



Territory of Guam  
Territorial Guam

OFFICE OF THE GOVERNOR  
TERMINAL BUILDING  
AGANA, GUAM

JAN 27 1992

REFER TO  
LEGISLATIVE SECRETARY

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

Dear Mr. Speaker:

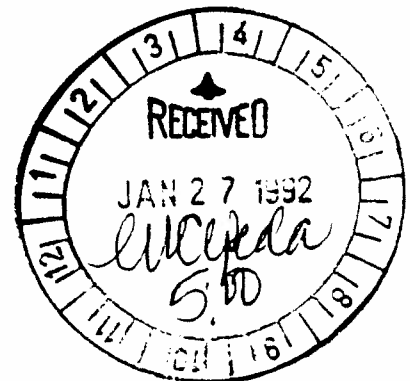
Transmitted herewith is Bill No. 315, which I have signed into  
law this date as Public Law No. 21-89.

Sincerely,

JOSEPH F. ADA  
Governor

Attachment

210611



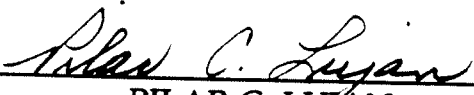
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

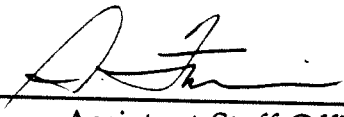
This is to certify that Substitute Bill No. 315 (COR), "AN ACT TO ADD §10.15 TO TITLE 8, GUAM CODE ANNOTATED, AND TO AMEND §10.20 OF SAID TITLE TO SET A SPECIAL STATUTE OF LIMITATION FOR CRIMINAL SEXUAL CONDUCT INVOLVING MINORS, TO ADD A NEW §10.25 TO SAID TITLE, DEFINING AGE OF CONSENT; AND TO ADD SUBPARAGRAPH (f) TO §19952, CHAPTER XII, TITLE XX, GOVERNMENT CODE OF GUAM, ON THE POWERS OF THE GUAM TAX COMMISSION," was on the 10th day of January, 1992, duly and regularly passed.

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

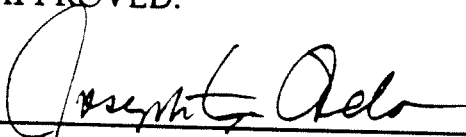
Attested:

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

This Act was received by the Governor this 15<sup>th</sup> day of January,  
1992, at 5:05 o'clock p.m.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

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

Date: JAN 27 1992

Public Law No: 21-89

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 315 (COR)

As substituted by the Committee  
on Judiciary and Criminal Justice  
and as further substituted by  
Committee on Rules

Introduced by:

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

AN ACT TO ADD §10.15 TO TITLE 8, GUAM CODE ANNOTATED, AND TO AMEND §10.20 OF SAID TITLE TO SET A SPECIAL STATUTE OF LIMITATION FOR CRIMINAL SEXUAL CONDUCT INVOLVING MINORS, TO ADD A NEW §10.25 TO SAID TITLE, DEFINING AGE OF CONSENT; AND TO ADD SUBPARAGRAPH (f) TO §19952, CHAPTER XII, TITLE XX, GOVERNMENT CODE OF GUAM, ON THE POWERS OF

THE GUAM TAX COMMISSION.

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

2 **Section 1.** §10.15 is added to Title 8, Guam Code Annotated, to read:

3 "§10.15. **Limitation on sex crimes.** A prosecution for felony  
4 criminal sexual conduct involving a person under the age of  
5 consent may be commenced up to three (3) years after the minor  
6 reaches the age of consent."

7 **Section 2.** §10.20 of Title 8, Guam Code Annotated, is hereby repealed  
8 and reenacted to read:

9 "§10.20. **Statute of limitation of felonies.**

10 (a) A prosecution of murder shall have no statute of  
11 limitation;

12 (b) A prosecution of criminal sexual conduct involving  
13 persons under the age of consent shall be in accordance with  
14 §10.15 of this Title;

15 (c) A prosecution for any other felony shall be commenced  
16 within three (3) years after it is committed."

