



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

Recd. by P. Lopez
12/30/94
10:45 pm.

DEC 30 1994

RECEIVED
OFFICE OF THE SPEAKER
DATE: 12-31-94
TIME: 12 noon
RECD BY: [Signature]

The Honorable Joe T. San Agustin
Speaker, 22nd Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

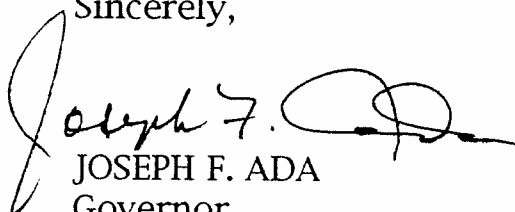
I hereby transmit to you Substitute Bill No. 283 which I have signed into law as P.L. 22-158.

I agree with this legislation bringing forth harsher penalties for the punishment of prostitution. However, Mr. Speaker, the language of the bill contains several technicalities that would have to be looked into more closely to ensure effective implementation.

I request that the Legislature review Substitute Bill No. 283 and submit technical changes to the Attorney General's office.

Thank you and si Yu'os ma'ase.

Sincerely,


JOSEPH F. ADA
Governor
220926




Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

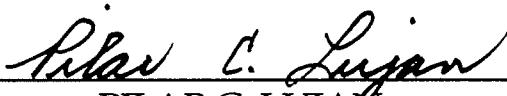
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 283 (LS), "AN ACT TO REPEAL AND REENACT §§28.10 AND 28.15, TO AMEND §§28.20, 28.25, AND 28.30, TO REPEAL §28.70, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF PROSTITUTION, THE UNLAWFULNESS OF AND PUNISHMENT FOR PROSTITUTION, OR LOITERING FOR THE PURPOSE OF SOLICITING TO ENGAGE IN PROSTITUTION, SOLICITING OR ENGAGING IN, OR PROMOTING, COMPELLING OR ABETTING PROSTITUTION," was on the 9th day of December, 1994, duly and regularly passed.



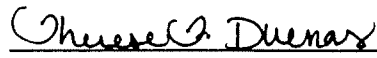
JOE T. SAN AGUSTIN
Speaker

Attested:



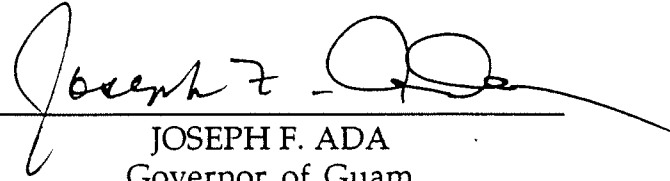
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of December, 1994, at
4:34 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: DEC 30 1994

Public Law No. 22-158

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 283 (LS)
As Substituted by the Committee on
Judiciary and Criminal Justice and as
substituted on the floor

Introduced by:

D. F. Brooks
P. C. Lujan
M. D. A. Manibusan
T. S. Nelson
A. C. Blaz
A. R. Unpingco
E. D. Reyes
H. D. Dierking
D. L. G. Shimizu
E. P. Arriola

AN ACT TO REPEAL AND REENACT §§28.10 AND 28.15, TO AMEND §§28.20, 28.25, AND 28.30, TO REPEAL §28.70, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF PROSTITUTION, THE UNLAWFULNESS OF AND PUNISHMENT FOR PROSTITUTION, OR LOITERING FOR THE PURPOSE OF SOLICITING TO ENGAGE IN PROSTITUTION, SOLICITING OR ENGAGING IN, OR PROMOTING, COMPELLING OR ABETTING PROSTITUTION.

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

2 Section 1. §28.10 of Title 9, Guam Code Annotated is hereby repealed
3 and reenacted to read as follows:

4 "§28.10. **Prostitution defined; punishment established; definitions.**

5 (a) A person who engages in, or agrees to engage in, or
6 offers to engage in, sexual penetration or sexual contact or in any

1 sexual conduct or act with another person in return for a fee or in
2 consideration of a pecuniary benefit commits the crime of
3 prostitution. It is the intent of this section that guilt attach to both
4 the payor and the recipient of the fee or pecuniary benefit that is
5 the consideration for the act of prostitution, except that a police
6 officer engaged in the performance of his or her official duties in
7 the performance of an investigation of offenses committed under
8 this chapter shall not be charged under this section.

9 (b) (1) A person convicted of prostitution shall be guilty of a
10 misdemeanor; or

11 (2) A person convicted of a third offense of prostitution
12 within three (3) years of the first two (2) offenses shall be guilty of
13 a felony of the third degree; or

14 (3) A person convicted of prostitution who is determined to
15 have known that he or she was infected with either HIV or AIDS
16 at the time of the commission of the act shall be guilty of a felony
17 of the first degree.

18 (c) As used in this section, the terms "sexual penetration"
19 and "sexual contact" have the meanings provided by §25.10 of this
20 title."

