

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)	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	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.	



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

May 12, 2025

The Honorable Frank F. Blas Jr.
Speaker

I Mina'trentai Ocho na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: Honorable Vice Speaker V. Anthony Ada 
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 33-38 (COR) - As Amended

Buenas yan Håfa adai, Speaker Blas

Transmitted herewith is the Committee Report on Bill No. 33-38 (COR, As Amended – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”

Committee votes are as follows:

<u>2</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,


TELO T. TAITAGUE
Senator



COMMITTEE ON RULES

RECEIVED:
May 12, 2025 7:48 p.m.
Marie Crisostomo
Revisions Recieved:
May 14, 2025 1:23 p.m.



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COMMITTEE REPORT

BILL NO. 33-38 (COR), *AS AMENDED*

SPONSORED BY:

Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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

“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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”



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May 12, 2025

MEMORANDUM:

TO: All Members
*Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement*

FROM: Senator Telo T. Taitague
Committee Chairperson

SUBJECT: Committee Report on Bill No. 33-38 (COR), As amended

Transmitted herewith for your consideration is the Committee Report on **Bill No. 33-38 (COR, As amended** – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – ***“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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”***

This report includes the following:

- Copy of COR Referral of Bill No. 33-38 (COR)
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies and Additional Documents
- Committee Vote Sheet and E-mails
- Committee Report Digest
- Copy of Bill No. 33-38 (COR), As Introduced
- Copy of Markup of Bill No. 33-38 (COR), As Amended
- Copy of Bill No. 33-38 (COR), As Amended
- Copy of Fiscal Note from the Bureau of Budget & Management Research

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Senator Telo T. Taitague - Chairperson



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

January 27, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Christopher M. Dueñas** 
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill No. 33-38 (COR)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 33-38 (COR)** – V. Anthony Ada, Christopher M. Dueñas, Frank 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. – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”

Please ensure that the subject bill is referred to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement chaired by Senator Telo T. Taitague. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 22, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

Håfa Adai!

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on Tuesday April 29, 2025 at 2:00 p.m. at the Guam Congress Building in the Public Hearing Room. The Committee will hear and accept testimonies of the following items:

AGENDA FOR 2:00PM:

- I. Bill No. 33-38 (COR) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”
- II. Bill No. 88-38 (COR) – Tele T. Taitague, Sabina F. Perez, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, V. Anthony Ada - “AN ACT TO REPEAL AND REENACT CHAPTER 25, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ASSESSING THE TAXATION OF VEHICLE TITLE TRANSFERS ON THE BILL OF SALE ONLY AND STREAMLINING VEHICLE OWNERSHIP TRANSFERS.”
- III. Bill No. 75-38 (COR) – Frank F. Blas, Jr. - AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER'S LICENSING REQUIREMENTS.

- IV. **Bill No. 97-38 (LS)** - Frank F. Blas Jr., Telo T. Taitague – “AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

Notice of this Hearing is also available on the Government of Guam Public Notice Portal.

We are looking forward to your participation!

Respectfully

Senator Telo T. Taitague
Chairperson



Isah Peredo <senatortelot.isah@gmail.com>

FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>
To: phnotice@guamlegislature.gov

Tue, Apr 22, 2025 at 9:42 AM

April 22, 2025**MEMORANDUM****To: All Senators, Stakeholders and Media****From: Senator Telo T. Taitague****Subject: FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.***Håfa Adai!*

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II. Bill No. 88-38 (COR) – Tele T. Taitague, Sabina F. Perez, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, V. Anthony Ada - **“AN ACT TO REPEAL AND REENACT CHAPTER 25, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ASSESSING THE TAXATION OF VEHICLE TITLE TRANSFERS ON THE BILL OF SALE ONLY AND STREAMLINING VEHICLE OWNERSHIP TRANSFERS.”**

III. Bill No. 75-38 (COR) – Frank F. Blas, Jr. - **AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER’S LICENSING REQUIREMENTS.**

IV. Bill No. 97-38 (LS) - Frank F. Blas Jr., Telo T. Taitague – **“AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE**

LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.

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Notice of this Hearing is also available on the [Government of Guam Public Notice Portal](#).

We are looking forward to your participation!

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

[238 Archbishop Flores St.](#)

[Hagatna, Guam 96910](#)

Tel: (671) 989-8356

Email: senatortelot@gmail.com

5 attachments



4.29.25 First PH Notice MEMO.pdf
469K



Bill No. 33-38 (COR).pdf
1749K



Bill No. 88-38 (COR).pdf
6376K



Bill No. 75-38 (COR).pdf
1067K



Bill No. 97-38 (LS).pdf
1187K

FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

 PRINT

FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

PUBLIC HEARING



 **Posted on:** 04/22/2025 08:40 AM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 04/29/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**

April 22, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: FIRST NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

Håfa Adai!

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I. Bill No. 33-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20(COR).pdf))

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20(COR).pdf))- V.

Anthony Ada, Christopher M. Dueñas, Frank 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 – **“AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”**

II. Bill No. 88-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2088-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2088-38%20(COR).pdf)) – Telo

T. Taitague, Sabina F. Perez, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, V. Anthony Ada - **“AN ACT TO REPEAL AND REENACT CHAPTER 25, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ASSESSING THE TAXATION OF VEHICLE TITLE TRANSFERS ON THE BILL OF SALE ONLY**

AND STREAMLINING VEHICLE OWNERSHIP TRANSFERS.”**III. Bill No. 75-38 (COR)**

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2075-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2075-38%20(COR).pdf))– Frank F. Blas, Jr. - **AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER’S LICENSING REQUIREMENTS.**

IV. Bill No. 97-38 (LS)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2097-38%20\(LS\)%20Referred%20Version.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2097-38%20(LS)%20Referred%20Version.pdf)) - Frank F. Blas Jr., Telo T. Taitague – **“AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”**

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Legislature media on YouTube after the hearing.

We are looking forward to your participation!



