

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

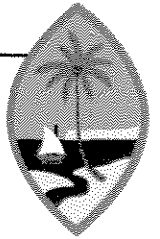
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
317-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.	4/14/14 12:31 p.m.	04/14/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	04/28/14 9 a.m.	5/28/14 3:56 p.m.	Fiscal Note Request 4/15/14 Fiscal Note Received 4/15/14



COMMITTEE ON

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

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



MAY 27 2014

The Honorable Judith T. Won pat, Ed.D.

Speaker

I Mina'Trentai Dos Na Liheslaturan Guahan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 317-32 (LS)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 317-32 (LS) – An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.

Committee votes are as follows:

- 0 TO DO PASS
- _____ TO NOT PASS
- 2 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 Guáhan | 32nd Guam Legislature

2014 MAY 29 PM 3:56
[Handwritten initials]

**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

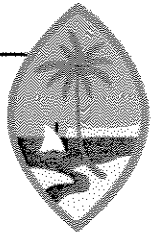
**Senator
Thomas Morrison**
Committee Member



COMMITTEE ON

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND 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
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 Lintiaco**
Committee Member

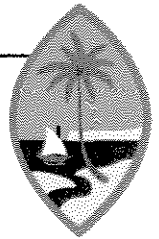
**Senator
Thomas Morrison**
Committee Member

COMMITTEE REPORT

ON

**BILL NO. 317-32 (LS), An Act to Add a New Article 4 to
Chapter 46 of 9GCA relative to the Crime of Phishing.**

(Sponsored by Senator Tommy Morrison)



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

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

May 16, 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. 317-32 (LS)

Transmitted herewith for your consideration is the Committee Report on Bill No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 317-32 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of the Bill No. 317-32 (LS)
- Notices of Public Hearing & Other Correspondence
- Copy of Public Hearing Agenda
- Related News Report

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'äse' !

**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



COMMITTEE ON

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. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.

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

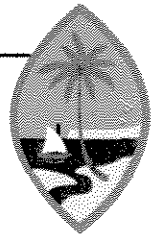
Senator
Thomas Morrison
Committee Member

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 5/19/14		✓				
MUNA BARNES, TINA ROSE Committee Vice Chairperson		✓				
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member						
RESPICIO, RORY J. Committee Member		NO 5/21/14				
ADA, THOMAS C. Committee Member		✓				
RODRIGUEZ, DENNIS G. JR. Committee Member				✓ 5/12		
ADA, V. ANTHONY Committee Member		5/28 ✓				
LIMTIACO, MICHAEL Committee Member				5/20 e.		
MORRISON, THOMAS Committee Member		✓				



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

I 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
Edith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Resplicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

**Senator
Jennis 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. 317-32 (LS), was introduced on April 14, 2014, by Senator Thomas Morrison, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on April 14, 2014.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the April 28, 2014 hearing on April 18, 2014 (5-Day Notice), and again on April 23, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the April 28, 2014 hearing on April 18, 2014 and April 23, 2014.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Brant T. McCreadie
Senator Thomas Morrison
Senator Aline A. Yamashita, Ph.D.
Senator Christopher M. Duenas

Appearing Before the Committee

Jesse Rojas, Office of Technology
Basil O'Mallan, Chief Prosecutor, the Office of the Attorney General

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

II. SUMMARY OF TESTIMONY & DISCUSSION

Senator Frank B. Aguon, Jr.

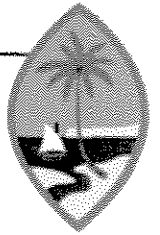
The Committee on Guam Military Relocation, Veterans Affairs, Homeland Security, and Judiciary. I'd like to, before I highlight the agenda, welcome my colleagues who have joined us this morning thus far. To my immediate right is Senator Brant McCreadie. To my immediate left is Senator Tommy Morrison and to his immediate left is Senator Aline Yamashita. Thank you very much Senators for joining us this morning.

On the agenda, which are several pieces of legislation. One is Bill no. 301, and we'll highlight them as we proceed with the overall discussion, and that is relative to the crime of unsworn falsification. Bill no. 302-32 (COR), which is relative to establishing fines and penalties for individuals who make false statements to a Guam Customs officer. Bill no. 317-32 (LS) relative to the crime of phishing. P-H-I-S-H-I-N-G. And Bill no. 318 is relative to creating the "Computer Protection Act". And then finally, we will close out the discussion this morning with Bill 319-32 (LS) relative to creating "Computer Spyware Protection Act". And just for the information of the public, in compliance with the public notification requirement, the initial notice was sent out to all the Senators, as well as, the stakeholders on the 18th of April.



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

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



It was in print again on the 18th of April. With the second notification of public hearing sent out on the 23rd of April to all the stakeholders and then, finally, a print on the 23rd in regards to the agenda for this morning's discussion.

The committee will now proceed to Bill No. 317-32 (LS), which is relative to the crime of phishing, P-H-I-S-H-I-N-G, that is phishing, and that's sponsored by Senator Tommy Morrison. And I like to identify or provide the Senator an opportunity to provide brief comments. But, before he does, if I can invite Mr. Jesse Rojas. If by any chance you're going to provide testimony, please join us at the panel. Senator Morrison...

Senator Tommy Morrison

Thank you Mr. Chair and I appreciate the prompt turnaround and hearing for Bill 317 and to follow 318 and 319. In honor of that, Mr. Chair, I did my best to match my shirt with your tie. So, thank you.

Senator Frank B. Aguon, Jr.

Thank you Senator. So noted. Thank you Senator.