21 **Section 2.** §28.15 of Title 9, Guam Code Annotated is repealed
22 reenacted to read as follows:

23 "§28.15. **Loitering for the purpose of soliciting to engage in**
24 **prostitution.**

25 (a) For the purposes of this section, 'public place' means any
26 street, sidewalk, bridge, alley or alleyway, plaza, park, driveway,
27 parking lot or transportation facility or the doorways and entrance

1 ways to any building which fronts on any of the aforesaid places, or
2 motor vehicle in, on or at such place, or in any building area which is
3 open to the public.

4 (b) Any person who remains or wanders about in a public place
5 and repeatedly beckons to or repeatedly stops, or repeatedly attempts
6 to stop, or repeatedly attempts to stop motor vehicles, or repeatedly
7 interferes with the free passage of other persons for the purpose of
8 committing prostitution shall be guilty of a misdemeanor."

9 **Section 3.** §28.20 of Title 9, Guam Code Annotated is amended to read
10 as follows:

11 **"§28.20. Promoting prostitution; punishment ; defense.**

12 (a) A person is guilty of promoting prostitution who:

13 (1) owns, controls, manages, supervises or otherwise
14 keeps, alone or in association with others, a place of
15 prostitution or a prostitution enterprise; or

16 (2) knowingly solicits, induces or causes a person to
17 commit or engage in prostitution or to reside in or occupy a
18 place of prostitution.

19 (b) Promoting prostitution is a felony of the third degree.

20 (c) It shall not be a defense to a prosecution under this
21 section that the place of prostitution or prostitution enterprise is
22 licensed for any purpose other than prostitution or that the act or
23 the attempted act of prostitution that is promoted occurs at a
24 place other than the site of the offense charged under this
25 section."

26 **Section 4.** §28.25 of Title 9, Guam Code Annotated is amended to read:

27 **"§28.25. Abetting prostitution; punishment.**

1 (a) A person is guilty of abetting prostitution who:

2 (1) solicits a person to patronize a prostitute; or

3 (2) procures a prostitute for himself, herself or
4 another person; or

5 (3) knowingly and for the purpose of prostitution,
6 transports any person into, out of or within Guam, or who
7 procures or pays for the transportation of any person into,
8 out of or within Guam for the purpose of prostitution; or

9 (4) knowingly permits prostitution in any premises
10 under his or her possession or control or fails to make
11 reasonable effort to halt or abate such use. For purposes of
12 this paragraph, premises shall include a motor vehicle.

13 (b) (1) A person convicted of abetting prostitution shall be
14 guilty of a misdemeanor; or

15 (2) A person convicted of a third offense of abetting
16 prostitution within three years of the first two offenses shall be
17 guilty of a felony of the third degree."

18 **Section 5.** §28.30 of Title 9, Guam Code Annotated is amended to read:

19 "**§28.30. Compelling prostitution; punishment.**

20 (a) A person is guilty of compelling prostitution who:

21 (1) by force, threat or duress compels another to engage in,
22 promote or abet prostitution; or

23 (2) causes or aids a person under the age of eighteen (18) to
24 commit or engage in, promote or abet prostitution; or

25 (3) causes or aids his or her spouse, child or any person
26 whose care, protection or support he or she is responsible for, to
27 commit or engage in or aid or abet prostitution.

1 (b) (1) A person convicted or compelling prostitution shall be
2 guilty of a felony of the third degree; or

3 (2) A person convicted of a third offense of compelling
4 prostitution within three years of the first two offenses shall be
5 guilty of a felony of the first degree."

6 **Section 6.** §28.70 of Title 9, Guam Code Annotated is repealed.

7 **Section 7.** This Act does not affect rights and duties that matured,
8 penalties that were incurred and proceedings that were begun before its
9 effective date.

10 **Section 8.** If any provision of this Act, or the application thereof to any
11 person or circumstances is held invalid, the invalidity does not affect other
12 provisions or applications of the Act which can be given effect without the
13 invalid provision or application, and to this end the provisions of this Act are
14 severable.

15 **Section 9.** This Act shall take effect 90 days after it becomes law.

VOTING SHEET
(as revised)

Bill No. 283

12/9/74

Resolution No. _____

(Date)

Question: _____

Senators	Aye	No	Declined to Vote	Required to vote	Excused from voting	ABSENT/OUT DURING ROLL CALL
Ada, Thomas C.	✓					
AGUON, John P.	✓					
ARRIOLA, Elizabeth P.	✓					
BAMBA, George J.	✓					
BLAZ, Anthony C.	✓					
BORDALLO, Madeleine Z.						✓
BROOKS, Doris F.	✓					
CAMACHO, Felix P.	✓					
DIERKING, Hermina D.	✓					
GUTIERREZ, Carl T. C.	✓					
LUJAN, Pilar C.	✓					
MANIBUSAN, M. D. A.	✓					
NELSON, Ted S.	✓					
PANGELINAN, Vicente C. /	✓					
PARKINSON, Don	✓					
REYES, Edward D.	✓					
SAN AGUSTIN, Joe T.	✓					
SANTOS, Francis E.	✓					
SHIMIZU, David L. G.	✓					
TANAKA, Thomas V. C.	✓					
UNPINGCO, Antonio R.	✓					

TOTAL

20				1
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Senator Pilar Cruz Lujan

Legislative Secretary

Chairperson - Committee on Judiciary and Criminal Justice

November 30, 1994

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

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

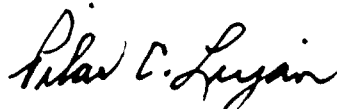
The Committee on Judiciary and Criminal Justice, to which was referred Bill 283 wishes to report its findings and recommendations to do pass **Substitute Bill 283**.