17 **Section 3.** A new §10.25 is hereby added to Title 8, Guam Code  
18 Annotated, to read as follows:

19 "§10.25. **Definition of age of consent.** For purposes of this  
20 Chapter, "age of consent" means the age of sixteen (16)."

21 **Section 4.** Subparagraph (f) is hereby added to §19952, Chapter XII,  
22 Title XX, Government Code of Guam, to read:

23 "(f) Take any and all steps necessary to communicate with  
24 the Federal government regarding Guam's tax system; study

1 existing applicable domestic and international tax laws, tax  
2 treaties, and agreements which may have a bearing on the  
3 present and future relationship between the United States and  
4 Guam; and propose draft modifications of such tax laws, tax  
5 treaties, and agreements which might adversely impact upon  
6 Guam's development, such drafts and proposals resulting from  
7 communications between the Commission and representatives of  
8 the Federal government regarding such legislation."



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
*CHAIRMAN - Committee on Judiciary and Criminal Justice*

21-89

[JUN 04 1989]

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

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 315, now wishes to report its findings and recommendations for passage of Substitute Bill No. 315:

AN ACT TO ADD \$10.15 TO TITLE 8, GUAM CODE ANNOTATED, AND TO AMEND \$10.20 OF SAID TITLE, TO SET AN EIGHT YEAR (8) STATUTE OF LIMITATION FOR CRIMINAL SEXUAL CONDUCT PROSECUTIONS.

The Committee Voting Record is as follows:

<u>9</u>	TO PASS
<u>1</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

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

Sincerely,

*Pilar C. Lujan*  
 Pilar C. Lujan



# Twenty-first Guam Legislature

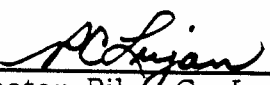
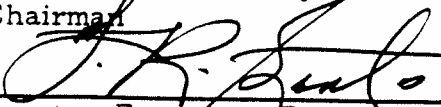
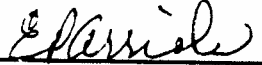
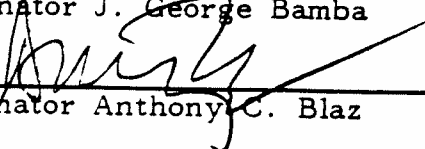
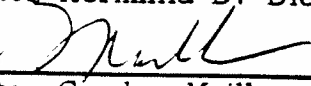
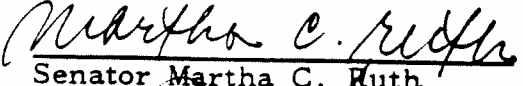
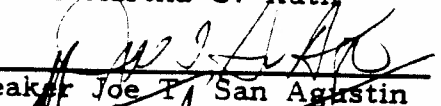

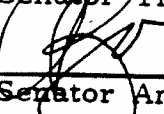
155 Hesler St.  
Agaña, Guam 96910

Tel. (671) 472-3461

Fax: (671) 477-1715

## COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

### VOTE SHEET ON: SUBSTITUTE BILL NO.315

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
 Senator Pilar C. Lujan Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Francisco R. Santos Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Elizabeth P. Arriola	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator J. George Bamba	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Anthony C. Blaz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Herminia D. Dierking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Gordon Mailloux	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Don Parkinson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Martha C. Ruth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Joe T. San Agustin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Thomas V. G. Tanaka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Antonio R. Unpingco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE**

**COMMITTEE REPORT  
ON**

**BILL NO. 315 - AN ACT TO AMEND §10.10 AND §10.20 OF CHAPTER 10  
OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO  
ADDING CRIMINAL SEXUAL CONDUCT PROSECUTIONS.**

**PREFACE**

The public hearing on Bill No. 315 was conducted by the Committee on Judiciary and Criminal Justice and convened at 10:15 AM, Friday, May 17, 1991 in the Legislative Public Hearing Room.

The hearing was called to order by the Chairperson Senator Pilar C. Lujan. Also present were Committee Members Anthony C. Blaz, Thomas V.C. Tanaka, and Antonio R. Unpingco.

**PURPOSE**

The intent of Bill No. 315 is to repeal the three-year statute of limitations on reporting, charging, and prosecuting criminal sexual conduct.

