



JUN 08 2016

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

Speaker

I Mina' Trentai Tres Na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

VIA: *for: J.C.A.*
The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 311-33 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 311-33 (COR)- An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "revenge pornography."

Committee votes are as follows:

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

2016 JUN 10 PM 4:14

Respectfully,

[Signature]
SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



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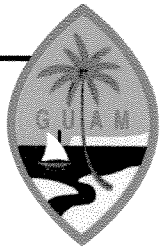
Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

COMMITTEE REPORT

ON

BILL NO. 311-33 (COR)

“An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as “revenge pornography.””



JUN 07 2016

MEMORANDUM

Senator
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Chairman

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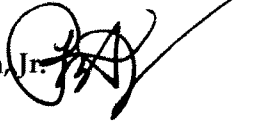
Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
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Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary

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

Subject: Committee Report on Bill No. 311-33 (COR)

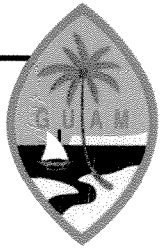
Transmitted herewith for your consideration is the Committee Report on Bill No. 311-33 (COR) - (An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "revenge pornography.")

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 311-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Notes/ Waivers
- Referral of Bill No. 311-33 (COR)
- Notices of Public Hearing
- 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'ase'!



COMMITTEE VOTING SHEET

Bill No. 311-33 (COR) – "An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "revenge pornography."" sponsored by Speaker J.T. Won Pat, Ed.D

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D Ex-Officio

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
4/07/14 AGUON, FRANK B., JR. Committee Chairperson		✓	✓			
ADA, THOMAS C. Committee Vice Chairperson		✓				
VICE-SPEAKER CRUZ, BENJAMIN J. F. Committee Member		✓				
RESPICIO, RORY J. Committee Member						
RODRIGUEZ, DENNIS G. JR. Committee Member		✓				
UNDERWOOD, NERISSA B. Ph.D. Committee Member						
ADA, V. ANTHONY Committee Member		✓				
BLAS, FRANK F., JR. Committee Member						
ESPALDON, JAMES V. Committee Member				✓		
MCCREADIE, BRANT T. Committee Member						
SPEAKER WON PAT, JUDITH T. Ed. D. Committee Member		✓				



COMMITTEE REPORT DIGEST

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FRANK B. AGUON, JR.
Chairman

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Vice Chairman

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Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

I. **OVERVIEW**

Bill No. 311-33 (COR) was introduced on May 4, 2016, by Speaker Judith T. Won Pat, Ed.D. and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on May 4, 2016.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 311-33 (COR) on a Wednesday, May, 25, 2016 at 11:00AM 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 on Wednesday, May 18, 2016 (5-Day Notice), and again on Monday, May 22, 2016 (48-Hour Notice).

Senators Present

- Senator Frank B. Aguon, Jr., Chairman
- Senator Tom Ada, Vice Chairman
- Speaker Judith T. Won Pat. Ed.D, Ex-Officio
- Vice Speaker B.J. Cruz, Committee Member
- Senator Brant McCreadie, Committee Member
- Senator V. Anthony Ada, Committee Member
- Senator Frank F. Blas, Jr., Committee Member
- Senator Mary Torres
- Senator Tommy Morrison

The public hearing was Called-to-Order at 11:00 AM.

II. **SUMMARY OF TESTIMONY & DISCUSSION**

Chairman Aguon:

Welcome to our people who are watching this particular session. This public hearing sponsored by the Committee on Guam, Public Safety, and Judiciary is hereby convened. In today's agenda we do have several items. The initial legislation or the bills that will be discussed are Bill No. 291-33 relative to custody and visitation of deployed military parents.

Chairman Aguon:

Bill No. 296-33, relative to training requirements for concealed carry licenses. Bill No. 309-33, which is relative to compensation or promotional opportunities for our law enforcement within the Guam Police Department and Bill No. 311-33 relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities otherwise known as revenge pornography. For the purposes of the discussion this morning, I am going to move the items around just slightly. We will entertain Bill No. 309-33 initially. We do have the Chief of Police and several individuals who would like to provide testimony and I know that the Chief of Police and his personnel are providing security for our off island delegations from Fest Pac, so we want to insure that they are given that opportunity to return and continue to carry out that particular mission. Aside from that we will go back to the sequence of the agenda. I would like to thank the Vice Chair Senator Tom Ada to my left. Thank you very much Mr. Vice Chair for joining us this morning. Senator Mary Torres. Thank you senator and Senator Brant McCreadie for joining us this morning. Thank you.

