

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 |
|--------------------|--------------------|--|------------------------|---------------|--|---|-----------------------------|---|
| 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," | 04/14/14 12:32 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. | 6/16/14 4:14 p.m. | Fiscal Note Request 4/15/14 Fiscal Note Received 7/14/14 |
| | DATE PASSED | TITLE | TRANSMITTED | | DUE DATE | <small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small> | PUBLIC LAW NO. | NOTES |
| | 7/1/2014 | AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE "COMPUTER SPYWARE PROTECTION ACT." | 7/2/14 | 9:10 a.m. | 07/14/14 | | | PASSED |



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

July 14, 2014

Memorandum

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

From: **Senator Thomas C. Ada** *THA*
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. 319-32(LS)

Bill No. 359-32(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'!

2014 JUL 14 PM 1:29

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

JUL 09 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 No.: 319-32(LS) and 359-32(COR).

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


 ANTHONY C. BLAZ
Acting Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of 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."

| Department/Agency Appropriation Information | |
|---|--|
| Dept./Agency Affected: Unified Judiciary | Dept./Agency Head: Robert J. Torres, Chief Justice |
| Department's General Fund (GF) appropriation(s) to date: | 27,223,785 |
| Department's Other Fund (Specify) appropriation(s) to date: | 146,205 |
| Total Department/Agency Appropriation(s) to date: | \$27,369,990 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2013 Unreserved Fund Balance | | \$0 | \$0 |
| FY 2014 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2014 Appro. (P.L. 32-68 through P.L. 32-164) | \$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 |
| | 1/ | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | 1/ | \$0 | \$0 | \$0 | \$0 | \$0 |

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

8/6/2014

Analyst: Jason Baza Date: 7/27/14 Director: José S. Castro Date: JUL 09 2014
 Jason Baza, BMA I José S. Castro, Acting Director

Footnotes:
 1/ See attached comments.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 319-32 (LS)
(for revenue generating provisions)

| Projected Multi-Year Revenues | | | | | |
|-------------------------------|------------|------------|------------|------------|------------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Fund: | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 |

Comments:

1/ See attached comments.

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 319-32 (LS)**

The proposed legislation is aimed at creating the "Computer Spyware Protection Act". Infractions against the "Computer Spyware Protection Act" are outlined to include acts that violate an individual's privacy, increase any person's risk of identity theft, and/or cause serious degradation to personal and business computers that can result in monetary loss of productivity.

The proposed legislation stipulates that the attorney general and any internet service provider, software company, or trademark owner whose products have been used in the conducting of the outlined violations of this act can file a civil action against the individual(s) who utilized such products.

All violators, if found guilty of the provisions of this act, would need to pay the appropriate fines ranging from the amounts of at least \$1,000 and not to exceed \$1,000,000. The court has the authority to increase the assessed fine by no more than three times the amount to be recovered by the internet provider, software company, or trademark owner if the violator is determined to have committed the violation willfully and knowingly.

This proposed legislation is administrative in nature, which the above stated fines would be implemented on the person(s) found guilty of violating the "Computer Spyware Protection Act". However, because the proposed act will allow civil suits to be filed for violations regarding spyware/malware, there is a potential of revenue to be received by the Unified Judiciary. To file a civil suit, the Bureau predicts that the following fees be implemented:

- Complaint, Petition or Other First Paper in Civil or Special Proceedings (\$300.00)
- Issuance of Summons, Alias, Summons, Amended Summons (\$14.00)
- Abstract of Judgment (\$20.00)
- Subpoena Fees (all categories) (\$10.00)
- Issuing Writ of Execution, Attachment Sale, Possession (\$40.00)
- Notice of Motion, Order to Show Cause, ExParte Motion, and any filing requiring a Court hearing subsequent to first filing the case (\$20.00)
- Demand for Jury of Six (\$200.00)
- Court Costs (at a minimum) (\$80.00)
- (Marshals Fees) Judgment Debtor Examination (\$40.00)
- (Marshals Fees) Motion (\$30.00)
- (Marshals Fees) Notice (\$40.00)
- (Marshals Fees) Summons (\$40.00)
- (Marshals Fees) Certificate of Sale/Redemption (\$30.00)
- (Marshals Fees) Subpoenas (\$20.00)
- (Marshals Fees) Warrant of Arrest (\$75.00)
- (Marshals Fees) Marshal Mileage Fee (\$30.00)
- FBI Automated Finger Print Identification System (\$47.00)

The Bureau estimates that the amount of \$1,036 will be received by the Unified Judiciary in the form of civil suit court fees. It should be noted that the above stated court fees may not be the only chargeable items in the entirety of a civil suit case in the Guam court system.

If the proposed legislation were to become law, the "Computer Spyware Protection Act" would enable the filing of a civil suit against individuals who use spyware/malware to violate any individual's privacy. The Bureau estimates that one civil suit constitutes to approximately \$1,036 to be received by the Unified Judiciary, at a minimum.



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

July 1, 2014

The Honorable Edward J.B. Calvo

I Maga'lahaen Guåhan

Ufisinan I Maga'lahi

Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 9:10 AM DATE 7/2/14

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 249-32 (COR), 312-32 (LS), 316-32 (LS), 317-32 (LS), 318-32 (COR), 319-32 (LS), 340-32 (COR) and 355-32 (COR), which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on July 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (8)

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

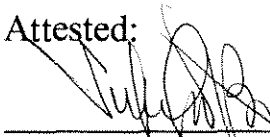
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 319-32 (LS), "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE "COMPUTER SPYWARE PROTECTION ACT," was on the 1st day of July, 2014, duly and regularly passed.



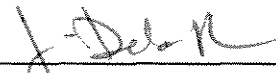
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 2nd day of July,
2014, at 9:10 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 319-32 (LS)

Introduced by:

Tommy Morrison
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiacó
Brant T. McCreddie
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER 46,
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE “COMPUTER SPYWARE
PROTECTION ACT.”**

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

2 **Section 1.** A new Article 6 is *added* to Chapter 46 of Title 9, Guam Code
3 Annotated, to read:

4 **“ARTICLE 6**

5 **COMPUTER SPYWARE PROTECTION ACT**

1 **§ 46.601. Title.** This Act may be cited as the “Computer Spyware
2 Protection Act.”

3 **§ 46.602. Legislative Findings and Intent.** *I Liheslaturan*
4 *Guåhan* finds that spyware is a problem that adversely affects nearly every
5 computer connected to the internet. Spyware is a catch-all term for computer
6 programs that can track computer users’ movements online. There are
7 hundreds of programs that range from innocuous “ad-ware,” which
8 generates pop-up advertisements, to more dangerous programs that can
9 record a user’s keystrokes to gather personal information, such as credit card
10 numbers and passwords, without their knowledge, and forward this
11 information to another entity without the consumer’s consent. Spyware is a
12 serious problem that can create substantial privacy risks, increase the risk of
13 identity theft, and cause serious degradation to personal and business
14 computers that can cost millions of dollars in lost productivity.

15 It is the intent of *I Liheslatura* to protect owners and operators of
16 computers on Guam from the use of spyware and malware that is
17 deceptively or surreptitiously installed on the owner’s or the operator’s
18 computer.

19 **§ 46.603. Definitions.**

20 (a) *Cause to be copied* means to distribute or transfer
21 computer software, or any component thereof. Such term *shall not*
22 include providing:

23 (1) a transmission, routing, provision of intermediate
24 temporary storage, or caching of software;

25 (2) a storage or hosting medium, such as a compact
26 disk, website, or computer server through which the software
27 was distributed by a third party; or

1 (3) an information location tool, such as a directory,
2 index, reference, pointer, or hypertext link, through which the
3 user of the computer located the software.

4 (b) *Computer software* means a sequence of instructions
5 written in any programming language that is executed on a computer.
6 Computer software *does not* include a data component of a web page
7 that is *not* executable independently of the web page.

8 (c) *Computer virus* means a computer program or other set
9 of instructions that is designed to degrade the performance of, or
10 disable, a computer or computer network, and is designed to have the
11 ability to replicate itself on other computers or computer networks
12 without the authorization of the owners of those computers or
13 computer networks.

14 (d) *Damage* means any significant impairment to the
15 integrity or availability of data, software, a system, or information.

16 (e) *Execute*, when used with respect to computer software,
17 means the performance of the functions or the carrying out of the
18 instructions of the computer software.

19 (f) *Intentionally deceptive* means any of the following:

20 (1) an intentionally and materially false or fraudulent
21 statement;

22 (2) a statement or description that intentionally omits
23 or misrepresents material information in order to deceive an
24 owner or operator of a computer; or

25 (3) an intentional and material failure to provide a
26 notice to an owner or operator regarding the installation or

1 execution of computer software for the purpose of deceiving the
2 owner or operator.

3 (g) *Internet* means the global information system that is
4 logically linked together by a globally unique address space based on
5 the internet protocol (IP), or its subsequent extensions, and that is able
6 to support communications using the transmission control
7 protocol/internet protocol (TCP/IP) suite, or its subsequent extensions,
8 or other IP-compatible protocols, and that provides, uses, or makes
9 accessible, either publicly or privately, high-level services layered on
10 the communications and related infrastructure described in this
11 Subsection.

12 (h) *Owner or operator* means the owner or lessee of a
13 computer, or a person using such computer with the owner or lessee's
14 authorization, but *does not* include a person who owned a computer
15 prior to the first retail sale of the computer.