Senator Tommy Morrison

Bill 17 is the anti-phishing act. This act punishes individuals who use deceptive means to steal bank account numbers, social security number, and passwords from the internet. For the listening audience, phishing is the act of attempting to acquire information, such as, usernames, passwords, and credit card details by masquerading as trustworthy entity in electronic communication. The bill will make fraud via phishing a third degree felony and fine criminals up to \$25,000 per violation. The bill would also allow victims to recover up to \$2 million in civil damages. Thank you, Mr. Chair. I look forward to testimony.

Senator Frank B. Aguon, Jr.

Thank you very much Senator Morrison. And just as a response to the chair, thank you for providing this legislation, because, I think, it's long overdue. Thank you. Mr. Rojas, please identify yourself for the record and proceed.

Jesse Rojas

Hafa Adai Chairman and Senators. Good Morning. My name is Jesse Rojas with the Office of Technology. I'm coming here in support of all three bills. I'm unable, though, to make any comment. As for my immediate supervisor, Joey Manibusan, is unable to attend. He is currently away at a dental appointment.

Senator Frank B. Aguon, Jr.

Thank you very much Mr. Rojas. Will your office be providing written testimony?

Jesse Rojas

Yes sir.

Senator Frank B. Aguon, Jr.

Ok. So, at this time, you're not able to respond to any direct questions?

Jesse Rojas

Yes sir.



**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.

Ok, so you're just extending your support. Thank you very much Mr. Rojas. Senator Morrison...

Senator Tommy Morrison

No further questions Mr. Chair. I thank you for providing testimony. I look forward to incorporating further testimony within this ten day period that will come from the Office of Technology. Thank you, Mr. Chair.

Senator Frank B. Aguon, Jr.

On that note, thank you again Mr. Rojas for your testimony and I like to recognize, the committee will recognize, that Bill No. 317-32 (LS) has been publicly heard and the committee will continue to receive written testimony for the subsequent ten days from today.

The public hearing was adjourned at 9:47 AM.

III. WRITTEN TESTIMONIES

The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary before or after the scheduled Public Hearing on April 28, 2014 at 9:00 AM:

1. Joseph C. Manibusan, Data Processing Manager, Office of Technology


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. 317-32 (LS) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO PASS

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

Bill No. 317-32 (LS)

Introduced by:

T. A. Morrison 

**AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA
RELATIVE TO THE CRIME OF PHISHING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is added to Chapter 46 of 9GCA to read as follows:

Article 4

Anti-Phishing Act

§46.400. Legislative Findings and Intent.

I Liheslaturan Guåhan finds Phishing or Pharming are acts that defraud someone by using a false web site or pretending to be a legitimate business on the Web and fraudulently obtaining identifying information. This act also enables lawsuits by Internet service providers and owners of web pages or trademarks that are used without authorization in the conduct of a violation.

It is the intent of *I Liheslatura* to ensure that phishing and pharming are illegal and that the Guam has the ability to prosecute the bad actors that prey on the residents of Guam. It is also the intent of *I Liheslatura* to enable lawsuits by Internet service providers and

2014 APR 11 PM 12:31


1 owners of web pages or trademarks that are used without authorization in the conduct of a
2 violation.

3

4 **§46.401. Definitions** As used in this Act:

5 1. “Entity” includes corporations, business trusts, estates, partnerships, limited
6 partnerships, limited liability partnerships, limited liability companies, associations,
7 organizations, joint ventures, governments, governmental subdivisions, agencies, or
8 instrumentalities, or any other legal entity, whether for profit or not-for-profit.

9 2. “Individual” means a natural person.

10 3. “Identifying information” means any information that can be used to access an
11 individual’s financial accounts or to obtain goods and services, including, but not limited
12 to: address, birth date, Social Security number, driver’s license number, non-driver
13 governmental identification number, telephone number, bank account number, student
14 identification, credit or debit card number, personal identification number, unique
15 biometric data, employee or payroll number, automated or electronic signature, computer
16 image, photograph, screen name or password. The term does not include information that
17 is lawfully obtained from publicly available information, or from Federal or local
18 government records lawfully made available to the general public.

19 4. “False pretenses” means the representation of a fact or circumstance which is not true
20 and is calculated to mislead.

21 5. “Web page” means a location that has a single uniform resource locator (URL) with
22 respect to the World Wide Web or another location that can be accessed on the Internet

23 **§46.402. Phishing and Pharming**

1 1. Phishing. – An individual or entity is guilty of phishing if, with intent to defraud or
2 injure an individual, or with knowledge that he is facilitating a fraud or injury to be
3 perpetrated by anyone:

4 (a) the actor makes any communication under false pretenses purporting to be by or
5 on behalf of a legitimate business, without the authority or approval of the business;
6 and

7 (b) the actor uses that communication to induce, request, or solicit any person to
8 provide identifying information or property.

9 2. Pharming. – An individual or entity is guilty of pharming if, with intent to defraud or
10 injure an individual, or with knowledge that he is facilitating a fraud or injury to be
11 perpetrated by anyone:

12 (a) creates or operates a webpage that represents itself as belonging to or being
13 associated with a legitimate business, without the authority or approval of such
14 business, and that may induce any user of the Internet to provide identifying
15 information or property; or

16 (b) alters a setting on a user's computer or similar device or software program
17 through which the user may search the Internet and thereby causes any user of the
18 Internet to view a communication that represents itself as belonging to or being
19 associated with a legitimate business, which message has been created or is
20 operated without the authority or approval of such legitimate business and induces,
21 requests or solicits any user of the Internet to provide identifying information or
22 property.

