

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
273-32 (COR)	Aline A. Yamashita, PhD., Judith T. Won Pat, Ed.D. T. R. MUÑA BARNES	AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY	2/12/2014 10.45 a.m.	02/12/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	02/25/14 9 a.m.		Fiscal Note Requested 02/13/14 Fiscal Note Received 3/19/14



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 19, 2014

Memorandum

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

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

Subject: **Waivers**

Hafa Adai!

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

WAIVERS:

Bill No. 272-32(COR)

Bill No. 273-32(COR)

Bill No. 289-32(COR)

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

Si Yu'os ma'åse'!

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2014 MAR 19 9:22

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

MAR 18 2014

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

Hafa Adai Senator Respicio:

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

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

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

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

MAR 18 2014

The Bureau requests that Bill No(s). 273-32 (COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 273-32 (COR) intents to repeal § 70.35 of Chapter 70, Title 9, Guam Code Annotated and to add new § 70.35 to Chapter 28 of Title 9, Guam Code Annotated to strengthen the laws regarding invasion of privacy, its penalties, definitions, and to balance privacy rights in circumstances where surveillance may be legitimate.

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


JOHN A. RIOS
Director



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Senator
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Member

February 13, 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. 269-32(LS) through 274-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,


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

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
269-32 (LS)	<p>Committee on Rules, Federal, Foreign, & Micronesian Affairs, Human & Natural Resources, and Election Reform by request of I Maga'lahaenGuåhan, the Governor of Guam, in accordance with the Organic Act of Guam.</p>	<p>AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.</p>
270-32 (COR)	<p>Dennis G. Rodriguez, Jr.</p>	<p>AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE PROCESS BY WHICH A PERSON MAY SEEK REMOVAL OF HIS/HER NAME FROM THE FAMILY VIOLENCE REGISTRY DATABASE, TO BE CODIFIED UNDER A NEW ARTICLE 3 IN CHAPTER 1 OF TITLE 19 - LAW, GUAM ADMINISTRATIVE RULES AND REGULATIONS.</p>
271-32 (COR)	<p>FRANK B. AGUON, JR. T. C. Ada V. Anthony Ada Aline A. Yamashita, Ph.D.</p>	<p>AN ACT TO ADD A NEW §67102.2 TO CHAPTER 67, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO GRANTING THE GUAM VETERANS COMMISSION THE AUTHORITY TO IMPLEMENT A COMPREHENSIVE MASTER PLAN TOWARDS THE ESTABLISHMENT OF "I SENGSONG BETERANUN GUAHAN - GUAM VETERANS VILLAGE," WHICH SHALL SERVE AS A ONE- STOP VETERANS SERVICE CENTER; AND FOR OTHER PURPOSES.</p>
272-32 (COR)	<p>Brant T. McCreadie</p>	<p>AN ACT TO ADD A NEW §80.37.6 TO CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO ENHANCED SENTENCES FOR VULNERABLE VICTIMS, WHICH MAY BE CITED AS THE "VULNERABLE VICTIMS ACT OF 2014".</p>
273-32 (COR)	<p>Aline A. Yamashita, PhD., Judith T. Won Pat, Ed.D. T. R. MUÑA BARNES</p>	<p>AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INVASION OF PRIVACY.</p>
274-32 (COR)	<p>Aline A. Yamashita, PhD V. Anthony Ada Judith T. Won Pat, Ed.D. B. J.F. Cruz</p>	<p>AN ACT AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO IMPLEMENT A STATE PRESCHOOL PROGRAM BY ADDING A NEW SECTION 6101.1; AND TO ADJUST THE COMPULSORY AGE OF SCHOOL ATTENDANCE BY AMENDING SECTIONS 6102, 6103, 6104, 6105, 6105.1 AND 6106; AND TO ESTABLISH THE PRESCHOOL DAY AND YEAR BY ADDING A NEW SECTION 6121 ALLOF ARTICLE 1, DIVISION 2, CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED.</p>



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Aline Yamashita
Member

February 12, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

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

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

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

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

Si Yu'os Ma'åse!

Attachment

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

Bill No. 273-32 (COK)

Introduced by

Aline A. Yamashita, PhD
Judith T. Won Pat, Ed.D.
T.R. MUÑA BARNES

**AN ACT REPEAL § 70.35 OF CHAPTER 70, TITLE 9, GUAM
CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO
CHAPTER 28 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO INVASION OF PRIVACY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
3 the community of Guam is disturbed that its laws have not kept pace with audio,
4 video and electronic digital camera technology which, though designed to heighten
5 the quality of life, can also be used for nefarious or perverse purposes. *I Liheslatura*
6 further finds that recently, a man, convicted for using electronic audio/video
7 technology or cameras to engage in surreptitious surveillance of women using
8 restroom facilities, only faced a misdemeanor penalty. The victims in this case
9 suffered not only a gross and severe invasion of their privacy, but a violation of their
10 personal and physical dignity, in addition to other psychological harm.

