murder do the life and one of the specials or I'll just do the life." It's more advantageous to us to resolve the case in a non trial situation which usually is. You know there's no guarantee in a jury trial #1 and #2 the underlying and many times the victim doesn't want to go through the trial and okay if he's going to do life with possibility of parole after 15 years or no possibility of parole.

So, Senator McCreadie it can take any fashion there's no mandatory special allegations and there shouldn't be. It helps to prompt the resolution of cases otherwise we would be in if that got mandated we would always be in trial. People have the right to say prove the case, prove that I used a gun, prove that I murdered that person, prove that I should be sentence to that or it turns out we charge a murder but a lot of times cases are still being investigated while they are waiting for trial and it turns out that it was a crime of passion it was a manslaughter case not really a murder case and we might plead it down to a manslaughter and keep the special allegation or not keep the special allegation and again every case depends on every individual fact and what was the motive and opportunity and what led to that serious and violent crime. What we did in this one which is a little bit different is we also added some of the property crimes and that was also in recognition of trying to address the idea of any theft issues or theft of property issues that affect vulnerable victims like the manamko cause they're starting to get scammed and so we wanted to have sentencing enhancements because we're finding that some of that is occurring or reports of that so we generally we restrict the vulnerable victims to sort of the violent crimes but we also noticed that there the elderly the manamko tend to be the target of their property. We read it so often that the caretaker the person who is responsible for their finances ends up emptying their accounts or their life saving or scam them out of their property so we thought that this would also be an opportunity to try to address that issue by having that in there. Again, I point that out to you so you can take that out if you want to and restrict only to violent crimes. Again that would just and we also include forgery and fraudulent practices. We want it to cover again this is meant to be a comprehensive vulnerable victims statute so I just provided some more information if you folks decided to tweak it some more."



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

"Thank you Senator McCreadie. Senator Yamashita?"

**Senator Aline Yamashita**

"Thank you very much Mr. Chair. I know I need to do my own homework, but is this type of legislation, vulnerable victims' legislation, is it common across our nation?"

**Phil Tydingco**

"Many jurisdictions in various forms yes. Some craft actual crimes some as sentencing enhancements"

**Senator Aline Yamashita**

"And this is in hopes of preventing such crimes from happening as well as to penalize those who do it."

**Phil Tydingco**

"Yes, the idea is that society or a community be one to make it known that if you target what the community views are vulnerable victims the penalty will be much harsher a arguably be a deterrence certainly if it gets imposed it will be incapacitated. There are usually four purposes for punishment in criminal law. One is of course retribution. The second is rehabilitation. The third is deterrence and the fourth is incapacitation. Sometimes incapacitation means we need a break from this burglar and say you need to do the minimum mandatory 5 sentence so that at least we know that for 5 years you won't burglarize us. Some are very habitual that way. Those are generally the 4 purposes of the criminal justice system and so arguably some folks some legislatures believe this may have a deterrence if or it's imposed certainly in incapacitation i.e. locked away. There's nothing for rehabilitation that would say that. Those are more like your drug courts which focus on the rehab side of the punishment purposes."

**Senator Aline Yamashita**

"And to further the idea is to then if you are between the ages of 14 and 54 you should be more or perhaps more capable of being safe?"

**Phil Tydingco**

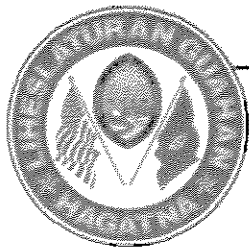
"Yes, arguably I assume that empirically, sociologically, psychologically developmentally that folks who are from those stages of development not pubescent, but adolescent up through middle age. Middle age keeps moving, at least, in my mind it keeps moving. Maybe that's a boomer phenomenon but we do have an aging population so."

**Senator Aline Yamashita**

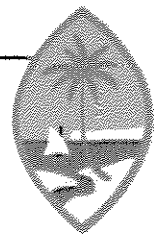
"If I was a tourist, visitor, and I came to Guam and I was a senior, which I am and a crime was committed against me would there be, well, first of all, I suppose what happens when whomever is prosecuting the case the court system decides the penalties. I mean it wouldn't be because I'm a tourist and because I'm senior citizen it would be 5 plus 5 as an enhancement."

**Phil Tydingco**

"If you got 2 counts of a special allegation that's always possible. Its like if in one day I steal from five people that's five counts of theft that there's probable cause or reasonable cause the law we can charge

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with. Now how it gets resolved potentially, theoretically, the books your looking if it ran consecutively lets say pick a number 5 years each you would look at 25 years for potentially committing 5 thefts on 5 different people or 5 old people or 5 children but the actual practice. Again almost 25 years is that that very rarely ever happens. Most defense attorneys would not allow their guys to plead that way and I've been a defense attorney too and every so somebody goes to trial and if they went to trial then and they were found guilty capable of all of those or guilty of this the sentencing is imposed by the judge. Then the judge gets the pre sentencing report and then decides how to apply the sentencing. Many times they don't run those consecutive. They look at sometimes this might be the first time you got caught and you committed five of those in one day."

**Senator Aline Yamashita**

"So this is not prescriptive per to say there's still that. You know I always say one size just never fits all in my mind."

**Phil Tydingco**

"Yes one size doesn't always fit all circumstances but if you rolled the dice and you're facing special allegations you are going to face those."

