

*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
LESIANAN MANGELAO  
AGANA GUAM

RECEIVED  
OFFICE OF THE SPEAKER  
DATE DEC 03 1993  
TIME 5:00 PM  
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DEC 02 1993

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 459 which I have signed into law this date as  
Public Law 22-52.

Sincerely yours,

  
FRANK F. BLAS  
Governor of Guam,  
Acting

220432

Attachment




Commonwealth Now


TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

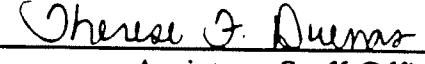
This is to certify that Substitute Bill No. 459 (LS), "AN ACT TO ADD A NEW §72106 TC TITLE 10, GUAM CODE ANNOTATED, TO ESTABLISH A CAPITAL OUTLAY REVOLVING FUND WITHIN THE GUAM FIRE DEPARTMENT TO PURCHASE ESSENTIAL EMERGENCY RESCUE AND FIREFIGHTING VEHICLES AND EMERGENCY AND LIFE SUPPORT EQUIPMENT; AND TO ADD A NEW §804.1 TC TITLE 6, GUAM CODE ANNOTATED, TO PERMIT CLOSED-CIRCUIT TELEVISION TESTIMONY IN LIEU OF IN-COURT TESTIMONY FOR MINORS IN CHILD SEXUAL ABUSE PROCEEDINGS," was on the 19th day of November, 1993, duly and regularly passed.

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

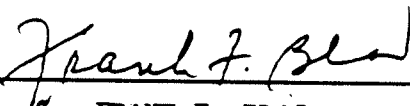
Attested:

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

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This Act was received by the Governor this 24th day of November, 1993, at  
10:07 o'clock A.M.

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

APPROVED:

  
\_\_\_\_\_  
FRANK F. BLAS  
Governor of Guam  
Acting

Date: DEC 02 1993

Public Law No. 22-52

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 459 (LS)

As substituted by the  
Committee on Rules and as  
further substituted on the floor.

Introduced by:

P. C. Lujan  
J. T. San Agustin  
A. C. Blaz

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M. Z. Bordallo  
C. T. C. Gutierrez  
H. D. Dierking  
T. C. Ada  
J. P. Aguon  
E. P. Arriola  
T. S. Nelson  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
F. E. Santos  
D. L. G. Shimizu  
D. F. Brooks  
J. G. Bamba  
F. P. Camacho  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ADD A NEW §72106 TO TITLE 10, GUAM CODE ANNOTATED, TO ESTABLISH A CAPITAL OUTLAY REVOLVING FUND WITHIN THE GUAM FIRE DEPARTMENT TO PURCHASE ESSENTIAL EMERGENCY RESCUE AND FIREFIGHTING VEHICLES AND EMERGENCY AND LIFE SUPPORT EQUIPMENT; AND TO ADD A NEW §804.1 TO TITLE 6, GUAM CODE ANNOTATED, TO PERMIT CLOSED-CIRCUIT TELEVISION TESTIMONY IN

**LIEU OF IN-COURT TESTIMONY FOR MINORS IN CHILD  
SEXUAL ABUSE PROCEEDINGS.**

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

**Section 1. Legislative findings.** The Legislature finds that the mission of the Guam Fire Department to protect lives and property is occasionally hindered by the lack of proper vehicles, equipment and supplies. To ensure that public safety is augmented and that emergency personnel are equipped with necessary tools and resources, the Legislature finds that a permanent funding source specifically earmarked for the procurement of such vehicles and emergency and life support equipment would aid the Guam Fire Department in executing its mission. Such funding source would be generated from fees for services currently provided free of charge and from fines imposed upon those who create fire hazards.

**Section 2.** §72106 is hereby added to Title 10, Guam Code Annotated, to read:

**“§72106. (a) Creation of Capital Outlay Revolving Fund.** There is hereby created the Guam Fire Department Capital Outlay Revolving Fund (the “Fund”) to purchase essential emergency rescue and firefighting vehicles, and emergency life support and medical equipment. The Fund shall be under the control of the Guam Fire Department and the Director of Administration (the “Director”). The Director shall administer the Fund and release the necessary monies upon request for expenditures by the Fire Chief authorized by this section.