16 (i) *Message* means a graphical or text communication
17 presented to an authorized user of a computer.

18 (j) *Person* means any individual, partnership, corporation,
19 limited liability company, or other organization, or any combination
20 thereof.

21 (k) *Personally identifiable information* means any of the
22 following information if it allows the entity holding the information to
23 identify the owner or operator of a computer:

24 (1) the first name or first initial in combination with
25 the last name;

26 (2) a home or other physical address including street
27 name;

1 (3) a personal identification code in conjunction with a
2 password required to access an identified account, other than a
3 password, personal identification number or other identification
4 number transmitted by an authorized user to the issuer of the
5 account or its agent;

6 (4) a social security number, tax identification
7 number, driver's license number, passport number, or any other
8 government-issued identification number; or

9 (5) an account balance, overdraft history, or payment
10 history that personally identifies an owner or operator of a
11 computer.

12 **§ 46.604. Prohibitions, Use of Software.**

13 It is unlawful for a person who is *not* an owner or operator of a
14 computer to cause computer software to be copied on such computer
15 knowingly or with conscious avoidance of actual knowledge or willfully,
16 and to use such software to do any of the following:

17 (a) modify, through intentionally deceptive means, settings
18 of a computer that control any of the following:

19 (1) the web page that appears when an owner or
20 operator launches an internet browser or similar computer
21 software used to access and navigate the internet;

22 (2) the default provider or web proxy that an owner or
23 operator uses to access or search the internet; or

24 (3) an owner's or an operator's list of bookmarks used
25 to access web pages;

26 (b) collect, through intentionally deceptive means, personally
27 identifiable information through any of the following means:

1 (1) the use of a keystroke-logging function that
2 records all or substantially all keystrokes made by an owner or
3 operator of a computer and transfers that information from the
4 computer to another person;

5 (2) in a manner that correlates personally identifiable
6 information with data regarding all or substantially all of the
7 websites visited by an owner or operator, other than websites
8 operated by the person providing such software, if the computer
9 software was installed in a manner designed to conceal from all
10 authorized users of the computer the fact that the software is
11 being installed;

12 (3) by extracting from the hard drive of an owner's or
13 an operator's computer, an owner's or an operator's social
14 security number, tax identification number, driver's license
15 number, passport number, any other government-issued
16 identification number, account balances, or overdraft history for
17 a purpose unrelated to any of the purposes of the software or
18 service described to an authorized user;

19 (c) prevent, through intentionally deceptive means, an
20 owner's or an operator's reasonable efforts to block the installation of
21 or execution of, or to disable, computer software by causing computer
22 software that the owner or operator has properly removed or disabled
23 to automatically reinstall or reactivate on the computer without the
24 authorization of an authorized user;

25 (d) intentionally misrepresent that computer software will be
26 uninstalled or disabled by an owner's or an operator's action;

1 (e) through intentionally deceptive means, remove, disable,
2 or render inoperative security, antispyware, or antivirus computer
3 software installed on an owner's or an operator's computer;

4 (f) enable use of an owner's or an operator's computer to do
5 any of the following:

6 (1) accessing or using a modem or internet service for
7 the purpose of causing damage to an owner's or an operator's
8 computer, or causing an owner or operator, or a third party
9 affected by such conduct to incur financial charges for a service
10 that the owner or operator did not authorize;

11 (2) opening multiple, sequential, stand-alone messages
12 in an owner's or an operator's computer without the
13 authorization of an owner or operator, and with knowledge that
14 a reasonable computer user could not close the messages
15 without turning off the computer or closing the software
16 application in which the messages appear; provided, that this
17 Subsection *shall not* apply to communications originated by the
18 computer's operating system, originated by a software
19 application that the user chooses to activate, originated by a
20 service provider that the user chooses to use, or presented for
21 any of the purposes described in §46.606;

22 (3) transmitting or relaying commercial electronic
23 mail or a computer virus from the computer, where the
24 transmission or relaying is initiated by a person other than the
25 authorized user and without the authorization of an authorized
26 user;

1 (g) modify any of the following settings related the
2 computer's access to, or use of, the internet:

3 (1) settings that protect information about an owner or
4 operator for the purpose of taking personally identifiable
5 information of the owner or operator;

6 (2) security settings for the purpose of causing damage
7 to a computer; or

8 (3) settings that protect the computer from the uses
9 identified in Subsection (f) of this Section.

10 (h) prevent, without the authorization of an owner or
11 operator, an owner's or an operator's reasonable efforts to block the
12 installation of, or to disable, computer software by doing any of the
13 following:

14 (1) presenting the owner or operator with an option to
15 decline installation of computer software with knowledge that,
16 when the option is selected by the authorized user, the
17 installation nevertheless proceeds;

18 (2) falsely representing that computer software has
19 been disabled;

20 (3) requiring in an intentionally deceptive manner the
21 user to access the internet to remove the software with
22 knowledge or reckless disregard of the fact that the software
23 frequently operates in a manner that prevents the user from
24 accessing the internet;

25 (4) changing the name, location or other designation
26 information of the software for the purpose of preventing an
27 authorized user from locating the software to remove it;

1 (5) using randomized or intentionally deceptive
2 filenames, directory folders, formats, or registry entries for the
3 purpose of avoiding detection and removal of the software by
4 an authorized user;

5 (6) causing the installation of software in a particular
6 computer directory or computer memory for the purpose of
7 evading authorized users' attempts to remove the software from
8 the computer; or

9 (7) requiring, without the authority of the owner of the
10 computer, that an authorized user obtain a special code or
11 download software from a third party to uninstall the software.

12 **§ 46.605. Other Prohibitions.**

13 It is unlawful for a person who is *not* an owner or operator of a
14 computer to do any of the following with regard to the computer:

15 (a) induce an owner or operator to install a computer
16 software component onto the owner's or the operator's computer by
17 intentionally misrepresenting that installing computer software is
18 necessary for security or privacy reasons or in order to open, view, or
19 play a particular type of content; or

20 (b) using intentionally deceptive means to cause the
21 execution of a computer software component with the intent of
22 causing the computer to use such component in a manner that violates
23 any other provision of this Article.

24 **§ 46.606. Exceptions.**

25 §§ 46.604 and 46.605 *shall not* apply to the monitoring of, or
26 interaction with, an owner's or an operator's internet or other network
27 connection, service, or computer, by a telecommunications carrier,

1 cable operator, computer hardware or software provider, or provider
2 of information service or interactive computer service for network or
3 computer security purposes, diagnostics, technical support,
4 maintenance, repair, network management, authorized updates of
5 computer software or system firmware, authorized remote system
6 management, or detection or prevention of the unauthorized use of or
7 fraudulent or other illegal activities in connection with a network,
8 service, or computer software, including scanning for and removing
9 computer software prescribed under this Article.

10 **§ 46.607. Remedies.**

11 (a) The Attorney General, an internet service provider or
12 software company that expends resources in good faith assisting
13 authorized users harmed by a violation of this Article, or a trademark
14 owner whose mark is used to deceive authorized users in violation of
15 this Article, may bring a civil action against a person who violates any
16 provision of this Article to recover actual damages, liquidated
17 damages of *at least* One Thousand Dollars (\$1,000) per violation of
18 this Article, not to exceed One Million Dollars (\$1,000,000) for a
19 pattern or practice of such violations, attorney fees, and costs.

20 (b) The court may increase a damage award to an amount
21 equal to not more than three times the amount otherwise recoverable
22 under subsection 1 if the court determines that the defendant
23 committed the violation willfully and knowingly.

24 (c) The court may reduce liquidated damages recoverable
25 under subsection 1, to a minimum of one hundred dollars, not to
26 exceed one hundred thousand dollars for each violation if the court

1 finds that the defendant established and implemented practices and
2 procedures reasonably designed to prevent a violation of this Article.

3 (d) In the case of a violation of §46.604(f)(1) that causes a
4 telecommunications carrier or provider of voice over internet protocol
5 service to incur costs for the origination, transport, or termination of a
6 call triggered using the modem or internet-capable device of a
7 customer of such telecommunications carrier or provider as a result of
8 such violation, the telecommunications carrier may bring a civil action
9 against the violator to recover any or all of the following:

10 (1) the charges such carrier or provider is obligated to
11 pay to another carrier or to an information service provider as a
12 result of the violation, including, but *not* limited to, charges for
13 the origination, transport or termination of the call;

14 (2) costs of handling customer inquiries or complaints
15 with respect to amounts billed for such calls;

16 (3) costs and a reasonable attorney's fee; and

17 (4) an order to enjoin the violation.

18 (e) For purposes of a civil action under Subsections (a), (b)
19 and (c), any single action or conduct that violates more than one
20 Subsection of this Article *shall* be considered multiple violations
21 based on the number of such Subsections violated.

22 **§ 46.608. Good Samaritan.**

23 (a) No provider of computer software or of an interactive
24 computer service may be held liable for identifying, naming,
25 removing, disabling, or otherwise affecting a computer program
26 through any action voluntarily undertaken, or service provided, where
27 the provider:

1 (1) intends to identify accurately, prevent the
2 installation or execution of, remove, or disable another
3 computer program on a computer of a customer of such
4 provider;

5 (2) reasonably believes the computer program exhibits
6 behavior that violates this Act; and

7 (3) notifies the authorized user and obtains clear and
8 conspicuous consent before undertaking such action or
9 providing such service.