23 **§46.403. Immunity for Disabling Phishing and Pharming Sites** No Internet registrar or
24 Internet service provider may be held liable under any provision of the laws of Guam for
25 removing or disabling access to an Internet domain name controlled or operated by such

1 registrar or by such provider or to content that resides on an Internet website or other
2 online location controlled or operated by such provider and that such provider believes in
3 good faith is used to engage in a violation of this Subchapter.

4 **§46.404. Violations**

5 1. A person who violates this section is guilty of a third degree felony, a fine not to exceed
6 Five Thousand (\$5,000) or imprisonment not to exceed Five (5) years, or both.

7 2. The following persons may bring a civil action against a person who violates this
8 subchapter.

- 9 (a) an Internet service provider who is adversely affected by the violation;
- 10 (b) an owner of a web page, computer server, or a trademark that is used without
11 authorization in the violation; or
- 12 (c) the Attorney General

13 3. Except as provided by paragraph 3, a person permitted to bring a civil action may
14 obtain either actual damages for a violation of this Act or a civil penalty not to exceed
15 One Hundred Fifty Thousand Dollars (\$150,000) per violation of this act.

16 **§46.405. Applicability** This Act shall apply to the discovery of phishing or pharming
17 incident that occurs on or after the effective date of this section. This act does not apply
18 to a telecommunications provider's or Internet service provider's good faith transmission
19 or routing of, or intermediate temporary storing or caching of, identifying information.

20 **§46.406. Severability clause.**

21 If any provision of this Act or its application to any person or circumstance is found to be
22 invalid or contrary to law, such invalidity *shall* not affect other provisions or application
23 of this Act which can be given effect without the invalid provisions or application, and to
24 this end the provisions of this Act are severable.

1

2 **§46.407. Effective date.** This Act shall take effect in one hundred twenty (120) days after
3 the date of enactment.

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



I Mina'Trentai Dos na Liheslaturan Guahan | 32nd Guam Legislature

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

Monday, April 28, 2014 @ 9:00A.M.

Bill No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (Sponsored by Senator Tommy Morrison)

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Basil O'Malley	OAG				✓	

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

I Mina'Trentai Dos na Liheslaturan Guahan | 32nd Guam Legislature



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

Monday, April 28, 2014 @ 9:00A.M.

Bill No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. **(Sponsored by Senator Tommy Morrison)**

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
JESSE RAJAS	OFFICE OF TECH'	475/203			✓	



Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
OFFICE OF TECHNOLOGY



Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1113/1229 - Fax: (671) 472-9508

Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

May 20, 2014

Transmitted via Electronic Mail: aguon4guam@gmail.com

Honorable Frank Blas Aguon, Jr.
Chairman, Committee on the Guam-US Military Relocation, Homeland Security,
Veteran's Affairs and Judiciary
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

Subject: Testimony in support of Bill 317-32 (LS) "An Act to add a new Article 4 to Chapter 46 of 9GCA relative to the crime of phishing."

Dear Senator Aguon,

Hafa Adai. The Office of Technology is in support of Bill 317-32 (LS) "An Act to add a new Article 4 to Chapter 46 of 9GCA relative to the crime of phishing."

The Office of Technology (OTech) supports the safe and responsible use of technology. As such, OTech is in support of the intent of Bill 317-32 because the bill, if passed, criminalizes phishing (or pharming). Phishing is an invidious attack on both businesses and individuals through the use of information computing devices and the world wide web for malicious purposes.

OTech recommends passage of Bill 317-32 (LS) "An Act to add a new Article 4 to Chapter 46 of 9GCA relative to the crime of phishing" as part of our local government's efforts to help make our online experience a safer and more secure one.

Sincerely,

Joseph C. Manibusan (Joey)
Data Processing Manager
Office of Technology
Department of Administration



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: 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.
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 E.Q. San Nicolas
Member

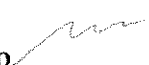
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 13, 2014

Memorandum

To: Rennae Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!


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

FISCAL NOTES:

Bill No. 306-32(COR)
Bill No. 317-32(LS)

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'!

2014 MAY 13 PM 2:35


**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

MAY 13 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 on the following Bill Nos.: 306-32(COR) and 317-32(LS).

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. 317-32 (LS)**

AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9 CCA RELATIVE T THE CRIME OF PHISHING.

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:	-
Total Department/Agency Appropriation(s) to date:	\$ 11,817,973

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance			
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-068)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

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
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 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: /x/ Yes // No
/x/ Requested agency comments not received by due date // Other: _____

Analyst: Matt Quinata Date: MAY 13 2014 Director: John A. Ries, BBMR Director Date: MAY 13 2014

Footnotes:
See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 317-32 (LS)

Comments

The proposed bill is to add a new article to Title 9 Guam Code Annotated to make phishing illegal on Guam. The government of Guam, as well as established financial institutions on Guam, have experienced recent phishing schemes which could have had huge potential financial losses. The cost of phishing in the United States, for a one year period, can be up to \$500 million dollars. This bill will make phishing/pharming a third degree felony coupled with a monetary fine or imprisonment. The inclusion of this activity as a felony and the ability to prosecute offenders will have a fiscal impact on our safety departments and programs in its enforcement and prosecution of this type of activity. As an example, the Department of Corrections will have to house guilty parties. Such mandatory incarceration would cost the Department of Corrections (DOC) approximately \$30,000 per inmate per year and would seriously task DOC in accommodating inmates in overcrowded conditions within the correctional facility. Additionally, the cost of training, investigation and prosecution of phishing and pharming would impact the Guam Police Department and the Attorney General's Office. However, such costs are unavailable at this time.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: 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.
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

April 15, 2014

VIA E-MAIL
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. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)

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.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2014".
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION "(B)" OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreadie V. Anthony Ada Chris M. Dueñas Michael T. Lintiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS "THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014".
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

Bill Nos.	Sponsors	Title
316-32(LS)	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
317-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
318-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE "COMPUTER PROTECTION ACT,"
319-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE "COMPUTER SPYWARE PROTECTION ACT,"
320-32 (LS)	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.