We will now proceed to Bill No. 311-33, which is. Chief can we get a copy of your chart? Thank you chief. The committee will proceed with Bill No.311-33, which is relative to unlawful distributions of images of persons depicted in a state of nudity or engaged sexual activities, otherwise known as "revenge pornography," and this is sponsored by Speaker Won Pat. I do have Mr. Andrew Quitugua signed up again to provide testimony and Chief Cruz from GPD. Speaker Won Pat, would you like to provide some comments?

Speaker Won Pat:

Yes, and thank you very much again Mr. Chairman. The intent and purpose of this piece of legislation is to raise awareness and to educate the public about the nature and the prevalence of online abuse. You know, this wasn't a problem many many years ago until of course the advent of technology and its just changing everyday. So working with technology, industry leaders and community development of the design base solutions to non consensual pornography and other forms of online abuse. We are also then, this is also advocating for state and federal legislation to prevent such abuse when appropriate. So currently in Guam, our laws prohibit anyone from using internet to harass another person by contacting them without revealing their identity or continuing to contact them after being told to stop or sending obscene material to someone who doesn't want it, or spreading false stories about others and then violators then will face a misdemeanor charge. Guam has a sexting law, but it's specifically for minors. Those under 18 are prohibited from using telecommunication devices to knowingly or recklessly send or receive photograph, video, depiction or other material that shows himself or herself of another minor in a state of nudity, and violators then also can be prosecuted. Most will be diverted to an educational program that seeks to discourage the repeat of such behavior. So that's for the minors. Current law however, does not address revenge pornography and Bill No. 311 seeks then to fill that gap and this bill yes was based in another law and specifically Arizona law that has withstood legal challenges. There are 28 states who have revenge porn laws. There are 11 states who have pending legislations and then 9 states with revenge porn have civil remedies and although there are other legislations that addresses some of these things in isolation of what it is they are trying to do, but because like I said with the advent of technology and how it's being used and it changes everyday there is nothing really that speaks to that specifically in terms to what we call revenge.

Speaker Won Pat:

If anyone should break up in a relationship and they want to hurt them, they can then send off those photos that is very damaging to anyone of these individuals. So that's in essence what Bill 311 you know will do. Thank you very much Mr. Chairman.

Chairman Aguon:

Thank you Speaker Won Pat. Chief Cruz. You're recognized.

Chief Cruz:

Good afternoon again Mr. Chairman.

[Written Testimony Attached]

Chairman Aguon:

Thank you very much Chief Cruz. Any questions for Chief Cruz? Senator Ada.

Vice Chairman Ada:

Yeah, I just have a. So a person, so this will be a felony or a misdemeanor?

Chief Cruz:

Misdemeanor based on Guam laws.

Vice Chairman Ada:

I just have a. So we basically are proposing this legislation to anybody who sends out these pornography or what not for purposes of revenge. Now, in order to get this to the court, the AG's Office is going to have to file charges correct. I mean basically you have to take it on to take it to court right?

Chief Cruz:

That is correct sir.

Vice Chairman Ada:

So it's going to have to take it's order in the queue of what other cases are in front of it. As opposed to and again, if this was to be made a civil, and this is where I'm stepping into an area that I know nothing of, but if it was a civil. How do you put it? How do you distinguish between the two where you don't need the AG to take it to court?

Chief Cruz:

Civil litigation.

Vice Chairman Ada:

Civil litigation sort of thing then that individual that sent that can basically take them to court and is liable to a law suit and I'm wondering if that wouldn't have more of an impact than if we were to require then if it was going to be a criminal case where it could take years probably to get it to court and maybe your thoughts on that.

