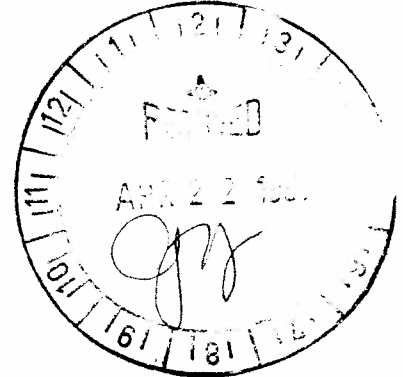


*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
FINANCIAL ADMINISTRATION  
AGANA, GUAM

APR 22 1991

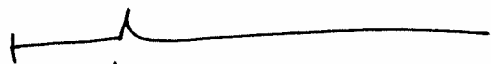


The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 70, which was signed into law  
as Public Law 21-12.

Sincerely yours,

  
FRANK F. BLAS  
Governor of Guam  
Acting

210204

Attachment




Commonwealth Now!


TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

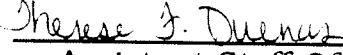
This is to certify that Substitute Bill No. 70 (LS), "AN ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND (g) TO §61.20, CHAPTER 61, TITLE 9, GUAM CODE ANNOTATED, TO PENALIZE TELEPHONE AND TELEFAX HARASSMENT," was on the 3rd day of April, 1991, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

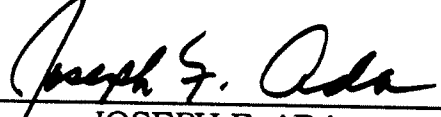
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 9<sup>th</sup> day of  
April, 1991, at 3:15 o'clock P.m.

  
\_\_\_\_\_  
Theresese J. Duenas  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: April 19, 1991

Public Law No. 21-12

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 70 (LS)  
As substituted by the Committee  
on Energy, Utilities and Consumer  
Protection

Introduced by:

P. C. Lujan  
D. Parkinson  
H. D. Dierking  
D. F. Brooks  
J. G. Bamba  
A. C. Blaz  
M. D. A. Manibusan  
G. Mailloux  
F. R. Santos  
A. R. Unpingco  
M. C. Ruth  
J. T. San Agustin  
J. P. Aguon  
E. P. Arriola  
E. R. Duenas  
E. M. Espaldon  
C. T. C. Gutierrez  
M. J. Reidy  
D. L. G. Shimizu  
T. V. C. Tanaka

AN ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND (g) TO  
§61.20, CHAPTER 61, TITLE 9, GUAM CODE ANNOTATED, TO  
PENALIZE TELEPHONE AND TELEFAX HARASSMENT.

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

2 **Section 1.** New subsections (d), (e), (f), and (g) are added to §61.20,  
3 Chapter 61, Title 9, Guam Code Annotated, to read:

4 "(d) Every person who with intent to annoy, telephones or  
5 telefaxes another and addresses to or about such other person any  
6 obscene language is guilty of a misdemeanor.

7 (e) Every person who makes a telephone call or telefax  
8 transmission with intent to annoy and without disclosing his true  
9 identity to the person answering the telephone or receiving the  
10 telefax transmission whether or not conversation ensues from

1 making the telephone call, is guilty of a misdemeanor.

2 (f) Any offense committed by use of a telephone or telefax  
3 machine as set out in this section may be deemed to have been  
4 committed at either the place at which the telephone calls or  
5 telefax transmissions were made or received. In the event that a  
6 customer of the Guam Telephone Authority ("GTA") receives  
7 harassing telephone calls, such customer may file an injunction  
8 complaint under the name of John Doe, although GTA may release  
9 the name, address, and telephone number of the plaintiff to the  
10 Superior Court of Guam. GTA shall disconnect all telephone  
11 services to any subscriber who has violated the provisions of this  
12 section more than one (1) time.

13 (g) Subsections (d) or (e) of this section are violated when  
14 the person acting with intent to annoy makes a telephone call or  
15 telefax transmission requesting a return call or return transmission  
16 and performs the acts prohibited under such subsections upon  
17 receiving the return call or transmission."