PO BOX 368, HAGATNA, GUAM 96932

T. +1 671.637.KUAM
F. +1 671.637.9865

New Order

Revised/Add-On

Info. Update

Advertiser Name

Office of Senator Telo Taitague - 38th
Guam Legislature

Address

Suite 407 DNA Bldg; 238 Archbishop Flores
St.
Hagatna, Guam 96910

Point of Contact

Keith Taliugyan

Order Number

Order Entry Date

Customer PO #

2538PO128

Product Code

RECEIVABLES ACCOUNT

☒ Cash ☐ Trade ☐ Other

ORDER DESCRIPTION

PRODUCTION INFORMATION

Cart # Title: Length:

FOR INTERNAL PURPOSES ONLY

Media Consultant

Christie SA

Notary Required

YES

☒

NO

Billing

Per Spot

Package

☒

Trade

Station	Inc Acct	Rate	Start Date	End Date	AbsTime/Prog. Event	Length	Spot Type	Cart #	M	T	W	TH	F	SA	SU	Per Wk	Total #	Total \$
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KUAM TV

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - First Notice (Air date: 04/22/25)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - First Notice (KUAM Match)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - Second Notice (Air date: 04/25/25)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - Second Notice (KUAM Match)

1x :15 Second TV Production (text and music bed only)

Contract for Public Hearing on Tuesday, April 29, 2025; 1st and 2nd Notice

MONTHLY TOTALS

Jan _____ Feb _____ Mar _____ Apr 500 May _____ June _____
July _____ Aug _____ Sep _____ Oct _____ Nov _____ Dec _____

SPECIAL INSTRUCTIONS

ORDER TOTALS

Total Spots _____ PKG
Total Dollars \$ 500.00

TV COMMERCIAL FORMAT: We ask that all commercials be formatted to originate in HD 1920x1080 and conform to a 4x3 pillar for Title Safe dimensions for graphics. These will be downconverted on our SD channels. Should a commercial spot be produced in SD, it should be formatted in 720x486 DI format resolution and will be upconverted on HD Channels (DOCOMO 608 and 611).

RESTRICTIONS: 48-hour deadline is KUAM's quality control to ensure that your advertisement airing meets the highest standards. If there is a rush, KUAM is not responsible for quality and standard concerns on behalf of the client.

PAYMENT IS DUE UPON RECEIPT OF NOTICE. In the event of cancellation of this contract prior to its scheduled expiration date and/or failure to remit payment of invoice[s] within 60 days of invoice date, all spots that have run prior to the cancellation date and/or schedules adhered to will be billed at the Rate Card. Client understands and agrees that a finance charge of 10% per month shall accrue on all accounts remaining unpaid one [1] month after invoice date. Client agrees to pay a USD\$25.00 service fee per returned check. There will be a 5% surcharge for all credit card transactions. If payment is not made as required, KUAM may, its option, without notice or demand payment, declare Client's credit account in default, in which case Client's entire balance[s] that are due and payable will be forwarded for collection. Client agrees to accept all consequences and to pay all costs, including attorney's fees, court fees, court costs and other expenses incurred as deemed necessary by KUAM to settle the account.

NON DISCRIMINATION CLAUSE: KUAM/Pacific Telestations, LLC does not discriminate on the basis of race or ethnicity in the placement, scheduling and completion of purchase of advertising. Any order for advertising that includes any such restriction will not be accepted.

ACCEPTED BY CLIENT

4/17/25

Christie SanAgustin

ACCEPTED BY STATION



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Development, Military Building, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Revenue

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senatortelo@gmail.com

NOTICE OF PUBLIC HEARING
Tuesday, April 29, 2025 at 2:00 p.m.
Guam Congress Building, Public Hearing Room.

The Committee will hear and accept testimonies on the following items:

AGENDA for 2:00PM:

I. Bill No. 33-38 (COR) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 - **"AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT."**

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OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Development, Military Building, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Revenue

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III. Bill No. 75-38 (COR) - Frank F. Blas, Jr. - **AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER'S LICENSING REQUIREMENTS.**

IV. Bill No. 97-38 (LS) - Frank F. Blas Jr., Telo T. Taitague - **"AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE "GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025."**



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Development, Military Building, Regional Relations,
Regulatory Affairs, Technology, Justice, Education and Environment

No. 407 DNA Building
200 Archibishop Drive St.
Hagåtña, Guam 96910
(671) 989-8356
senatortelo@gmail.com

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If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T.

Taitague via electronic mail at senatortelo@gmail.com or call (671) 989-8356.

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CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
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Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 25, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: SECOND NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

Håfa Adai!

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on Tuesday April 29, 2025 at 2:00 p.m. at the Guam Congress Building in the Public Hearing Room. The Committee will hear and accept testimonies of the following items:

AGENDA FOR 2:00PM:

- I. Bill No. 33-38 (COR) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”
- II. Bill No. 88-38 (COR) – Telo T. Taitague, Sabina F. Perez, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, V. Anthony Ada - “AN ACT TO REPEAL AND REENACT CHAPTER 25, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ASSESSING THE TAXATION OF VEHICLE TITLE TRANSFERS ON THE BILL OF SALE ONLY AND STREAMLINING VEHICLE OWNERSHIP TRANSFERS.”
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OFFICE OF SENATOR

Telo T. Taitague

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RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER'S LICENSING REQUIREMENTS.

- IV. **Bill No. 97-38 (LS)** - Frank F. Blas Jr., Telo T. Taitague – “AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”

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Notice of this Hearing is also available on the Government of Guam Public Notice Portal.

We are looking forward to your participation!

Respectfully

Senator Telo T. Taitague
Chairperson



Isah Peredo <senatortelot.isah@gmail.com>

SECOND NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>

Fri, Apr 25, 2025 at 8:43 AM

To: phnotice@guamlegislature.gov

April 25, 2025**MEMORANDUM****To: All Senators, Stakeholders and Media****From: Senator Telo T. Taitague****Subject: SECOND NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.***Håfa Adai!*

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Notice of this Hearing is also available on the [Government of Guam Public Notice Portal](#).

We are looking forward to your participation!

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

[238 Archbishop Flores St.](#)

[Hagatna, Guam 96910](#)

Tel: (671) 989-8356

Email: senatortelot@gmail.com

5 attachments



4.29.25 SECOND PH Notice MEMO.pdf
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Bill No. 33-38 (COR).pdf
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Bill No. 75-38 (COR).pdf
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Bill No. 88-38 (COR).pdf
6376K



Bill No. 97-38 (LS).pdf
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SECOND NOTICE of Public Hearing – Tuesday April 29, 2025 at 2:00 p.m.