Chief Cruz:

I would tell you Mr. Vice Chair that is something we can definitely take a look at. I think that for me to provide a better answer I would need to collaborate with the Attorney General herself and get her thoughts on that. I would tell you I think it is feasible. It is possible to make this an issue that is given or that is dealt with on the civil litigation side of the house versus the criminal side. Notwithstanding anything else and understanding the adjudication process and that it might on the criminal side, it has a tendency to take a lot longer. We see it in the Guam Police Department that there would be more teeth into the law if you will. If we were to make this criminal to hold somebody criminally liable versus civilly liable. I will tell you though that we also think that the two can work in tandem with each other. Not only could one be held criminally liable for this, arrested, charged, and then magistrate and have their day in court, but in addition to have a lawsuit filed against them as well. So the two can work in tandem with each other so that their rights are protected on both sides of the house. So I think from our perspective, from the Guam Police Department we see that approaching it from a criminal stand point and make it holding one criminally responsible will allow us to do our part that I just indicated where we can actually investigate this. If this becomes a civil manner, then it's the two parties to deal with it in court and the Guam Police Department will not necessarily get involved because it would be a civil manner. It wouldn't be a criminal matter. We enforce the criminal code on Guam. The Title 9. So we see it as if the intent of this bill is to hold people accountable, from our perspective as a police department, it would be better. Or the inclusion of criminal as well as civil would be better for the victims of this crime, but again, to understand this bill from a holistic point of view, again, I would need to confer with the Attorney General.

Vice Chairman Ada:

Sure and I would just cite for example I believe the fire codes. Before it was a criminal offense if you were cited and then now it's a criminal if after two or three violations. Then criminal charges could actually then be charged then you know if prior citations did not catch their attention. Thanks.

Chairman Aguon:

Thank you very much Senator Ada and thank you chief for your testimony this afternoon. Speaker Won Pat, Vice Speaker Cruz, Senator Tony Ada, Senator Tom Ada, Mr. Vice Chair, thank you very much for joining us in this public hearing. This concludes the public hearing on Bill No. 291, 296, 309, and 311 and the committee will continue to receive written testimony ten days, ten calendar days subsequent to this particular public hearing and just for the information of the senators and the public, there will be a committee roundtable discussion on the Public Defender's Service Corporation, which was originally scheduled from 3:30 this afternoon, it has been moved to the left. So it will be 3PM this afternoon, so I invite the public to tune in and understand what exactly the plans are for the Public Defender's Service Corporation.

Chairman Aguon:

Thank you very much and this concludes this particular public hearing.

The public hearing adjourned at 1:22 PM.

III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Wednesday, May 25th 2016 at 11:00AM in *I Liheslatura's* Public Hearing Room.

- 1. Mr. Joseph Cruz, Guam Police Department, Chief of Police**

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 311-33(COR) with the recommendation TO DO PASS.

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

Bill No. 311-331 (COP)

Introduced by:

J. T. Won Pat, Ed.D. 

2016 MAY -11 AM 9:28


AN ACT TO ADD A NEW § 28.110. TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL DISTRIBUTION OF IMAGES OF PERSONS DEPICTED IN A STATE OF NUDITY OR ENGAGED IN SEXUAL ACTIVITIES, OTHERWISE KNOWN AS “REVENGE PORNOGRAPHY.”

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

2 **Section 1.** A new §28.110 is hereby *added* to Chapter 28 of Title 9, Guam
3 Code Annotated, to read as follows:

4 **“§28.110. Unlawful Distribution of Images; Exceptions; Definitions; and**
5 **Penalties.**

6 (a) It is unlawful for a person to intentionally disclose, or intentionally cause
7 another person to disclose, including disclosing by electronic means, an
8 image of another person who is identifiable from the image itself or from
9 information displayed in connection with the image, or otherwise engaging
10 in revenge pornography, if *all* of the following apply:

11 (1) The person in the image is depicted in a state of nudity or is engaged
12 in sexual contact.

1 (2)The depicted person has a reasonable expectation of privacy.
2 Evidence that a person has sent an image to another person, including
3 through the use of an electronic device, does not, on its own, remove
4 the person's reasonable expectation of privacy for that image.

5 (3)The image is disclosed with the intent to harm, harass, intimidate,
6 threaten, or coerce the depicted person.

7 (b)This Section *shall not* apply to any of the following:

8 (1)Lawful and common practices of law enforcement;

9 (2)Reporting unlawful activity, or when permitted or required by law or
10 rule in legal proceedings;

11 (3)Lawful and common practices of medical treatment;

12 (4)Images involving voluntary exposure in a public or commercial
13 setting;

14 (5)An interactive computer service, as defined in 47 U.S.C. § 230(f)(2),
15 or an information service, as defined in 47 U.S.C. § 153, with regard
16 to content provided by another person; or

17 (6)Any disclosure that is made with the consent of the person who is
18 depicted in the image.

19 (c)For this Section's purposes:

20 (1)*Disclose* means display, distribute, publish, advertise, or offer.