**Senator Aline Yamashita**

"Right as you just said the judge."

**Phil Tydingco**

"The judge has some discretion but the special allegation sentencing enhancements It's restricted because it says it's consecutive in other words the judge cannot make an enhancement sentence run concurrent. So they roll the dice and they got convicted then they'll face whatever the judge. The judge has the discretion of the underlying crime if there's a range and then the judge has discretion in the sentencing. The judge's discretion is within 5 to 25 and again they oppose the minimum mandatory which is five. You got charged with aggravated murder but the jury only found you guilty of murder just like murder two so you're looking at life with possibility of parole which make you eligible at 15 and say you used a gun but the judge only sentenced you under the special allegation or lets just say it was someone that was 80 years old the judge has to impose the consecutive 5 to 25 but the judge only imposes 5 so you become eligible at 20 that a possibility. Its going to fit both ways the judge will weigh it out both parties will testify present its report."

**Senator Aline Yamashita**

"As a person who was a defense attorney how do you feel about this versus being an attorney general?"

**Phil Tydingco**

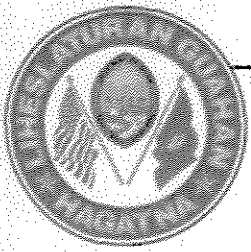
"If I was a public defender I would not be testifying. That's a different hat, I don't have that hat"

**Senator Aline Yamashita**

"Can you pretend you were wearing that hat?"

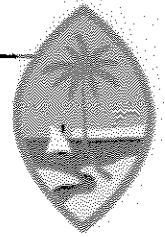
**Phil Tydingco**

"If I was that person I would say our punishments are sufficient enough"



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**Senator Aline Yamashita**

"And is that because one size doesn't fit all?"

**Phil Tydingco**

"That would be one of the arguments"

**Senator Aline Yamashita**

"That's intriguing, thank you sir."

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

"Thank you very much Senator Yamashita. Speaker Ben?"

**Senator Ben Pangelinan**

"Thank you very much and Si Yu'os Ma'ãse. Phil is the idea behind the tourist so lets say a Tokyo policeman who is a black belt and carries his gun on Guam and is assaulted or robbed is he a vulnerable victim"

**Phil Tydingco**

"He could qualify under this but those facts as a prosecutor and I knew all that would I necessarily charge it maybe not. And even if I charge it would I really expect the jury to"

**Senator Ben Pangelinan**

"But the statute makes him a vulnerable victim"

**Phil Tydingco**

"Right."

**Senator Ben Pangelinan**

"That's all I'm asking"

**Phil Tydingco**

"Yes the statute. They could qualify under the statute. If they met the you know non resident and all that stuff."

**Senator Ben Pangelinan**

"Right, right he's a tourist."

**Phil Tydingco**

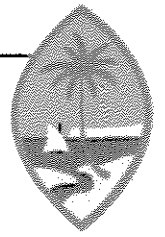
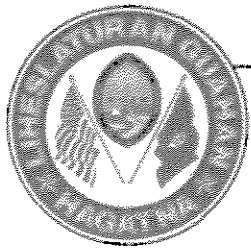
"We've had seals get killed here too."

**Senator Ben Pangelinan**

"I'm just asking you Phil, does it fit the statute?"

**Phil Tydingco**

"Yeah it would"

**Senator Ben Pangelinan**

"Okay so how would and because they are not familiar with the area they're visiting in Afame. How about somebody from Barrigada. Let's say someone who don't go to Tumon all the time or who don't go to Dededo all the time and they are not familiar with Dededo and why wouldn't they be vulnerable? Why wouldn't you define them as being vulnerable? I ask this because, hold on Phil. "

**Phil Tydingco**

"Okay, I'm sorry, you're adding more facts."

**Senator Ben Pangelinan**

"And I'm asking this because I take my dad driving around every once in awhile cause his age and you know and we would go to the different sections and I like to drive to new places so that his mind can continue to stay active and so he would tell me, "man, boy, if you left me here I wouldn't be able to find my way home." But lets say my dad is not you know 55, lets say somebody whose only concern is getting to work, raising the family, providing for a good place the village where he is from and he's not familiar with the back roads of Dededo. Would he be a vulnerable victim or shouldn't he be a vulnerable victim cause he's not familiar with that area?"

**Phil Tydingco**

"He shouldn't be under the definition of the law and how it's drafted now, but again responding to your example your father would qualify."

**Senator Ben Pangelinan**

"I know but lets say this is not my dad, but let's say those is somebody who is 50 years old and doesn't go to Dededo and is not familiar with Dededo could we get somebody to self declare himself? Let's just say, why couldn't we make it so that person can assert that he is a vulnerable victim?"

**Phil Tydingco**

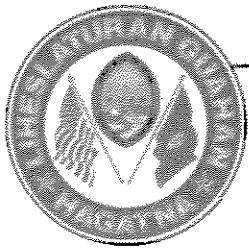
"No, cause in criminal law well in criminal law you need to define as a. Let me put my public defender hat on. I need the proper notice the due process and constitutionally about what is it that I have to defend against and the subjective declaration. I'm just telling you the legal analysis to respond to you that a mere declaration that I am something probably would be too vague and be too difficult to justify."