Bill No. 70

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

Date: 4/3/91

	Ayes	Noes	NOT Voting	Absent
1. AGUON, John Perez	✓			
2. ARRIOLA, Elizabeth Perez	✓			
3. BAMBA, J. George	✓			
4. BLAZ, Anthony Crisostomo	✓			
5. BROOKS, Doris Flores	✓			
6. DIERKING, Herminia Duenas	✓			
7. DUENAS, Edward Ramirez				✓
8. ESPALDON, Ernesto M. (M.D.)	✓			
9. GUTIERREZ, Carl T. C.	✓			
10. LUJAN, Pilar Cruz	✓			
11. MAILLOUX, Gordon	✓			
12. MANIBUSAN, Marilyn D. A.	✓			
13. PARKINSON, Don	✓			
14. REIDY, Michael	✓			
15. RUTH, Martha Cruz	✓			
16. SAN AGUSTIN, Joe Taitano	✓			
17. SANTOS, Francisco Rivera	✓			
18. SHIMIZU, David L. G. (M.D.)	✓			
19. TANAKA, Thomas V. C.	✓			
20. UNPINGCO, Antonio Reyes	✓			

19

1

**SENATOR DON PARKINSON**  
21st GUAM LEGISLATURE  
163 CHALAN SANTO PAPA STREET  
AGANA, GUAM 96910

MAJORITY LEADER and CHAIRPERSON, COMMITTEE ON ENERGY, UTILITIES, AND CONSUMER PROTECTION

April 1, 1991

Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
Temporary Building, 155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Energy, Utilities and Consumer Protection wishes to report out its findings on BILL NO. 70: (AS SUBSTITUTED BY THE COMMITTEE ON ENERGY, UTILITIES AND CONSUMER PROTECTION) AN ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND (g) TO SECTION 61.20 OF CHAPTER 61 OF TITLE 9 GUAM CODE ANNOTATED RELATING TO TELEPHONE AND TELEFAX HARASSMENT.

The Committee's Voting Record is as follows:

TO PASS: 10  
NOT TO PASS: 0  
OFF-ISLAND: 0  
REPORT OUT ONLY: 0  
NOT VOTING: 1

A copy of the Committee Report and other pertinent information are attached for your information.

Sincerely,



Senator Don Parkinson  
Chairman, Committee on  
Energy, Utilities and  
Consumer Protection

**COMMITTEE ON ENERGY, UTILITIES AND  
CONSUMER PROTECTION**

**VOTING SHEET ON:**

**BILL NO. 70: (AS SUBSTITUTED BY THE COMMITTEE ON  
ENERGY, UTILITIES AND CONSUMER PROTECTION) AN  
ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND (g) TO  
SECTION 61.20 OF CHAPTER 61 OF TITLE 9 GUAM CODE  
ANNOTATED RELATING TO TELEPHONE AND TELEFAX  
HARASSMENT.**

<u>COMMITTEE ON MEMBERS:</u>	<u>INITIAL:</u>	<u>TO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>
Sen. Don Parkinson	<i>D</i>	✓		
Sen. Herminia Dierking	<i>D</i>	✓		
Sen. George Bamba	<i>GB</i>	✓		
Sen. Anthony Blaz	<i>AB</i>	✓		
Sen. Doris Brooks	<i>DB</i>	✓		
Sen. Gordon Mailloux	<i>G</i>	✓		
Sen. Marilyn Manibusan				
Sen. Martha Ruth	<i>Martha Ruth</i>	✓ 4/2/91		
Sen. Frank Santos	<i>F</i>	✓		
Sen. Antonio Unpingco	<i>A</i>	✓		
Spkr. Joe T. San Agustin	<i>JA</i>	✓		

REPORT OF THE COMMITTEE ON ENERGY, UTILITIES  
AND CONSUMER PROTECTION ON BILL NO. 70, "AN  
ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND  
(g) TO SECTION 61.20 OF CHAPTER 61 OF TITLE  
9 GUAM CODE ANNOTATED RELATING TO TELEPHONE  
AND TELEFAX HARASSMENT.