10 (b) A provider of computer software or interactive computer
11 service is entitled to protection under this Section *only* if such
12 provider:

13 (1) has established internal practices and procedures to
14 evaluate computer programs reasonably designed to determine
15 whether or not a computer program exhibits behavior that
16 violates this Act; and

17 (2) has established a process for managing disputes
18 and inquiries regarding misclassification or false positive
19 identifications of computer programs. Nothing in this Section is
20 intended to limit the ability of the Attorney General, or a
21 District Attorney, to bring an action against a provider of
22 computer software or of an interactive computer service.”

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

Bill No. 319-32 (LS)

*

Introduced by:

Tommy Morrison

**AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER 46,
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE “COMPUTER SPYWARE
PROTECTION ACT.”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 6 is *added* to Chapter 46 of Title 9, Guam Code Annotated, to read:

“ARTICLE 6

COMPUTER SPYWARE PROTECTION ACT

§ 46.601. Title. This Act may be cited as the “Computer Spyware Protection Act.”

§ 46.602. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that spyware is a problem that adversely affects nearly every computer connected to the internet. Spyware is a catch-all term for computer programs that can track computer users’ movements online. There are hundreds of programs that range from innocuous “ad-ware,” which generates pop-up advertisements, to more dangerous programs that can record a user’s keystrokes to gather personal information, such as credit card numbers and passwords, without their knowledge, and forward this

1 information to another entity without the consumer's consent. Spyware is a
2 serious problem that can create substantial privacy risks, increase the risk of
3 identity theft, and cause serious degradation to personal and business
4 computers that can cost millions of dollars in lost productivity.

5 It is the intent of *I Liheslatura* to protect owners and operators of
6 computers on Guam from the use of spyware and malware that is
7 deceptively or surreptitiously installed on the owner's or the operator's
8 computer.

9 **§ 46.603. Definitions.**

10 (a) *Cause to be copied* means to distribute or transfer
11 computer software, or any component thereof. Such term *shall not*
12 include providing:

13 (1) a transmission, routing, provision of intermediate
14 temporary storage, or caching of software;

15 (2) a storage or hosting medium, such as a compact
16 disk, website, or computer server through which the software
17 was distributed by a third party; or

18 (3) an information location tool, such as a directory,
19 index, reference, pointer, or hypertext link, through which the
20 user of the computer located the software.

21 (b) *Computer software* means a sequence of instructions
22 written in any programming language that is executed on a computer.
23 Computer software *does not* include a data component of a web page
24 that is *not* executable independently of the web page.

25 (c) *Computer virus* means a computer program or other set
26 of instructions that is designed to degrade the performance of, or
27 disable, a computer or computer network, and is designed to have the

1 ability to replicate itself on other computers or computer networks
2 without the authorization of the owners of those computers or
3 computer networks.

4 (d) *Damage* means any significant impairment to the
5 integrity or availability of data, software, a system, or information.

6 (e) *Execute*, when used with respect to computer software,
7 means the performance of the functions or the carrying out of the
8 instructions of the computer software.

9 (f) *Intentionally deceptive* means any of the following:

10 (1) an intentionally and materially false or fraudulent
11 statement;

12 (2) a statement or description that intentionally omits
13 or misrepresents material information in order to deceive an
14 owner or operator of a computer; or

15 (3) an intentional and material failure to provide a
16 notice to an owner or operator regarding the installation or
17 execution of computer software for the purpose of deceiving the
18 owner or operator.

19 (g) *Internet* means the global information system that is
20 logically linked together by a globally unique address space based on
21 the internet protocol (IP), or its subsequent extensions, and that is able
22 to support communications using the transmission control
23 protocol/internet protocol (TCP/IP) suite, or its subsequent extensions,
24 or other IP-compatible protocols, and that provides, uses, or makes
25 accessible, either publicly or privately, high-level services layered on
26 the communications and related infrastructure described in this
27 Subsection.

1 (h) *Owner or operator* means the owner or lessee of a
2 computer, or a person using such computer with the owner or lessee’s
3 authorization, but *does not* include a person who owned a computer
4 prior to the first retail sale of the computer.

5 (i) *Message* means a graphical or text communication
6 presented to an authorized user of a computer.

7 (j) *Person* means any individual, partnership, corporation,
8 limited liability company, or other organization, or any combination
9 thereof.

10 (k) *Personally identifiable information* means any of the
11 following information if it allows the entity holding the information to
12 identify the owner or operator of a computer:

13 (1) the first name or first initial in combination with
14 the last name;

15 (2) a home or other physical address including street
16 name;

17 (3) a personal identification code in conjunction with a
18 password required to access an identified account, other than a
19 password, personal identification number or other identification
20 number transmitted by an authorized user to the issuer of the
21 account or its agent;

22 (4) a social security number, tax identification
23 number, driver’s license number, passport number, or any other
24 government-issued identification number; or

25 (5) an account balance, overdraft history, or payment
26 history that personally identifies an owner or operator of a
27 computer.

1 **§ 46.604. Prohibitions, Use of Software.**

2 It is unlawful for a person who is *not* an owner or operator of a
3 computer to cause computer software to be copied on such computer
4 knowingly or with conscious avoidance of actual knowledge or willfully,
5 and to use such software to do any of the following:

6 (a) modify, through intentionally deceptive means, settings
7 of a computer that control any of the following:

8 (1) the web page that appears when an owner or
9 operator launches an internet browser or similar computer
10 software used to access and navigate the internet;

11 (2) the default provider or web proxy that an owner or
12 operator uses to access or search the internet; or

13 (3) an owner's or an operator's list of bookmarks used
14 to access web pages;

15 (b) collect, through intentionally deceptive means, personally
16 identifiable information through any of the following means:

17 (1) the use of a keystroke-logging function that
18 records all or substantially all keystrokes made by an owner or
19 operator of a computer and transfers that information from the
20 computer to another person;

21 (2) in a manner that correlates personally identifiable
22 information with data regarding all or substantially all of the
23 websites visited by an owner or operator, other than websites
24 operated by the person providing such software, if the computer
25 software was installed in a manner designed to conceal from all
26 authorized users of the computer the fact that the software is
27 being installed;

1 (3) by extracting from the hard drive of an owner's or
2 an operator's computer, an owner's or an operator's social
3 security number, tax identification number, driver's license
4 number, passport number, any other government-issued
5 identification number, account balances, or overdraft history for
6 a purpose unrelated to any of the purposes of the software or
7 service described to an authorized user;

8 (c) prevent, through intentionally deceptive means, an
9 owner's or an operator's reasonable efforts to block the installation of
10 or execution of, or to disable, computer software by causing computer
11 software that the owner or operator has properly removed or disabled
12 to automatically reinstall or reactivate on the computer without the
13 authorization of an authorized user;

14 (d) intentionally misrepresent that computer software will be
15 uninstalled or disabled by an owner's or an operator's action;

16 (e) through intentionally deceptive means, remove, disable,
17 or render inoperative security, antispyware, or antivirus computer
18 software installed on an owner's or an operator's computer;

19 (f) enable use of an owner's or an operator's computer to do
20 any of the following:

21 (1) accessing or using a modem or internet service for
22 the purpose of causing damage to an owner's or an operator's
23 computer, or causing an owner or operator, or a third party
24 affected by such conduct to incur financial charges for a service
25 that the owner or operator did not authorize;

26 (2) opening multiple, sequential, stand-alone messages
27 in an owner's or an operator's computer without the

1 authorization of an owner or operator, and with knowledge that
2 a reasonable computer user could not close the messages
3 without turning off the computer or closing the software
4 application in which the messages appear; provided, that this
5 Subsection *shall not* apply to communications originated by the
6 computer's operating system, originated by a software
7 application that the user chooses to activate, originated by a
8 service provider that the user chooses to use, or presented for
9 any of the purposes described in §46.606;

10 (3) transmitting or relaying commercial electronic
11 mail or a computer virus from the computer, where the
12 transmission or relaying is initiated by a person other than the
13 authorized user and without the authorization of an authorized
14 user;

15 (g) modify any of the following settings related the
16 computer's access to, or use of, the internet:

17 (1) settings that protect information about an owner or
18 operator for the purpose of taking personally identifiable
19 information of the owner or operator;

20 (2) security settings for the purpose of causing damage
21 to a computer; or

22 (3) settings that protect the computer from the uses
23 identified in Subsection (f) of this Section.

24 (h) prevent, without the authorization of an owner or
25 operator, an owner's or an operator's reasonable efforts to block the
26 installation of, or to disable, computer software by doing any of the
27 following:

1 (1) presenting the owner or operator with an option to
2 decline installation of computer software with knowledge that,
3 when the option is selected by the authorized user, the
4 installation nevertheless proceeds;

5 (2) falsely representing that computer software has
6 been disabled;

7 (3) requiring in an intentionally deceptive manner the
8 user to access the internet to remove the software with
9 knowledge or reckless disregard of the fact that the software
10 frequently operates in a manner that prevents the user from
11 accessing the internet;

12 (4) changing the name, location or other designation
13 information of the software for the purpose of preventing an
14 authorized user from locating the software to remove it;

15 (5) using randomized or intentionally deceptive
16 filenames, directory folders, formats, or registry entries for the
17 purpose of avoiding detection and removal of the software by
18 an authorized user;

19 (6) causing the installation of software in a particular
20 computer directory or computer memory for the purpose of
21 evading authorized users' attempts to remove the software from
22 the computer; or

23 (7) requiring, without the authority of the owner of the
24 computer, that an authorized user obtain a special code or
25 download software from a third party to uninstall the software.