 PRINT

**SECOND NOTICE of Public Hearing – Tuesday
April 29, 2025 at 2:00 p.m.**

PUBLIC HEARING



 **Posted on:** 04/25/2025 08:26 AM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 04/29/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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April 25, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2033-38%20(COR).pdf)) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – **“AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”**

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2075-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2075-38%20(COR).pdf))– Frank F. Blas, Jr. - **AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER'S LICENSING REQUIREMENTS.**

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2097-38%20\(LS\)%20Referred%20Version.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2097-38%20(LS)%20Referred%20Version.pdf)) - Frank F. Blas Jr., Telo T. Taitague – **“AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”**

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OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 16, 2025

Transmitted via Electronic Mail

Cynthia Cabot – Executive Director

Guam Coalition

cynthia@guamcoalition.org

Subject: Invitation to provide testimony on Bill No. 33-38 (COR):

Hafa Adai Director Cabot,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 29, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

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I respectfully request your presence to provide testimony and answer questions from the senate panel.

All testimony may be submitted to my office via email to senatortelot@gmail.com or delivered to the Office of Senator Telo T. Taitague Suite 407 DNA Building 238 Archbishop Flores St, Hagatna, Guam 96910 two (2) days prior to the public hearing. Please contact our office via email or at (671) 989-8356, for any questions or concerns.

Respectfully

Senator Telo T. Taitague

Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 33-38 (COR) - April 29, 2025 at 2 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>

16 April 2025 at 12:30

To: cynthia@guamcoalition.org

Cc: lyana@gcasafv.org

Hafa Adai Director Cabot,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement**

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com



Guam Coalition Invitation Letter - provide testimony.pdf

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OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 16, 2025

Transmitted via Electronic Mail

Douglas B. Moylan – Attorney General
Office of the Attorney General of Guam
[REDACTED]

Subject: Invitation to provide testimony on Bill No. 33-38 (COR):

Hafa Adai Attorney General Moylan,

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Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 33-38 (COR) - April 29, 2025 at 2 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>
To: dbmoylan@oagguam.org

16 April 2025 at 13:43

Hafa Adai Attorney General Moylan,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
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Hagatna, Guam 96910

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Email: senatortelot@gmail.com



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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 16, 2025

Transmitted via Electronic Mail

Jacqueline T. Terlaje – President

Guam Bar Association

info@terlajelaw.com

Subject: Invitation to provide testimony on Bill No. 33-38 (COR):

Hafa Adai GBA President Attorney Terlaje,

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Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 33-38 (COR) - April 29, 2025 at 2 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>
To: info@guambar.org

16 April 2025 at 12:31

Hafa Adai Attorney Terlaje - GBA President

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38th Guam Legislature

Chairperson

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Email: senatortelot@gmail.com



GBA Invitation Letter - provide testimony.pdf
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Telo T. Taitague

CHAIRWOMAN

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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 16, 2025

Transmitted via Electronic Mail

Carissa E. Pangelinan, MPA- Director
Guam Behavioral Health and Wellness Center
directors.office@gbhwc.guam.gov

Subject: Invitation to provide testimony on Bill No. 33-38 (COR):

Hafa Adai GBHWC Director Pangelinan,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 29, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

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Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 33-38 (COR) - April 29, 2025 at 2 p.m.

3 messages

Senator Telo Taitague <senatortelot@gmail.com>

16 April 2025 at 14:23

To: directors.office@gbhwc.guam.gov

Hafa Adai Director Pangelinan,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,***Create a Great Day!****Senator Telo T. Taitague*

38th Guam Legislature

Chairperson**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
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Tel: (671) 989-8356

Email: senatortelot@gmail.com**GBHWC Invitation Letter - provide testimony.pdf**

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GBHWC Directors Office <directors.office@gbhwc.guam.gov>

29 April 2025 at 10:58

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: "James P. Cooper-Nurse" <James.Cooper-Nurse@gbhwc.guam.gov>, Carissa Pangelinan <Carissa.Pangelinan@gbhwc.guam.gov>

Hafa Adai Senator Taitague,

Kindly see the attached testimony for Bill 33-38. Please confirm receipt.

Thank you,

Jamie

**GUAM BEHAVIORAL
HEALTH AND WELLNESS
CENTER****Jamie M. Pangelinan** (she/her)

Special Projects Coordinator, Director's Office

Guam Behavioral Health & Wellness Center

790 Gov. Carlos G. Camacho Rd Tamuning, GU 96913

671-647-5400 | jamie.pangelinan@gbhwc.guam.gov

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From: Senator Telo Taitague <senatortelot@gmail.com>
Sent: Wednesday, April 16, 2025 2:23 PM
To: GBHWC Directors Office <directors.office@gbhwc.guam.gov>
Subject: Invitation Letter to Provide Testimony on Bill 33-38 (COR) - April 29, 2025 at 2 p.m.

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 **GBHWC Testimony for Bill 33-38.pdf**
76K

Senator Telo Taitague <senatortelot@gmail.com> 29 April 2025 at 11:55
To: GBHWC Directors Office <directors.office@gbhwc.guam.gov>
Cc: "James P. Cooper-Nurse" <James.Cooper-Nurse@gbhwc.guam.gov>, Carissa Pangelinan <Carissa.Pangelinan@gbhwc.guam.gov>

Hafa Adai!

Confirming receipt of the attached testimony!

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement**

Suite 407 DNA Building
238 Archbishop Flores St.
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OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING AGENDA

Tuesday, April 29, 2025 at 2:00 p.m.

Guam Congress Building, Public Hearing Room.

The Committee will hear and accept testimonies on the following items:

AGENDA for 2:00PM:

- I. **Bill No. 33-38 (COR)** - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”
- II. **Bill No. 88-38 (COR)** – Tele T. Taitague, Sabina F. Perez, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, V. Anthony Ada - “AN ACT TO REPEAL AND REENACT CHAPTER 25, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ASSESSING THE TAXATION OF VEHICLE TITLE TRANSFERS ON THE BILL OF SALE ONLY AND STREAMLINING VEHICLE OWNERSHIP TRANSFERS.”
- III. **Bill No. 75-38 (COR)** – Frank F. Blas, Jr. - AN ACT TO AMEND §3101(b) OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO EXEMPTING NON-RESIDENT ACTIVE-DUTY SERVICE MEMBERS AND THEIR DEPENDENTS FROM DRIVER’S LICENSING REQUIREMENTS.
- IV. **Bill No. 97-38 (LS)** - Frank F. Blas Jr., Telo T. Taitague – “AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989- 8356 or email senatortelot@gmail.com .