21 (2)*Disclosing by electronic means* means delivery to an e-mail address,
22 mobile device, tablet, other electronic device, or disclosure on a
23 website.

24 (3)*Harm* means physical injury, financial injury, or serious emotional
25 distress.

26 (4)*Image* means a photograph, videotape, film, or digital recording.

1 (5) *Intimate parts* means the naked genitals, pubic area, buttocks, or
2 female nipple.

3 (6) *Sexual contact* means sexual intercourse, including genital–genital,
4 oral–genital, anal–genital, or oral–anal, whether between persons of
5 the same or opposite sex.

6 (7) *Reasonable expectation of privacy* means the person exhibits an actual
7 expectation of privacy and the expectation is reasonable.

8 (d) Notwithstanding any law to the contrary, any individual convicted under this
9 § 28.110 shall be as follows: (1) A person convicted of a first offense under
10 this § 28.110 shall be guilty of a misdemeanor and, upon conviction thereof,
11 shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned
12 for not more than one (1) year, or both; (2) A person convicted of a second
13 offense and any offense thereafter under this § 28.110 shall be guilty of a
14 third degree felony; (3) A minor convicted under this § 28.110 shall be
15 guilty of an offense of Illegal Use of a Computer Telecommunications
16 Device Involving a Minor, otherwise known as Sexting, as defined under 9
17 GCA § 28.100.

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Lihelaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN



Bill No. 311-33 (COR) - An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "revenge pornography." (Sponsor: J.T. Won Pat, Ed.D)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Andrew Antigua	APD (support)	737-3249	—	—	✓	
Joseph Cruz	GPD	475-2508	✓	✓	✓	



GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913
P.O. Box 23909 Barrigada, Guam 96921
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 475-3222

JOSEPH I. CRUZ
Chief of Police

WRITTEN TESTIMONY OF

JOSEPH I. CRUZ

Chief of Police, Guam Police Department

IN SUPPORT OF BILL 311-33(COR) -

**RELATIVE TO THE UNLAWFUL DISTRIBUTION OF IMAGES DEPICTED IN A
STATE OF NUDITY OR ENGAGED IN SEXUAL ACTIVITIES.**

Before the Committee on Guam U.S. Military

Relocation, Public Safety and Judiciary

33RD Guam Legislature

May 25, 2016

***Magof Ha'Ani yan Hafa Adal, Chairman Aguon and Members of the
Committee on Guam U.S. Military Relocation, Public Safety and Judiciary.***

I am Joseph I. Cruz, Chief of Police for the Guam Police Department, and I thank you for the opportunity to appear before you today in my official capacity along with key members of the Guam Police Department to render testimony in support of Bill 311-33 (COR).

EXECUTIVE SUMMARY

The Guam Police Department is in support of Bill 311-33, an act relative to the unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "Revenge Pornography". This Bill takes into consideration the lawful and legitimate use of nude

Images, and narrows the focus of those harmful acts that are intended to generate physical injury, financial injury, and emotional distress.

GPD investigates public indecency cases annually. Inclusive of the crime commonly known as "sexting", these crimes are categorized as Sex Crimes in the Uniform Crime Report and are distinctive from Sexual Assault or Forcible Rape cases which are categorized as Violent Crimes. GPD does not currently capture data related to "revenge pornography", but we are confident that if Bill 311-33 is passed into law we will not only understand the extent of the problem on Guam, but more importantly, GPD will have the opportunity to address the problem through law enforcement.


GPD has seen the rise in Sex Crimes cases reported to the police in the five-year trend from 2010 - 2014, which can be attributed to the passage of Public Law 31-09 which in part, criminalized "sexting", or "the use of a cell phone to send sexually suggestive texts or emails with nude or nearly nude photos." In 2010 and 2011 there were seventy-four (74) and seventy-six (76) cases of Sex Crimes reported to police, respectively. After the passage of PL 31-09 in 2011, there is an almost one hundred (100) case increase reported the following year in 2012; with a total of one hundred and seventy three (173) cases of Sex Crimes reported to police that year. In 2013 and 2014 there are over one hundred cases of Sex Crimes reported to police, with one hundred eleven (111) and one hundred ten (110), respectively. This is indicative of incidents that are under reported for reasons that stem from the inability of law enforcement to act, and we are confident that the passage of this Bill will provide victims of this act to come forward.