26 **§ 46.605. Other Prohibitions.**

1 It is unlawful for a person who is *not* an owner or operator of a
2 computer to do any of the following with regard to the computer:

3 (a) induce an owner or operator to install a computer
4 software component onto the owner's or the operator's computer by
5 intentionally misrepresenting that installing computer software is
6 necessary for security or privacy reasons or in order to open, view, or
7 play a particular type of content; or

8 (b) using intentionally deceptive means to cause the
9 execution of a computer software component with the intent of
10 causing the computer to use such component in a manner that violates
11 any other provision of this Article.

12 **§ 46.606. Exceptions.**

13 §§ 46.604 and 46.605 *shall not* apply to the monitoring of, or
14 interaction with, an owner's or an operator's internet or other network
15 connection, service, or computer, by a telecommunications carrier,
16 cable operator, computer hardware or software provider, or provider
17 of information service or interactive computer service for network or
18 computer security purposes, diagnostics, technical support,
19 maintenance, repair, network management, authorized updates of
20 computer software or system firmware, authorized remote system
21 management, or detection or prevention of the unauthorized use of or
22 fraudulent or other illegal activities in connection with a network,
23 service, or computer software, including scanning for and removing
24 computer software prescribed under this Article.

25 **§ 46.607. Remedies.**

26 (a) The Attorney General, an internet service provider or
27 software company that expends resources in good faith assisting

1 authorized users harmed by a violation of this Article, or a trademark
2 owner whose mark is used to deceive authorized users in violation of
3 this Article, may bring a civil action against a person who violates any
4 provision of this Article to recover actual damages, liquidated
5 damages of *at least* One Thousand Dollars (\$1,000) per violation of
6 this Article, not to exceed One Million Dollars (\$1,000,000) for a
7 pattern or practice of such violations, attorney fees, and costs.

8 (b) The court may increase a damage award to an amount
9 equal to not more than three times the amount otherwise recoverable
10 under subsection 1 if the court determines that the defendant
11 committed the violation willfully and knowingly.

12 (c) The court may reduce liquidated damages recoverable
13 under subsection 1, to a minimum of one hundred dollars, not to
14 exceed one hundred thousand dollars for each violation if the court
15 finds that the defendant established and implemented practices and
16 procedures reasonably designed to prevent a violation of this Article.

17 (d) In the case of a violation of §46.604(f)(1) that causes a
18 telecommunications carrier or provider of voice over internet protocol
19 service to incur costs for the origination, transport, or termination of a
20 call triggered using the modem or internet-capable device of a
21 customer of such telecommunications carrier or provider as a result of
22 such violation, the telecommunications carrier may bring a civil action
23 against the violator to recover any or all of the following:

24 (1) the charges such carrier or provider is obligated to
25 pay to another carrier or to an information service provider as a
26 result of the violation, including, but *not* limited to, charges for
27 the origination, transport or termination of the call;

1 (2) costs of handling customer inquiries or complaints
2 with respect to amounts billed for such calls;

3 (3) costs and a reasonable attorney's fee; and

4 (4) an order to enjoin the violation.

5 (e) For purposes of a civil action under Subsections (a), (b)
6 and (c), any single action or conduct that violates more than one
7 Subsection of this Article *shall* be considered multiple violations
8 based on the number of such Subsections violated.

9 **§ 46.608. Good Samaritan.**

10 (a) No provider of computer software or of an interactive
11 computer service may be held liable for identifying, naming,
12 removing, disabling, or otherwise affecting a computer program
13 through any action voluntarily undertaken, or service provided, where
14 the provider:

15 (1) intends to identify accurately, prevent the
16 installation or execution of, remove, or disable another
17 computer program on a computer of a customer of such
18 provider;

19 (2) reasonably believes the computer program exhibits
20 behavior that violates this Act; and

21 (3) notifies the authorized user and obtains clear and
22 conspicuous consent before undertaking such action or
23 providing such service.

24 (b) A provider of computer software or interactive computer
25 service is entitled to protection under this Section *only* if such
26 provider:

1 (1) has established internal practices and procedures to
2 evaluate computer programs reasonably designed to determine
3 whether or not a computer program exhibits behavior that
4 violates this Act; and
5 (2) has established a process for managing disputes
6 and inquiries regarding misclassification or false positive
7 identifications of computer programs. Nothing in this Section is
8 intended to limit the ability of the Attorney General, or a
9 District Attorney, to bring an action against a provider of
10 computer software or of an interactive computer service.”

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

BILL NO. 319-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

DATE: 7/1/14

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|--|-----|-----|--------------------------|-------------------------|--------|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | ✓ | | | | |
| Senator Christopher M. DUENAS | ✓ | | | | |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | | | | | ✓ Ex. |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | |
| Senator Michael F. Q. SAN NICOLAS | ✓ | | | | |
| Speaker Judith T. WON PAT, Ed.D. | ✓ | | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

TOTAL

4

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

1 Ex.

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



COMMITTEE ON

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

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



**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

JUN 16 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 *RJR*

RE: Committee Report on Bill No. 319-32 (LS)

2014 JUN 16 PM 4:14

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 318-32 (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."

Committee votes are as follows:

- 6 TO DO PASS
- _____ TO NOT PASS
- 2 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.

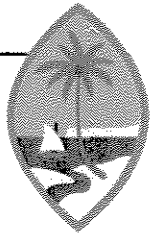
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE ON

**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.

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 Lintiaco

Committee Member

Senator

Thomas Morrison

Committee Member

COMMITTEE REPORT

ON

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."

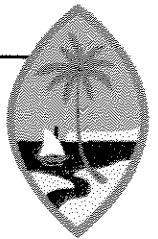
(Sponsored by Senator Tommy Morrison)



COMMITTEE ON

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


I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 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. 319-32 (LS)

Transmitted herewith for your consideration is the Committee Report on 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."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 319-32 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of the Bill No. 319-32 (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'åse' !

**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**
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**Senator
Michael Limtiaco**
Committee Member

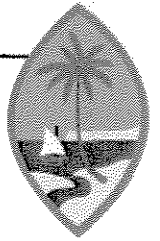
**Senator
Thomas Morrison**
Committee Member



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. 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."

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 | | | nr 6-16-14 | | | |
| ADA, THOMAS C. Committee Member | | ✓ | | | | |
| RODRIGUEZ, DENNIS G. JR. Committee Member | | | | ✓ 5/22 | | |
| ADA, V. ANTHONY Committee Member | | | 5/22 ✓ | | | |
| 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 GUÅHAN | 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. 319-32 (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.

Moving forward to bill 319, relative to creating the computer spyware protection act. We also have Mr. Rojas and Attorney Basil O'Mallan from the Attorney General's Office signed in to provide testimony. And I would like to recognize the sponsor of the legislation, Senator Morrison for your opening comments.

Senator Tommy Morrison

Thank you Mr. Chair. The third internet crime bill today is bill 319, the computer spyware protection act. This bill punishes individuals who, without the knowledge or permission of the owner, place spyware on another computer. For the listening audience, spyware is software that enables a user to obtain covert information from another computer's activity by transmitting data covertly from their hard drive. Thank you Mr. Chair. I look forward for testimony.

Senator Frank B. Aguon, Jr.

Thank you very much Senator Morrison. Mr. Rojas, can I ask you, I mean you're working out of the office of technology?

Jesse Rojas

Yes, Mr. Chair.

Senator Frank B. Aguon, Jr.

Yes, can I just ask you a quick question? It's a general question. How does the local legislation, proposed legislation, differ from anything on the federal level that would protect the interest of citizens and the rights of citizens? Because I do know, even from the federal level, there are certain legislations, and perhaps this may be included in your testimony. If you're not able to respond to this, then I will respect that. But, I would like to request some comments or some reference to that. How federal legislation, obviously it always trumps local legislation, but how federal legislation provides some protection mechanisms. So, that we're not doubling up, but, we are reinforcing the intent of the sponsor, in terms of protecting our consumers and our citizens. Ok, please if I could present that request on behalf of the committee.

Jesse Rojas

Yes, Mr. Chair.

Senator Frank B. Aguon, Jr.

The committee does recognize that Mr. Rojas and Attorney O'Mallan are both present and they will be submitting written testimony subsequent to today's date. And they are both in favor of the proposed legislation. Senators, if there are any comments or questions? Senator Yamashita, please.

Senator Aline A. Yamashita, Ph.D.

Thank you Mr. Chair. This is a real basic question. I'm just, maybe, a little confused. You're from the Office of Technology, sir?

Jesse Rojas

Yes, ma'am.



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

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



Senator Aline A. Yamashita, Ph.D.

And in the opening you said that you were here for Mr. Joey Manibusan. Did I hear that correctly?

Jesse Rojas

He is currently, he was unable to attend.

Senator Aline A. Yamashita, Ph.D.

Yes, what happened to Will Castro?

Jesse Rojas

At this time, I'm not sure. He was our acting CTO, our chief. I know he is assigned to the special assistant to the governor with regards to telecommunications and cyber awareness.

Senator Aline A. Yamashita, Ph.D.

Ok, so he's not in the office?

Jesse Rojas

No.

Senator Aline A. Yamashita, Ph.D.

Oh I see. Ok, I thought he... alright. So, it's Joey than? Joey remains in position?

Jesse Rojas

Yes, ma'am.

Senator Aline A. Yamashita, Ph.D.

Ok, thank you.

Senator Frank B. Aguon, Jr.

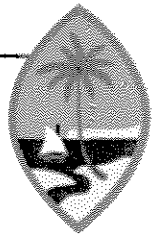
Thank you very much Senator Yamashita. Any other questions, inquiries, or comments? If not, Bill 319-32 (LS) is hereby; the public hearing has been conducted and completed. And the committee will continue to receive written testimony for the ten days subsequent to this hearing. To all the Senators that have joined us this morning, thank you very much Senators for your presence and your contribution in this particular hearing.

The public hearing was adjourned at 9:47 AM.



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

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



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. 319-32 (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. 319-32 (LS)

Introduced by:

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,”

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2

3 Section 1. A new Article 3 is *added* to Chapter 46 of 9GCA to read:

4

5

“Article 3

6

COMPUTER SPYWARE PROTECTION ACT

7

8 §46.301. **Title.** This Act may be cited as the “Computer Spyware Protection Act.”

9

10 §46.302. **Legislative Intent.** *I Liheslaturan Guåhan* finds that spyware is a problem that
11 adversely affects nearly every computer connected to the internet. Spyware is a catch-all
12 term for computer programs that can track computer users' movements online. There are
13 hundreds of programs that range from innocuous “ad-ware,” which generates pop-up
14 advertisements, to more dangerous programs that can record a user’s keystrokes to gather
15 personal information such as credit card numbers and passwords without their knowledge
16 and forward this information to another entity without the consumer’s consent. Spyware is
17 a serious problem that can create substantial privacy risks, increase the risk of identity

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1 theft, and cause serious degradation to personal and business computers that can cost
2 millions of dollars in lost productivity.

3

4 It is the intent of the Legislature to protect owners and operators of computers in Guam from
5 the use of spyware and malware that is deceptively or surreptitiously installed on the
6 owner's or the operator's computer.

7

8 **§46.303. Definitions**

9

10 (1) "Cause to be copied" means to distribute or transfer computer software, or any
11 component thereof. Such term shall not include providing:

12

13 (a) a transmission, routing, provision of intermediate temporary storage, or
14 caching of software;

15

16 (b) a storage or hosting medium, such as a compact disk, web site, or
17 computer server through which the software was distributed by a third party;
18 or

19

20 (c) an information location tool, such as a directory, index, reference,
21 pointer, or hypertext link, through which the user of the computer located
22 the software.

23

24 (2) "Computer software" means a sequence of instructions written in any programming
25 language that is executed on a computer. "Computer software" does not include a data
26 component of a web page that is not executable independently of the web page.

27

1 (3) "Computer virus" means a computer program or other set of instructions that is
2 designed to degrade the performance of or disable a computer or computer network and is
3 designed to have the ability to replicate itself on other computers or computer networks
4 without the authorization of the owners of those computers or computer networks.

5
6 (4) "Damage" means any significant impairment to the integrity or availability of data,
7 software, a system, or information.

8
9 (5) "Execute," when used with respect to computer software, means the performance of
10 the functions or the carrying out of the instructions of the computer software.

11
12 (6) "Intentionally deceptive" means any of the following:

- 13
14 a. An intentionally and materially false or fraudulent statement.
- 15
16 b. A statement or description that intentionally omits or misrepresents
17 material information in order to deceive an owner or operator of a computer.
- 18
19 c. An intentional and material failure to provide a notice to an owner or
20 operator regarding the installation or execution of computer software for the
21 purpose of deceiving the owner or operator.

22
23 (7) "Internet" means the global information system that is logically linked together by a
24 globally unique address space based on the internet protocol (IP), or its subsequent
25 extensions, and that is able to support communications using the transmission control
26 protocol/internet protocol (TCP/IP) suite, or its subsequent extensions, or other IP-
27 compatible protocols, and that provides, uses, or makes accessible, either publicly or

1 privately, high-level services layered on the communications and related infrastructure
2 described in this subsection.

3

4 (8) "Owner or operator" means the owner or lessee of a computer, or a person using such
5 computer with the owner or lessee's authorization, but does not include a person who
6 owned a computer prior to the first retail sale of the computer.

7

8 (9) "Message" means a graphical or text communication presented to an authorized user of
9 a computer.

10

11 (10) "Person" means any individual, partnership, corporation, limited liability company,
12 or other organization, or any combination thereof.

13

14 (11) "Personally identifiable information" means any of the following information if it
15 allows the entity holding the information to identify the owner or operator of a computer:

16

17 a. The first name or first initial in combination with the last name.

18

19 b. A home or other physical address including street name.

20

21 c. Personal identification code in conjunction with a password required to
22 access an identified account, other than a password, personal identification
23 number or other identification number transmitted by an authorized user to
24 the issuer of the account or its agent.

25

26 d. Social security number, tax identification number, driver's license number,
27 passport number, or any other government-issued identification number.

28

1 e. Account balance, overdraft history, or payment history that personally
2 identifies an owner or operator of a computer.
3

4 **§46.304. Prohibitions, Use of Software**

5 It is unlawful for a person who is not an owner or operator of a computer to cause
6 computer software to be copied on such computer knowingly or with conscious avoidance
7 of actual knowledge or willfully, and to use such software to do any of the following:
8

9 (1) Modify, through intentionally deceptive means, settings of a computer that control any
10 of the following:
11

12 a. The web page that appears when an owner or operator launches an Internet
13 browser or similar computer software used to access and navigate the
14 Internet.
15

16 b. The default provider or web proxy that an owner or operator uses to access
17 or search the Internet.
18

19 c. An owner's or an operator's list of bookmarks used to access web pages.
20

21 (2) Collect, through intentionally deceptive means, personally identifiable information
22 through any of the following means:
23

24 a. The use of a keystroke-logging function that records all or substantially all
25 keystrokes made by an owner or operator of a computer and transfers that
26 information from the computer to another person.
27

1 b. In a manner that correlates personally identifiable information with data
2 regarding all or substantially all of the Web sites visited by an owner or
3 operator, other than Web sites operated by the person providing such
4 software, if the computer software was installed in a manner designed to
5 conceal from all authorized users of the computer the fact that the software is
6 being installed..

7
8 c. By extracting from the hard drive of an owner's or an operator's computer,
9 an owner's or an operator's social security number, tax identification number,
10 driver's license number, passport number, any other government-issued
11 identification number, account balances, or overdraft history for a purpose
12 unrelated to any of the purposes of the software or service described to an
13 authorized user.

14
15 (3) Prevent, through intentionally deceptive means, an owner's or an operator's reasonable
16 efforts to block the installation of or execution of, or to disable, computer software by
17 causing computer software that the owner or operator has properly removed or disabled to
18 automatically reinstall or reactivate on the computer without the authorization of an
19 authorized user.

20
21 (4) Intentionally misrepresent that computer software will be uninstalled or disabled by an
22 owner's or an operator's action.

23
24 (5) Through intentionally deceptive means, remove, disable, or render inoperative
25 security, antispyware, or antivirus computer software installed on an owner's or an
26 operator's computer.

27
28 (6) Enable use of an owner's or an operator's computer to do any of the following:

1
2 a. Accessing or using a modem or Internet service for the purpose of causing
3 damage to an owner's or an operator's computer or causing an owner or
4 operator , or a third party affected by such conduct to incur financial charges
5 for a service that the owner or operator did not authorize.

6
7 b. Opening multiple, sequential, stand-alone messages in an owner's or an
8 operator's computer without the authorization of an owner or operator and
9 with knowledge that a reasonable computer user could not close the messages
10 without turning off the computer or closing the software application in which
11 the messages appear; provided that this paragraph shall not apply to
12 communications originated by the computer's operating system, originated
13 by a software application that the user chooses to activate, originated by a
14 service provider that the user chooses to use, or presented for any of the
15 purposes described in §46.306.

16
17 c. Transmitting or relaying commercial electronic mail or a computer virus
18 from the computer, where the transmission or relaying is initiated by a person
19 other than the authorized user and without the authorization of an authorized
20 user.

21
22 (7) Modify any of the following settings related the computer's access to, or use of, the
23 Internet:

24
25 a. Settings that protect information about an owner or operator for the
26 purpose of taking personally identifiable information of the owner or
27 operator.

1 b. Security settings for the purpose of causing damage to a computer.

2
3 c. Settings that protect the computer from the uses identified in subsection (6)
4 of this section.

5
6 (8) Prevent, without the authorization of an owner or operator, an owner's or an operator's
7 reasonable efforts to block the installation of, or to disable, computer software by doing
8 any of the following:

9
10 a. Presenting the owner or operator with an option to decline installation of
11 computer software with knowledge that, when the option is selected by the
12 authorized user, the installation nevertheless proceeds.

13
14 b. Falsely representing that computer software has been disabled.

15
16 c. Requiring in an intentionally deceptive manner the user to access the
17 Internet to remove the software with knowledge or reckless disregard of the
18 fact that the software frequently operates in a manner that prevents the user
19 from accessing the Internet.

20
21 d. Changing the name, location or other designation information of the
22 software for the purpose of preventing an authorized user from locating the
23 software to remove it.

24
25 e. Using randomized or intentionally deceptive filenames, directory folders,
26 formats, or registry entries for the purpose of avoiding detection and removal
27 of the software by an authorized user.