The Committee voting record is as follows:

<u>11</u>	TO PASS
<u>0</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



Twenty-Second Guam Legislature



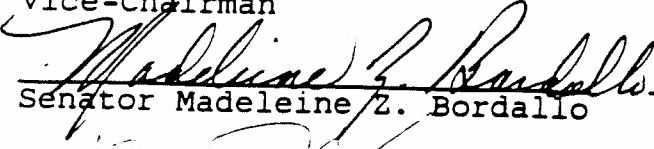

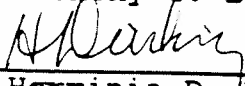
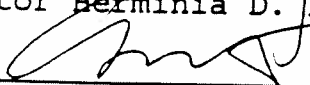
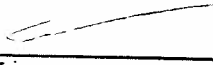

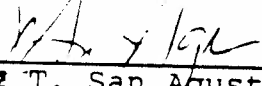

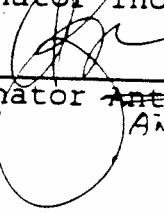
155 Hesler Street
Agaña, Guam USA 96910

Tel: (671) 472-3461

Fax: (671) 477-1715

COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

VOTE SHEET ON: Substitute Bill 283

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Senator Pilar C. Lujan Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Francis E. Santos Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Madeleine Z. Bordallo	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Carl T.C. Gutierrez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Vicente C. Pangelinan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Don Parkinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Joe T. San Agustin Ex-Officio Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Thomas V.C. Tanaka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Anthony R. Unpingco ANTONIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE
COMMITTEE REPORT
ON
BILL 283**

Bill No. 283 --- AN ACT TO REPEAL AND REENACT SECTION 28.10, AMEND SECTIONS 28.20, 28.25, 28.30, ADD SECTION 28.40 AND REPEAL SECTION 28.70, ALL OF TITLE 9 OF THE GUAM CODE ANNOTATED AND RELATIVE TO THE DEFINITION OF PROSTITUTION, AND THE UNLAWFULNESS OF AND PUNISHMENT FOR PROSTITUTION, SOLICITING OR ENGAGING IN OR PROMOTING, COMPELLING OR ABETTING PROSTITUTION OR LOITERING FOR THE PURPOSE OF SOLICITING TO ENGAGE IN PROSTITUTION.

PREFACE

The Committee on Judiciary and Criminal Justice convened at 10:00 a.m., Wednesday, April 6, 1994 in the Legislative Public Hearing Room in Agana, Guam.

Alongside Chairwoman Pilar C. Lujan were Senators Doris F. Brooks and Ted S. Nelson.

OVERVIEW

Prostitution in its current statutory form is directed at the individual who is the recipient of a pecuniary benefit in exchange for sexual contact.

The new definition proposed in Bill 283 would place liability of prostitution on both parties involved. Both parties would include the payor and the recipient of the said benefit.

Police Officers on official duties in performing an official investigation into violations of this chapter shall be exempted as long as they are performing their official duties.

A person found guilty of prostitution shall be guilty of a misdemeanor. Conviction of a third offense of this section within a three year period shall result in a felony of the third degree.

Any person who after having knowledge to be infected with HIV or AIDS at the commission of a violation of this section shall be guilty of a felony in the first degree.

Bill 283 would also amend subsection 4 of Section 28.25 to include a motor vehicle as a premise for those abetting in the activity of said activity.

The present statute would hold a husband liable for aiding a wife in the activity of prostitution. As proposed in Bill 283, the word spouse would be placed in order to hold both liable for abetting the other in said activity.

TESTIMONY

Archbishop Anthony S. Apuron testified before the committee in favor of Bill 283. Citing an editorial on the Pacific Daily News and statistics from the Department of Public Health, he stated that the weaknesses in the current statutes have allowed these activities to take place.

Archbishop Apuron expressed concerns with the notion of permitting such activities in massage parlors since masseuses are by law mandated to receive periodic physical exams. "We should, instead, take steps to put a stop to these activities. By taking these steps, we would be sending a message to our visitors, our children and the general population that these activities are not condoned on the island."

Director Leticia Espaldon of the Department of Public Health submitted testimony in support of Bill 283.

The Guam Police Department submitted written testimony in support of Bill 283 with a few amendments to the bill.