I would like to take this opportunity to thank this committee for allowing me to provide this testimony in support of Bill ^{4, 2011} ~~309~~-33 Mr. Chairman, this concludes my testimony, si Yu'os Ma' Ase para y tlempon miyu. At this point I am subject to any questions that you may have.

**WRITTEN TESTIMONY OF JOSEPH I. CRUZ, Chief of Police, GPD
IN SUPPORT OF BILL 311-33 (COR) – Relative to the unlawful distribution of images depicted in a state of nudity
or engaged in sexual activities.
Before the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary, 33rd Guam Legislature
May 25, 2016
Page 3 of 3**

Dated this 25th Day of May, 2016

Respectfully submitted,


JOSEPH I. CRUZ
Chief of Police



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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

Vice-Speaker
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Member

Legislative Secretary
Tina Rose Muna Barnes
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Senator
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member


V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

June 10, 2016

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

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. 311-33(COR)

Bill No. 312-33(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'!

2016 JUN 10 PM 2:01


**Bureau of Budget & Management Research
Fiscal Note of Bill No. 311-33 (COR)**

AN ACT TO ADD A NEW §28.110 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL DISTRIBUTION OF IMAGES OF PERSONS DEPICTED IN A STATE OF NUDDITY OR ENGAGED IN SEXUAL ACTIVITIES, OTHERWISE KNOWN AS "REVENGE PORNOGRAPHY."

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of the Attorney General	Dept./Agency Head: Elizabeth Barrett-Anderson, Attorney General
Department's General Fund (GF) appropriation(s) to date: (FY16 Appropriations)	\$ 16,165,153
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$ 16,165,153

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro.	\$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 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$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? /x/ N/A // Yes // 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
// Requested agency comments not received by due date // Other:

Analyst: Matthew Guinata Date: 6/8/16 Director: Jose S. Calvo Date: 6-10-16

Footnotes:
Bill 311-33 (COR) is relative to the unlawful distribution of images depicted in state of nudity or in sexual activity. The Office of the Attorney General (OAG) noted that it is unable to determine the fiscal impact of the bill because it is basically a newly proposed crime. This bill will expand the scope of work of the OAG as it will include minors and adults in its population of cases. With this being a new type of crime, the OAG is not able to determine the number of cases that may come into its office. It should be noted that Section 1 of the bill specifies a fine of not more than \$1,000, imprisonment or both for first offenses.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd 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

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
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Senator
Dennis G. Rodriguez, Jr.
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

May 4, 2016

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 309-33(LS) through 311-33(COR)

Hafa Adai Mr. Calvo:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
309-33 (LS)	Brant T. McCreadie V. Anthony Ada Frank F. Blas, Jr. FRANK B. AGUON, JR Dennis G. Rodriguez, Jr. Tommy Morrison R. J. Respicio	AN ACT TO ADD A NEW SECTION 3A TO CHAPTER XIV OF PUBLIC LAW 33-66.
310-33 (LS)	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND 4 GCA § 6221.1 RELATIVE TO ESTABLISHING A PROMISED COMPENSATION POLICY FOR GOVERNMENT OF GUAM EMPLOYEES.
311-33 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW § 28.110. TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL DISTRIBUTION OF IMAGES OF PERSONS DEPICTED IN A STATE OF NUDITY OR ENGAGED IN SEXUAL ACTIVITIES, OTHERWISE KNOWN AS "REVENGE PORNOGRAPHY."



COMMITTEE ON RULES

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MINORITY LEADER

Mary C. Torres


MINORITY MEMBER

May 4, 2016

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. 311-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 311-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres 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 Tres 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
311-33 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW § 28.110. TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL DISTRIBUTION OF IMAGES OF PERSONS DEPICTED IN A STATE OF NUDITY OR ENGAGED IN SEXUAL ACTIVITIES, OTHERWISE KNOWN AS "REVENGE PORNOGRAPHY."	05/04/16 9:28 a.m.	05/04/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			



Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33rd GUAM LEGISLATURE

Notified Stakeholders

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Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Roy J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
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Senator
Dr. Nerissa B. Underwood,
Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

