

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
317-32 (LS) P.L. 32-173	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.	4/14/14 12:31 p.m.	04/14/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	04/28/14 9 a.m.	5/28/14 3:56 p.m.	Fiscal Note Request 4/15/14 Fiscal Note Received 4/15/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	7/1/2014	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF PHISHING.	7/2/14	9:10 a.m.	07/14/14	7/9/2014	32-173	As amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

JUL 15 2014

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 317-32 (LS) "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF PHISHING" which I signed into law on July 9, 2014 as Public Law 32-173.

Senseramente,






EDDIE BAZA CALVO

2014 JUL 15 PM 3:00

32-14834
Office of the speaker
Judith T. Won Pat - U.S.A.
Date 7/15/14
TIME 2:17 PM
RECEIVED BY CHEL SAMUEL

1834

P.O. Box 2950 • Hagatna, Guam 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov

 Eddie Baza Calvo  @eddiebazacalvo  @governorcalvo  governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

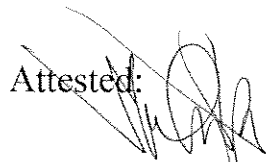
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 317-32 (LS), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF PHISHING," was on the 1st day of July, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2nd day of July,
2014, at 9:10 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date:

JUL 09 2014

Public Law No. 32-173

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 317-32 (LS)

As amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 46
OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE
TO THE CRIME OF PHISHING.**

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

2 **Section 1.** A new Article 4 is *added* to Chapter 46 of Title 9, Guam Code
3 Annotated, to read as follows:

4 **“ARTICLE 4**
5 **ANTI-PHISHING ACT**

6 **§ 46.400. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
7 finds that phishing or pharming are acts that defraud someone by using a

1 false website, or pretending to be a legitimate business on the web, and
2 fraudulently obtaining identifying information. This Act enables lawsuits by
3 internet service providers and owners of webpages or trademarks that are
4 used without authorization in the conduct of a violation. It is the intent of *I*
5 *Liheslatura* to ensure that phishing and pharming are illegal and that Guam
6 has the ability to prosecute the bad actors that prey on the residents of Guam.

7 **§ 46.401. Definitions.** As used in this Act:

8 (a) *entity* includes corporations, business trusts, estates,
9 partnerships, limited partnerships, limited liability partnerships,
10 limited liability companies, associations, organizations, joint ventures,
11 governments, governmental subdivisions, agencies, or
12 instrumentalities, or any other legal entity, whether for profit or not-
13 for-profit;

14 (b) *individual* means a natural person;

15 (c) *identifying information* means any information that can
16 be used to access an individual's financial accounts or to obtain goods
17 and services, including, but *not* limited to, address, birth date, social
18 security number, driver's license number, non-driver governmental
19 identification number, telephone number, bank account number,
20 student identification, credit or debit card number, personal
21 identification number, unique biometric data, employee or payroll
22 number, automated or electronic signature, computer image,
23 photograph, screen name or password. The term does *not* include
24 information that is lawfully obtained from publicly available
25 information, or from federal or local government records lawfully
26 made available to the general public;

1 (d) *false pretenses* means the representation of a fact or
2 circumstance which is *not* true and is calculated to mislead;

3 (e) *webpage* means a location that has a single uniform
4 resource locator (URL) with respect to the world wide web, or another
5 location that can be accessed on the internet.

6 **§ 46.402. Phishing and Pharming.**

7 (a) Phishing. For the purposes of this Article 4, an individual
8 or entity is guilty of phishing if, with intent to defraud or injure an
9 individual, or with knowledge that he is facilitating a fraud or injury
10 to be perpetrated by anyone:

11 (1) the actor makes any communication under false
12 pretenses purporting to be by or on behalf of a legitimate
13 business, without the authority or approval of the business; and

14 (2) the actor uses that communication to induce,
15 request, or solicit any person to provide identifying information
16 or property.