Currently, if a victim reported an alleged crime involving criminal sexual conduct after three years from the date the crime allegedly took place, such crime could not be charged and prosecuted because of the statute of limitations.

Pointing out that some victims are either too young to fully understand or be aware of such crime perpetrated or that victims may not be able to identify a perpetrator until years later, the measure was introduced to enable victims the opportunity to mete out justice.



TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 315

As substituted by the Committee  
on Judiciary and Criminal Justice

Introduced by:

P. C. Lujan

AN ACT TO ADD §10.15 TO TITLE 8, GUAM CODE ANNOTATED, AND TO AMEND §10.20 OF SAID TITLE, TO SET AN EIGHT YEAR STATUTE OF LIMITATION FOR CRIMINAL SEXUAL CONDUCT PROSECUTIONS.

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

2 **Section 1.** §10.15 is added to Title 8, Guam Code Annotated, to read:

3 "§10.15. **Eight year limitation on sex crimes.** A  
4 prosecution for criminal sexual conduct shall be commenced  
5 within eight (8) years after it is committed."

6 **Section 2.** §10.20 of Title 8, Guam Code Annotated, is hereby  
7 amended to read:

8 "§10.20. **Other felonies - limitation.** A prosecution  
9 for any felony other than murder or criminal sexual conduct shall  
10 be commenced within three (3) years after it is committed."

### TESTIMONY

Chief Prosecutor Frances Tydingco-Gatewood testified in favor of increasing the statute of limitations on charging and prosecuting criminal sexual conduct offenses.

However, instead of leaving the time open-ended as called for in the measure, the Chief Prosecutor suggested increasing the present statute from three to either six or eight years. The Chief Prosecutor noted that problems with preserving evidence over such a long period of time would pose difficulties in investigating and bringing a solid case to court.

The Chief Prosecutor noted that the six to eight year statute of limitations suggestion is patterned after the state of California's criminal sexual conduct sentencing statute.

Ms. Jolynn Raenna Toves, a victim of criminal sexual conduct, also testified (Attachment I) before the Committee in favor of the measure by noting that the bill would enable minors or victims who "black-out" over criminal sexual conducts the opportunity to pursue justice.

Ms. Toves submitted testimony on behalf of her sister, Mary Ann Guerrero Toves (Attachment II). Mary Ann Toves also urged passage of the measure.

Prior to the hearing on the bill, the Committee solicited legal opinion from the legislative counsel on whether or not such a statute could be applied retroactively if enacted in to law (Attachment III). The opinion noted that the law would be ex post facto.

### COMMITTEE RECOMMENDATIONS

The Committee notes that there is a necessity to protect victims to the fullest extent possible.

Acknowledging that there may be problems with passing an open-ended statute of limitations on charging and prosecuting criminal sexual criminal conduct because of evidence, the Committee therefore recommends increasing the present statute of limitations from three to eight years.

The Committee recommends passage of Substitute Bill 315.

JOLYNN TOVES  
May 16, 1991

P.O Box 1732  
Agana, Guam 96910  
May 16, 1991

## 21st Guam Legislation

Dear Senators:

I would like to commend Senator Pilar Lujan for introducing the bill that involves the victims rights and the statute of limitations. This legislation will help the minors on our island who will later understand how to fight for our rights. Many of our youths on Guam, suffer from emotional and mental traumas which stem from incest, fondling, molestation, or rape within the families.

Criminal Sexual conduct is astronomical on Guam. I feel something should be done to those who suffer from this crime. I am asking everyone of you "leaders" to at least take into consideration how a sexually abused child, teen, or adult feels and what they have been going through mentally. Think of how many children, teenagers, and adults you could be helping get through this most difficult time of their lives. Please vote and support this major issue.

Everything has been aided or provided for the defendant, the supposedly innocent until proven guilty. "Under who's eyes the VICTIMS or the LAW ?"

We are the future government leaders, "VICTIMIZED"- Where are the victims rights? Thanks to Senator Pilar Lujan's commendable efforts that will lead victims to a defense that has been denied to the minors or the black out patients who were blocked defensively from the existing law of the statute of limitations.