- All Senators / Stakeholders / Media
- Governor Eddie B. Calvo
- Lieutenant Governor Ray Tenorio
- Congresswoman Madeleine Z. Bordallo
- Chief Justice Robert J. Torres
 - Joshua Tenorio, Administrator of the Courts
- Special Assistant to the Governor on Military Buildup & Infrastructure
 - Mark Calvo
- Guam Customs & Quarantine Agency
 - Philip Taijeron, Assistant Chief
- Guam Police Department
 - Joseph I. Cruz, Chief
- Antonio Won Pat International Airport
 - Charles Ada, General Manager
 - Edward Untalan, Chairman of the Board
- Guam Airport Police
 - Bob Camacho, Chief
- Guam Port Authority Police
 - Doris Aguero, Chief
- Guam Fire Department
 - Joey San Nicolas, Chief
- Department of Corrections
 - Jose A. San Agustin, Director
 - Carla Borja, Deputy Director
- Guam Department of Parks and Recreation
 - Robert Lizama, Director
- Office of the Attorney General
 - Attorney Elizabeth Barrett-Anderson
- Public Defender Service Corporation
 - Stephen Hattori, Public Defender
- Department of Land Management
 - Michael JB Borja, Director
 - David V. Camacho, Deputy Director
 - Marvin Q. Aguilar, Chief Planner
- Guam National Guard
 - Brigadier General Roderick R. Leon Guerrero, Adjutant General
- Department of Administration
 - Christine Baleto, Director
- Attorney Bill Pesch

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) |
EMAIL: AGUON4GUAM@GMAIL.COM



Niel Tirador <committee@frankaguonjr.com>

1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, May 18, 2016 at 8:38 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

May 18, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing and Roundtable on Wednesday, May 25, 2016**, in the *I Liheslatura* Public Hearing Room with the following schedule:

Public Hearing at 11:00 A.M – Included on the agenda are the following Bills:

- **Bill No. 291-33 (COR):** - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents. (*Sponsor: Senator M.C. Torres*)
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Roundtable at 3:30 P.M. – Included on the agenda are the following:

- Public Defender Service Corporation 2016~2019 Strategic Planning Presentation

5/23/2016

Office of Senator Frank B. Aguon, Jr. Mail - 1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

The Hearing will broadcast on local television, GTA Channel 21 and Docomo Channel 117 or streamed online at: www.guamlegislature.com.

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—
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATÑA, GUAM 96910

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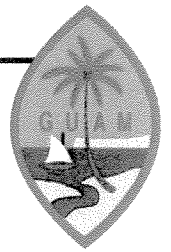
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1ST NOTICE PUBLIC HEARING 25-MAY-16.pdf

502K



May 18, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahån | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

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Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio



Niel Tirador <committee@frankaguonjr.com>

2ND Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Mon, May 23, 2016 at 8:19 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

May 23, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 2ND Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

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–

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

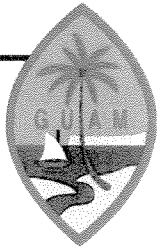
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 **2ND NOTICE PUBLIC HEARING 25-MAY-16.pdf**
502K



May 23, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **2ND Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016**

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Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

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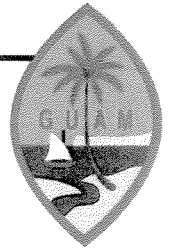
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Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio



May 18, 2016

The Honorable Edward J. Calvo
Governor of Guam

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

Sent via email to: governor@guam.gov

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslatura Guahan | 33rd Guam Legislature

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Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

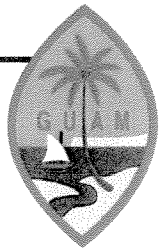
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Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio



May 18, 2016

The Honorable Ray Tenorio
Lieutenant Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: ray.tenorio@guam.gov

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
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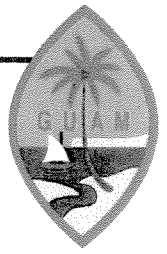
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May 18, 2016

Honorable Madeleine Z. Bordallo
Congresswoman

120 Father Duenas Avenue, Suite 107
Hagåtña, Guam 96910

Transmitted via Email to: gu00ima@mail.house.gov

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May 18, 2016

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

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

Sent via email to: rjtorres@guamsupremecourt.com

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Mr. Joshua Tenorio
Administrator of Courts
Judiciary of Guam

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

Sent via email to: jtenorio@guamcourts.org

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The Honorable Elizabeth Barrett Anderson
Attorney General of Guam
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913
Sent via email to: ebanderson@guamag.org