Ms. Tammy Atwood-Pido testified before the committee in favor of Bill 283 citing the factors of degradation to women and to the community as a whole. She added that the end results of prostitution are declining property values and it promotes a bad environment for children and its link to the transmittal of sexual transmittal diseases.

She testified that there are nineteen massage parlors on island, an increase of four from 1993. The reported cases of HIV infections have increased to sixty-four between 1985 to the date of the hearing. Twenty-four of these HIV cases have led to AIDS and fifteen have passed away due to the disease.

She recommended that the terminology "pecuniary" be changed to "a benefit or other gain". Ms. Atwood-Pido also recommended that all activities related to prostitution be increased to a felony. She cited that it is contradictory, inefficient and ineffective from a law enforcement perspective to classify solicitation and abetting in the said activity as a misdemeanor while promoting, compelling and loitering for purposes of soliciting to engage in prostitution as a third degree felony.

Citing the activity as immoral, Ms. Atwood-Pido encourages, our leaders "to put a stop to this activity and not just turn our faces. By placing a stop to these activities, we can ensure a clean healthy environment for our children, the tourist and the people of Guam as a whole."

COMMITTEE RECOMMENDATION

The Committee on Judiciary and Criminal Justice recommends that Bill 283 be passed into law with amendments forwarded by the Guam Police Department. Substitute Bill 283 is recommended for passage.

FEB 26 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill 283 (LS)

Introduced by:

D.F. Brooks 

AN ACT TO AMEND SECTION 28.10, 28.15, 28.20, 28.25 AND 28.30 AND TO ADD SECTION 28.40 TO TITLE 9 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF PROSTITUTION, AND THE UNLAWFULNESS OF AND PUNISHMENT FOR SOLICITING OR ENGAGING IN, OR PROMOTING, COMPELLING OR ABETTING PROSTITUTION OR LOITERING FOR THE PURPOSE OF SOLICITING TO ENGAGE IN PROSTITUTION.

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

Section 1. Section 28.10 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.10. Prostitution Defined. For the purposes of this chapter, the word prostitution means engaging in or agreeing to engage in or offering to engage in sexual penetration or sexual contact in return for or in consideration of a pecuniary benefit. As used in this section, the terms 'sexual penetration' and [a] 'sexual contact' have the meanings provided by Section 25.10 of this Title. It is the intent of this section that guilt attach to both the payor and the recipient of the pecuniary benefit that is the consideration for the act of prostitution."

Section 2. Section 28.15 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.15 Soliciting to Engage or Engaging in Prostitution; [Defined and Punished] Punishment. Any person who [, on or a street or in any other place to which the public or a substantial group has access or within view of any of these places,] in person or by any form of communication solicits another person to engage in or offers to engage in or engages in prostitution is guilty of a [petty] misdemeanor."

Section 3. Section 28.20 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.20. Promoting Prostitution; Punishment; Defense. (a) A person is guilty of promoting prostitution who:

(1) owns, controls, manages, supervises or otherwise keeps, along or in association with others, a place of prostitution or a prostitution enterprise; or

(2) knowingly solicits, induces or causes a person to commit or engage in prostitution [with others] or to reside in or occupy a place of prostitution.

(b) Promoting prostitution is a felony of the third degree.

(c) It shall not be a defense to a prosecution under this section that the place of prostitution or prostitution enterprise is licensed for any purpose other than prostitution or that the act or the attempted act of prostitution that is prompted occurs at a place other than the site of the offense charged under this section."

Section 4. Section 28.25 of Title 9 of the Guam Code Annotated

is amended to read:

"Section 28.25. (a) A person is guilty of abetting prostitution who:

(1) solicits a person to patronize a prostitute; or

(2) procures a prostitute for a patron; or

(3) knowingly and for the purpose of prostitution, transports any person into, out of or within the Territory, or who procures or pays for the transportation of any person into, out of or within the Territory for the purpose of prostitution; or

(4) knowingly permits prostitution in any premises under his or her possession or control or fails to make reasonable effort to halt or abate such use. For purposes of this section the premises includes a motor vehicle.

(b) Abetting prostitution is a misdemeanor."

Section 5. Section 28.30 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.30. Compelling Prostitution; Punishment. (a) A person is guilty of compelling prostitution who:

(1) by force, threat or duress compels another to engage in, promote or abet prostitution; or

(2) causes or aids a person under the age of eighteen (18) to commit or engage in promote or abet prostitution; or

(3) causes or aids his or her [wife] spouse,

child or any person whose care, protection or support he or she is responsible for, to commit or engage in or aid or abet prostitution.

(b) Compelling prostitution is a felony of the third degree."

Section 6. Section 28.40 is added to Title 9 of the Guam Code Annotated to read:

Section 28.40. Loitering for the purpose of soliciting to engage in prostitution. (a) For the purposes of this section, 'public place' means any street, sidewalk, bridge, alley or alleyway, plaza, park driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or motor vehicle in, on or at any such place, or in a building any area which is open to the public.

(b) Any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage other persons in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons for the purpose of committing a violation of Section 28.15 of this Title shall be guilty of a misdemeanor.

(c) Any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage other persons in conversation, or repeatedly stops or attempts to stop

motor vehicles, or repeatedly interferes with the free passage of other persons for the purpose of committing a violation of Section 28.20 of this Title shall be guilty of a felony of the third degree."

Section 7. This Act shall take effect 90 days after its enactment.



Doris Flores Brooks
Assistant Minority Leader
Twenty-Second Guam Legislature

Suite 905, GCIC Bldg.
414 West Soledad Avenue
Agana, Guam 96910

Tel: (671) 477-4560/61
472-3460
Fax: (671) 477-1100

8 March 1994

Honorable Pilar Lujan
Committee on Judiciary and Criminal Justice
22nd Guam Legislature
Agana, Guam 96910

Dear Madam Chairperson:

Reference Bill 283:

I would appreciate your scheduling Bill 283 for a public hearing.

The bill, which would tighten our law prohibiting prostitution, was introduced February 17, 1993, and referred to your committee two days thereafter.

Our colleagues in the Northern Mariana Islands enacted a tough anti-prostitution law last year and the Attorney General there is already obtaining convictions under it. I enclose a copy of an editorial from the Pacific Daily News of March 8 concerning the success that is being had in the CNMI in addressing this issue. The threat of the spread of AIDS through prostitution is certainly as grave in Guam as it is in the CNMI. It is also true that prostitution degrades all women and is an activity that we should not tolerate or ignore.

Thank you for your attention to my request.

Cordially,

DORIS F BROOKS,
Senator

OFFICE OF THE REGISTER	
FILED	
Time	1:30
Date	3-9-94 #2579

by using energy-saving lighting, solar street lights (like those at Adelup), water-saving faucets and toilets, and by planting trees around buildings and schools to increase shade.

The Energy Office has been chided for spending \$99,000 on its electricity-use survey. But if results of the survey can convince people that conservation pays off, it will be money well spent.

Prostitution in check

When the Northern Marianas' anti-prostitution law took effect last year, skeptics were quick to say that it would never be enforced.

Recent events prove the skeptics wrong. One young woman employed by a Saipan night club was convicted last week of prostitution. There are more than a dozen other prostitution cases awaiting trial in the Commonwealth Supreme Court. This shows that the law is being taken seriously, as well it should.



TEREGEYO

There are plenty of moral arguments in favor of laws against prostitution. First and foremost is that it degrades women. And the argument can be made that scantily-clad women who hawk drinks and peep shows in the streets of Garapan detract from Saipan's emphasis on family-oriented vacations.

Rep. Ana S. Teregeyo, R-Saipan, has a more compelling reason for fighting back against prostitution. Teregeyo, who led the fight for the ban on prostitution in the Northern Marianas, has argued that the growing prevalence of AIDS and other sexually transmitted diseases in Asia is proof positive that islands shouldn't condone prostitution.

Her point is well taken. Outlawing prostitution is by no means the cure for sexually transmitted disease. But by no longer quietly condoning prostitution, people in the Northern Marianas are at least sending a message that they are concerned about the health of visitors and the people who are tragically forced into prostitution.

Pacific Daily News

A Gannett Newspaper

LEE P. WEBBER/Publisher

MARGARET SIZEMORE/Managing Editor

TIMOTHY SPENCE/Editorial Page Editor

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about it.

An agreement to
improve the perfo
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proclaimed hersel
around as monitor
plaintiffs, black p
city of Wilmington

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original Boston ord
reins on school d
Delaware, the reins
by a judge who has

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in Wilmington, w
school. They attend
in suburban district
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buses started rolling
usual "cross-district
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Archbishop Anthony Sablan Apuron's Testimony in support of Bill 283, delivered at the Guam Legislature Public Hearing, Wednesday, April 6, 1994, 10:00 a.m.

Madame Chair and Senators of the Twenty-Second Guam Legislature:

Buenas Dhas! Good morning! I am Archbishop Anthony Sablan Apuron, a voter in the Territory of Guam and a leader of the predominantly Catholic population on Guam. I came here to personally give my testimony and show support for the passage of Bill 283, sponsored by you, Senator Doris Flores Brooks. My representative testified in 1992 in support of an identical Bill in the Twenty-First Guam Legislature, Bill 926, co-sponsored by you, Senator Doris Flores Brooks and Senator Pilar Cruz Lujan.

Guam has long had several laws against prostitution but due to the weakness of the law the responsible officials have been taking no steps to enforce those laws. This has opened the door to the business of organized prostitution, done not only in massage parlors, according to the editorial of June 26, 1992 in the Pacific Daily News, but in other places as well. It has been reported in the newspaper that some taxi drivers solicit prostitution customers and receive generous kickbacks. I am informed that statistics of the Department of Public Health revealed that venereal diseases of various types commonly originate in Guam's massage parlors. We have also learned that cases of AIDS have risen in Guam.

