

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
33-38 (COR) As amended by the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement; and further amended on the Floor.	V. Anthony Ada Christopher M. Dueñas Frank F. Blas, Jr. William A. Parkinson Joe S. San Agustin Jesse A. Lujan Chris Barnett Sabina F. Perez Sabrina Salas Matanane Tina Rose Muña Barnes Shelly V. Calvo Eulogio Shawn Gumataotao Therese M. Terlaje Telo T. Taitague	AN ACT TO <i>AMEND</i> §§ 25.15(a)(2),25.20(a)(2) AND § 25.10 OF CHAPTER 25, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.	1/21/25 9:45 a.m.	1/27/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request 1/27/25 Waiver 1/30/25	4/29/25 2:00 p.m.	5/14/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	5/27/25	AN ACT TO <i>AMEND</i> §§ 25.15(a)(2), 25.20(a)(2), AND § 25.10 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.	6/3/25	6/5/25	6/17/25				

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I MINA'TRENTAI OCHO NA LIHESLATURAN GUAHAN
Thirty-Eighth Guam Legislature

June 5, 2025

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are Bill Nos. 6-38 (COR), 18-38 (COR), 20-38 (COR), 23-38 (COR), 27-38 (COR), 33-38 (COR), 50-38 (COR), 53-38 (COR), 54-38 (COR), 55-38 (COR), 59-38 (COR), 66-38 (COR), 67-38 (COR), 75-38 (COR), 78-38 (COR), 80-38 (COR), 83-38 (COR), 88-38 (COR), 89-38 (COR), 95-38 (COR), 109-38 (COR), 121-38 (COR), 129-38 (COR) and 130-38 (COR), and Substitute Bill Nos. 28-38 (COR) and 118-38 (COR) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on June 3, 2025.

Sincerely,

Senator Sabrina Salas Matanane
Legislative Secretary

Enclosure (26)



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I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

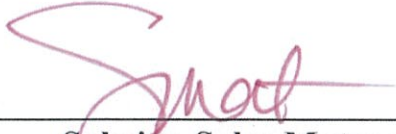
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 33-38 (COR), "AN ACT TO AMEND §§ 25.15(a)(2), 25.20(a)(2), AND § 25.10 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT,"** was on the 3rd day of June 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June,
2025, at 4:56 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	<u>Jessica Dydasco</u>
Date:	<u>6/5/25</u> Time: <u>4:56 PM</u>

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 33-38 (COR)

As amended by the Committee on Economic Investment,
Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement;
and further amended on the Floor.

Introduced by:

V. Anthony Ada
Christopher M. Dueñas
Frank F. Blas, Jr.
William A. Parkinson
Joe S. San Agustin
Jesse A. Lujan
Chris Barnett
Sabina Flores Perez
Sabrina Salas Matanane
Tina Rose Muña Barnes
Shelly V. Calvo
Eulogio Shawn Gumataotao
Therese M. Terlaje
Telo T. Taitague
Vincent A.V. Borja

**AN ACT TO AMEND §§ 25.15(a)(2), 25.20(a)(2), AND §
25.10 OF CHAPTER 25, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO THE EXPANSION OF
THE ELEMENTS FOR FIRST AND SECOND DEGREE
CRIMINAL SEXUAL CONDUCT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Guam's criminal statutes on Criminal Sexual Conduct has, in recent years,
caught up to most of the U.S. states in terms of punishment for heinous crimes
committed against children.

1 Like most states, Guam's First (1st) and Second (2nd) degree Criminal Sexual
2 Conduct (CSC) laws apply, mainly, to perpetrators that victimize children who are
3 thirteen (13) years of age and younger. In April of 2021, Guam eliminated
4 protections for first time offenders from the Justice Safety Act for those who
5 convicted of First (1st) and Second (2nd) degree CSC which are both first (1st) degree
6 felonies with extended minimum sentences.

7 In June of 2024, Guam enacted Jessica's Law which added ten (10) years to
8 the minimum sentences for First (1st) and Second (2nd) degree CSC where the victims
9 are eleven (11) years of age and younger.

10 *I Liheslaturan Guåhan* further finds that like most states, Guam charges the
11 crime of third (3rd) degree CSC (a 2nd degree felony) for perpetrators that sexually
12 assault victims fourteen (14) years of age and older. Also like most states, Guam
13 upgrades the charge to 1st and 2nd degree CSC where the victim is fourteen (14) or
14 fifteen (15) years of age and the perpetrator is a member of the victim's household,
15 related by blood or marriage, or in a position of authority over the victim. Unlike
16 most states, however, Guam does not upgrade the level of the crime in cases of
17 fourteen (14) and fifteen (15) year old victims where the perpetrator's employment
18 creates opportunities to commit sexual assault or if the perpetrator is in a dating
19 relationship with a member of the victim's household.

