

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.		Fiscal Note Request 4/15/14 Fiscal Note Received 4/15/14



COMMITTEE ON RULES

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

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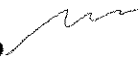
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Member
MINORITY LEADER

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

- 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 Day: MAY 13 2014 Director: John A. Rios, 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.



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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

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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.