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

April 14, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

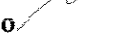
MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Referral of Bill No. 317-32(LS)**

Vice-Speaker
Benjamin J.F. Cruz
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 317-32(LS)**.

Legislative Secretary
Tina Rose Muña Barnes
Member

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*.

Senator
Frank Blas Aguon, Jr.
Member

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

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

I Mina'Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
317-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.	4/14/14 12:31 p.m.	04/14/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



FIRST NOTICE - Public Hearing on Monday, April 28, 2014 at 9:00 AM

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Fri, Apr 18, 2014 at 9:33 AM

To: phnotice@guamlegislature.org

Cc: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

April 18, 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 on Monday, April 28, 2014 at 09:00 AM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan*'s Public Hearing Room, Hagåtña, on the following:

Bill No. 301-32 (COR) – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (**Sponsored by Senator Brant T. McCreadie**)

Bill No. 302-32 (COR) – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (**Sponsored by Senator Brant T. McCreadie**)

Bill No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9CCA relative to the Crime of Phishing. (**Sponsored by Senator Tommy Morrison**)

Bill No. 318-32 (LS) - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (**Sponsored by Senator Tommy Morrison**)

Bill No. 319-32 (LS) - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (**Sponsored by Senator Tommy Morrison**)

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. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan*'s website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at committee@frankaguonjr.com_ or Matt Topasna via email at policy@frankaguonjr.com_ or please contact the office directly at 477-GUM1/2.

Si Yu'os Ma'åse!

--
Thanks!

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

Office of Senator Frank B. Aguon, Jr.

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

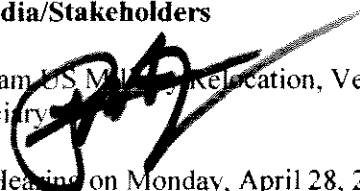
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



April 18, 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 on Monday, April 28, 2014 at 09:00AM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (**Sponsored by Senator Brant T. McCreddie**)
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (**Sponsored by Senator Brant T. McCreddie**)
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (**Sponsored by Senator Tommy Morrison**)
- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (**Sponsored by Senator Tommy Morrison**)
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (**Sponsored by Senator Tommy Morrison**)

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. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at committee@frankaguonjr.com or Matt Topasna via email at 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



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

MONDAY, APRIL 28, 2014
Public Hearing at 09:00 AM
Roundtable on Draft SEIS at 6:00 PM

AGENDA

- Bill No. 301-32 (COR)** - An Act to amend 5 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.
- Bill No. 302-32 (COR)** - An Act to repeal 5 73127 and to repeal and reenact 5 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. 2nd Public Hearing.
- Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 96CA relative to the Crime of Phishing.
- Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."
- Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."

ROUNDTABLE on Draft SEIS at 6:00 PM

Draft Supplemental Environmental Impact Statement (DSEIS) - Discussions on the Key Differences Between the 2010 Final (EIS) and the 2014 Draft SEIS (DSEIS); SEIS Timeline; Public Meeting Schedule to allow maximum public participation during the comment period.

The public hearing will be broadcasted on Docomo Pacific TV Channel 117 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) or e-mail: committee@frankaguonjr.com, or policy@frankaguonjr.com

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SECOND NOTICE - Public Hearing on Monday, April 28, 2014 at 9:00 AM

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Wed, Apr 23, 2014 at 12:06 PM

To: phnotice@guamlegislature.org

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

April 23, 2014

MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders

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

SUBJECT: SECOND NOTICE of Public Hearing on Monday, April 28, 2014 at 09:00 AM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

Bill No. 301-32 (COR) – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (**Sponsored by Senator Brant T. McCreadie**)

Bill No. 302-32 (COR) – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (**Sponsored by Senator Brant T. McCreadie**)

Bill No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (**Sponsored by Senator Tommy Morrison**)

Bill No. 318-32 (LS) - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (**Sponsored by Senator Tommy Morrison**)

Bill No. 319-32 (LS) - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (**Sponsored by Senator Tommy Morrison**)

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. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at committee@frankaguonjr.com_ or Matt Topasna via email at policy@frankaguonjr.com_ or please contact the office directly at 477-GUM1/2.

Si Yu'os Ma'ãse!

—

Thanks!

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

Office of Senator Frank B. Aguon, Jr.

155 Hesler 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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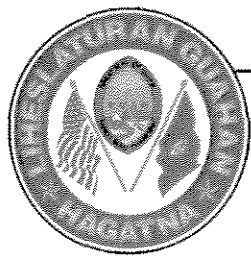
Adam Bearce <adam@guamlegislature.org>

Wed, Apr 23, 2014 at 12:13 PM

To: "Office of Sen. Frank B. Aguon, Jr." <committee@frankaguonjr.com>, Yong Pak <yong@guamlegislature.org>

Done

[Quoted text hidden]



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

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



April 23, 2014

MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders
FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary
SUBJECT: **SECOND NOTICE** of Public Hearing on Monday, April 28, 2014 at 09:00AM

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (Sponsored by Senator Brant T. McCreadie)
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- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (Sponsored by Senator Tommy Morrison)
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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.
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 Lumlaco
Committee Member

Senator
Thomas Morrison
Committee Member



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

MONDAY, APRIL 28, 2014
Public Hearing at 09:00 AM
Roundtable on Draft SEIS at 6:00 PM

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BIL No. 301-32 (COR) - An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.