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING SIGN-IN SHEET

Tuesday, April 29, 2025 – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 33-38 (COR) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. Christine Tenorio	OAG	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	ctenorio@oagsguam.org
2. AG Douglas Moylan	OAG	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	dbmoylan@oagsguam.org
3.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

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PUBLIC HEARING SIGN-IN SHEET

Tuesday, April 29, 2025 – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 33-38 (COR) - V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. <i>Jayre Flores</i>	<i>BWA</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☒	
2.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
3.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	

Pg 2



BUREAU OF WOMEN'S AFFAIRS



LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

JAYNE T. FLORES
Director

April 29, 2025

Honorable Telo T. Taitague
Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement

38th Guam Legislature

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Via email: senatortelot@gmail.com

Hafa Adai Senator Taitague and Committee Members,

The Bureau of Women's Affairs (BWA) respectfully submits the following testimony in support of Bill 33-38, **"RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT."**

According to the Guam Police Department's Domestic Assault Response Team (DART), in the last eight years, 72 percent of the criminal sexual conduct cases filed with GPD have involved victims who were minors. Guam's Healing Hearts Crisis Center, which helps victims/survivors of sexual assault, reports that the percentage is nearly even with regard to data showing whether the perpetrator is a family member or an acquaintance. So BWA supports Bill 33-38 as a way to ensure that those "acquaintances" who would commit this heinous crime against a vulnerable child or minor person over whom the perpetrator may have a position of authority or influence, do not fall through any legal cracks with regard to punishment when they are convicted. Because every measure helps when it comes to the deterrence of sexual assault. And we clearly have a problem with it on our island.

According to the Division of Children's Wellness at the Department of Public Health and Social Services, for Fiscal Year 2023, drugs and/or alcohol accounted for 57% of the risk factors when children were taken from their parents because of abuse. In 2020, a woman was sexually assaulted and murdered in Toto by a man who told officers he blacked out and couldn't remember details. How many other times have we heard about sexual assaults where the perpetrator was intoxicated or using illicit drugs?

While we cannot limit a person's ability to purchase alcoholic beverages if they are 21 or older, BWA suggests the 38th Guam Legislature might consider providing funding for more awareness efforts about what to do if someone tries to sexually assault a person of any age.

The BWA awareness video “Don’t be that guy” is part of this effort. We also have a federal Child-Youth grant to develop bathroom stall posters that tell young people what they can do if someone is doing something to make them feel bad or harming them in any way. Our other federal grants provide some awareness funding, but not much.

The Guam Coalition Against Sexual Assault and Family Violence notes that an increase in the reporting of sexual assaults doesn’t necessarily mean there is an increase in such crimes; instead, it signals an increase in the number of people aware that they have the power to make the abuse stop. So awareness efforts do work in that they help to empower potential victims, because the more we empower a person, the more opportunity they have to protect themselves against sexual assault.

Another suggestion with regard to the acquaintance perpetrator aspect is to tighten laws to provide for stricter screening for those who work with or near children.

Sexual assault is the most under-reported crime in nearly every community. So the BWA applauds the authors of Bill 33-38 for the convictions and increased punishment that it may provide. We note, however, that this measure alone will not solve the problem. Much, much more needs to be done.

Si Yu’os Ma’ase,



Jayne Flores

Director

Bureau of Women’s Affairs



LOURDES A. LEON GUERRERO
Governor
JOSHUA F. TENORIO
Lieutenant Governor

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER

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Tamuning, Guam 96913

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**GUAM BEHAVIORAL
HEALTH AND WELLNESS
CENTER**

CARISSA E. PANGELINAN
Director

JAMES P. COOPER-NURSE, PhD
Deputy Director

April 29, 2025

Senator Telo T. Taitague
Chairperson of The Committee on Justice
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa Street, Hagatna, Guam 96910

Subject: Testimony for Bill 33-38

Buenas yan Hafa Adai!

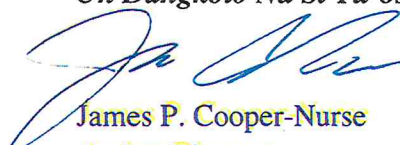
The Guam Behavioral Health and Wellness Center (GBHWC) respectfully submits this testimony in favor of Bill No. 33-38, an act to amend §§ 25.15(a)(2) and 25.20(a)(2) of Chapter 25, Title 9 and §715(h)(7) of Chapter 7 Title 1 Guam Code Annotated Relative to Expansion of the Elements for First- and Second-Degree Criminal Sexual Conduct. GBHWC's Healing Hearts Crisis Center, Guam's only rape crisis center, is dedicated to advocating for the rights and safety of survivors of sexual violence, we believe this legislation is a critical step toward ensuring justice and protection for vulnerable members of our community.

This Bill provides much-needed clarity and specificity in addressing the relationships between victims and perpetrators. By expanding the scope of circumstances under which crimes of 1st and 2nd degree Criminal Sexual Conduct can be charged, this bill acknowledges the complex dynamics of power, authority, and trust that perpetrators often exploit to harm victims aged 14 and 15.

Key provisions of the bill, such as recognizing the roles of teachers, school employees, childcare providers, and others in positions of authority, reflect a comprehensive understanding of the environments where abuse can occur. These amendments not only close existing gaps in the law but also send a clear message that our community will not tolerate the abuse of power to exploit and harm our youth.

We commend the authors of this bill for their commitment to protecting our youth and holding perpetrators accountable. Thank you for the opportunity to provide this testimony. We remain committed to supporting survivors and advocating for policies that promote justice and healing.

Un Dangkolo Na Si Yu'os Ma'ase


James P. Cooper-Nurse
Acting Director



Office of the Attorney General Testimony Supporting Bill 33-38
*An Act to Expand the Elements for First and Second Degree
Criminal Sexual Conduct*

Hafa Adai. This Testimony is submitted on behalf of the AG's Office, and our client the People of Guam, in support of the adoption of Bill No. 33-38, to expand the elements for First and Second Degree Criminal Sexual Conduct, into Guam law. The proposed amendments, with the exception of the proposed definition of "**affinity**" and reference to "**dating relationship**", will mirror the current version of the analogous Michigan criminal sexual conduct statute, Mich. Comp. Laws Ann. §§ 750.520b and 750.520c, upon which the Guam criminal sexual conduct statute was based. The AG's Office agrees with the addition of the language.