Some persons say that it is good to have prostitution in the massage parlors since the women are supposed to be given periodic physical exams under rules of the Department of Public Health. This, they say, is better than "driving prostitution underground." I say this is erroneous because there is already much "underground" prostitution where no physical exams are provided. Also, to say that we should continue the present system of closing our eyes to possible prostitution in massage parlors is the same as creating legalized prostitution on Guam. I believe that the people of Guam would soundly reject any attempt to authorize legalized prostitution.

If those who are involved in prostitution go "underground" in order to continue illegal activities, at least Guam will not appear to condone and even promote the business of prostitution. We need to give a clear message to our visitors, to our children and to all the people in our community that prostitution has been deemed by the people of Guam to be a very harmful activity. This will no doubt reduce the activity. Those who continue to engage in the illegal activity "underground" will do so at a serious risk to their health and to their personal freedom.

Some persons say that prostitution has always been around since it is pointless to try to control the activity. By the same token murder and robbery have always been around, but do we consider condoning those crimes? No, because the safety of our family and our property is clearly a public good to be protected. The activity of prostitution, with its victimization of women, its inhumanity, its lawlessness, its impact on our families and its proven health hazard, must be outlawed and not condoned.

Large sums of money are being made on Guam in the business of prostitution. Of course, there will be opposition to changing the status quo, "Money talks." The owners, promoters, the kick-back artists in the prostitution business should, just like the gambling casino interests of past years, find a new line of business. The prostitutes and their customers are often themselves victims and they should be given all the help, medical care, job retraining and counselling which Guam can provide.

I compliment the sponsor of Bill 283 for her clear-sightedness and courage in attempting to resolve this festering social but moral problem.

Na' para este na inaplacha! Stop this vileness! Si Yu'os ma'ase, thank you, salamat po!



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 GOVERNMENT OF GUAM
 P.O. BOX 2816
 AGANA, GUAM 96910



3/29

OFFICE OF SENATOR
 DORIS FLORES BROOKS

① Doris
 ② Mike
 ③ File

MAR 29 1993

Doris Flores Brooks
 Senator
 Twenty Second Guam Legislature
 Suite 905, GCIC Building
 414 West Soledad Avenue
 Agana, Guam 96910

Dear Senator Brooks:

My staff and I have reviewed Bill No. 283 and are pleased to support the Proposed amendments as it would broaden and strengthen prosecution of prostitution which is a higher health risk behavior.

Thank you for giving us the opportunity to review and comment on this bill.

Sincerely,

LETICIA V. ESPALDON, M.D.
 Director



APR 06 1994

The Honorable Pilar C. Lujan
Chairperson, Committee on Judiciary and
Criminal Justice
Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Subject: Bills 283, 854, 905, 906

Dear Senator Lujan:

Bill 283

GPD supports the intent of Bill 283 in "tightening up" Guam's prostitution laws. Bill 283 with its proposed amendments adequately addressed the loopholes that exist in the current law. As an alternative form, GPD would like to propose the following amendment to repeal and replace both §28.10 and §28.15 of Title 9 G.C.A. to read as follows:

" §28.10. Prostitution Defined and Punished.

- (a) Any person who engages in, or agrees to engage in, or offers to engage in, sexual penetration or sexual contact or in any sexual conduct with another person in return for a fee or in consideration of a pecuniary benefit commits the crime of prostitution, and is guilty of a misdemeanor.
- (b) The terms 'sexual penetration' and 'sexual contact' have their meanings provided by §25.10."

The proposed amendments to §28.20 and §28.25 are adequate and satisfactory; however, the proposed amendments to §28.30 of adding the words "promote and abet" are not necessary in light of existing accomplice liability statutes if that is the intent of such language.

The addition of a §28.40 to Title 9 G.C.A. of "Loitering for the purpose of soliciting to engage in prostitution" does not appear to be needed since there exist a §28.70 offense of "Loitering to Solicit Sexual Contact."

The Honorable Pilar C. Lujan
Chairperson, Committee on Judiciary and
Criminal Justice

Subject: Bill Nos. 283 and 854

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Bill 854

Although the intent and goal of Bill 854 is well-meaning and desirable, GPD must respectfully oppose this "Act to Require Assignment of Police Officers to Each Village and to Delineate Their Special Duties As Community-Police Coordinators.

GPD agrees with and adheres to the practice of maintaining police visibility as much as practical in the various communities and villages as part of our primary mission of enforcing the laws of Guam. However, legislating in detail the deployment and or assignment of police officers for every single village to conduct police-community relations activities like crime prevention programs and counseling the youth and young adults of the villages is not practical. GPD must possess flexibility in assigning uniformed or sworn personnel to cover daily, routine patrol and other direct law enforcement activities as well as meet urgent or emergency police situations. Yet, with Bill 854, the implication is that approximately nineteen uniform or sworn police officers (as there are villages) must by law (if enacted) remain assigned to the village and its mayor's office even if there were a need for the officers elsewhere.