PREFACE

The Committee on Energy, Utilities and Consumer Protection conducted a public hearing on February 19, 1991 at 2:00 P.M. in the Legislative Public hearing room on Bill No. 70, "An act to add new subsections (d), (e), (f), and (g) to Section 61.20 of Chapter 61 of Title 9 Guam Code Annotated relating to telephone and telefax harassment." Present at the public hearing were: Senator Parkinson, Chairman; Senator Manibusan, Member; Senator Blaz, Member; Senator Santos, Member; Senator Brooks, Member; Senator Ruth, Member; Senator Unpingco, Member; and Senator Lujan, Bill Sponsor.

TESTIMONY

Submitting testimony before the Committee was Mr. Jesus A. Manibusan, General Manager of Guam Telephone Authority who testified in support of Bill No. 70. Mr. Manibusan submitted a written testimony labeled, Exhibit "A", with attachment labeled Exhibit "A-1". One of the concerns of the Guam Telephone Authority is the repeal of certain sections of the current statute. However this concern was addressed in the substitute version of the bill being reported out. The final provisions of the substitute bill is lifted from the California Annotated Penal Code and fulfills the intent of Bill No. 70 as introduced.

COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee on Energy, Utilities and Consumer Protection finds that the proliferation of fax usage on Guam has reached unprecedented levels and that there has been an increased level of obscene, annoying and threatening calls both on telephones and fax. The Committee on Energy, Utilities and Consumer Protection therefore recommends that Bill No. 70, as substituted by the Committee, be passed by the 21st Guam Legislature.

EXHIBIT

- |             |   |
|-------------|---|
| Exhibit "A" | Written testimony (with attachment "A-1") of Mr. Jesus Manibusan General Manager, Guam Telephone Office |
| Exhibit "B" | Bill No. 70 as introduced.  |



Exhibit "C"

Bill No. 70 as substituted by the  
Committee on Energy, Utilities and  
Consumer Protection.

21-029/Bill70.rep

**GTA**  
**Guam Telephone Authority**

Post Office Box 9008, Tamuning, Guam 96911 • Telephone: 646-1427/5527

February 19, 1991

Senator Don Parkinson  
Chairman  
Committee on Energy, Utilities  
& Consumer Protection  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Senator Parkinson:

Guam Telephone Authority is pleased to submit testimony in support of Bill Nos. 63 and 70.

I am available for further discussion should you require additional information.

Sincerely,

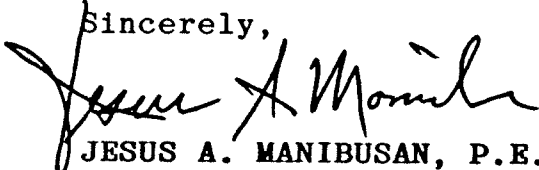
  
JESUS A. MANIBUSAN, P.E.  
General Manager

Exhibit "A"



# GUAM TELEPHONE AUTHORITY

POST OFFICE BOX 9008 • TAMUNING, GUAM 96911 • TEL: 646-1427 • FAX: 646-8249

## TESTIMONY ON BILL 70

FEBRUARY 19, 1991

GTA is not certain of the intent of Bill 70. If the bill is intended for harassing phone calls, Section 61.20 (a) has a petty misdemeanor penalty for that offense. If the bill is intended to deal with bomb threat calls, then Section 19.50 (a) has a third degree felony penalty provision for such terroristic conduct.

Subsections (d), (e) and (f) are not new subsections, but were the original § 653f of the Guam Penal Code with the words "telefaxes", "telefax machines" and "telefax transmissions" added.

§ 653f was repealed and replaced by § 61.20. § 61.20 reads:

"A person commits a petty misdemeanor if, with intent to harass another, he: (a) makes, or causes to be made a communication anonymously or extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or harm;"

Comments under Section 61.20 says that this section continues the policy behind former § 640a (obscene telephone calls), § 650 (threatening letters), and § 653f (annoying telephone calls).