The AG's office agrees that criminal sexual conduct between individuals related via affinity through what other jurisdictions would define as "common law" should be criminalized. However, the proposed definition will cause legal issues because the definition of "**affinity**" is a legal construct that cannot be translated to "**dating**." The new definition would criminalize sexual misconduct by the girlfriend / boyfriend of the victim's parent, sibling, nephew, grandnephew / grandniece, grandparent, uncle / aunt, first cousin, great-grandparent, great uncle / aunt, and great - great grandparent. This would be regardless of the length of the time dated. It should be noted that it does not appear that any other jurisdiction has created such an expansive definition. It is not necessary to make this definition applicable to Chapter 25, as "**family or household member**" is exhaustive and already includes the proposed "**affinity**" definition.

The inclusion of subsection (H) would suffice to criminalize the individuals with regular access to the victim's household, without criminalizing every relationship describe above. However, the AG's Office would request that subsection (H) be added to 9 GCA § 25.20 for uniformity purposes. Additionally, the phrase "dating relationship" should be defined, because the AG's Office anticipates that this would be an appealable issue.

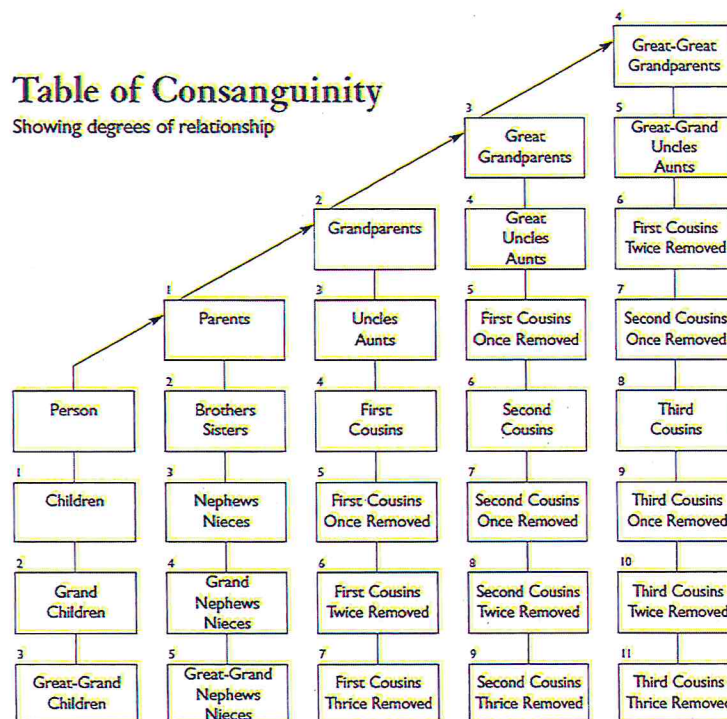
Office of the Attorney General
Douglas B. Moylan · Attorney General of Guam

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"**Guam's Toughest Law Enforcers**"

Please be aware that the Criminal Law Review Commission recently proposed the following definitions of “affinity” and “consanguinity” to 9 GCA § 25.10, which the AG’s Office proposes to tighten up the law and make for easier prosecution:

AFFINITY DEFINED

Affinity means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.



RELATIONSHIP BY BLOOD DEFINED

A relationship by blood is defined as, “a relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage.” The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

Regarding the teacher-student relationship, a similar bill was introduced by Speaker Frank Blas, Jr. in the 36th Guam Legislature, under Bill 143-36, which focused on the provision of teacher-student relationships. The following testimony was submitted at that time:

Guam's current Criminal Sexual Conduct statutes do not include the criminalizing of a teacher-student sexual relationship. Guam's First Degree Criminal Sexual Conduct and Second Degree Criminal Sexual Conduct statutes are derived from Michigan. The proposed provisions are copied from the Michigan statute; they are the only two provisions of the statute not provided for in the Guam Statute. The Michigan provision regarding the teacher-student relationship went into effect in 2002. Proponents before the Michigan Legislature aptly summarize the need for the bill:

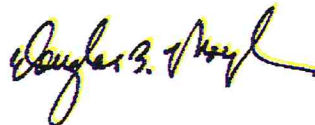
"Parents need to have trust in those who are entrusted with the education of their children, and children should be able to attend school without fear of being lured into a relationship with a teacher or school administrator. Though current law does allow prosecution of those in a position of authority who use that authority to coerce intercourse or sexual contact, a prosecutor must establish that the teacher is indeed in a position of authority over that student, and that he or she used that authority to force or coerce the sexual activity; the bill would relieve a prosecutor of that burden. This is important because, in the case of consensual sex, it is difficult to prove that the teacher or administrator used the power inherent in his or her position to force that relationship. Further, even though the age of consent is 16 years old, it is inappropriate that teachers or administrators engage in liaisons with students. The bill would create a strong deterrent to any teacher or administrator considering such an ill-advised action."

Other states have enacted statutes focused on this type of educator misconduct. Ohio, Texas, North Carolina, Connecticut, Maine, Nevada, Alaska, Iowa, North Carolina, Georgia, Florida, Maryland, Vermont and Wisconsin have similar statutes, but with differing grades of offenses. Washington, Louisiana, and Arkansas have similar statutes, but only criminalize the sexual conduct if the

student is less than 21 years old. Oklahoma criminalizes the sexual conduct if the student is less than 20 years old. Alabama criminalizes the sexual conduct if the student is less than 19 years old. Arizona, Montana, New Jersey, Kansas, New Mexico, Colorado, Indiana, Kentucky, Mississippi and Maryland have similar statutes, but only criminalize the sexual conduct if the student is under 18-years-old. Wyoming criminalizes the sexual conduct only for elementary and secondary schools. Minnesota criminalizes the sexual conduct if the student is less than 18 years, with differing grades of offense based on the student's age. Illinois criminalizes the sexual conduct if the student is less than 17 years old.

The AG's Office supports this legislation to strengthen our criminal sexual conduct laws, and to better protect our client, the People of Guam. By passing this legislation, we will send a clear message that Guam will not tolerate the exploitation and abuse of our most vulnerable. Thank you for this opportunity to comment on this legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas B. Moylan", with a stylized flourish at the end.

Douglas B. Moylan
Attorney General of Guam

9 GCA CRIMES AND CORRECTIONS
CH. 25 SEXUAL OFFENSES

2014 NOTE: Public Law 13-185 (Sept. 2, 1976) established the Criminal and Correctional Code, which was a separate publication. In the Introduction to the Criminal and Correctional Code (1977), the Compiler of Laws stated that it was a “whole new Code and should be interpreted as such. It follows closely the American Law Institute’s Model Penal Code of 1962.” The 1977 publication included Notes and Comments from the Law Revision Commission, which were revised by the Compiler. The Criminal and Correctional Code (1977) as adopted by P.L. 13-185 and amended by the Guam Legislature, was “recodified” as Title 9 of the Guam Code Annotated pursuant to P.L. 15-104:8 (Mar. 5, 1980). The annotations from the 1977 publication were included in Title 9 when it was added to the GCA, and have been retained in past print publications of the GCA. For historical purposes, these annotations are included herein.