BIL No. 302-32 (COR) - An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. **2nd Public Hearing.**

BIL No. 317-32 (LS) - An Act to Add a New Article 4 to Chapter 46 of 96CA relative to the Crime of Phishing.

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BIL No. 319-32 (LS) - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."

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**Listserv: phnotice@guamlegislature.org
As of March 13, 2014**

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aguon4guam@gmail.com
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alerta.jermaine@gmail.com
aline4families@gmail.com
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As of March 13, 2014**

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

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



Notified Stakeholders

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**Senator
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Committee Vice Chairperson

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Committee Member

**Senator
Rory J. Respicio**
Committee Member

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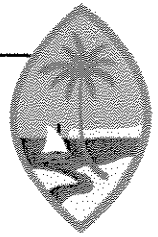
**Senator
Thomas Morrison**
Committee Member

- **All Senators/Stakeholders/Media Outlets**
- **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
 - Rafalle 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



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



April 18, 2014

The Honorable Eddie Baza Calvo
Governor of Guam

513 West Marine Corps Drive
Hagåtña, Guam 96910

Sent via email to: governor@guam.gov

RE: Public Hearing scheduled for Monday, April 28, 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 Monday, April 28, 2014 beginning at 9:00am at I Liheslaturan Guåhan. Included on the agenda are the following bills:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.
(Sponsored by Senator Brant T. McCreadie)
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.
(Sponsored by Senator Brant T. McCreadie)
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.
(Sponsored by Senator Tommy Morrison)
- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."
(Sponsored by Senator Tommy Morrison)
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."
(Sponsored by Senator Tommy Morrison)

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. 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. Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

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 | 32nd Guam Legislature

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
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GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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



April 18, 2014

The Honorable Madeleine Z. Bordallo
Congresswoman of Guam | Guam Delegate
120 Father Dueñas Avenue Suite 107
Hagåtña, Guam 96910
Sent via email to: madeleine.bordallo@mail.house.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

Buenas yan Hafa Adai!

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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 | 32nd Guam Legislature

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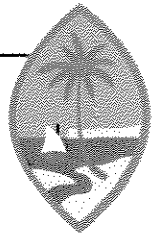
Senator
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Committee Member



COMMITTEE ON

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

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



April 18, 2014

The Honorable Robert J. Torres, Jr.
Chief Justice of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910

Sent via email to: rjtorres@guamsupremecourt.com

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

Buenas yan Hafa Adai!

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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 Guahan | 32nd Guam Legislature

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

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



April 18, 2014

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@guam.gov

RE: Public Hearing scheduled for Monday, April 28, 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 Monday, April 28, 2014 beginning at 9:00am at *Liheslaturan Guåhan*. Included on the agenda are the following bills:

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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 | 32nd Guam Legislature

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

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



April 18, 2014

Pedro A. Leon Guerrero, Jr.
Director, Guam Customs and Quarantine Agency
770 East Sunset Boulevard Airport Road
AB WonPat, Guam 96913
Sent via email to: pedro.leonguerrero@cga.guam.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

Buenas yan Hafu Adai!

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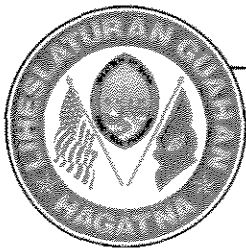
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Committee Member

**Senator
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**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lintiacio**
Committee Member

**Senator
Thomas Morrison**
Committee Member

April 18, 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@cga.guam.gov

RE: Public Hearing scheduled for Monday, April 28, 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 Monday, April 28, 2014 beginning at 9:00am at / Liheslaturan Guahan. Included on the agenda are the following bills:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.
(Sponsored by Senator Brant T. McCreadie)
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.
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If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. 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. Copies of the aforementioned Bill(s) may be obtained at Liheslaturan Guahan's website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

Respectfully,

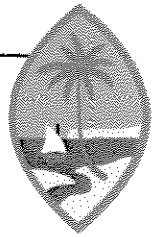
SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature



COMMITTEE ON

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

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



April 18, 2014

Ambrosio Constantino
Advisor, Guam Homeland Security

221B Chalan Palayso
Agana Heights, Guam 96910

Sent via email to: ambrosia.constantino@ghs.guam.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

Buenas yan Hafa Adai!