Since the current law under § 61.20 (a) already provides for a petty misdemeanor penalty for harassing telephone calls

*Exhibit "A-1"*



(including telefaxes under word communication) as well as penalties for actions covered by Section (g) of Bill 70, it appears that the only new element of Bill 70 is to change the penalty for harassing communications from a petty misdemeanor.

If it is the intent of the legislature to increase the penalty to a misdemeanor, then Bill 70 should be substituted with a bill to read:

Section 1. The first sentence of Section 61.20 of the Criminal and Correctional code is amended to read:

§ 61.20. A person commits a ~~petty~~ misdemeanor if, with intent to harass another, he:

GTA is not aware of any person being found guilty of a petty misdemeanor under current law for any type of harassing communications and is therefore not in any position to comment on the merits of increasing the penalty to a misdemeanor. GTA feels that the Attorney General is the more proper person to offer testimony on the penalty provisions of this bill.

GTA is not aware of any person being found guilty of terroristic conduct and is therefore not in any position to comment on the merits of the adequacy of Section 19.50.(a) in dealing with bomb threat calls. GTA feels that the Attorney General can best comment on the merits of our current statutes.

GTA has been working very closely with the Attorney General in drafting some form of administrative relief of the large volume of harassing, nuisance and life threatening calls. We have been looking into the use of GTA's existing authority to suspend service of those telephones that have been determined to have been used to harass, be a nuisance or threaten lives.

GTA is supportive of any civil and/or criminal measure that would help reduce the number of harassing calls of any type.

JAN 23 '91

TWENTY-FIRST GUAM LEGISLATURE  
1991 (First) Regular Session

Bill No. 70(LS)

Introduced by:

P. C. Lujan *PC*

AN ACT TO ADD NEW SUBSECTIONS (d), (e),  
(f), AND (g) TO §61.20 OF CHAPTER 61  
OF TITLE 9 GUAM CODE ANNOTATED RELATING  
TO TELEPHONE AND TELEFAX HARASSMENT.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. New Subsections (d), (e), (f), and (g) are added  
to Section 61.20 of Chapter 61, Title 9, Guam Code Annotated to read:

"(d) Every person who with intent to annoy,  
telephones or telefaxes another and addresses to or about  
such other person any obscene language or addresses to  
such other person any threat to inflict injury to the  
person or property of the person addressed or any member  
of his family, is guilty of a misdemeanor.

(e) Every person who makes a telephone call  
or telefax transmission with intent to annoy and without  
disclosing his true identity to the person answering  
the telephone or receiving the telefax transmission is  
whether or not conversation ensues from making the  
telephone call, is guilty of a misdemeanor.

(f) Any offense committed by use of a telephone  
or telefax machine as herein set out may be deemed to  
have been committed at either the place at which the  
telephone call or calls or telefax transmission or  
transmissions were received.

(g) Subsections (d) or (e) is violated when  
the person acting with intent to annoy makes a telephone  
call or telefax transmission requesting a return call  
or return transmission and performs the acts prohibited  
under such subsection upon receiving the return call  
or transmission."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Bill No. 70

Introduced by:  
As substituted by the  
Committee on Energy, Utilities  
and Consumer Protection

P. C. Lujan  
D. Parkinson  
H. D. Dierking  
D. F. Brooks  
J. G. Bamba  
A. C. Blaz  
M. D. A. Manibusan  
G. Mailloux  
F.R. Santos  
A.R. Unpingco  
M.C. Ruth  
J. T. San Agustin  
J.P. Aguon  
C.T.C. Gutierrez  
D. Shimizu  
E. Arriola  
E. Espaldon  
E. Duenas  
T. Tanaka  
M. Reidy

AN ACT TO ADD NEW SUBSECTIONS (d), (e), (f), AND (g) TO SECTION  
61.20 OF CHAPTER 61 OF TITLE 9 GUAM CODE ANNOTATED  
RELATING TO TELEPHONE AND TELEFAX HARASSMENT.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. New Subsections (d), (e), (f), and (g) are added to Section 61.20 of Chapter 61, Title 9, Guam Code Annotated to read:

(d) Every person who with intent to annoy, telephones or telefaxes another and addresses to or about such other person any obscene language is guilty of a misdemeanor.