The Source notes have been updated to reflect subsequent changes to each provision. Unless otherwise indicated, the Notes and Comments have been retained as they were printed in past publications of the GCA.

CHAPTER 25
SEXUAL OFFENSES

SOURCE: This Chapter repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979).

- § 25.10. Definitions.
- § 25.15. First Degree Criminal Sexual Conduct.
- § 25.20. Second Degree Criminal Sexual Conduct.
- § 25.25. Third Degree Criminal Sexual Conduct.
- § 25.30. Fourth Degree Criminal Sexual Conduct.
- § 25.35. Assault with Intent to Commit Criminal Sexual Conduct.
- § 25.40. Victim’s Testimony Need Not be Corroborated.
- § 25.45. Resistance Not Required.

§ 25.10. Definitions.

(a) As used in this Chapter:

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

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

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

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

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

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

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

(C) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping, or extortion;

9 GCA CRIMES AND CORRECTIONS
CH. 25 SEXUAL OFFENSES

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

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

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

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

(6) “Mentally Incapacitated” means

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

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

(7) “Physically Helpless” means that a person is

(A) unconscious,

(B) asleep,

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

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

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

(9) “Sexual Contact” includes the intentional touching of the victim’s or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification;

(10) “Sexual Penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required; and

(11) “Victim” means the person alleging to have been subjected to criminal sexual conduct.

(b) Whenever in this Chapter the criminality of conduct depends on a child’s being below the age of fourteen (14), it is no defense that the defendant reasonably believed the child to be fourteen (14) or older. Whenever in this Chapter the criminality of conduct depends on a child’s being below a specified age older than fourteen (14), it is an affirmative defense that the defendant reasonably believed the child to be of that age or above.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (a) amended by P.L. 36-101:2 (June 15, 2022).

2022 NOTE: Pursuant to the amendment of subsection (a) by P.L. 36-101:2 (June 15, 2022), the following annotation is moot:

9 GCA CRIMES AND CORRECTIONS
CH. 25 SEXUAL OFFENSES

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606 and to maintain the general codification scheme of the GCA, the Compiler altered the numbers/letters in subsection (a)(2) to adhere to the Compiler's alpha-numeric scheme.

§ 25.15. First Degree Criminal Sexual Conduct.

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

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

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, the actor is related to the victim by blood or affinity to the fourth degree to the victim, or the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(3) sexual penetration occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual penetration.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration; and

(7) the actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the first degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.15(a) shall be sentenced to a minimum of fifteen (15) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of twenty-five (25) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.15(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration, as defined in § 25.10 of this Chapter shall be sentenced to a minimum of twenty-five (25) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Amended by P.L. 32-012:2 (Apr. 11, 2013), effective upon enactment and shall apply prospectively pursuant to P.L. 32-012:3. Subsection (b) amended by P.L. 19-

9 GCA CRIMES AND CORRECTIONS
CH. 25 SEXUAL OFFENSES

006:6 (Aug. 26, 1987). Subsection (b) repealed and reenacted by P.L. 23-114:1 (July 26, 1996). Subsection (c) amended by P.L. 36-018:1 (Apr. 9, 2021). Subsection (a)(4)-(7) amended by P.L. 36-101:3 (June 15, 2022). Subsection (b) amended by P.L. 37-098:2 (June 5, 2024).

§ 25.20. Second Degree Criminal Sexual Conduct.

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

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

(2) that other person is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, or is related by blood or affinity to the fourth degree to the victim, or is in a position of authority over the victim and the actor used this authority to coerce the victim to submit;

(3) sexual contact occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual contact.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact; and

(7) the actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the second degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.20(a) shall be sentenced to a minimum of five (5) years to a maximum of fifteen (15) years imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of ten (10) years to a maximum of twenty (20) years imprisonment if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall parole be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.20(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 shall be sentenced to a minimum of fifteen (15) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Amended by P.L. 32-012:2 (Apr. 11, 2013), effective upon enactment and shall apply prospectively pursuant to P.L. 32-012:3. Subsection (b) amended by P.L. 19-

9 GCA CRIMES AND CORRECTIONS
CH. 25 SEXUAL OFFENSES

006:7. Subsection (c) amended by P.L. 36-018:2 (Apr. 9, 2021). Subsection (a)(4)-(7) amended by P.L. 36-101:4 (June 15, 2022). Subsection (b) amended by P.L. 37-098:3 (June 5, 2024).

§ 25.25. Third Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exists:

- (1) that other person is at least fourteen (14) years of age and under sixteen (16) years of age;
- (2) force or coercion is used to accomplish the sexual penetration; and
- (3) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the third degree is a felony of the second degree.

(c) Any person previously convicted of criminal sexual conduct under § 25.25(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 of this Chapter shall be sentenced to ten (10) years imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (c) added by P.L. 36-018:3 (Apr. 9, 2021). Subsection (a)(3) amended by P.L.36-101:5 (June 15, 2022).

§ 25.30. Fourth Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exists:

- (1) force or coercion is used to accomplish the sexual contact;
- (2) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless;
- (3) the victim is at least fourteen (14) years of age and under sixteen (16) years of age.

(b) Criminal sexual conduct in the fourth degree is a felony of the third degree, except, where the actor is a first time offender and the victim is eighteen (18) years of age or older, it shall be a misdemeanor.

SOURCE: Repealed and reenacted by P.L. 15-060:1 (Aug. 31, 1979). Subsection (b) is amended by P.L. 20-209:1 (Aug. 22, 1990). Amended by P.L. 36-079:1 (Feb. 9, 2022). Subsection (a)(2) amended by P.L.36-101:6 (June 15, 2022).

§ 25.35. Assault with Intent to Commit Criminal Sexual Conduct.

Assault with intent to commit criminal sexual conduct involving penetration is a felony in a third degree.

§ 25.40. Victim's Testimony Need Not be Corroborated.

The testimony of a victim need not be corroborated in prosecutions under §§ 25.15 through 25.35.

§ 25.45. Resistance Not Required.

A victim need not resist the actor for a proper prosecution under §§ 25.15 through 25.35.