**Senator Ben Pangelinan**

"Even though we define what those things are that would define him as a vulnerable victim."

**Phil Tydingco**

"If you fit the definition and you found the definition for example you could in your hypothetical you could lower it to 50. Again those are policy calls. What you determine is vulnerable is what you could define here. "

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

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

**Senator Ben Pangelinan**

"I'm just saying that the entire community of Guam is a vulnerable victim. You know what I mean?"

**Phil Tydingco**

"Yeah, But I would disagree with you. I don't think that the empirical research. I can say this cause I do have a masters in that area so I would say that we would all agree."

**Senator Ben Pangelinan**

"Aren't we all vulnerable?"

**Phil Tydingco**

"Not necessarily. In comparison, I'm I vulnerable compared to my what you call my elderly mother? No. isn't that empirical evidence?"

**Senator Ben Pangelinan**

"But if you take a look at the statistics of crime, are those individuals in that category are they being victimized a greater percentage then the general population?"

**Phil Tydingco**

"I don't know those numbers at the top my head. I think the rationale behind vulnerable victims is society and the empirical research has determined that developmentally certain people in certain categories could be could qualify under these definitions as vulnerable victim. Now if you think that one of these categories is as a matter of policy is something that our society or community does not believe these folks are vulnerable then certainly you can make that argument and not include them as part of the definition of vulnerable victims. Again, I can only tell you what."

**Senator Ben Pangelinan**

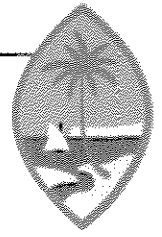
"I'm just trying to distinguish between somebody who is visiting Tumon or visiting another village"

**Phil Tydingco**

"I think it's very distinguishable that w resident of Guam or someone who has lived on Guam all their lives they may not be a frequent I'm not a frequent visitor of Humatak, but I have lived here most of my life on Guam so I have a lot more knowledge about Guam than if I was a visitor to Moscow. So again I think those are the policy clause you folks can decide if you think its too vague and not sufficient enough and unfair to other categories certainly you can make that argument. In some areas they don't know the areas to afford. The morays might be different. You always hear about some places lower grades of criminal sexual conduct are something that you always have to be careful about. People those countries know about it, but visitors don't know about it are horrified when they are being groped. Again those are things that are up to you folks if you want to hash out and include it or not. I think an argument can be made for a rational. I had originally proposed 10 but 13 I'm told that developmentally we should probably make it consistent with statute. But I leave that up to you folks, whether or not you want to include it."

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**Senator Ben Pangelinan**

"I'm just saying that if part of this is for deterrence then I just think that we should try to deter crime against the entire community and not just deter crime against tourist."

**Phil Tydingco**

"That same argument can be made against well, whether it's elderly; children or persons with disabilities so I mean you don't have to. So it's proposed out there."

**Senator Ben Pangelinan**

"I think we should just raise the sentence for all these crimes. I mean if part of that 4 is deterrence and you know lets deter crime against everybody. I see the need for vulnerable victims cause there is a group but in some respect I also think that you know if the crime is such that it really fits and should be changed and in terms of the sentencing because we want to achieve one of the four elements of punishment of which deterrence is one then lets just raise it."

**Phil Tydingco**

"There is something to be said for sentencing enhancements. You can."

**Senator Ben Pangelinan**

"But if it's just for you guys to plea bargain down."

**Phil Tydingco**

"There are also cases where we don't have the sentencing enhancement and there's all kinds of cases and some cases are more egregious and simply punishing them under the murder statute is not sufficient, because they just didn't use their own hands. It wasn't negligence that caused the death or went out of their way to do a Sandy Hook and so you might want to have a special allegation or someone goes and tries to do a mass murder in Tumon."

**Senator Ben Pangelinan**

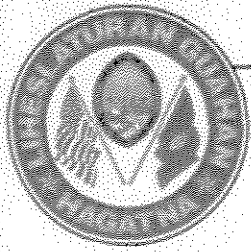
"So we should kill them twice?"

**Phil Tydingco**

"Well you know, I mentioned retribution is part of the rationale and purposes there so and to mollify our community, sometimes we want to know that we can reach the most deadliest of our citizens who wants to kill us all, so I'm a proponent of and you raise good points senator so I thank you very much."

**Senator Ben Pangelinan**

"And again, I'm just saying that you recognize as you say how individuals are not able to are not in a position to defend themselves and so fourth, therefore we need to take care of those individuals in some form or fashion. I think if we just attack crime in that respect I think we are doing the community a greater service by just attacking them and removing them from society is what is intended here fro greater periods of time and we should take a look at just enhancing the sentence for everyone for the same crime and then we are all protected in the same fashion because we feel that additional opportunity to

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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



take these people out of the free community an unrestricted community because of their violations of statutes and morays and the sentimentalities of that community. I certainly appreciate the bill itself and the discussion today. Thank you."

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

"Thank you very much Mr. Speaker and Chief Deputy Attorney General. There being no further questions for the information of the general public the committee will continue to accept testimony, written testimony, on Bill No. 273-32 (COR) and that testimony can be forwarded to my office or the respected sponsors and it would be incorporated into the committee report. That receipt or request of additional testimony will be open for the subsequent 10 days calendar days of this particular public hearing and then we will go ahead and complete the committee report. Yes?"