(e) Every person who makes a telephone call or telefax transmission with intent to annoy and without disclosing his true identity to the person answering the telephone or receiving the telefax transmission is whether or not conversation ensues from making the telephone call, is guilty of a misdemeanor.

[Source: California Annotated Penal Code §653m. (b)]

(f) Any offense committed by use of a telephone or telefax machine as herein set out may be deemed to have been committed at either the place at which the telephone call or calls or telefax transmission were received.

(g) In the event that a telephone customer receives harassing phone calls from a telephone number known to Guam Telephone Authority but unknown to the complaining party, in order to stop the phone calls, the victim may file a complaint in the Superior Court for injunctive relief which shows a John Doe defendant. Upon filing such a complaint, the Guam Telephone Authority will release the name, address, and telephone number of the subscriber involved to the Superior Court of Guam and to the Plaintiff naming the actual party or subscriber, and the Plaintiff may then file an amended complaint.

(h) The Guam Telephone Authority shall disconnect all telephone services to the telephone of any subscriber whose telephone who has been used to violate this section more than once and after one written warning has been given within the last 24 months. The Guam Telephone authority shall promulgate rules and regulations for hearing prior to such disconnection. The Administrative Ajudication Act shall apply.

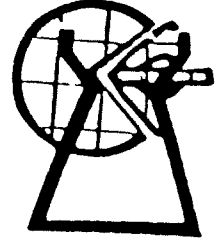
(i) Subsections (d) or (e) is violated when the person acting with intent to annoy makes a telephone call or telefax transmission requesting a return call or return transmission and performs the acts prohibited under such subsection upon receiving the return call or transmission."

**(Legislative History - much of this act's Source was parts of California Annotated Penal Code §653m)**





BUREAU OF BUDGET & MANAGEMENT RESEARCH  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910



GIOVANNI T. SGAMBELLURI  
Director

FEB 14 1991

The Bureau requests that Bill Nos. 70 be granted a waiver pursuant to Public Law 12-229 for the following reason(s).

Bill No. 70 is an Act to add new Subsections (d), (e), (f) and (g) to SS61.20 of Chapter 61 of Title 9 Guam Code Annotated making it a misdemeanor to harass through telephone or telefax transmission.

The intent of the proposed Bill is administrative in nature and does not entail a fiscal impact on the General Fund.


  
GIOVANNI T. SGAMBELLURI  
Acting

Exhibit "D"

Bill No. 70(LS)

Introduced by:

P. C. Lujan *PC*

AN ACT TO ADD NEW SUBSECTIONS (d), (e),  
(f), AND (g) TO §61.20 OF CHAPTER 61  
OF TITLE 9 GUAM CODE ANNOTATED RELATING  
TO TELEPHONE AND TELEFAX HARASSMENT.

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

2 Section 1. New Subsections (d), (e), (f), and (g) are added  
3 to Section 61.20 of Chapter 61, Title 9, Guam Code Annotated to read:

4 "(d) Every person who with intent to annoy,  
5 telephones or telefaxes another and addresses to or about  
6 such other person any obscene language or addresses to  
7 such other person any threat to inflict injury to the  
8 person or property of the person addressed or any member  
9 of his family, is guilty of a misdemeanor.

10 (e) Every person who makes a telephone call  
11 or telefax transmission with intent to annoy and without  
12 disclosing his true identity to the person answering  
13 the telephone or receiving the telefax transmission is  
14 whether or not conversation ensues from making the  
15 telephone call, is guilty of a misdemeanor.

16 (f) Any offense committed by use of a telephone  
17 or telefax machine as herein set out may be deemed to  
18 have been committed at either the place at which the  
19 telephone call or calls or telefax transmission or  
20 transmissions were received.

21 (g) Subsections (d) or (e) is violated when  
22 the person acting with intent to annoy makes a telephone  
23 call or telefax transmission requesting a return call  
24 or return transmission and performs the acts prohibited  
25 under such subsection upon receiving the return call  
26 or transmission."