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

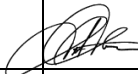
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COMMITTEE VOTE SHEET

Bill No. 33-38 (COR, As Amended – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – ***“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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”***

COMMITTEE MEMBERS	SIGNATURE/ DATE SIGN	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telo T. Taitague Chairperson	 5.12.25	✓				
Senator Darrel Christopher Barnett Vice Chairperson	E-Vote 5.12.25			✓		
Senator Sabina F. Perez Member	E-Vote 5.12.25			✓		
Senator Therese M. Terlaje Member	E-Vote 5.12.25			✓		
Senator Shelly V. Calvo Member	E-Vote 5.12.25	✓				
Speaker Frank F. Blas, Jr. Member						



Senator Telo Taitague <senatortelot@gmail.com>

REQUEST FOR E-VOTE: BILL NO. 33-38 (COR), AS AMENDED6 messages

Senator Telo Taitague <senatortelot@gmail.com>

12 May 2025 at 14:11

To: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatorterlajegum@gmail.com>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>

Cc: Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

Håfa Adai Committee Members,

Please see attached Committee Report on *Håfa Adai* Committee Members,

Please see attached Committee Report on **Bill No. 33-38 (COR, As Amended** – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – ***“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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”***

Please indicate your preferred action, based on the following options:

_____ TO DO PASS;
_____ TO NOT PASS;
_____ TO REPORT OUT ONLY;
_____ TO ABSTAIN;
_____ TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 3-38 (COR), As Amended**. Should you have any questions, please do not hesitate to contact our office.

Please indicate your preferred action, based on the following options:

_____ TO DO PASS;
_____ TO NOT PASS;
_____ TO REPORT OUT ONLY;
_____ TO ABSTAIN;
_____ TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 75-38 (COR), As Amended**. Should you have any questions, please do not hesitate to contact our office.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

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Email: senatortelot@gmail.com



Committee Report on Bill No. 33-38 (COR), As Amended_Routing.pdf

11725K

Senator Telo Taitague <senatortelot@gmail.com>

12 May 2025 at 14:26

To: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>

Cc: Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

RESCIND AND REPLACE E-VOTE EMAIL DUE TO TYPOS:

Håfa Adai Committee Members,

Please see attached Committee Report on *Håfa Adai* Committee Members,

Please see attached Committee Report on **Bill No. 33-38 (COR, As Amended** – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – **“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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT.”**

Please indicate your preferred action, based on the following options:

_____ TO DO PASS;
_____ TO NOT PASS;
_____ TO REPORT OUT ONLY;
_____ TO ABSTAIN;
_____ TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 33-38 (COR), As Amended**. Should you have any questions, please do not hesitate to contact our office.

Si Yu'os Ma'åse,

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Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

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Committee Report on Bill No. 33-38 (COR), As Amended_Routing.pdf
11725K

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>
To: Senator Telo Taitague <senatortelot@gmail.com>

12 May 2025 at 14:49

Buenas,

To report out only.

[Quoted text hidden]

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The Office of Senator Chris Barnett

I Mina'trentai Ocho Na Liheslaturan Guåhan

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(671)969-3586 · malafunkshun@guamlegislature.gov

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Senator Therese M. Terlaje <senatorterlajeguam@gmail.com>

12 May 2025 at 15:19

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To Report Out Only.

Thank you,
TMT

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Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

12 May 2025 at 16:04

To: "Senator Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Cc: Senator Telo Taitague <senatortelot@gmail.com>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To Do Pass

Respectfully,



Office of the People • Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682

E officeofsenatorshellycalvo@guamlegislature.gov

[Quoted text hidden]

Office Senator Perez <office.senatorperez@guamlegislature.gov>

12 May 2025 at 16:45

To: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Cc: "Senator Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To report out only.

[Quoted text hidden]



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Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 33-38 (COR) was introduced on Tuesday, January 21, 2025, by Vice Speaker V. Anthony Ada. Bill No. 33-38 (COR) was referred by the Committee on Rules to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement, on Monday, January 27, 2025. The Committee convened a public hearing on Thursday, April 29, 2025, at 2:00 p.m. in the Guam Congress Building, Public Hearing Room.

Public Notice Requirement:

In Compliance with Open Government Law, a five (5) day public notice of this hearing was published on Tuesday, April 22, 2025, and a forty-eight (48) hour notice was published on Friday, April 25, 2025, on KUAM-TV and on the Guam Public Notice Website. Notices were also sent to all senators, and all main media broadcasting outlets via email on the same dates.

Senators Present:

Senator Telo Taitague, Chairperson
Vice Speaker V. Anthony Ada
Speaker Frank Blas Jr.
Senator Shawn Gumataotao
Senator Shelly V. Calvo
Senator Sabina Flores Perez

Appearing Before the Senate Panel:

Douglas Moylan, Attorney General of Guam, Office of the Attorney General
Christine Tenorio, Assistant Attorney General, Office of the Attorney General
Jayne Flores, Bureau of Women's Affairs

Written Testimony Submitted:

Douglas B. Moylan, Attorney General of Guam, Office of the Attorney General
James P. Cooper-Nurse, Acting Director, Guam Behavioral Health and Wellness Center



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Jayne Flores, Director, Bureau of Women's Affairs

II. SUMMARY OF TESTIMONY & DISCUSSION

The Public Hearing was Called-to-Order at 3:45pm. Bill No. 33-38 (COR) was the second item on the agenda.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: *Bueñas yan háfa adai*, welcome back from our short recess again, welcome to the people's house and I did the opening statement and clarified the rules of engagement as well as my position and today's date. Again these they were heard or the it was mailed out this for this public hearing and then KUAM so I explained all that earlier so I'm just going to go right into the next bill which is Bill No. 33-38 (COR) [AN ACT TO AMEND §§ 25.15\(a\)\(2\) AND 25.20\(a\)\(2\) OF CHAPTER 25, TITLE 9 AND §715\(h\)\(7\) OF CHAPTER 7 TITLE 1 GUAM CODE ANNOTATED RELATIVE TO EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT](#) introduced by our Vice Speaker, Tony Ada. And at this time, I would like to recognize the author of the legislation for their opening remarks.

VICE SPEAKER TONY ADA: Thank you, Madam Chair. 33-38, if enacted, will increase the culpability of certain sex offenders who sexually assault child victims who are 14 and 15 years of age and applies the strictest penalties for the perpetrators. It expands the list of perpetrators who take advantage of their positions of authority and sexually assault teens who are 14 and 15 years of age.

