



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 12, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Bill No. 6-32 (LS) – Public Law No. 32-012

Dear Madame Speaker:

Transmitted herewith is Bill No. 6-32 (LS), "AN ACT TO AMEND §§25.15 AND 25.20 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES INVOLVING CRIMINAL SEXUAL CONDUCT, AND TO BE CITED AS THE "PREDATOR PREVENTION ACT", which I signed into law on April 11, 2013, as Public Law 32-012.

Senseramente,


EDDIE BAZA CALVO

Attachment: Copy of Bill

0274

2013 APR 12 PM 4: 22

32-13-274
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 4:00
Time 4/12/13
Received by RT

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

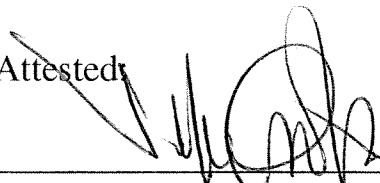
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 6-32 (LS), "AN ACT TO AMEND §§25.15 AND 25.20 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES INVOLVING CRIMINAL SEXUAL CONDUCT, AND TO BE CITED AS THE "PREDATOR PREVENTION ACT"**, was on the 1st day of April, 2013, duly and regularly passed.



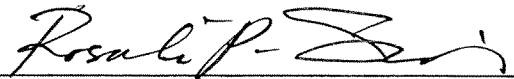
Judith T. Won Pat, Ed.D.
Speaker

Attested:



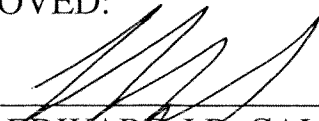
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2 day of April,
2013, at 12:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 11 2013

Public Law No. 32-012

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 6-32 (LS)

As substituted by the Committee on the Guam
U.S. Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary; and amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND §§25.15 AND 25.20 OF
CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO STRENGTHENING THE PENALTIES
FOR CRIMES INVOLVING CRIMINAL SEXUAL
CONDUCT, AND TO BE CITED AS THE
“PREDATOR PREVENTION ACT.”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there exists an alarming rate of incidences on Guam and throughout the nation

1 involving criminal sexual conduct. *I Liheslatura* is especially concerned as well
2 with sex crimes involving children, the most vulnerable in our community.
3 According to the *Crimes Against Children Research Center*, one (1) in five (5)
4 girls and one (1) in twenty (20) boys is a victim of child sexual abuse.

5 As of December 2012, there were a total of six hundred forty-one (641) sex
6 offenders registered with the Guam Sex Offender Registry of the Unified Judiciary
7 of Guam. Nearly half of this figure, or three hundred fifty (350) offenders, have
8 been convicted of a sexually violent offense.

9 *I Liheslaturan Guåhan* further finds that local media regularly report on
10 arrests or court proceedings involving sexual crimes against children. These
11 reports continue to expose a very dangerous problem for Guam's close knit
12 community. Crimes involving criminal sexual conduct and crimes committed
13 against children are heinous and further inflict unfathomable effects on the lives of
14 victims and their families.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to strengthen existing
16 penalties for sexual offenses involving minors, by amending §§25.15 and 25.20 of
17 Chapter 25, Title 9, Guam Code Annotated. *I Liheslatura* further intends that these
18 penalties serve to ultimately reduce and eliminate incidences involving such
19 terrible acts against Guam's children.

20 **Section 2.** §§25.15 and 25.20 of Chapter 25, Title 9, Guam Code
21 Annotated, are hereby *amended* to read:

22 **“§ 25.15. First Degree Criminal Sexual Conduct.**

23 (a) A person is guilty of criminal sexual conduct in the first degree
24 if he or she engages in sexual penetration with the victim and if any of the
25 following circumstances exists:

26 (1) the victim is under fourteen (14) years of age;

1 (2) the victim is *at least* fourteen (14) but *less than* sixteen
2 (16) years of age and the actor is a member of the same household as
3 the victim, the actor is related to the victim by blood or affinity to the
4 fourth degree to the victim, or the actor is in a position of authority
5 over the victim and used this authority to coerce the victim to submit;

6 (3) sexual penetration occurs under circumstances involving
7 the commission of any other felony;

8 (4) the actor is aided or abetted by one or more other persons
9 and either of the following circumstances exists:

10 (A) the actor knows or has reason to know that the
11 victim is mentally defective, mentally incapacitated or
12 physically helpless; or

13 (B) the actor uses force or coercion to accomplish the
14 sexual penetration.