1 f. Causing the installation of software in a particular computer directory or
2 computer memory for the purpose of evading authorized users' attempts to
3 remove the software from the computer;

4
5 g. Requiring, without the authority of the owner of the computer, that an
6 authorized user obtain a special code or download software from a third party
7 to uninstall the software.

8
9 **§46.305. Other Prohibitions**

10 It is unlawful for a person who is not an owner or operator of a computer to do any of the
11 following with regard to the computer:

12
13 (1) Induce an owner or operator to install a computer software component onto the
14 owner's or the operator's computer by intentionally misrepresenting that installing
15 computer software is necessary for security or privacy reasons or in order to open, view,
16 or play a particular type of content.

17
18 (2) Using intentionally deceptive means to cause the execution of a computer software
19 component with the intent of causing the computer to use such component in a manner
20 that violates any other provision of this Article.

21
22 **§46.306. Exceptions**

23 §§46.304 and 46.305 shall not apply to the monitoring of, or interaction with, an owner's
24 or an operator's Internet or other network connection, service, or computer, by a
25 telecommunications carrier, cable operator, computer hardware or software provider, or
26 provider of information service or interactive computer service for network or computer
27 security purposes, diagnostics, technical support, maintenance, repair, network
28 management, authorized updates of computer software or system firmware, authorized

1 remote system management, or detection or prevention of the unauthorized use of or
2 fraudulent or other illegal activities in connection with a network, service, or computer
3 software, including scanning for and removing computer software prescribed under this
4 Article.

5

6 **§46.307. Remedies**

7 (1) The attorney general, an Internet service provider or software company that expends
8 resources in good faith assisting authorized users harmed by a violation of this Article, or
9 a trademark owner whose mark is used to deceive authorized users in violation of this
10 Article, may bring a civil action against a person who violates any provision of this
11 Article to recover actual damages, liquidated damages of at least one thousand dollars per
12 violation of this Article, not to exceed one million dollars for a pattern or practice of such
13 violations, attorney fees, and costs.

14

15 (2) The court may increase a damage award to an amount equal to not more than three
16 times the amount otherwise recoverable under subsection 1 if the court determines that the
17 defendant committed the violation willfully and knowingly.

18

19 (3) The court may reduce liquidated damages recoverable under subsection 1, to a
20 minimum of one hundred dollars, not to exceed one hundred thousand dollars for each
21 violation if the court finds that the defendant established and implemented practices and
22 procedures reasonably designed to prevent a violation of this Article.

23

24 (4) In the case of a violation of §46.304(6)a. that causes a telecommunications carrier or
25 provider of voice over internet protocol service to incur costs for the origination,
26 transport, or termination of a call triggered using the modem or Internet-capable device of
27 a customer of such telecommunications carrier or provider as a result of such violation,

1 the telecommunications carrier may bring a civil action against the violator to recover any
2 or all of the following—

3 a. the charges such carrier or provider is obligated to pay to another carrier or
4 to an information service provider as a result of the violation, including but
5 not limited to charges for the origination, transport or termination of the call;
6

7 b. costs of handling customer inquiries or complaints with respect to amounts
8 billed for such calls;

9
10 c. costs and a reasonable attorneys' fee; and

11
12 d. an order to enjoin the violation.
13

14 (5) For purposes of a civil action under paragraphs (1), (2) and (3) any single action or
15 conduct that violates more than one paragraph of this Article shall be considered multiple
16 violations based on the number of such paragraphs violated.
17

18 **§46.308. Good Samaritan**

19 (1) No provider of computer software or of an interactive computer service may be held
20 liable for identifying, naming, removing, disabling, or otherwise affecting a computer
21 program through any action voluntarily undertaken, or service provided, where the
22 provider:

23
24 a. Intends to identify accurately, prevent the installation or execution of,
25 remove, or disable another computer program on a computer of a customer of
26 such provider; and
27

1 b. Reasonably believes the computer program exhibits behavior that violates
2 this act; and

3
4 c. Notifies the authorized user and obtains clear and conspicuous consent
5 before undertaking such action or providing such service.

6
7 (2) A provider of computer software or interactive computer service is entitled to
8 protection under this section only if such provider:

9
10 a. Has established internal practices and procedures to evaluate computer
11 programs reasonably designed to determine whether or not a computer
12 program exhibits behavior that violates this act; and

13
14 b. Has established a process for managing disputes and inquiries regarding
15 misclassification or false positive identifications of computer programs.

16 Nothing in this section is intended to limit the ability of the Attorney General,
17 or a district attorney to bring an action against a provider of computer
18 software or of an interactive computer service.

**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**

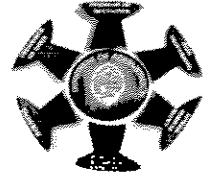
Monday, April 28, 2014 @ 9:00A.M.

Bill No. 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)

| NAME (Please Print) | Agency/Organization | Contact Number | Oral Testimony | Written Testimony | In Favor | Not In Favor |
|--------------------------|---------------------|----------------|-------------------|----------------------|-------------|-----------------|
| JESSE ROSAS | OFFICE OF TECH | 4751203 | | | ✓ | |
| Basil O'Mullan | OAG | | | | ✓ | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |



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
Hagåtña, Guam 96910

Subject: Testimony in support of Bill 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."

Dear Senator Aguon,

Hafa Adai. The Office of Technology is in support of Bill 319-32 (LS) "An Act to add a new Article 3, Chapter 46, Title 9 Guam Code Annotated relative to creating the Computer Spyware Protection Act."

The Office of Technology (OTech) supports the safe and responsible use of technology. As such, OTech is in support of the intent of Bill 319-32 because the bill, if passed, criminalizes the use of spyware, malware, and all related software for identity theft, invasion of privacy, and all other related malicious purposes.

OTech recommends passage of Bill 319-32 (LS) 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 F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **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," – on April 15, 2014. COR hereby certifies that BBMR confirmed receipt of this request April 16, 2014 at 9:14 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 319-32 (LS) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

June 16, 2014

Date



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

April 15, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

VIA E-MAIL
john.rios@bbmr.guam.gov

Senator
Vicente (Ben) C. Pangelinan
Member

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

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

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)

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai Mr. Rios:

Vice-Speaker
Benjamin J.F. Cruz
Member

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.

Legislative Secretary
Tina Rose Muña Barnes
Member

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

Senator
Frank Blas Aguon, Jr.
Member

Very Truly Yours,

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Senator
Aline Yamashita
Member

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. 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. |



COMMITTEE ON RULES

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

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

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Bill No. 319-32(LS)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 319-32(LS)**.

Senator
Frank Blas Aguon, Jr.
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*.

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 |
|-------------|---------------|---|------------------------|---------------|--|---------------------|-----------------------------|--------------|
| 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," | 04/14/14 12:32 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'ase!

—
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**

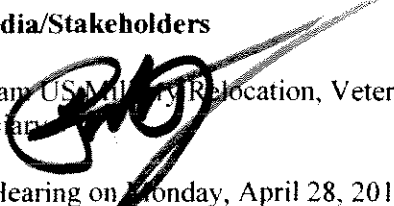
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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!

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- **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**)
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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 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' 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

AGENDA

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.

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. 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-GUM 1/2 (4861/2) or e-mail: committee@frankaguonjr.com, or polky@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 *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)

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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 *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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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]



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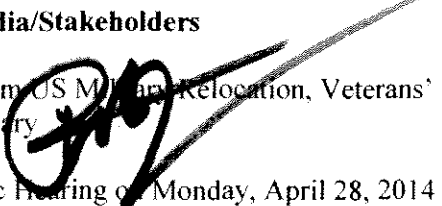
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April 23, 2014

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

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Si Yu'os Ma'ase!

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 Limtlaco**
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

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

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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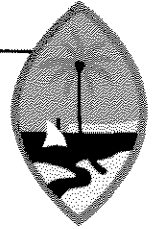
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COMMITTEE ON

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

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



April 15, 2014

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

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

**Speaker
Judith T. Won Pat, Ed.D.**
Committee Member

**Senator
Rory J. Respicio**
Committee Member

**Senator
Thomas C. Ada**
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Dennis G. Rodriguez, Jr.**
Committee Member

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Lintlaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

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 9:00AM.**

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Si Yu'os Ma'äse' I

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

| |
|------------------------------------|
| aalladi@guampdn.com |
| action@weareguahan.com |
| admin@frankaguonjr.com |
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| guamnativesun@yahoo.com |
| hana@guam-shinbun.com |
| hill.bruce@abc.net.au |
| hottips@kuam.com |
| info@chinesetimesguam.com |
| janela@mvguam.com |
| jason@judiwonpat.com |
| jason@kuam.com |
| jean@tinamunabarnes.com |
| jennifer.Jj.dulla@gmail.com |
| jennifer@mvguam.com |
| jespaldonesq@gmail.com |
| jmesngon.senatordrodriguez@gmail.com |
| joan@kuam.com |
| joe@toduguam.com |
| joesa@guamlegislature.org |
| john.calvo@noaa.gov |
| john@kuam.com |
| jon.calvo@mail.house.gov |
| jpmanuel@gmail.com |
| jtenorio@guamcourts.org |
| jtyquiengco@spbguam.com |
| julian.c.janssen@gmail.com |
| juliette@senatorada.org |
| kai@spbguam.com |
| karenc@guamlegislature.org |
| kcn.kelly@gmail.com |
| keepinginformed.671@gmail.com |
| kelly.toves@mail.house.gov |
| kenq@kuam.com |
| kevin@spbguam.com |
| khmg@hbcguam.net |
| koreannews@guam.net |
| koreatv@kuentos.guam.net |
| kstokish@gmail.com |
| kstone@ite.net |

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

| |
|-------------------------------|
| law@guamag.org |
| life@guampdn.com |
| ljalcairo@gmail.com |
| llmatthews@guampdn.com |
| lou4families@gmail.com |
| louella@mvguam.com |
| louise@tonyada.com |
| m.salaila@yahoo.com |
| mabuhaynews@yahoo.com |
| mahoquinene@guam.net |
| malainse@gmail.com |
| maria.pangelinan@gec.guam.gov |
| maryfejeran@gmail.com |
| mary@roryforguam.com |
| mbordallo.duenas@gmail.com |
| mcarlson@guamlegislature.org |
| mcpherson.kathryn@abc.net.au |
| media@frankaguonjr.com |
| menchu@toduguam.com |
| mike@mikelimtiaco.com |
| mindy@kuam.com |
| mis@guamlegislature.org |
| miseke@mcvguam.com |
| mlwheeler2000@yahoo.com |
| mmafnas@guamlegislature.org |
| monty.mcdowell@amiguam.com |
| mspeps4873@gmail.com |
| mvariety@pticom.com |
| mwatanabe@guampdn.com |
| natasha@toduguam.com |
| news@guampdn.com |
| news@spbguam.com |
| nick@kuam.com |
| norman.aguilar@guamcc.edu |
| nsantos@guamlegislature.org |
| odngirairikl@guampdn.com |
| office@senatorada.org |
| oliviampalacios@gmail.com |
| onlyonguam@acubedink.com |
| pacificjournalist@gmail.com |
| parroyo@k57.com |
| pdkprg@gmail.com |
| pete@tonyada.com |
| phillipsguam@gmail.com |
| policy@frankaguonjr.com |
| publisher@glimpsesofguam.com |
| qduenas_8@yahoo.com |
| rennae@guamlegislature.org |
| responsibleguam@gmail.com |
| rfteehan@yahoo.com |
| rgibson@k57.com |
| richdevera@gmail.com |

| |
|------------------------------------|
| ricknauta@hitradio100.com |
| rlimtiaco@guampdn.com |
| rob@judiwonpat.com |
| rolly@ktkb.com |
| roryforguam@gmail.com |
| rowena@senatormorrison.com |
| ryanjames@senatormorrison.com |
| santos.duenas@gmail.com |
| smendiola@guamlegislature.org |
| senator@senatorbjcruz.com |
| senatorbrantmccreadie@gmail.com |
| senator@tinamunabarnes.com |
| senatordrodriguez@gmail.com |
| senatorsannicolas@gmail.com |
| senatortonyada@guamlegislature.org |
| senbenp@guam.net |
| sgflores@tinamunabarnes.com |
| sgtarms@guamlegislature.org |
| sitarose2@yahoo.com |
| slimtiaco@guampdn.com |
| sonedera-salas@guamlegislature.org |
| speaker@judiwonpat.com |
| staff@frankaguonjr.com |
| tanya4families@gmail.com |
| tasigirl@gmal.com |
| tcastro@guam.net |
| telo.taitague@guam.gov |
| tessa@senatorbjcruz.com |
| thebigshow@guamcell.net |
| thebigshow@k57.com |
| therese.hart.writer@gmail.com |
| therese@judiwonpat.com |
| tinamunabarnes@gmail.com |
| tjtaitano@cs.com |
| tom@senatorada.org |
| tommy@senatormorrison.com |
| tony@tonyada.com |
| trittent@pstripes.osd.mil |
| tterlaje@guam.net |
| vejohntorres@guamlegislature.org |
| vincent@tinamunabarnes.com |
| vleonguerrero@judiwonpat.com |
| will@senatorada.org |
| xiosormd@gmail.com |
| xiosormd@yahoo.com |
| ylee2@guam.gannett.com |
| zita@mvguam.com |
| zpalomo@guamag.org |

**GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY***I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE***Notified Stakeholders****Senator****FRANK B. AGUON, JR.**

Committee Chairperson

Senator**Tina Muna-Barnes**

Committee Vice Chairperson

Speaker**Judith T. Won Pat, Ed.D.**

Committee Member

Senator**Rory J. Respicio**

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Committee Member

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



COMMITTEE ON

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Committee Member

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)
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(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 of 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



COMMITTEE ON

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

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



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Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

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 Min-Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

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

WWW.FRANKAGUONJR.COM



COMMITTEE ON

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

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



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V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

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 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



COMMITTEE ON

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

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



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V. Anthony Ada**
Committee Member

**Senator
Michael Lintiac**
Committee Member

**Senator
Thomas Morrison**
Committee Member

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!

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Respectfully

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Committee Chairman of Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Lihaslaturan 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
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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

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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

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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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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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(Sponsored by Senator Brant T. McCreadie)
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Committee Member

**Senator
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Committee Member

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

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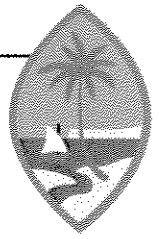
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April 18, 2014

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

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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

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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

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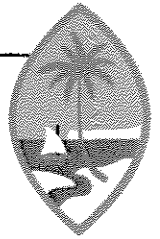
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PUBLIC HEARING

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."

< Prev

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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.

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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

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

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MAJORITY LEADER

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VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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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. 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. |



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.
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Senator
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

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. 319-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 319-32(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. 319-32 (LS)

Introduced by:

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,”

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2

3 Section 1. A new Article 3 is *added* to Chapter 46 of 9GCA to read:

4

5

“Article 3

6

COMPUTER SPYWARE PROTECTION ACT

7

8 §46.301. **Title.** This Act may be cited as the “Computer Spyware Protection Act.”

9

10 §46.302. **Legislative Intent.** *I Liheslaturan Guåhan* finds that spyware is a problem that
11 adversely affects nearly every computer connected to the internet. Spyware is a catch-all
12 term for computer programs that can track computer users' movements online. There are
13 hundreds of programs that range from innocuous “ad-ware,” which generates pop-up
14 advertisements, to more dangerous programs that can record a user’s keystrokes to gather
15 personal information such as credit card numbers and passwords without their knowledge
16 and forward this information to another entity without the consumer’s consent. Spyware is
17 a serious problem that can create substantial privacy risks, increase the risk of identity

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1 theft, and cause serious degradation to personal and business computers that can cost
2 millions of dollars in lost productivity.

3

4 It is the intent of I Liheslatura to protect owners and operators of computers in Guam from
5 the use of spyware and malware that is deceptively or surreptitiously installed on the
6 owner's or the operator's computer.

7

8 **§46.303. Definitions**

9

10 (1) "Cause to be copied" means to distribute or transfer computer software, or any
11 component thereof. Such term shall not include providing:

12

13 (a) a transmission, routing, provision of intermediate temporary storage, or
14 caching of software;

15

16 (b) a storage or hosting medium, such as a compact disk, web site, or
17 computer server through which the software was distributed by a third party;
18 or

19

20 (c). an information location tool, such as a directory, index, reference,
21 pointer, or hypertext link, through which the user of the computer located
22 the software.

23

24 (2) "Computer software" means a sequence of instructions written in any programming
25 language that is executed on a computer. "Computer software" does not include a data
26 component of a web page that is not executable independently of the web page.

27

1 (3) "Computer virus" means a computer program or other set of instructions that is
2 designed to degrade the performance of or disable a computer or computer network and is
3 designed to have the ability to replicate itself on other computers or computer networks
4 without the authorization of the owners of those computers or computer networks.
5

6 (4) "Damage" means any significant impairment to the integrity or availability of data,
7 software, a system, or information.
8

9 (5) "Execute," when used with respect to computer software, means the performance of
10 the functions or the carrying out of the instructions of the computer software.
11

12 (6) "Intentionally deceptive" means any of the following:
13

14 a. An intentionally and materially false or fraudulent statement.
15

16 b. A statement or description that intentionally omits or misrepresents
17 material information in order to deceive an owner or operator of a computer.
18

19 c. An intentional and material failure to provide a notice to an owner or
20 operator regarding the installation or execution of computer software for the
21 purpose of deceiving the owner or operator.
22

23 (7) "Internet" means the global information system that is logically linked together by a
24 globally unique address space based on the internet protocol (IP), or its subsequent
25 extensions, and that is able to support communications using the transmission control
26 protocol/internet protocol (TCP/IP) suite, or its subsequent extensions, or other IP-
27 compatible protocols, and that provides, uses, or makes accessible, either publicly or

1 privately, high-level services layered on the communications and related infrastructure
2 described in this subsection.

3

4 (8) "Owner or operator" means the owner or lessee of a computer, or a person using such
5 computer with the owner or lessee's authorization, but does not include a person who
6 owned a computer prior to the first retail sale of the computer.

7

8 (9) "Message" means a graphical or text communication presented to an authorized user of
9 a computer.

10

11 (10) "Person" means any individual, partnership, corporation, limited liability company,
12 or other organization, or any combination thereof.

13

14 (11) "Personally identifiable information" means any of the following information if it
15 allows the entity holding the information to identify the owner or operator of a computer:

16

17 a. The first name or first initial in combination with the last name.