**(b) Authorization to collect fees for services and fines.** The Guam Fire Department shall establish, in accordance with the Administrative Adjudication Law, within ninety (90) days of

1 enactment of this section, a schedule of (i) fees for the following  
2 services: non-emergency use of an ambulance primarily for  
3 transportation as opposed to emergency medical care under  
4 circumstances where the person ordering the same does not  
5 reasonably believe that a bona fide medical emergency condition  
6 exists, making building inspections, or issuing burning permits; and  
7 (ii) fines for creating fire hazards, disobeying permit conditions,  
8 failing to correct hazardous conditions reported as a result of  
9 building inspections, or non-compliance with the Fire Code. All fees  
10 and fines collected under such approved schedule shall be deposited  
11 in the Fund.

12 (c) **No transfer authority by the Governor.** The Governor  
13 may not use his transfer authority to utilize any monies deposited in  
14 the Fund."

15 **Section 3. Legislative finding.** The Legislature finds that while a  
16 defendant has a constitutionally guaranteed right to confront an accuser  
17 during court proceedings, plaintiffs and witnesses, especially children,  
18 involved in child abuse cases in Guam should be accorded some witness  
19 comfort and protection as in many other jurisdictions. One such type of  
20 witness comfort and protection which has been deemed constitutionally  
21 permissible is the closed-circuit television testimony of children. The  
22 Legislature finds that such testimony would help to ensure justice.

23 **Section 4. §804.1 is added to Title 6, Guam Code Annotated, to read:**

24 "§804.1. **Protection of child witnesses.** (a) **Conditions.** In a  
25 case of physical, sexual or mental abuse of a child as defined in  
26 Guam law, a court may order that the testimony of a child victim be

1 taken outside the courtroom and shown in the courtroom by means  
2 of closed-circuit television if:

3 (1) The testimony is taken during the proceeding; and

4 (2) The judge determines that testimony by the child  
5 victim in the defendant's presence will result in the child  
6 suffering serious emotional distress such that the child cannot  
7 reasonably communicate.

8 (b) Location of certain persons; question of child. (1) Only the  
9 following persons may be in the room with the child when the child  
10 testifies by closed-circuit television:

11 (i) The prosecuting attorney;

12 (ii) The attorney for the defendant;

13 (iii) The operators of the closed-circuit television  
14 equipment; and

15 (iv) Unless the defendant objects, any person whose  
16 presence, in the opinion of the court, contributes to the well-  
17 being of the child, including a person who has dealt with the  
18 child in a therapeutic setting concerning the abuse.

19 (2) During the child's testimony by closed-circuit television,  
20 the judge and the defendant shall be in the courtroom.

21 (3) The judge and the defendant shall be allowed to  
22 communicate with the persons in the room where the child is  
23 testifying by any appropriate electronic method.

24 (4) Only the prosecuting attorney, the attorney for any  
25 defendant, and the judge may question the child.

26 (c) Examination by judge. (1) In determining whether  
27 testimony by the child victim in the defendant's presence will result in

1 the child suffering serious emotional distress such that the child  
2 cannot reasonably communicate, the judge may observe and question  
3 the child either inside or outside the courtroom and hear testimony of  
4 a parent or custodian of the child or any other person, including a  
5 person who has dealt with the child in a therapeutic setting.

6 (2) (i) Except as provided in subparagraph (ii) of this  
7 paragraph, any defendant, any defendant's attorney, and the  
8 prosecutor shall have the right to be present when the judge hears  
9 testimony on whether to allow a child victim to testify by closed-  
10 circuit television.

11 (ii) If the judge decides to observe or question the child in  
12 connection with the determination to allow closed-circuit television:

13 1. Any defendant's attorney and the prosecutor shall  
14 have the right to be present; and

15 2. The judge may not permit a defendant to be present.

16 (d) Applicability. The provisions of this section do not apply if  
17 the defendant is an attorney pro se.

18 (e) Identification of defendant. This section may not be  
19 interpreted to preclude, for purposes of identification of a defendant,  
20 the presence of both the victim and the defendant in the courtroom at  
21 the same time.

22 (f) Two-way closed-circuit television prohibited. This section  
23 may not be interpreted to permit the use of two-way closed-circuit  
24 television or any other procedure that would result in the child being  
25 exposed to the defendant."