Secondly, GPD would assert that the problems and troubles of our youth are often times complex and numerous in scope and nature, and require the type of counseling skills, possessed by those in education, psychology and social work. This is not to say that police officers should not or cannot provide counseling to our youths and young adults, but to make a point that there are various social agencies and helping professions whose primary mission, skills and resources are designed for not only intervention or treatment but also prevention. Perhaps, the better use of limited government resources and finances among the various public and private social agencies are to create multi-agency crime prevention programs to service certain geographical areas of our island than relying on one officer per village who may have seek the assistance of different social and educational agencies.

Bill 905

GPD fully supports the intent of Bill 905 of prohibiting the use of tobacco and tobacco-related products by minors. However, the proposed bill and its language is not clear as to whether this prohibition is intended to be a violation, petty misdemeanor or misdemeanor.

The Honorable Pilar C. Lujan
Chairperson, Committee on Judiciary and
Criminal Justice

Subject: Bill Nos. 283 and 854

Page 3

Bill 906

GPD respectfully inquires as to the purpose of Bill 906 in repealing and replacing the current Uniform Controlled Substances Act of Guam. GPD agrees that there may be a need to update the schedules, but such a task can be accomplished through amendments enabling an agency like DPHSS to do so under the Administrative Adjudication Law of Guam. It is GPD's position that the current Uniform Controlled Substances Act of Guam with respect to the drug offenses contained therein are fairly adequate, comprehensive and strict without having to adopt the federal-type format or guidelines of sentencing based on amount of illegal drugs possessed, distributed, manufactured, etc.

However, if there are compelling reasons for having this type of statutory scheme for Guam's drug offenses as proposed in Bill 906, GPD would respectfully request for more time to study this proposed bill with its Narcotics Unit and drug task force as well as seek the assistance of the Prosecutors' Division of the Office of the Attorney General.


INSP. B.A. LEON GUERRERO
Acting

GEN-0253-90

BILLS APL16 APRIL94 LUJAN.283

I, Tammy Atwood-Pido, a Criminal Justice student at the University of Guam do hereby provide this written testimony in regards to Proposed Bill 283 on this 6th day of April, 1994.

Prostitution is a degradation to women and people as a whole. Prostitution results in declining property values, promotes a bad environment for children, and is significantly linked to the health issues of AIDS. Presently there are nineteen (19) 24-hour massage parlors on island, four (4) more than 1993. From 1985 to present there have been sixty-four (64) reported HIV cases, and from that sixty-four (64), twenty-four (24) have gone into full blown AIDS. Of the twenty-four (24) AIDS' cases, fifteen (15) people have died.

The existing law is in great need of change. As it stands, prostitution is unenforceable, and the sex industry is growing and will continue to grow.

In Section 28.10, Prostitution Defined, the word pecuniary needs to be amended to a benefit or other gain. Also, all crime relating to prostitution should be raised to a felony and punishments should reflect the same. It is contradictive, inefficient, and ineffective from a law enforcement standpoint to classify solicitation and abetting prostitution as a misdemeanor, while at the same time promoting prostitution, compelling prostitution, and loitering for purposes of solicitation to engage in prostitution are all third degree felonies.

This illegal, and I stress "illegal" activity has to be stopped. If prostitution is looked at as a recreational activity because it is something men do, then what does this say about your morals, our morals? Prostitution is immoral and it should be

treated as such. Guam and its public officials need to stop looking the other way.

There was a great philosopher in the 18th century by the name of Immanuel Kant. He used a phrase known as the "categorical imperative" which referred to one's duty to obey the law. One of the criteria Kant used of the moral law was the Principle of Humanity as an End, Never as Merely a Means. This means a human being is an end themselves and should never be used by someone else as a means to their end. Kant felt if human beings used other human beings such as slavery, prostitution, or commercial exploitation, this would violate that person's innermost beings as people.

We can still learn from old theories and principles. If we can change the existing law to a more stringent, effective, enforceable law, we can ensure the downsizing of massage parlors as fronts of prostitution and clean the streets of solicitors. As the result, the island is cleansed from the organized sex industry; and most importantly, the island would have a healthy environment for you, me, the tourists, and the people of Guam including the innocent children.

1. SECTION 28.10. PROSTITUTION DEFINED. THIS SECTION ONLY DEFINES PROSTITUTION AS AN ACT, BUT DOES NOT INCLUDE PUNISHMENT AS IN THE OTHER SECTIONS.

2. SECTION 28.10. PECUNIARY MEANS TAKING THE FORM OF MONEY; THEREFORE SHOULD BE OMITTED TO READ BENEFIT OR OTHER GAIN.

3. SECTION 28.15. SOLICITATION. READS ...OR ENGAGES IN PROSTITUTION IS GUILTY OF A (PETTY) MISDEMEANOR. SHOULD READ PROSTITUTION AS DEFINED IN SECTION 28.10. ALSO, SHOULD DISTINGUISH THE ACTS AND PUNISHMENTS OF SOLICITATION AND PROSTITUTION AS SEPARATE ENTITIES. SOLICITING SHOULD BE A CRIME AND THE ACT OF PROSTITUTION SHOULD BE A SEPARATE CRIME.