Sincerely,



Jolynn Raeanna Jean G. Toves  
11th Grade, Simon Sanchez  
Daughter of the late G.P.D. Lt.  
Francisco C. Toves and Patricia  
G. Toves of Yigo

MARY ANN GUERRERO TOVIE  
4245 Renwick Drive #4319  
Houston, Texas 77031

May 16, 1991

Dear Senator Pilar Lujan,

I would like to commend you in your effort to right the wrongs committed in the past and applaud your bravery in touching a taboo subject worth much action.

Senator, you have broken down the door that separated the social truth and reality. You have put them side by side for everyone to see. In reality, incest, molestation, fondling and rape have been a frequent occurrence on Guam and has taken the lives of many of our youngsters, most of whom you know and love. In fact, you are probably not aware of it and they are too afraid to tell you. By presenting this bill to the Legislature, in effect, you have told the newborn babies, tiny toddlers, children, teenagers, women and men that it is **NOT** alright for these people to commit these crimes. You are telling them "It is not your fault" and the fact you report the incidents, the victim will be protected. "The law is finally on your side."

As you know, a criminal act is a criminal act whether it was committed yesterday, two years ago, or even twenty years ago. This bill is a step in the right direction. These criminals will think twice about committing another crime when this bill is passed. Being a victim of incest, molestation, fondling, and rape is like being a victim of a knife stabbing. The difference is the knife wound can be repaired and can heal rapidly, the wounds of the victim of criminal sexual conduct cannot be repaired so easily, nor can the wounds heal nicely, he or she bleeds a little everyday for the rest of his or her life. In addition, the criminal in the knife stabbing could be charged with attempted murder and receive ten years to life imprisonment, the criminal in the other would only get probation or zero to maybe six years. Is it not only fair for the criminal in the other to receive an equal amount of punishment for the damage done is sometimes even more severe?

Letter to Senator Pilar Lujan  
From Mary Ann Guerrero Toves  
Bill 315 Criminal Sexual Conduct

Don't you see, the problem has grown enormously and is affecting every single child on the island. This bill Senators, is your chance to redeem yourselves as leaders and take that step to being the chosen; the people we respect and admire, the people to deliver our children a safer, happier and a more productive life.

I recommend that this Bill 315 Criminal Sexual Conduct Amendst to Bill 316 of the Victims of Criminal Sexual Conduct be passed. When this is done, you will hear the voices of the innocent rejoice.

Sincerely yours,

*Mary Ann Guerrero Toves*

Mary Ann Guerrero Toves

CC Members of the Guam Legislature



Page two,  
Deborah M. Terlaje to  
Danny Tydingco,  
April 15, 1991.

LAW OFFICES  
GAYLE & TEKER  
A PROFESSIONAL CORPORATION

when evidence is lost due to the lapse of time or the facts have become obscured for the same reason or because of defective memories or deaths or removal of witnesses. When evidence to rebut a claim is not fresh, unreliability is introduced into a case. The public policy upon which a statute of limitation rests is the promotion of peace and welfare of a society, the safeguarding against fraud and oppression, and the compelling of the settlement of disputes within reasonable time after their origin and while the evidence remains fresh in the memory of all witnesses. However, this policy can be outweighed where the interests of justice require vindication of a plaintiff's, or victim's, rights especially where a plaintiff has not slept on his rights but has been prevented from asserting them. These are all considerations the author of the proposed amendment or the Committee will want to evaluate and weigh against each other.

Finally, the amendment contemplated cannot operate to revive offenses that were barred at the time of its enactment since that would make the amended statute *ex post facto*. You may wish to clarify this point within the amendment itself.

If you have any further questions, please let me know.

  
DEBORAH M. TERLAJE.

DMT:ps  
GEN41:303396-20



NIP

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**  
OFFICE OF THE GOVERNOR, Post Office Box 2960, Agaña, Guam 96910



**GIOVANNI T. SGAMBELLURI**  
DIRECTOR

MAY 16 1991

Senator Pilar C. Lujan  
Chairperson  
Committee on Judiciary  
& Criminal Justice  
Twenty-First Guam Legislature  
Post Office Box CB-1  
Agaña, Guam 96910

Dear Senator Lujan:

Transmitted herewith are Fiscal Notes on BMM Nos. 102, 132, 257, 315, 317, and waivers on 316 and 328.