15 (5) the actor is armed with a weapon or any article used or
16 fashioned in a manner to lead the victim to reasonably believe it to be
17 a weapon;

18 (6) the actor causes personal injury to the victim and force or
19 coercion is used to accomplish sexual penetration; and

20 (7) the actor causes personal injury to the victim, and the
21 actor knows or has reason to know that the victim is mentally
22 defective, mentally incapacitated or physically helpless.

23 (b) Criminal sexual conduct in the first degree is a felony in the
24 first degree. Any person convicted of criminal sexual conduct under
25 §25.15(a) *shall* be sentenced to a minimum of fifteen (15) years
26 imprisonment, and may be sentenced to a maximum of life imprisonment
27 without the possibility of parole. The term imposed *shall not* be suspended,

1 as indicated in §80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall work
2 release or educational programs outside the confines of prison be granted;
3 nor shall the provisions under §80.31 of Article 2, Chapter 80, Title 9 GCA
4 apply. Any such sentence *shall* include a special parole term of *not less than*
5 three (3) years in addition to such time of imprisonment.

6 (c) Any person convicted of criminal sexual conduct under
7 §25.15(a) subsequent to a first conviction of criminal sexual conduct under
8 §25.15(a) *shall* be sentenced to a minimum of twenty-five (25) years
9 imprisonment, and may be sentenced to life imprisonment without the
10 possibility of parole. Said term *shall not* be suspended as indicated in
11 §80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release
12 or educational programs outside the confines of prison be granted.”

13 **“§ 25.20. Second Degree Criminal Sexual Conduct.**

14 (a) A person is guilty of criminal sexual conduct in the second
15 degree if the person engages in sexual contact with another person and if any
16 of the following circumstances exists:

17 (1) that other person is under fourteen (14) years of age;

18 (2) that other person is *at least* fourteen (14) but *less than*
19 sixteen (16) years of age and the actor is a member of the same
20 household as the victim, or is related by blood or affinity to the fourth
21 degree to the victim, or is in a position of authority over the victim
22 and the actor used this authority to coerce the victim to submit;

23 (3) sexual contact occurs under circumstances involving the
24 commission of any other felony;

25 (4) the actor is aided or abetted by one or more other persons
26 and either of the following circumstances exists:

1 (A) the actor knows or has reason to know that the
2 victim is mentally defective, mentally incapacitated or
3 physically helpless; or

4 (B) the actor uses force or coercion to accomplish the
5 sexual contact.

6 (5) the actor is armed with a weapon or any article used or
7 fashioned in a manner to lead a person to reasonably believe it to be a
8 weapon;

9 (6) the actor causes personal injury to the victim and force or
10 coercion is used to accomplish the sexual contact; and

11 (7) the actor causes personal injury to the victim and the
12 actor knows or has reason to know that the victim is mentally
13 defective, mentally incapacitated or physically helpless.

14 (b) Criminal sexual conduct in the second degree is a felony in the
15 first degree, but a person convicted of criminal sexual conduct in the second
16 degree who receives a sentence of imprisonment *shall not* be eligible for
17 work release or educational programs outside the confines of prison. The
18 term imposed *shall not* be suspended, as indicated in §80.60 of Article 4,
19 Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum
20 term; nor shall parole be granted; nor shall the provisions under §80.31 of
21 Article 2, Chapter 80, Title 9 GCA apply. Any such sentence *shall* include a
22 special parole term of *not less than* three (3) years, in addition to such time
23 of imprisonment.

24 (c) Any person convicted of criminal sexual conduct under
25 §25.20(a) subsequent to a first conviction of criminal sexual conduct under
26 §25.15(a), which involves sexual penetration, *shall* be sentenced to a
27 minimum of twenty-five (25) years imprisonment, and may be sentenced to

1 life imprisonment without the possibility of parole. Said term *shall not* be
2 suspended; nor probation be imposed in lieu of said term, as indicated in
3 §80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release
4 or educational programs outside the confines of prison be granted.”

5 **Section 3. Effective Date.** This Act *shall* be effective upon enactment and
6 *shall* apply prospectively.