**Senator Ben Pangelinan**

"Maybe I can ask one final question, so would you classify PTSD as falling under? A person with PTSD?"

**Phil Tydingco**

"PTSD? PTSD?"

**Senator Ben Pangelinan**

"A person suffering."

**Phil Tydingco**

Post traumatic syndrome?

**Senator Ben Pangelinan**

"Say the person is a vulnerable victim according to the definition of the bill?"

**Phil Tydingco**

"If he is defined in the definition here, if you are certified by a mental health clinician or physician and they're willing to certify that your PTSD is a form of a disability I suppose you would qualify under it yes. Thank you"

**Senator Ben Pangelinan**

"Okay"

**Phil Tydingco**

"It's meant to and remember how you want to be specific in defining that cause when I look through our laws we actually have a wide array of how we define persons with disabilities and you tend to refer to the federal one and that would be broader to include it."

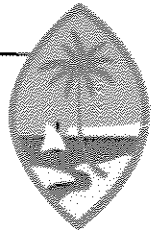
**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Speaker and Deputy Chief Attorney General. Once again the committee will continue to accept any written testimony on Bill No. 272. We are now going to proceed with Bill no. 273 which is relative to the invasion of privacy introduced by Senator Yamashita and just prior to her presenting a brief comments, I would like to invite Ms. Lorraine Guzman please join us up front. So your testimony is going to be just. Okay, I apologize Ms. Guzman is in the



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audience but she will be submitting written testimony subsequent to this hearing and so we still continue to recognized Deputy Chief Attorney General Tydingco. Senator Yamashita.”

The public hearing was adjourned at 9:36AM.

III. **Written Testimonies**

1. N/A

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. 272-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation to pass.



***MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

Bill No. 272-32(COX)

Introduced by:

Brant T. McCreadie 

---

**AN ACT TO ADD A NEW §80.37.6 TO CHAPTER 80,  
TITLE 9 GUAM CODE ANNOTATED RELATIVE TO  
ENHANCED SENTENCES FOR VULNERABLE  
VICTIMS, WHICH MAY BE CITED AS THE  
“VULNERABLE VICTIMS ACT OF 2014”.**

2014 FEB 12 AM 9:55  


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 crimes committed against any individual, no matter how large or how small, is not  
4 acceptable. However, certain groups of people are more vulnerable to falling victim to  
5 crime. It is impendent on the government to ensure that these “vulnerable victims” are  
6 given the utmost protection and recourse under the law.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish a vulnerable  
8 victims sentencing enhancement for individuals who commit crimes against especially  
9 vulnerable individuals in our society.

10 **Section 2.** §80.37.6 of Chapter 80, Title 9 Guam Code Annotated is hereby  
11 *added* to read:

12 **“§80.37.6. Vulnerable Victim Sentencing Enhancement.**

13 (a) Whoever commits or attempts to commit upon a vulnerable victim, a  
14 violent felony as defined in 9 G.C.A. §80.70, or Theft as a Second Degree or  
15 Third Degree Felony under 9 G.C.A. §43.15, §43.20, §43.30, §43.35, §43.40,

1       §43.45, §43.50, §43.55, or §43.60, or crimes of forgery or fraudulent practices  
2       under 9 G.C.A. §46.10, §46.15, §46.20, §46.25, § 46.35, §46.50, §46.75, or  
3       §46.80, shall, in addition to the sentence imposed for the commission of such  
4       felony be imprisoned for a term not less than five (5) years nor more than  
5       twenty-five (25) years, or shall, in addition to the sentence imposed for the  
6       commission of a misdemeanor or petty misdemeanor be imprisoned for a term  
7       not less than sixty (60) days nor more than one (1) year.

8           (b) A sentence imposed under subsection (a) of this section for a felony  
9       shall include a special parole term of not less than three (3) years nor more than  
10       five (5) years in addition to the term of imprisonment. No person convicted and  
11       sentenced under this section for a felony shall be eligible for parole or probation  
12       until he serves at least five (5) years in prison, or no person convicted and  
13       sentenced under this section for a misdemeanor or petty misdemeanor shall be  
14       eligible for probation until he serves at least sixty (60) days in jail or prison.

15           (c) A vulnerable victim is defined as the following:

16                   (1) An elderly person or senior citizen who is at fifty-five (55)  
17                   years or older at the time of the crime committed upon him or her.

18                   (2) A child who is thirteen (13) years or younger at the time of the  
19                   crime committed upon him or her.

20                   (3) A tourist or visitor is an individual (i) who is a citizen and  
21                   resident of a country other than the United States or its territories and  
22                   visiting Guam with a round-trip airline ticket for a duration of no more  
23                   than forty five (45) days, or (ii) who is citizen or national or permanent  
24                   resident of the United States but is not a resident of Guam and is visiting  
25                   Guam with a round-trip airline ticket for a duration of no more than forty  
26                   five (45) days.

1                   (4) An individual who at the time of the crime committed upon  
2                   him or her has a physical or mental disability or disabilities as defined in  
3                   a provision of local or federal law, or as certified by a physician or  
4                   mental health professional.”

5           **Section 3. Effective Date.** This act shall be effective immediately upon  
6 enactment.