I WANT TO STRESS THE FACT OF HAVING CRIME RELATING TO PROSTITUTION BE RAISED TO A FELONY. PROMOTING PROSTITUTION IS A FELONY, BUT ABETTING IS A MISDEMEANOR; HOWEVER, TO ABETT SOMEONE INVOLVES SOLICITING, PROMOTING, THOUGHT AND PREPARATION FOR TRANSPORTING A PERSON FOR PURPOSE OF PROSTITUTION.

FEB 26 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill 283 (LS)

Introduced by:

D.F. Brooks *DFB*

AN ACT TO AMEND SECTION 28.10, 28.15, 28.20, 28.25 AND 28.30 AND TO ADD SECTION 28.40 TO TITLE 9 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEFINITION OF PROSTITUTION, AND THE UNLAWFULNESS OF AND PUNISHMENT FOR SOLICITING OR ENGAGING IN, OR PROMOTING, COMPELLING OR ABETTING PROSTITUTION OR LOITERING FOR THE PURPOSE OF SOLICITING TO ENGAGE IN PROSTITUTION.

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

Section 1. Section 28.10 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.10. Prostitution Defined. For the purposes of this chapter, the word prostitution means engaging in or agreeing to engage in or offering to engage in sexual penetration or sexual contact in return for or in consideration of a pecuniary benefit. As used in this section, the terms 'sexual penetration' and [a] 'sexual contact' have the meanings provided by Section 25.10 of this Title. It is the intent of this section that guilt attach to both the payor and the recipient of the pecuniary benefit that is the consideration for the act of prostitution."

Section 2. Section 28.15 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.15 Soliciting to Engage or Engaging in Prostitution; [Defined and Punished] Punishment. Any person who [, on or a street or in any other place to which the public or a substantial group has access or within view of any of these places,] in person or by any form of communication solicits another person to engage in or offers to engage in or engages in prostitution is guilty of a [petty] misdemeanor."

Section 3. Section 28.20 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.20. Promoting Prostitution; Punishment; Defense. (a) A person is guilty of promoting prostitution who:

(1) owns, controls, manages, supervises or otherwise keeps, along or in association with others, a place of prostitution or a prostitution enterprise; or

(2) knowingly solicits, induces or causes a person to commit or engage in prostitution [with others] or to reside in or occupy a place of prostitution.

(b) Promoting prostitution is a felony of the third degree.

(c) It shall not be a defense to a prosecution under this section that the place of prostitution or prostitution enterprise is licensed for any purpose other than prostitution or that the act or the attempted act of prostitution that is prompted occurs at a place other than the site of the offense charged under this section."

Section 4. Section 28.25 of Title 9 of the Guam Code Annotated

is amended to read:

"Section 28.25. (a) A person is guilty of abetting prostitution who:

(1) solicits a person to patronize a prostitute; or

(2) procures a prostitute for a patron; or

(3) knowingly and for the purpose of prostitution, transports any person into, out of or within the Territory, or who procures or pays for the transportation of any person into, out of or within the Territory for the purpose of prostitution; or

(4) knowingly permits prostitution in any premises under his or her possession or control or fails to make reasonable effort to halt or abate such use. For purposes of this section the premises includes a motor vehicle.

(b) Abetting prostitution is a misdemeanor."

Section 5. Section 28.30 of Title 9 of the Guam Code Annotated is amended to read:

"Section 28.30. Compelling Prostitution; Punishment. (a) A person is guilty of compelling prostitution who:

(1) by force, threat or duress compels another to engage in, promote or abet prostitution; or

(2) causes or aids a person under the age of eighteen (18) to commit or engage in promote or abet prostitution; or

(3) causes or aids his or her [wife] spouse,

child or any person whose care, protection or support he or she is responsible for, to commit or engage in or aid or abet prostitution.

(b) Compelling prostitution is a felony of the third degree."

Section 6. Section 28.40 is added to Title 9 of the Guam Code Annotated to read:

Section 28.40. Loitering for the purpose of soliciting to engage in prostitution. (a) For the purposes of this section, 'public place' means any street, sidewalk, bridge, alley or alleyway, plaza, park driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or motor vehicle in, on or at any such place, or in a building any area which is open to the public.

(b) Any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage other persons in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons for the purpose of committing a violation of Section 28.15 of this Title shall be guilty of a misdemeanor.

(c) Any person who remains or wanders about in a public place and repeatedly beckons to or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage other persons in conversation, or repeatedly stops or attempts to stop

motor vehicles, or repeatedly interferes with the free passage of other persons for the purpose of committing a violation of Section 28.20 of this Title shall be guilty of a felony of the third degree."

Section 7. This Act shall take effect 90 days after its enactment.