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May 18, 2016

Brigadier General Roderick R. Leon Guerrero
Adjutant General
Guam National Guard

Transmitted via Email to: roderick.r.leonguerrero.mil@mail.mil

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

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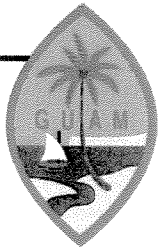
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Chief Joseph I. Cruz
Chief of Police
Guam Police Department
Bldg 13-16A Mariner Ave.
Tiyán, Barrigada, Guam 96913
Sent via email to: joseph.i.cruz@gpd.guam.gov

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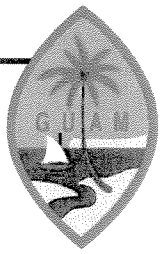

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I Mina' Trentai Tres Na Liheslatura Guahan | 33rd Guam Legislature

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Mrs. Christine Baleto
Director, Department of Administration
590 South Marine Corps Drive
Suite 224, ITC Building
Tamuning, Guam 96913
Transmitted via Email to: Christine.baleto@doa.guam.gov

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing and Roundtable on Wednesday, May 25, 2016**, in the *I Liheslatura* Public Hearing Room with the following schedule:

Public Hearing at 11:00 A.M.— Included on the agenda are the following Bills:

- **Bill No. 291-33 (COR):** - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents. (*Sponsor: Senator M.C. Torres*)
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Roundtable at 3:30 P.M.— Included on the agenda are the following:

- Public Defender Service Corporation 2016-2019 Strategic Planning Presentation

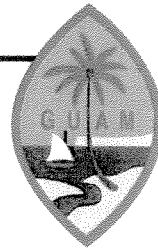
The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslatura Guahan*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact Lawrence Alcairo/Niel Tirador at 475-4861/2 or email at committee@frankaguonjr.com. Please feel free to contact my office should you have any additional questions or concerns. We look forward to your participation and attendance.

Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslatura Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
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May 18, 2016

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Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

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Dennis G. Rodriguez, Jr.
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Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
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Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

Attorney William (Bill) Pesch

173 Aspinall Avenue,
Ada Plaza Building, Suite 203,
Hagatna, GU 96910

Sent via email to: guamfamilylawoffice@gmail.com

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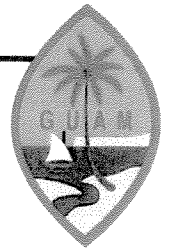
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Dr. Judith T. Won Pat. Ed.D
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Attorney Stephen P. Hattori
Executive Director, Public Defender Service Corporation
MVP Sinajana Commercial Bldg., Unit B
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Sent via email to: sphattori@guamapd.net

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Public Hearing Notice Listserv
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Updated: May 9, 2016

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Updated: May 9, 2016

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PUBLIC HEARING AGENDA

Wednesday, May 25, 2016 at 11:00 AM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
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V. Anthony Ada
Member

Senator
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Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

I. Call to Order at 11:00AM

II. Opening remarks/Announcements

- **Bill No. 291-33 (COR)** - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents. (*Sponsor: Senator M.C. Torres*)
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III. Closing Remarks

IV. Adjournment

Won Pat Introduces Bill to Criminalize 'Revenge Porn'

I MINA TRENTAI TRES NA LIHESLAYURAN GUÁHAN
2016 (SECOND) Regular Session

Bill No. 311 (S)

Introduced by:

J. T. Won Pat, Ed.D. 

Handwritten note: Bill 311 (S)

AN ACT TO *ADD* A NEW § 28.110. TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL DISTRIBUTION OF IMAGES OF PERSONS DEPICTED IN A STATE OF NUDITY OR ENGAGED IN SEXUAL ACTIVITIES, OTHERWISE KNOWN AS "REVENGE PORNOGRAPHY."

Currently, 28 states have some form of revenge porn laws.

Guam - Speaker Judi Won Pat has introduced a bill that would criminalize what is commonly referred to as "revenge porn."

Bill 311 also criminalizes "sexting" among minors. The bill proposes to punish those who intentionally disclose or cause others to disclose nude or sexually explicit images or videos of another person with the intent to harm, harass, intimidate, threaten or coerce the victim. Under the bill, the first offense would be considered a

misdemeanor and the second offense a third-degree felony.

"It's a very different culture altogether when you think about social media and how now, you can send things like this and once it's out there in the inverse someone can always retrieve it, really stop and think about even before you decide to take a picture of yourself you consider private because once its out in the internet, it's not really private so i just want to caution everybody to think about their actions," said won pat.

Currently, 28 states have some form of revenge porn laws.