17 (b) Pharming. For the purposes of this Article 4, an
18 individual or entity is guilty of pharming if, with intent to defraud or
19 injure an individual, or with knowledge that he is facilitating a fraud
20 or injury to be perpetrated by anyone:

21 (1) creates or operates a webpage that represents itself
22 as belonging to or being associated with a legitimate business,
23 without the authority or approval of such business, and that may
24 induce any user of the internet to provide identifying
25 information or property; or

26 (2) alters a setting on a user's computer or similar
27 device or software program through which the user may search

1 the internet and thereby causes any user of the internet to view a
2 communication that represents itself as belonging to or being
3 associated with a legitimate business, which message has been
4 created or is operated without the authority or approval of such
5 legitimate business and induces, requests or solicits any user of
6 the internet to provide identifying information or property.

7 **§ 46.403. Immunity for Disabling Phishing and Pharming Sites.**

8 No internet registrar or internet service provider may be held liable under
9 any provision of the laws of Guam for removing or disabling access to an
10 internet domain name controlled or operated by such registrar or by such
11 provider, or to content that resides on an internet website or other online
12 location controlled or operated by such provider, and that such provider
13 believes in good faith is used to engage in a violation of this Act.

14 **§ 46.404. Violations.**

15 (a) A person who violates this Act is guilty of a third degree
16 felony, and is subject to a fine *not to exceed* Five Thousand Dollars
17 (\$5,000), or imprisonment *not to exceed* five (5) years, or both.

18 (b) The following persons may bring a civil action against a
19 person who violates this Act:

20 (1) an internet service provider who is adversely
21 affected by the violation;

22 (2) an owner of a webpage, computer server, or a
23 trademark that is used without authorization in the violation; or

24 (3) the Attorney General.

25 (c) Except as provided by paragraph 3, a person permitted to
26 bring a civil action may obtain either actual damages for a violation of

1 this Act, or a civil penalty *not to exceed* One Hundred Fifty Thousand
2 Dollars (\$150,000) per violation of this Act.

3 **§ 46.405. Applicability.** This Act *shall* apply to the discovery of a
4 phishing or pharming incident that occurs on or after the effective date of
5 this Act. This Act *does not* apply to a telecommunications provider's or
6 internet service provider's good faith transmission or routing of, or
7 intermediate temporary storing or caching of, identifying information.

8 **§ 46.406. Severability.** *If* any provision of this Act or its
9 application to any person or circumstance is found to be invalid or contrary
10 to law, such invalidity *shall not* affect other provisions or application of this
11 Act which can be given effect without the invalid provisions or application,
12 and to this end the provisions of this Act are severable.

13 **§ 46.407. Effective Date.** This Act *shall* take effect one hundred
14 twenty (120) days after the date of enactment.”



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

July 1, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 9:10 am DATE 7/2/14

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 249-32 (COR), 312-32 (LS), 316-32 (LS), 317-32 (LS), 318-32 (COR), 319-32 (LS), 340-32 (COR) and 355-32 (COR), which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on July 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (8)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

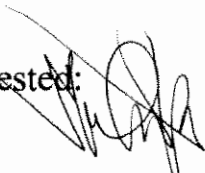
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Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 2nd day of July, 2014, at 9:10 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 317-32 (LS)

As amended on the Floor.

Introduced by:

Tommy Morrison
Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
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16 be used to access an individual's financial accounts or to obtain goods
17 and services, including, but *not* limited to, address, birth date, social
18 security number, driver's license number, non-driver governmental
19 identification number, telephone number, bank account number,
20 student identification, credit or debit card number, personal
21 identification number, unique biometric data, employee or payroll
22 number, automated or electronic signature, computer image,
23 photograph, screen name or password. The term does *not* include
24 information that is lawfully obtained from publicly available
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24 (3) the Attorney General.

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LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

BILL NO. 317-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

DATE: 7/1/14

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN					✓ Ex.
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

14

1 Ex.

Yea

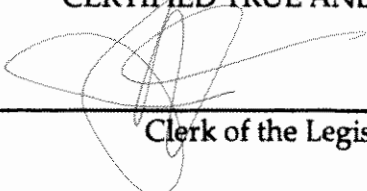
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass