

I Mina'Trentai Tres 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
79-33 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW CHAPTER 163 TO TITLE 8 OF THE GUAM CODE ANNOTATED; RELATIVE TO CREATING A CATEGORY OF PRIVILEGED COMMUNICATIONS BETWEEN VICTIM AND VICTIM ADVOCATE.	04/20/15 8:57 a.m.	04/20/15	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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April 20, 2015

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 79-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 79-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 79 -33 (COR)

Introduced by:

B. J.F. Cruz 

**AN ACT TO ADD A NEW CHAPTER 163 TO TITLE 8 OF THE
GUAM CODE ANNOTATED; RELATIVE TO CREATING A
CATEGORY OF PRIVILEGED COMMUNICATIONS
BETWEEN VICTIM AND VICTIM ADVOCATE.**

2015 APR 20 AM 8:57 YR

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

2 **Section 1.** A *new* Chapter 163 is *added* to Title 8 of the Guam Code

3 Annotated to read as follows:

4 style="text-align:center">**“CHAPTER 163**
5 style="text-align:center">**VICTIM-ADVOCATE PRIVILEGE**

6
7 § 163.10. Definition.

8 § 163.20. Victim-Advocate Privilege.

9 § 163.30. Consultation Between Crime Victim Advocate and Victim;
10 Privileged Information.

11 § 163.40. Severability.

12
13 § 163.10. **Definition.** As used in this Chapter, *crime victim advocate*
14 means a person who is employed or authorized by a public or private entity
15 to provide counseling, treatment or other support assistance to crime victims.

16 § 163.20. **Victim-Advocate Privilege.**

1 (a) A crime victim has a privilege to refuse to disclose, and to prevent
2 any other person from disclosing, a confidential communication made by the
3 victim to a crime victim advocate or any record made in the course of
4 advising, counseling or assisting the victim. The privilege applies to
5 confidential communications made between the victim and the advocate, and
6 to records of those communications. This privilege *does not* include
7 communications excluded under § 163.30(c).

8 (b) The privilege may be claimed by the following:

9 (1) The victim, or the victim's attorney on behalf of the victim.

10 (2) A guardian or conservator of the victim.

11 (3) The personal representative of a deceased victim.

12 (4) The crime victim advocate, but only on behalf of the victim.

13 The authority of the advocate to claim the privilege is presumed in the
14 absence of evidence to the contrary.

15 **§ 163.30. Consultation Between Crime Victim Advocate and**
16 **Victim; Privileged Information; Exception.**

17 (a) A crime victim advocate *shall not* disclose as a witness or
18 otherwise, any communication made by or with the victim, including any
19 communication made to or in the presence of others, unless the victim
20 consents in writing to the disclosure.

21 (b) Unless the victim consents either verbally or in writing to the
22 disclosure, a crime victim advocate *shall not* disclose records, notes,
23 documents, correspondence, reports or memoranda that contain opinions,
24 theories or other information made while advising, counseling or assisting
25 the victim or that are based on communications made by or with the victim,
26 including communications made to or in the presence of others.

1 (c) The communication is not privileged *if* the crime victim advocate
2 knows that the victim will give or has given perjured testimony or *if* the
3 communication contains exculpatory material.

4 (d) Notwithstanding subsections (a) and (b), with the written or verbal
5 consent of the victim, a crime victim advocate who is employed by the
6 Attorney General’s Office may disclose information to the prosecutor

7 (e) *If*, with the written or verbal consent of the victim, the crime
8 victim advocate discloses to the prosecutor or a law enforcement agency any
9 communication between the victim and the advocate, or any records, notes,
10 document, correspondence, reports or memoranda; the prosecutor or law
11 enforcement agent *shall* disclose the material to the defendant’s attorney
12 only *if* such information is otherwise exculpatory.

13 (f) Notwithstanding subsections (a) and (b), with the written or verbal
14 consent of the victim, a crime victim advocate may disclose information to
15 other professional and administrative support persons with whom the
16 advocate works for the purpose of assisting the advocate in providing
17 services to the victim.

18 **§ 163.40. Severability.** If any of the provisions of this Chapter, or the
19 application thereof to any person or circumstance, are held invalid, such
20 invalidity *shall not* affect any other provision or application of this Chapter
21 which can be given effect without the invalid provision or application, and to
22 this end the provisions of this Chapter are severable.”

23 **Section 2. Enactment.** This Act *shall* become effective upon enactment.