7           **Section 4. Severability.** *If* any provision of this Law or its application to any  
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
9 *not* affect other provisions or applications of this Law which can be given effect  
10 without the invalid provisions or application, and to this end the provisions of this  
11 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, February 25, 2014 @ 9:00A.M.**

**Bill No. 272-32 (COR)** – An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the “Vulnerable Victims of 2014.”

<b>NAME ( Please Print )</b>	<b>Agency/Organization</b>	<b>Contact Number</b>	<b>Oral Testimony</b>	<b>Written Testimony</b>	<b>In Favor</b>	<b>Not In Favor</b>
<i>Phil Tydingco</i>	<i>AG</i>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	



# 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)

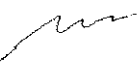
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

March 19, 2014

## Memorandum

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

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

**Subject:** Waivers

*Hafa Adai!*

Attached please find the waivers for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### WAIVERS:

Bill No. 272-32(COR)

Bill No. 273-32(COR)

Bill No. 289-32(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'!*

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  
Member

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

2014 MAR 19 AM 9:22  


**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**MAR 18 2014**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note Waiver on the following Bill Nos.: 272-32(COR), 273-32(COR), and 289-32(COR).

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

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**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

**MAR 18 2014**

The Bureau requests that Bill No(s) 272-32 (COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 272-32 (COR) is an act to add a new § 80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014".

The intent is to establish a vulnerable victims sentencing enhancement for individuals who commit crimes against especially vulnerable individuals in our society and to impose proper and stronger penalties to those who commit crimes of violent felony, forgery or fraudulent practices.

The Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

  
JOHN A. RIOS  
Director



## COMMITTEE ON RULES

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

Senator  
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Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 12, 2014

### MEMORANDUM

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

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

From: **Vice Speaker Benjamin J.F. Cruz**  
*Acting Chairperson of the Committee on Rules*

Subject: **Referral of Bill Nos. 272-32(COR) through 274-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 272-32(COR) through 274-32(COR).

Please ensure that the subject bills are 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'åsel*

Attachment



*I Mina'Trentai Dos Na Liheslaturan Guahan*

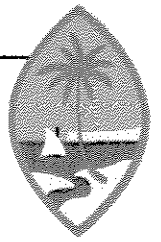
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
272-32 (COR)	Brant T. McCreadie	AN ACT TO ADD A NEW §80.37.6 TO CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO ENHANCED SENTENCES FOR VULNERABLE VICTIMS, WHICH MAY BE CITED AS THE "VULNERABLE VICTIMS ACT OF 2014".	2/12/14 9:55 a.m.	02/12/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



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

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



**Notified Stakeholders**

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 Limtiaco**

Committee Member

Senator

**Thomas Morrison**

Committee Member

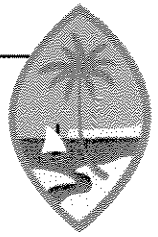
- **All Senators of Mina'Trentai Dos Na Liheslaturan Guahan**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres, Jr.**
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
  - Mark Calvo
- **Guam Customs & Quarantine Agency**
  - Pedro Leon Guerrero, Director
  - Raffaele J. M. Sgambelluri, 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
- **Veterans Stakeholders**
- **Media Outlets**



COMMITTEE ON

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

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



February 17, 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  
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

**The Honorable Eddie Baza Calvo**  
**Governor of Guam**  
513 West Marine Corps Drive  
Hagåtña, Guam 96910  
*Sent via email to [governor@guam.gov](mailto:governor@guam.gov)*

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

***Buenas yan Hafa Adail***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Public Hearing at 9:00AM:**

**Bill No. 273-32 (COR)** - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy.

**Bill No. 272-32 (COR)** - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

**Veterans Roundtable at 5:00PM:**

Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic (CBOC).

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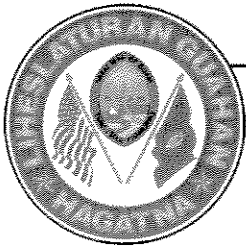
Respectfully,

**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*

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

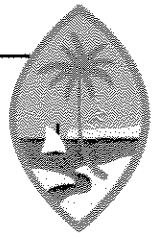
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COMMITTEE ON

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

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



February 17, 2014

**The Honorable Madeleine Z. Bordallo**  
**Congresswoman of Guam | Guam Delegate**  
120 Father Dueñas Avenue Suite 107  
Hagåtña, Guam 96910  
*Sent via email to [cecilia.blas@mail.house.gov](mailto:cecilia.blas@mail.house.gov)*

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

***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 and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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**FRANK B. AGUON, JR.**  
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**Senator**  
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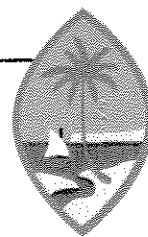
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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



February 17, 2014

**The Honorable Robert J. Torres  
Chief Justice of Guam**Suite 300, Guam Judicial Center 120 West O'Brien Drive  
Hagåtña, Guam 96910Sent via email to [rjtorres@quamsupremecourt.com](mailto:rjtorres@quamsupremecourt.com)

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155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)**Senator****FRANK B. AGUON, JR.**  
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**Mark Calvo**  
**Special Assistant to the Governor on Military Buildup and Infrastructure**  
513 West Marine Corps Drive  
Hagåtña, Guam 96910  
*Sent via email to [mark.calvo@quam.gov](mailto:mark.calvo@quam.gov)*