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Handwritten signature

1 *I Liheslaturan Guahan intends to address this serious problem which bears in*
2 *mind the need to balance privacy rights in circumstances where surveillance may be*
3 *legitimate.*

4 **Section 2.** Section 70.35 of Chapter 70 of Title 9, Guam Code Annotated, is
5 hereby repealed:

6 ~~§ 70.35. Invasion of Privacy: Penalty; Definitions.~~

7 ~~(a) A person commits a misdemeanor if, except as authorized by law, if he:~~

8 ~~(1) trespasses on property with intent to subject anyone to eavesdropping or other~~
9 ~~surveillance in a private place;~~

10 ~~(2) installs in any private place, without the consent of the person or persons entitled~~
11 ~~to privacy there, any device for observing, photographing, recording, amplifying or~~
12 ~~broadcasting sounds or events in such place, or uses any such unauthorized~~
13 ~~installation;~~

14 ~~(3) installs or uses outside a private place any device for hearing, recording,~~
15 ~~amplifying or broadcasting sounds originating in such place which would not~~
16 ~~ordinarily be audible or comprehensible outside, without the consent of the person~~
17 ~~or persons entitled to privacy there;~~

18 ~~(4) intercepts without the consent of the sender or receiver a message by telephone,~~
19 ~~telegraph, letter or other means of communicating privately; but this Paragraph does~~
20 ~~not extend to:~~

1 ~~(A) overhearing of messages through a regularly installed instrument on a~~
2 ~~telephone party line or on an extension; or~~
3 ~~(B) interception by the telephone company or subscriber incident to~~
4 ~~enforcement of regulations limiting use of the facilities or to other normal~~
5 ~~operation and use; or~~
6 ~~(5) divulges without the consent of the sender or receiver the existence or contents~~
7 ~~of any message described in Paragraph (4) if the defendant knows that the message~~
8 ~~was illegally intercepted, or if he learned of the message in the course of employment~~
9 ~~with an agency engaged in transmitting it.~~

10

11 **Section 3.** A new Article 3 is hereby added to Chapter 28 of Title 9, Guam
12 Code Annotated, to read:

13

“ARTICLE 3

14

§ 70.35. INVASION OF PRIVACY: PENALTY: DEFINITIONS

15 (a) A person commits a misdemeanor if, except as authorized by law, he:

16 (1) Knowing that he is not licensed or privileged to do so, enters or
17 surreptitiously remains on property for the intent to subject anyone to
18 eavesdropping or to non-consented observation in a private place; or

1 (2) Knowing that he is not licensed or privileged to do so, looks through a
2 hole or opening of a bedroom, bathroom, changing room, fitting room,
3 dressing room or the interior of any other area in which the occupant has a
4 reasonable expectation of privacy, with the intent to subject the occupant to
5 non-consented observations; or

6 (3) Installs in any private place any device for observing, photographic,
7 recording, amplifying or broadcasting sounds or events in such private place,
8 without the consent of at least one person entitled to privacy there or the owner
9 or possessor of such private place; or

10 (4) Installs in any private place any device for hearing, recording, amplifying,
11 or broadcasting sounds originated in such private place which would not
12 ordinarily be audible or comprehensible of at least one person entitled to
13 privacy there or the owner or possessor of such private place; or

14 (5) Intercepts without the consent of the sender or receiver a message by
15 telephone, telegraph, letter or other means of communicating privately; but
16 this paragraph does not extend to:

17 (A) overhearing of messages through a regularly installed instrument
18 on a telephone party line or on an extension; or

1 (B) interception by the telephone company or subscriber incident to
2 enforcement of regulations limiting use of the facilities or to other
3 normal operation and use; or

4 (6) Divulges without the consent of the sender or receiver the existence of
5 contents of any message described in paragraph (4) if the defendant knows
6 that the message was illegally intercepted, or if he learned of the message in
7 the course of employment with an agency engaged in transmitting it.

8 (b) Whoever uses or attempts to use any device for hearing, observing,
9 photographing, recording, amplifying or broadcasting in violation of (a)(1) or (a)(2)
10 *supra*, is guilty of a felony of the third degree.

11 **Section 4.** Effective Date. This Act shall become effective upon enactment.

12 **Section 5.** Severability. *If* any of the provisions of this law or its application
13 to any person or circumstance is found to be invalid or contrary to law, such
14 invalidity *shall* not affect other provisions or applications of this law which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this law are severable