18

19 b. A home or other physical address including street name.

20

21 c. Personal identification code in conjunction with a password required to
22 access an identified account, other than a password, personal identification
23 number or other identification number transmitted by an authorized user to
24 the issuer of the account or its agent.

25

26 d. Social security number, tax identification number, driver's license number,
27 passport number, or any other government-issued identification number.

28

1 e. Account balance, overdraft history, or payment history that personally
2 identifies an owner or operator of a computer.
3

4 **§46.304. Prohibitions, Use of Software**

5 It is unlawful for a person who is not an owner or operator of a computer to cause
6 computer software to be copied on such computer knowingly or with conscious avoidance
7 of actual knowledge or willfully, and to use such software to do any of the following:
8

9 (1) Modify, through intentionally deceptive means, settings of a computer that control any
10 of the following:
11

12 a. The web page that appears when an owner or operator launches an Internet
13 browser or similar computer software used to access and navigate the
14 Internet.
15

16 b. The default provider or web proxy that an owner or operator uses to access
17 or search the Internet.
18

19 c. An owner's or an operator's list of bookmarks used to access web pages.
20

21 (2) Collect, through intentionally deceptive means, personally identifiable information
22 through any of the following means:
23

24 a. The use of a keystroke-logging function that records all or substantially all
25 keystrokes made by an owner or operator of a computer and transfers that
26 information from the computer to another person.
27

1 b. In a manner that correlates personally identifiable information with data
2 regarding all or substantially all of the Web sites visited by an owner or
3 operator, other than Web sites operated by the person providing such
4 software, if the computer software was installed in a manner designed to
5 conceal from all authorized users of the computer the fact that the software is
6 being installed..

7
8 c. By extracting from the hard drive of an owner's or an operator's computer,
9 an owner's or an operator's social security number, tax identification number,
10 driver's license number, passport number, any other government-issued
11 identification number, account balances, or overdraft history for a purpose
12 unrelated to any of the purposes of the software or service described to an
13 authorized user.

14
15 (3) Prevent, through intentionally deceptive means, an owner's or an operator's reasonable
16 efforts to block the installation of or execution of, or to disable, computer software by
17 causing computer software that the owner or operator has properly removed or disabled to
18 automatically reinstall or reactivate on the computer without the authorization of an
19 authorized user.

20
21 (4) Intentionally misrepresent that computer software will be uninstalled or disabled by an
22 owner's or an operator's action.

23
24 (5) Through intentionally deceptive means, remove, disable, or render inoperative
25 security, antispymware, or antivirus computer software installed on an owner's or an
26 operator's computer.

27
28 (6) Enable use of an owner's or an operator's computer to do any of the following:

1
2 a. Accessing or using a modem or Internet service for the purpose of causing
3 damage to an owner's or an operator's computer or causing an owner or
4 operator , or a third party affected by such conduct to incur financial charges
5 for a service that the owner or operator did not authorize.

6
7 b. Opening multiple, sequential, stand-alone messages in an owner's or an
8 operator's computer without the authorization of an owner or operator and
9 with knowledge that a reasonable computer user could not close the messages
10 without turning off the computer or closing the software application in which
11 the messages appear; provided that this paragraph shall not apply to
12 communications originated by the computer's operating system, originated
13 by a software application that the user chooses to activate, originated by a
14 service provider that the user chooses to use, or presented for any of the
15 purposes described in §46.306.

16
17 c. Transmitting or relaying commercial electronic mail or a computer virus
18 from the computer, where the transmission or relaying is initiated by a person
19 other than the authorized user and without the authorization of an authorized
20 user.

21
22 (7) Modify any of the following settings related the computer's access to, or use of, the
23 Internet:

24
25 a. Settings that protect information about an owner or operator for the
26 purpose of taking personally identifiable information of the owner or
27 operator.
28

1 b. Security settings for the purpose of causing damage to a computer.

2
3 c. Settings that protect the computer from the uses identified in subsection (6)
4 of this section.

5
6 (8) Prevent, without the authorization of an owner or operator, an owner's or an operator's
7 reasonable efforts to block the installation of, or to disable, computer software by doing
8 any of the following:

9
10 a. Presenting the owner or operator with an option to decline installation of
11 computer software with knowledge that, when the option is selected by the
12 authorized user, the installation nevertheless proceeds.

13
14 b. Falsely representing that computer software has been disabled.

15
16 c. Requiring in an intentionally deceptive manner the user to access the
17 Internet to remove the software with knowledge or reckless disregard of the
18 fact that the software frequently operates in a manner that prevents the user
19 from accessing the Internet.

20
21 d. Changing the name, location or other designation information of the
22 software for the purpose of preventing an authorized user from locating the
23 software to remove it.

24
25 e. Using randomized or intentionally deceptive filenames, directory folders,
26 formats, or registry entries for the purpose of avoiding detection and removal
27 of the software by an authorized user.

1 f. Causing the installation of software in a particular computer directory or
2 computer memory for the purpose of evading authorized users' attempts to
3 remove the software from the computer;

4
5 g. Requiring, without the authority of the owner of the computer, that an
6 authorized user obtain a special code or download software from a third party
7 to uninstall the software.

8
9 **§46.305. Other Prohibitions**

10 It is unlawful for a person who is not an owner or operator of a computer to do any of the
11 following with regard to the computer:

12
13 (1) Induce an owner or operator to install a computer software component onto the
14 owner's or the operator's computer by intentionally misrepresenting that installing
15 computer software is necessary for security or privacy reasons or in order to open, view,
16 or play a particular type of content.

17
18 (2) Using intentionally deceptive means to cause the execution of a computer software
19 component with the intent of causing the computer to use such component in a manner
20 that violates any other provision of this Article.

21
22 **§46.306. Exceptions**

23 §§46.304 and 46.305 shall not apply to the monitoring of, or interaction with, an owner's
24 or an operator's Internet or other network connection, service, or computer, by a
25 telecommunications carrier, cable operator, computer hardware or software provider, or
26 provider of information service or interactive computer service for network or computer
27 security purposes, diagnostics, technical support, maintenance, repair, network
28 management, authorized updates of computer software or system firmware, authorized

1 remote system management, or detection or prevention of the unauthorized use of or
2 fraudulent or other illegal activities in connection with a network, service, or computer
3 software, including scanning for and removing computer software prescribed under this
4 Article.

5
6 **§46.307. Remedies**

7 (1) The attorney general, an Internet service provider or software company that expends
8 resources in good faith assisting authorized users harmed by a violation of this Article, or
9 a trademark owner whose mark is used to deceive authorized users in violation of this
10 Article, may bring a civil action against a person who violates any provision of this
11 Article to recover actual damages, liquidated damages of at least one thousand dollars per
12 violation of this Article, not to exceed one million dollars for a pattern or practice of such
13 violations, attorney fees, and costs.

14
15 (2) The court may increase a damage award to an amount equal to not more than three
16 times the amount otherwise recoverable under subsection 1 if the court determines that the
17 defendant committed the violation willfully and knowingly.

18
19 (3) The court may reduce liquidated damages recoverable under subsection 1, to a
20 minimum of one hundred dollars, not to exceed one hundred thousand dollars for each
21 violation if the court finds that the defendant established and implemented practices and
22 procedures reasonably designed to prevent a violation of this Article.

23
24 (4) In the case of a violation of §46.304(6)a. that causes a telecommunications carrier or
25 provider of voice over internet protocol service to incur costs for the origination,
26 transport, or termination of a call triggered using the modem or Internet-capable device of
27 a customer of such telecommunications carrier or provider as a result of such violation,

1 the telecommunications carrier may bring a civil action against the violator to recover any
2 or all of the following—

3 a. the charges such carrier or provider is obligated to pay to another carrier or
4 to an information service provider as a result of the violation, including but
5 not limited to charges for the origination, transport or termination of the call;

6
7 b. costs of handling customer inquiries or complaints with respect to amounts
8 billed for such calls;

9
10 c. costs and a reasonable attorneys' fee; and

11
12 d. an order to enjoin the violation.
13

14 (5) For purposes of a civil action under paragraphs (1), (2) and (3) any single action or
15 conduct that violates more than one paragraph of this Article shall be considered multiple
16 violations based on the number of such paragraphs violated.
17

18 **§46.308. Good Samaritan**

19 (1) No provider of computer software or of an interactive computer service may be held
20 liable for identifying, naming, removing, disabling, or otherwise affecting a computer
21 program through any action voluntarily undertaken, or service provided, where the
22 provider:

23
24 a. Intends to identify accurately, prevent the installation or execution of,
25 remove, or disable another computer program on a computer of a customer of
26 such provider; and
27

1 b. Reasonably believes the computer program exhibits behavior that violates
2 this act; and

3
4 c. Notifies the authorized user and obtains clear and conspicuous consent
5 before undertaking such action or providing such service.

6
7 (2) A provider of computer software or interactive computer service is entitled to
8 protection under this section only if such provider:

9
10 a. Has established internal practices and procedures to evaluate computer
11 programs reasonably designed to determine whether or not a computer
12 program exhibits behavior that violates this act; and

13
14 b. Has established a process for managing disputes and inquiries regarding
15 misclassification or false positive identifications of computer programs.

16 Nothing in this section is intended to limit the ability of the Attorney General,
17 or a district attorney to bring an action against a provider of computer
18 software or of an interactive computer service.