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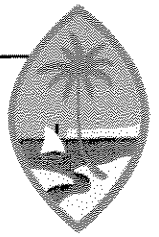
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February 17, 2014

**Pedro A. Leon Guererro, Jr.**  
**Director, Guam Customs and Quarantine Agency**

770 East Sunset Boulevard Airport Road  
AB Won Pat, Guam 96913

Sent via email to [pedro.leonquererro@cqa.guam.gov](mailto:pedro.leonquererro@cqa.guam.gov)

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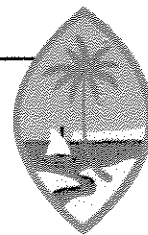
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February 17, 2014

**Raffaele Sgambelluri**  
Chief, Guam Customs and Quarantine Agency  
770 East Sunset Boulevard Airport Road  
AB WonPat, Guam 96913

Sent via email to [raffaele.sgambelluri@cqa.guam.gov](mailto:raffaele.sgambelluri@cqa.guam.gov)

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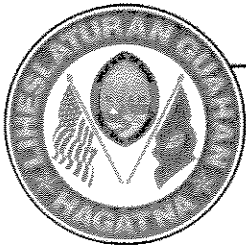
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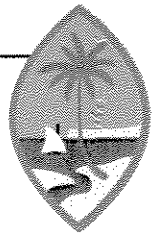




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February 17, 2014

**Ambrosio Constantino**  
**Advisor, Guam Homeland Security**  
221B Chalan Palasyo  
Agana Heights, Guam 96910  
Sent via email to [ambrosia.constantino@ghs.guam.gov](mailto:ambrosia.constantino@ghs.guam.gov)

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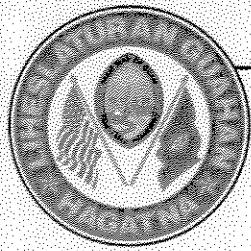
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**The Honorable John Unpingco, Esq.**  
**Administrator, Office of Veterans Affairs**

172 S. Marine Drive, Asan  
Hagåtña, Guam 96932

Sent via email to [john.unpingco.qvao.guam.gov](mailto:john.unpingco.qvao.guam.gov)

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Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic (CBOC).

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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*

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

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

**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**  
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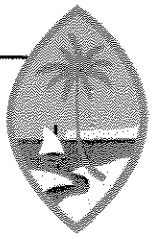
**Senator**  
**Thomas Morrison**  
Committee Member



COMMITTEE ON

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

*I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>ND</sup> GUAM LEGISLATURE*



February 17, 2014

**James T. McDonald**  
**Administrator, Office of Civil Defense**  
221B Chalan Palasyo  
Agana Heights, Guam 96910  
Sent via email to [jim.mcdonald@qhs.guam.gov](mailto:jim.mcdonald@qhs.guam.gov)

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

***Buenas yan Hafa Adal!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM and a Veterans' roundtable starting at 5:00PM on Tuesday, February 25, 2014, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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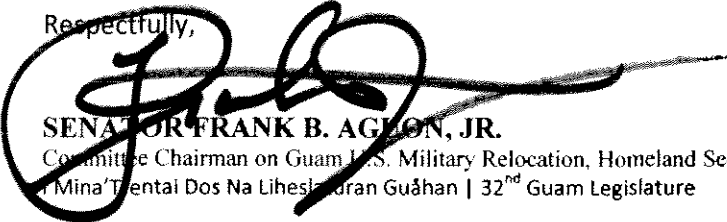
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Respectfully,

  
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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*

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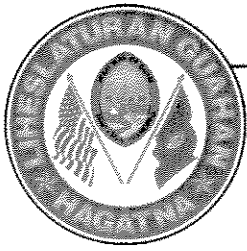
**Senator**  
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**Senator**  
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Committee Member

**Senator**  
**Michael Lintiaco**  
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 Guåhan | 32<sup>ND</sup> GUAM LEGISLATURE*



February 17, 2014

**The Honorable Leonardo G. Rapadas  
Attorney General of Guam**

237 W. O'Brian Drive  
Hagåtña, Guam 96910  
*Sent via email to [law@guamag.gov](mailto:law@guamag.gov)*

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

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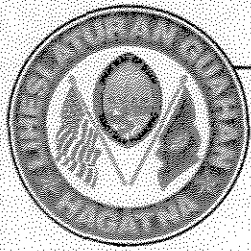
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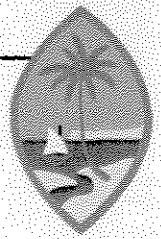
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Committee Member



COMMITTEE ON

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

*I Mina Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature*



February 17, 2014

**Eric D. Miller**  
**Executive Director, Public Defender Service Corporation**  
MVP Sinajana Commercial Bldg., Unit B  
779 Route 4, Sinajana, Guam 96910  
Sent via email to [emiller@quampdsc.gov](mailto:emiller@quampdsc.gov)

RE: Public Hearing/ Roundtable on Tuesday, February 25, 2014

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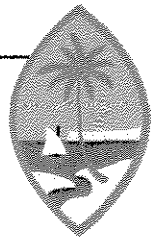
**Senator**  
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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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



February 17, 2014

**MEMORANDUM**

TO: All Stakeholders

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

SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

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***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.**  
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Committee Member

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Committee Member

**Senator  
Thomas Morrison**  
Committee Member



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**FIRST NOTICE of Public Hearing/ Roundtable on Tuesday, February 25, 2014**

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Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com> Mon, Feb 17, 2014 at 11:26 AM  
To: phnotice@guamlegislature.org

February 17, 2014

**MEMORANDUM**

TO: All Honorable Senators/Media/Stakeholders  
FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary  
SUBJECT: **FIRST NOTICE** of Public Hearing/ Roundtable on Tuesday, February 25, 2014

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***Si Yu'os Ma'åse!***

2/17/2014

Office of Senator Frank B. Aguon, Jr. Mail - FIRST NOTICE of Public Hearing / Roundtable on Tuesday, February 25, 2014

cc: Clerks  
MIS  
Sgt.-at-Arms

---

 **First Notice of Public Hearing for 2-25-14.docx.pdf**  
1390K





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

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



February 17, 2014

**MEMORANDUM**

TO: All Honorable Senators

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cc: Clerks  
MIS  
Sgt.-at-Arms

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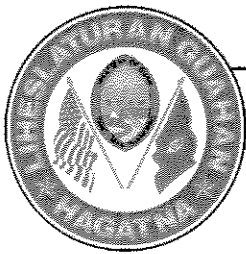
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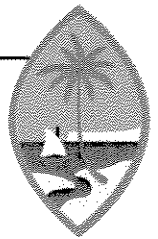
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GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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



February 17, 2014

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TO: All Media

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***Si Yu'os Ma'asel!***

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**  
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Committee Member

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



## SECOND NOTICE of Public Hearing/ Roundtable on Tuesday, February 25, 2014

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Thu, Feb 20, 2014 at 9:19 AM  
 To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>  
 Cc: PHrg Notice <phnotice@guamlegislature.org>  
 Bcc: PCol Adolf Sgambelluri <olyman@gmail.com>, "Alan G. Van Aken" <AGunner77@teleguam.net>, tsguam@hotmail.com, alwin.rafael@va.gov, victor.dunga@va.gov, varoguam1@yahoo.com, "Santos, Bernadette S." <bernadette.santos@va.gov>, "Baleto, Francine T." <Francine.Baleto@va.gov>, idaycab@yahoo.com, wwbradford@live.com, bill.cundiff <afcmst24@yahoo.com>, jnbatulai@guam.net, bjmerenda@yahoo.com, celine.sanchez@us.army.mil, ritalynn\_flores@yahoo.com, jgrivera1949@ymail.com, Guam.RAO@gmail.com, cil\_m@hotmail.com, "Palomo-Burns, Gaudencia" <Gaudencia.Palomo-Burns@va.gov>, harold.kirk@med.navy.mil, MCPOShimizu@yahoo.com, joe\_kamudo@yahoo.com, joyimar13@yahoo.com, Melissa McDaniel <mel.mvision@gmail.com>, nancy.t.kuper.ctr@mail.mil, norma.castillon@gmail.com, jacerteza@yahoo.com, Jennifer Lee Naputi <jbazanaputi@gmail.com>, alegionguam@yahoo.com, mophtd@ite.net, "guambully01 ." <guambully@gmail.com>, joblas@nikkoguam.com, matthew.charfauros@us.army.mil, patricia.gay@andersen.af.mil, kim.a.harris@uscg.mil, richard.l.russell@uscg.mil, aisha.bakkar@fe.navy.mil, brian.price@fe.navy.mil, Sarah Thomas-Nededog <sarah.thomasnededog@westcare.com>, Carmelita Calvo <carmelita.calvo@westcare.com>

**February 20, 2014**

**To:** All Honorable Senators/All Stakeholders/ All Media  
**From:** SENATOR FRANK B. AGUON JR.  
 Chairperson, Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary  
**Subject:** SECOND NOTICE of Public Hearing/Roundtable on Tuesday, February 25, 2014

*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** and a Veterans' roundtable starting at **5:00PM** on **Tuesday, February 25, 2014**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Public Hearing at 9:00AM:**

Bill No. 273-32 (COR) - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy.

Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014."

**Veterans Roundtable at 5:00PM:**

Veteran stakeholders to discuss a number of issues important to the veterans' community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and

**Community Based Outreach Clinic (CBOC).**

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.

--  
**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)

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

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**Second Notice of Public Hearing for 2-25-14.pdf**

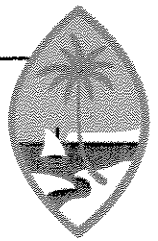
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COMMITTEE ON

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

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



February 13, 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

**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. 272-32(COR) scheduled for Tuesday, February 25, 2014 at 9:00AM**

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at on Tuesday, February 25, 2014 at 9:00AM 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. 272-32(COR)** – An Act to add a new §80.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

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' !

## McCreadie Bill Would Increase Penalties for Those Who Commit Crimes Against "Vulnerable" People

Last Updated on Thursday, 13 February 2014 17:13

Written by News Release

Wednesday, 12 February 2014 10:53



Guam News - Guam News

Guam - Senator Brant McCreadie has introduced yet another measure to increase jail time and penalties for certain criminal acts.

This latest measure is Bill 3272 which the Senator says would provide *"additional punishment for those who commit crimes against particularly vulnerable individuals"* such as the *"elderly, children, those suffering from a disability and our off island visitors."*

Bill No. 272-32 (COR)

The Bill adds a mandatory period of confinement, as well as a special parole term, in addition to the sentence for the original crime.



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The Senator says his measure stipulates that a person convicted under the proposal if it becomes law, would have to serve at least 5 years, if the crime is a felony, or at least 60 days, if the crime is a petty misdemeanor or a misdemeanor before the special parole term kicks in.

McCreadie is quoted in a release as saying *"Bill 272 takes a proactive stance to protect those most vulnerable members of our community, and if passed, it will send a message that criminals can no longer take advantage of our people and visitors."*

**READ the release from Seantor McCreadie below:**

*Senator McCreadie introduces "Vulnerable Victims" legislation*  
**FOR IMMEDIATE RELEASE**  
*February 12, 2014*

*Senator McCreadie this morning introduced Bill 272-32 (COR), also known as the "Vulnerable Victims Act of 2014".*

*"Every single person on this island deserves to be safe and free from falling victim to crime, but there are certain groups of people that are especially vulnerable", said Senator McCreadie. "This bill is intended to provide additional punishment for those who commit crimes against particularly vulnerable individuals in our society, specifically the elderly, children, those suffering from a disability and our off island visitors."*

*Bill 272 sets, in addition to the sentence for the original crime, an added mandatory period of confinement as well as a special parole term. The bill stipulates that a person convicted under this legislation serves at least five years if the crime is a felony or at least 60 days if the crime is a petty misdemeanor or a misdemeanor before the special parole term kicks in.*

*Adds Senator McCreadie, "our people have been looking for a tougher stance on crime. Bill 272 takes a proactive stance to protect those most vulnerable members of our community, and if passed, it will send a message that criminals can no longer take advantage of our people and visitors."*

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TUESDAY, FEBRUARY 18, 2014 - MARIANAS VARIETY GUAM EDITION



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

Chairman, Committee on Guam US Military Relocation,  
Homeland Security, Veterans Affairs and Judiciary  
*Mina' Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature*

Tuesday, February 25 2014- PUBLIC HEARINGS for  
Bill No. 272-32(COR) and Bill No. 273-32(COR) at 9:00AM

Tuesday, February 25, 2014 - ROUND TABLE with  
VETERANS' ORGANIZATIONS and STAKEHOLDERS 5:00PM

**9:00AM- Bill No. 272-32 (COR)-** An Act to add a new 580.37.6 to Chapter 80, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

**9:00AM- Bill No. 273-32 (COR)-** An Act to repeal 5 70.35 of Chapter 70, Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to Invasion of Privacy.

**5:00PM- Veterans Roundtable-** Veteran stakeholders to discuss a number of issues important to the veterans community, including the following topics: Veterans Bills, status of Guam Veterans Registry, disability claims backlog, caregiver support, and Community Based Outreach Clinic(CBOC).

The public hearing will be broadcasted on  
Docomo Pacific TV Channel 11 or GUDTV Channel 21.

If you require any special accommodations, please contact the  
Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2)  
e-mail: [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com)/[policy@frankaguonjr.com](mailto:policy@frankaguonjr.com)

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

Chairman, Committee on Guam US Military Relocation,  
Homeland Security, Veterans Affairs and Judiciary  
Mina Trental Dos Na Liheslaturan Guahan | 32nd Guam Legislature

Tuesday, February 25 2014- PUBLIC HEARINGS for  
Bill No. 272-32(COR) and Bill No. 273-32(COR) at 9:00AM

Tuesday, February 25, 2014 - ROUND TABLE with  
VETERANS' ORGANIZATIONS and STAKEHOLDERS 5:00PM

**9:00AM- Bill No. 272-32 (COR)**- An Act to add a new 580.37.6 to Chapter 60, Title 9, Guam Code Annotated relative to enhanced sentences for vulnerable victims, which may be cited as the "Vulnerable Victims Act of 2014."

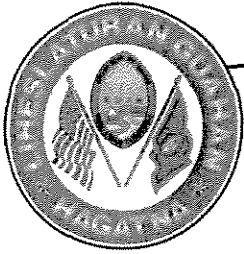
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*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



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**Senator  
Michael Lintiac**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**PUBLIC HEARING**

February 25, 2014 Tuesday at 9:00AM

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

**AGENDA**

- I. Call to Order**
- II. Opening remarks/Announcements**
- III. Items for discussion:**

**Bill No. 273-32 (COR) - An Act repeal §70.35 of Chapter 70 Title 9, Guam Code Annotated; and to add a new Article 3 to Chapter 28 of Title 9, Guam Code Annotated, relative to invasion of privacy. (Sponsored by Senator Aline A. Yamashita, Ph.D.)**

**Bill No. 272-32 (COR) - An act relative to add a new §80.37.6 to Chapter 80, Title 9 Guam Code Annotated relative to enhanced sentences for vulnerable victims which may be cited as the "Vulnerable Victims Act of 2014." (Sponsored by Senator Brant McCreadie)**

- IV. Closing Remarks**
- V. Adjournment**