20 Therefore, it is the intent of *I Liheslaturan Guåhan* to expand and create
21 sufficient specificity, in the relationships between victims and perpetrators to charge
22 the crimes of first (1st) and second (2nd) degree Criminal Sexual Conduct committed
23 against victims who are fourteen (14) or fifteen (15) years of age.

24 **Section 2.** § 25.15(a)(2) of Chapter 25, Title 9, Guam Code Annotated, is
25 *amended* to read as follows:

26 **“§ 25.15. First Degree Criminal Sexual Conduct.**

1 (a) A person is guilty of criminal sexual conduct in the first degree
2 if he or she engages in sexual penetration with the victim and if any of the
3 following circumstances exists:

4 (1) the victim is under fourteen (14) years of age;

5 (2) the victim is at least fourteen (14) but less than sixteen (16)
6 years of age and any of the following circumstances exist:

7 (A) the actor is a member of the same household as the
8 victim;

9 (B) the actor is related to the victim by blood, adoption
10 or affinity to the fourth degree to the victim, or

11 (C) the actor is in a position of authority over the victim
12 and used this authority to coerce the victim to submit;

13 (D) the actor is a teacher, substitute teacher,
14 intern/student teacher or administrator of the public school,
15 nonpublic school, school district, in which that other person is
16 enrolled;

17 (E) the actor is an employee or a contractual service
18 provider of the public school, nonpublic school, or school
19 district, in which that other person is enrolled, or is a volunteer
20 who is not a student in any public school or nonpublic school, or
21 is an employee of the government of Guam or government of the
22 United States assigned to provide any service to that public
23 school, nonpublic school, or school district, and the actor uses
24 his or her employee, contractual, or volunteer status to gain
25 access to, or to establish a relationship with, that other person;

26 (F) the actor is an employee, contractual service
27 provider, or volunteer of a child care facility, or a person licensed

1 or lawfully authorized to operate a foster care facility or home or
2 a foster care group home in which that other person is a resident,
3 and the sexual penetration occurs during the period of that other
4 person's residency;

5 (G) the actor is an employee, contractual service
6 provider, or volunteer of a social services organization, victims'
7 advocacy organization, youth correctional or detention facility,
8 drug treatment facility or medical, psychiatric or psychological
9 treatment facility and the sexual penetration occurs during the
10 period of that other person's residency; or

11 (H) the actor is in a dating relationship with a member
12 of the victim's household."

13 **Section 3.** § 25.20(a)(2) of Chapter 25, Title 9, Guam Code Annotated, is
14 *amended* to read as follows:

15 **"§ 25.20. Second Degree Criminal Sexual Conduct.**

16 (a) A person is guilty of criminal sexual conduct in the second
17 degree if the person engages in sexual contact with another person and if any
18 of the following circumstances exists:

19 (1) that other person is under fourteen (14) years of age;

20 (2) the victim is at least fourteen (14) but less than sixteen (16)
21 years of age and any of the following circumstances exist:

22 (A) the actor is a member of the same household as the
23 victim;

24 (B) the actor is related to the victim by blood, adoption
25 or affinity to the fourth degree to the victim; or

26 (C) the actor is in a position of authority over the victim
27 and used this authority to coerce the victim to submit;

1 (D) the actor is a teacher, substitute teacher,
2 intern/student teacher or administrator of the public school,
3 nonpublic school, school district, in which that other person is
4 enrolled;

5 (E) the actor is an employee or a contractual service
6 provider of the public school, nonpublic school, school district,
7 in which that other person is enrolled, or is a volunteer who is
8 not a student in any public school or nonpublic school, or is an
9 employee of the government of Guam or government of the
10 United States assigned to provide any service to that public
11 school, nonpublic school, school district, or and the actor uses
12 his or her employee, contractual, or volunteer status to gain
13 access to, or to establish a relationship with, that other person;

14 (F) the actor is an employee, contractual service
15 provider, or volunteer of a child care facility, or a person licensed
16 or lawfully authorized to operate a foster care facility or home or
17 a foster care group home in which that other person is a resident,
18 and the sexual penetration occurs during the period of that other
19 person's residency;

20 (G) the actor is an employee, contractual service
21 provider, or volunteer of a social services organization, victims'
22 advocacy organization, youth correctional or detention facility,
23 drug treatment facility or medical, psychiatric or psychological
24 treatment facility and the sexual penetration occurs during the
25 period of that other person's residency; or

26 (H) the actor is in a dating relationship with a member
27 of the victim's household."