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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 | 32nd 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

Senator
FRANK B. AGUON, JR.
Committee Chairperson

Senator
Tina Muna-Barnes
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Speaker
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GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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



April 18, 2014

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

172 S. Marine Drive, Asan
Hagåtña, Guam 96910

Sent via email to: john.unpingco@gvao.guam.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
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Senator
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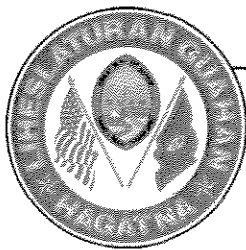
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GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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



April 18, 2014

James T. McDonald
Administrator, Office of Civil Defense
221B Chalan Palayso
Agana Heights, Guam 96910
Sent via email to: jim.mcdonald@ghs.guam.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
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**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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



April 18, 2014

The Honorable Leonardo G. Rapadas
Attorney General of Guam
237 W. O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: law@guamag.gov

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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Respectfully

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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
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GUAM U.S. MILITARY RELOCATION
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Thomas Morrison
Committee Member

April 18, 2014

Eric D. Miller
Executive Director, Public Defender Service Corporation
MVP Sinajana Commercial Bldg., Unit B
Sinajana, Guam 96910
Sent via email to: emiller@guampdsc.net

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



Sponsor Notification: Bill No. 317-32(LS), Bill No. 318-32(LS), Bill No. 319-32(LS)

11:03 AM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Tue, Apr 15, 2014 at 10:40 AM
To: Tommy Morrison <tommy@senatormorrison.com>
Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

April 15, 2014

To: THE HONORABLE THOMAS MORRISON

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. 317-32(LS); Bill No. 318-32(LS); and Bill No. 319-32(LS)
scheduled for Monday, April 28, 2014 at 9:00 AM.

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at on **Monday, April 28, 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. 317-32 (LS)** – An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.
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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'ase' !

—
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 | www.frankaguonjr.com

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SPONSOR NOTIFICATION BILL NO. 317-32_LS_-318-32_LS_-319-32_LS_.pdf
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COMMITTEE ON

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

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



April 15, 2014

**Senator
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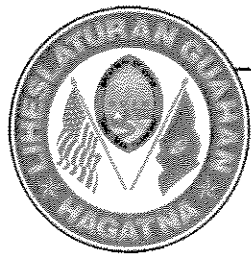
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**Senator
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Committee Member

**Senator
Thomas Morrison**
Committee Member

PUBLIC HEARING

Monday, April 28, 2014 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. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.
(Sponsored by Senator Brant T. McCreadie)
 - **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.
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(Sponsored by Senator Tommy Morrison)
- IV. Closing Remarks
- V. Adjournment

Three bills aim to tackle Internet crime

TUESDAY, 15 APR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 328



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WITH the growing proliferation of online scams, Sen. Tommy Morrison has introduced three bills that aim to protect Guam residents from Internet crimes.

"Guam law is not very strong in this area, and as we proceed into the Information Age, it is critical that we begin adopting laws that are consistent with evolving crime," Morrison said in a statement accompanying the bills.

Bill 317, the Anti-Phishing Act, punishes individuals who use deceptive means to steal bank account numbers, Social Security Numbers and passwords through the Internet. Phishing is the act of attempting to acquire information such as usernames, passwords and credit card details by masquerading as a trustworthy entity in an electronic communication.

The bill would make phishing a third-degree felony and fine criminals up to \$25,000 per violation. The bill would also allow victims to recover up to \$2 million in civil damages.

The second measure, Bill 318, The Computer Protection Act, would punish individuals who use computers and/or Internet connections of others for the purpose of spamming with the intent to deceive or mislead recipients or an electronic mail service provider as to the origin of the message.

The third piece of legislation, Bill 319, The Computer Spyware Protection Act, seeks to punish individuals who, without the knowledge or permission of the owner, place spyware on another person's computer. Spyware is used primarily for covertly tracking Internet users' movements on the Web and serving pop-up ads to users.

According to Morrison, the bills are necessary as Guam statute is currently limited in protecting Guam residents from these types of crimes.

"Guam must begin adopting laws that are relevant to criminal activity in the Information Age. We have seen more and more cases where people are receiving bogus emails, under the disguise of local banks, with the intent to defraud them of their hard-earned money," the senator said.



Sen. Tommy Morrison said Guam must begin adopting laws that are relevant to criminal activity in the Internet age. Variety file photo

Morrison Internet Bills Aim to Protect Island Residents Against Fraud

Last Updated on Tuesday, 15 April 2014 07:35
Written by News Release
Tuesday, 15 April 2014 07:23



Guam News - Guam News

Guam - Senator Morrison introduced three bills that protect Guam residents from Internet crimes, specifically in defrauding.

The three bills introduced are The Anti-Phishing Act, The Computer Protection Act, The Computer Spyware Protection Act.

"Guam law is not very strong in this area, and as we proceed into the Information Age, it is critical that we begin adopting laws that are consistent with evolving crime," Morrison said.

BREAD Bill #317 HERE

BREAD Bill #318 HERE

READ Bill #319 HERE

READ the release from Senator Morrison below:

MORRISON INTRODUCES 3 INTERNET CRIME BILLS

Bills protect Guam residents from Internet fraud.

FOR IMMEDIATE RELEASE

April 14, 2014

Hagatna, Guam. Senator Morrison introduced three bills today that protect Guam residents from Internet crimes. "Guam law is not very strong in this area, and as we proceed into the Information Age, it is critical that we begin adopting laws that are consistent with evolving crime," Morrison said.

The bills introduced address attempts to defraud Guam residents using the Internet:

Bill # 317-32 (LS): The Anti-Phishing Act- Punishes individuals who use deceptive means to steal bank account numbers, social security numbers, and passwords through the Internet. Phishing is the act of attempting to acquire information such as usernames, passwords, and credit card details by masquerading as a trustworthy entity in an electronic communication. The bill would make phishing a 3rd degree felony and fines criminals up to \$25,000 per violation. The bill would also allow victims to recover up to \$2,000,000 in civil damages.

Bill# 318-32 (LS): The Computer Protection Act- Punishes individuals who use the computers and/or internet connections of others for the purpose of spamming with the intent to deceive or mislead recipients or an electronic mail service provider as to the origin of the message.