Should I be of any assistance, please contact my office.

Sincerely,

**GIOVANNI T. SGAMBELLURI**

Enclosure

cc: Sen. Carl T.C. Gutierrez  
Chairperson, Committee on  
Ways and Means





**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 315

Amendatory Bill

YES  NO

Date Received 5/14/91

Date Reviewed 5/16/91

Department/Agency Affected: ATTORNEY GENERAL'S OFFICE & JUDICIAL BRANCH

Department/Agency Head: ELIZABETH BARRET-ANDERSEN / PERRY ILLIANO

Total FY Appropriation to Date: \$6,299,193 / \$10,961,867

Bill Title (preamble) : AN ACT TO AMEND SECTION 10.10 AND 10.20 OF CHAPTER 10,  
TITLE 8, GUAM CODE ANNOTATED, WITH THE INTENT OF  
ADDING CRIMINAL SEXUAL CONDUCT PROSECUTIONS.

Change in Law: YES

Bill's Impact on Present Program Funding:  
Y Increase         Decrease         Reallocation         No Change

Bill is for: Y Operations         Capital Improvement         Other (      )

**FINANCIAL/PROGRAM IMPACT**

PROGRAM CATEGORY

**ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)**

GENERAL FUND

OTHER

TOTAL

PUBLIC SAFETY

1/

**ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)**

FUND

1st

2nd

3rd

4th

5th

TOTAL

GENERAL FUND

1/

OTHER

TOTAL

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ 1/

AGENCY/PERSON/DATE CONTACTED: N/A

FUND

1st

2nd

3rd

4th

5th

TOTAL

**ESTIMATED POTENTIAL MULTI-YEAR REVENUES**

GENERAL FUND

N/A

OTHER

TOTAL

ANALYST LORILEE TOPASNA

DATE 4/16/91

DIRECTOR GIOVANNI T. SGAMBELLERI

DATE 5/16

FOOTNOTES: 1/ Although funds cannot be determined at this time, there will be a fiscal impact for the bill imposes an additional felony to the

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Bill No. 315

Introduced by:

P. C. Lujan *PC*

*3/15*  
AN ACT TO AMEND §10.10 AND §10.20 OF  
CHAPTER 10 OF TITLE 8, GUAM CODE  
ANNOTATED, RELATIVE TO ADDING CRIMINAL  
SEXUAL CONDUCT PROSECUTIONS.

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

2 Section 1. Section 10.10 of Chapter 10, Title 8, Guam Code  
3 Annotated is hereby amended to read:

4 "§10.10 No Limit on Murder or Criminal Sexual Conduct  
5 Prosecutions.

6 A prosecution for murder or criminal sexual conduct may be  
7 commenced at any time."

8 Section 2. Section 10.20 of Chapter 10, Title 8, Guam Code  
9 Annotated is hereby amended to read:

10 "§10.20 Other Felonies - Limitation.

11 A prosecution for any felony other than murder or criminal  
12 sexual conduct shall be commenced within three (3) years after it  
13 is committed."



**Introduced**

APR 30 '91

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Bill No. 315 (COR)

Introduced by:

P. C. Lujan *PCZ*

---

AN ACT TO AMEND §10.10 AND §10.20 OF  
CHAPTER 10 OF TITLE 8, GUAM CODE  
ANNOTATED, RELATIVE TO ADDING CRIMINAL  
SEXUAL CONDUCT PROSECUTIONS.

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

2 Section 1. Section 10.10 of Chapter 10, Title 8, Guam Code  
3 Annotated is hereby amended to read:

4 "§10.10 No Limit on Murder or Criminal Sexual Conduct  
5 Prosecutions.

6 A prosecution for murder or criminal sexual conduct may be  
7 commenced at any time."

8 Section 2. Section 10.20 of Chapter 10, Title 8, Guam Code  
9 Annotated is hereby amended to read:

10 "§10.20 Other Felonies - Limitation.

11 A prosecution for any felony other than murder or criminal  
12 sexual conduct shall be commenced within three (3) years after it  
13 is committed."