1 **Section 4.** § 25.10 of Chapter 25, Title 9, Guam Code Annotated, is
2 *amended* to read as follows:

3 **“§ 25.10. Definitions.**

4 (a) As used in this Chapter:

5 (1) “Actor” means a person accused of criminal sexual
6 conduct;

7 (2) “Consent” means words or overt actions by a person
8 indicating a freely given present agreement to perform a particular
9 sexual act with the actor. Consent does not mean the existence of a prior
10 or current social relationship between the actor and the victim or that
11 the victim failed to resist a particular sexual act.

12 (A) A person who is mentally incapacitated or
13 physically helpless as defined by this Chapter cannot consent to
14 a sexual act.

15 (B) Corroboration of the victim’s testimony is not
16 required to show lack of consent.

17 (3) “Force” or “Coercion” includes, but is not limited to, any
18 of the following circumstances:

19 (A) when the actor overcomes the victim through the
20 actual application of physical force or physical violence;

21 (B) when the actor coerces the victim to submit by
22 threatening to use force or violence on the victim and the victim
23 believes that the actor has the present ability to execute these
24 threats;

25 (C) when the actor coerces the victim to submit by
26 threatening to retaliate in the future against the victim or any
27 other person and the victim believes that the actor has the ability

1 to execute this threat. As used in this Subsection, to retaliate
2 includes threats of physical punishment, kidnapping, or
3 extortion;

4 (D) when the actor engages in the medical treatment or
5 examination of the victim in a manner or for purposes which are
6 medically recognized as unethical or unacceptable; or

7 (E) when the actor, through concealment or by the
8 element of surprise, is able to overcome the victim.

9 (4) "Intimate Parts" includes the primary genital area, groin,
10 inner thigh, buttock, or breast of a human being;

11 (5) "Mentally Impaired" means that a person suffers from a
12 mental disease or defect which renders that person temporarily or
13 permanently incapable of appraising the nature of his or her conduct;

14 (6) "Mentally Incapacitated" means

15 (A) that a person is rendered temporarily incapable of
16 appraising or controlling his or her conduct due to the influence
17 of a narcotic, anesthetic, or other substance administered to that
18 person without his or her consent, or due to any other act
19 committed upon that person without his or her consent; or

20 (B) that a person is voluntarily under the influence of
21 any substance or substances to a degree that renders them
22 incapable of consenting or incapable of appreciating,
23 understanding, or controlling the person's conduct.

24 (7) "Physically Helpless" means that a person is

25 (A) unconscious,

26 (B) asleep,

1 (C) unable to withhold consent or to withdraw consent
2 because of a physical condition, or

3 (D) for any other reason, is physically unable to
4 communicate unwillingness to an act;

5 (8) "Personal Injury" means bodily injury, disfigurement,
6 mental anguish, chronic pain, pregnancy, disease, or loss or impairment
7 of a sexual or reproductive organ;

8 (9) "Sexual Contact" includes the intentional touching of the
9 victim's or actor's intimate parts or the intentional touching of the
10 clothing covering the immediate area of the victim's or actor's intimate
11 parts, if that intentional touching can reasonably be construed as being
12 for the purpose of sexual arousal or gratification;

13 (10) "Sexual Penetration" means sexual intercourse,
14 cunnilingus, fellatio, anal intercourse, or any other intrusion, however
15 slight, of any part of a person's body or of any object into the genital or
16 anal openings of another person's body, but emission of semen is not
17 required; and

18 (11) "Victim" means the person alleging to have been
19 subjected to criminal sexual conduct.

20 (12) "Relationship by blood" means a relationship between
21 persons arising by descent from a common ancestor or a relationship
22 by birth rather than by marriage. The degree of consanguinity is
23 determined by counting upward from one of the persons in question to
24 the nearest common ancestor, and then down to the other person, calling
25 it one degree for each generation in the ascending as well as the
26 descending line.

(13) "Affinity" is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(14) "Dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(a) the length of the relationship;

(b) the nature of the relationship; and

(c) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

(15) Adoption refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.