Bill # 319-32 (LS): The Computer Spyware Protection Act- Punishes individuals who, without the knowledge or permission of the owner, place spyware on another person's computer. Spyware is used primarily for unknowingly tracking Internet users movements on the web and serving pop-up ads to users.

According to Senator Morrison, the bills are necessary as Guam statute is currently limited in protecting Guam residents from these types of crimes. "Guam must begin adopting laws that are relevant to criminal activity in the Information Age. We have seen more and more cases where people are receiving bogus emails, under the disguise of local banks, with the intent to defraud them of their hard earned money."

Crime legislation to be heard today

MONDAY, 28 APR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 52



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SEVERAL crime bills will be the subject of public hearings at the Guam Legislature today, including a set of measures which offer protection from Internet crimes and another set which seeks to introduce penalties for making false statements to law enforcers.

Sen. Frank Aguon, chairman of the judiciary committee, is to convene the public hearing at 9 a.m.

Among the bills to be heard are 301 and 302, introduced by Sen. Brant McCreadie, relative to making false statements to law enforcers.

As proposed by Bill 302, those caught making verbal or written false statements to a Guam Customs and Quarantine Agency officer would be guilty of a violation punishable by a fine of \$500 for the first offense, \$1,000 for a second offense and \$10,000 for the third and all subsequent offenses.

Under current Guam law, the customs agency does not have the ability to cite individuals who make false declarations.

McCreadie said the intent of the bill is to eventually eliminate prohibited items from entering Guam and gives the customs agency the mandate it needs to properly seize and eventually destroy illegal items.

False verbal statement

Bill 301 incorporates false or misleading verbal statements made to a peace officer as a punishable offense under the crime of unsworn falsification.

Under current law, the crime of unsworn falsification applies only to written false statements made to public servants as punishable and does not include a provision for a person who verbally misleads a public servant performing official duties.

According to the bill, police officers, customs agents and a range of public servants rely on interview and verbal questioning to obtain needed information in the performance of their official duties.

By adding a provision that sets a punishment for verbal unsworn falsifications, McCreadie said Guam peace officers will have the ability to arrest those who verbally mislead them with the intent of committing an action against the welfare of the people of Guam.

Internet crime

The committee will also hear Sen. Tommy Morrison's three measures seeking to protect Guam residents from Internet crimes.

Bill 317, the Anti-Phishing Act, punishes individuals who use deceptive means to steal bank account numbers, Social Security numbers and passwords through the Internet.

Phishing is the act of attempting to acquire information such as usernames, passwords and credit card details by masquerading as a trustworthy entity in an electronic communication.

The bill would make phishing a third-degree felony and fine criminals up to \$25,000 per violation. The bill would also allow victims to recover up to \$2 million in civil damages.

The second measure, Bill 318, The Computer Protection Act, would punish individuals who use computers and/or Internet connections of others for the purpose of spamming with the intent to deceive or mislead recipients or an electronic mail service provider as to the origin of the message.

The third piece of legislation, Bill 319, The Computer Spyware Protection Act, seeks to punish individuals who, without the knowledge or permission of the owner, place spyware on another person's computer. Spyware is used primarily for covertly tracking Internet users' movements on the Web and serving pop-up ads to users.

According to Morrison, the bills are necessary as Guam statute is currently limited in protecting Guam residents from these types of crimes.



COMMITTEE ON RULES

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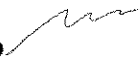
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 13, 2014

Memorandum

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

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

Subject: **Fiscal Notes**

Hafa Adai!

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

FISCAL NOTES:

Bill No. 306-32(COR)

Bill No. 317-32(LS)

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'!

2014 MAY 13 PM 2:35


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

MAY 13 2014

JOSE S. CALVO
DEPUTY DIRECTOR

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 on the following Bill Nos.: **306-32(COR) and 317-32(LS)**.

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. 317-32 (LS)**

AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9 GCA RELATIVE T THE CRIME OF PHISHING.

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:	-
Total Department/Agency Appropriation(s) to date:	\$ 11,817,973

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance			
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-068)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

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
Total	\$0	\$0	\$0	\$0	\$0	\$0

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

Analyst: <u>Matt Quinata</u>	Date: <u>MAY 13 2014</u>	Director: <u>John A. Rios, BBMR Director</u>	Date: <u>MAY 13 2014</u>
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Footnotes:
See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 317-32 (LS)

Comments

The proposed bill is to add a new article to Title 9 Guam Code Annotated to make phishing illegal on Guam. The government of Guam, as well as established financial institutions on Guam, have experienced recent phishing schemes which could have had huge potential financial losses. The cost of phishing in the United States, for a one year period, can be up to \$500 million dollars. This bill will make phishing/pharming a third degree felony coupled with a monetary fine or imprisonment. The inclusion of this activity as a felony and the ability to prosecute offenders will have a fiscal impact on our safety departments and programs in its enforcement and prosecution of this type of activity. As an example, the Department of Corrections will have to house guilty parties. Such mandatory incarceration would cost the Department of Corrections (DOC) approximately \$30,000 per inmate per year and would seriously task DOC in accommodating inmates in overcrowded conditions within the correctional facility. Additionally, the cost of training, investigation and prosecution of phishing and pharming would impact the Guam Police Department and the Attorney General's Office. However, such costs are unavailable at this time.



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Senator
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April 15, 2014

VIA E-MAIL

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. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)

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.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION “(B)” OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreddie V. Anthony Ada Chris M. Dueñas Michael T. Limtiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS “THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014”.
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

Bill Nos.	Sponsors	Title
316-32(LS)	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
317-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
318-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER PROTECTION ACT,”
319-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER SPYWARE PROTECTION ACT,”
320-32 (LS)	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.



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April 14, 2014

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. 317-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 317-32(LS)**.

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 GUÅHAN
2014 (SECOND) Regular Session

Bill No. 317-32 (LS)

Introduced by:

T. A. Morrison 

**AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA
RELATIVE TO THE CRIME OF PHISHING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is added to Chapter 46 of 9GCA to read as follows:

Article 4

Anti-Phishing Act

§46.400. Legislative Findings and Intent.

I Liheslaturan Guåhan finds Phishing or Pharming are acts that defraud someone by using a false web site or pretending to be a legitimate business on the Web and fraudulently obtaining identifying information. This act also enables lawsuits by Internet service providers and owners of web pages or trademarks that are used without authorization in the conduct of a violation.

It is the intent of *I Liheslatura* to ensure that phishing and pharming are illegal and that the Guam has the ability to prosecute the bad actors that prey on the residents of Guam. It is also the intent of *I Liheslatura* to enable lawsuits by Internet service providers and

2014 APR 14 PM 12:31


1 owners of web pages or trademarks that are used without authorization in the conduct of a
2 violation.

3
4 **§46.401. Definitions** As used in this Act:

5 1. “Entity” includes corporations, business trusts, estates, partnerships, limited
6 partnerships, limited liability partnerships, limited liability companies, associations,
7 organizations, joint ventures, governments, governmental subdivisions, agencies, or
8 instrumentalities, or any other legal entity, whether for profit or not-for-profit.

9 2. “Individual” means a natural person.

10 3. “Identifying information” means any information that can be used to access an
11 individual’s financial accounts or to obtain goods and services, including, but not limited
12 to: address, birth date, Social Security number, driver’s license number, non-driver
13 governmental identification number, telephone number, bank account number, student
14 identification, credit or debit card number, personal identification number, unique
15 biometric data, employee or payroll number, automated or electronic signature, computer
16 image, photograph, screen name or password. The term does not include information that
17 is lawfully obtained from publicly available information, or from Federal or local
18 government records lawfully made available to the general public.

19 4. “False pretenses” means the representation of a fact or circumstance which is not true
20 and is calculated to mislead.

21 5. “Web page” means a location that has a single uniform resource locator (URL) with
22 respect to the World Wide Web or another location that can be accessed on the Internet

23 **§46.402. Phishing and Pharming**

1 1. Phishing. – An individual or entity is guilty of phishing if, with intent to defraud or
2 injure an individual, or with knowledge that he is facilitating a fraud or injury to be
3 perpetrated by anyone:

4 (a) the actor makes any communication under false pretenses purporting to be by or
5 on behalf of a legitimate business, without the authority or approval of the business;
6 and

7 (b) the actor uses that communication to induce, request, or solicit any person to
8 provide identifying information or property.

9 2. Pharming. – An individual or entity is guilty of pharming if, with intent to defraud or
10 injure an individual, or with knowledge that he is facilitating a fraud or injury to be
11 perpetrated by anyone:

12 (a) creates or operates a webpage that represents itself as belonging to or being
13 associated with a legitimate business, without the authority or approval of such
14 business, and that may induce any user of the Internet to provide identifying
15 information or property; or

16 (b) alters a setting on a user’s computer or similar device or software program
17 through which the user may search the Internet and thereby causes any user of the
18 Internet to view a communication that represents itself as belonging to or being
19 associated with a legitimate business, which message has been created or is
20 operated without the authority or approval of such legitimate business and induces,
21 requests or solicits any user of the Internet to provide identifying information or
22 property.

23 **§46.403. Immunity for Disabling Phishing and Pharming Sites** No Internet registrar or
24 Internet service provider may be held liable under any provision of the laws of Guam for
25 removing or disabling access to an Internet domain name controlled or operated by such

1 registrar or by such provider or to content that resides on an Internet website or other
2 online location controlled or operated by such provider and that such provider believes in
3 good faith is used to engage in a violation of this Subchapter.

4 **§46.404. Violations**

5 1. A person who violates this section is guilty of a third degree felony, a fine not to exceed
6 Five Thousand (\$5,000) or imprisonment not to exceed Five (5) years, or both.

7 2. The following persons may bring a civil action against a person who violates this
8 subchapter.

9 (a) an Internet service provider who is adversely affected by the violation;

10 (b) an owner of a web page, computer server, or a trademark that is used without
11 authorization in the violation; or

12 (c) the Attorney General

13 3. Except as provided by paragraph 3, a person permitted to bring a civil action may
14 obtain either actual damages for a violation of this Act or a civil penalty not to exceed
15 One Hundred Fifty Thousand Dollars (\$150,000) per violation of this act.

16 **§46.405. Applicability** This Act shall apply to the discovery of phishing or pharming
17 incident that occurs on or after the effective date of this section. This act does not apply
18 to a telecommunications provider's or Internet service provider's good faith transmission
19 or routing of, or intermediate temporary storing or caching of, identifying information.

20 **§46.406. Severability clause.**

21 If any provision of this Act or its application to any person or circumstance is found to be
22 invalid or contrary to law, such invalidity *shall* not affect other provisions or application
23 of this Act which can be given effect without the invalid provisions or application, and to
24 this end the provisions of this Act are severable.

1

2 **§46.407. Effective date.** This Act shall take effect in one hundred twenty (120) days after
3 the date of enactment.