Under Guam law, any person who sexually assaults a teenager who is 14 or 15 years of age commits the crime of third degree criminal sexual conduct as a second degree felony. As such, the minimum term of incarceration is 3 years. The term can be as low as one for first-time offenders and may even be pro probation if the perpetrator qualifies under the Justice Safety Valve Act.

Under current law, the crime becomes first or second degree criminal sexual conduct as a first-degree felony if the victim and the perpetrator are related by blood or affinity or members of the same household. Under Guam law, the minimum penalty for first-degree felony is 5 years and 15 years if the felony conviction is for the first-degree criminal sexual conduct. Also, thanks to a law authored in the 36th Guam



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Telo T. Taitague

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legislature, the justice safety vial does not apply to first or second degree criminal sexual conduct. The bill expands the list of perpetrators to include school personnel such as teachers and school aids, child care or foster care providers, correctional facility workers, and those who are in a dating relationship with a member of the victim's household. The bill also expands the definition of affinity only for criminal sexual conduct to include a person in a dating relationship with one of the victim's parents. Guam's children need the protection of our laws to ensure that their homes are safe and that would be sex offenders do not abuse their position of authority to victimize their children. I look forward to hearing the testimony today and also from the attorney general and those who are here today to provide testimony on Bill 33-38 (COR). Thank you, Madam Chair.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Vice Speaker. And just for the record, we received a fiscal waiver from BBMR on January 30th, 2025. Legal Council has also reviewed this legislation with no recommended changes or amendments at this time. The invitees were offered to Guam Behavioral Wellness Center, Guam Bar Association Public Defenders Office, Office of Attorney General and the Guam Coalition Against Sexual Assault and Family Violence. They were invited to this public hearing and to provide testimony. If they're not able to do so, they can do so within 5 days after this public hearing. And at this time, I'd like to recognize the first on our list, our good Attorney General of Guam, a very hardworking individual, Douglas Moylan, you are recognized.

DOUGLAS MOYLAN, ATTORNEY GENERAL OF GUAM, OFFICE OF THE ATTORNEY GENERAL: *Håfa adai* Oversight Chairwoman Taitague, Vice Speaker Ada, Senator Calvo, Senator Gumataotao. To my right, I have Christine Tenorio, who's our Criminal Sexual Conduct Prosecutor and has extensive experience in both analyzing magistrates, trial prep, as well as having prosecuted many a defendant for criminal sexual conduct crimes ranging from pedophiles to adult victims. This testimony is submitted on behalf of the AG's office and our client, the People of Guam, in support of the adoption of Bill No. 33-38 to expand the elements for first and second degree criminal sexual conduct into Guam law.

The proposed amendments, with the exception of the proposed definition of *affinity* and reference to dating relationship, will mirror current versions of the analogous



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Michigan criminal sexual conduct statute in Sections 750.520B and 750.520C upon which the Guam criminal sexual conduct statute was based.

The AG's office agrees with the addition of the language. The AG's office also agrees that criminal sexual conduct between individuals related via affinity through what other jurisdictions would define as common law should be criminalized. And that seems to be very common on Guam with people not marrying as much as they used to. However, the proposed definition will cause legal issues because the definition of affinity is a legal construct that cannot be easily translated to dating. The new definition would criminalize sexual misconduct by the girlfriend, boyfriend of the victim's parent, sibling, nephew, grandnephew, grand-niece, grandparent, uncle, aunt, first cousin, great grandparent, great uncle, aunt, and great grandparent. This would be regardless of the length of time dating. It should be noted that it does not appear that any other jurisdiction has created such an expansive definition. It is not necessary to make this definition applicable to chapter 25 as family or household member is exhaustive and already include the proposed affinity definition. So basically, we're just asking for a little bit of a tweak in this statute per this public hearing. The inclusion of subsection H would suffice to criminalize the individuals with regular access to the victim's households without criminalizing every relationship described above. However, the AG's office would request that subsection H be added to 9 GCA § 25.20 for uniformity purposes.

Additionally, the phrase dating relationship should be defined because the AG's office anticipates that this would be an appealable issue. Please be aware that the Criminal Law Review Commission recently proposed the following definition of *affinity* and *consanguinity* in 9 GCA § 25.10, which the AG's office proposes to tighten up the law and make for easier prosecution. Under the construct, we provide an actual chart in our written testimony. The *affinity* defined means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consent. And then under the *relationship by blood* defined, a relationship by blood is defined as a relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage.



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The *degree of consanguinity* is determined by counting upward from one of the persons in question to the nearest common ancestor and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line. This is what lawyers have to deal with every day. So, and also this the probate code is replete with this as well regarding the teacher student relationship.

A similar bill was introduced by Speaker Frank Blaz Jr. in the 36th Guam Legislature under Bill 143-36, which focused on the provision of teacher student relationships. The following testimony was submitted at that time. And this is quoting the testimony.

Guam's current criminal sexual conduct statutes do not include the criminalization of a teacher student sexual relationship. Guam's first-degree criminal sexual conduct and second degree criminal sexual conduct statutes are derived from Michigan. The proposed provisions are copied from the Michigan statute. They are the only two provisions of the statute not provided for in the Guam statute. The Michigan provisions regarding the teacher student relationship went into effect 2002. Proponents before the Michigan legislature aptly summarized the need for the bill by stating:

Parents need to have trust in those who are entrusted with the education of their children, and children should be able to attend school without fear of being lured into a relationship with a teacher or school administrator. Though current law does allow prosecution of those in the position of authority who use that authority to course inner course or sexual conduct, a prosecutor must establish that the teacher is indeed in a position of authority over that student and that he or she used that authority to force or coerce the sexual activity; the bill would relieve a prosecutor of that burden. This is important because in the case of consensual sex, it is difficult to prove that the teacher or administrator uses the power inherent in his or her position to force that relationship. Further, even though the age of consent is 16 years old, it is inappropriate that teachers or administrators engage in liaison with students. The bill would create a strong deterrent to any teacher administrator considering such an ill-advised action.

Now, other states have enacted statutes focused on this type of educator misconduct. Ohio, Texas, North Carolina, Connecticut, Maine, Nevada, Alaska,



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Iowa, North Carolina, Georgia, Florida, Maryland, Vermont, and Wisconsin have similar statutes, but with differing grades of offenses. Washington, Louis, Louisiana, and Arkansas have similar statutes, but only criminalize sexual conduct if the student is less than 21 years old. Oklahoma criminalizes sexual conduct if the student is less than 20 years old. Alabama criminalizes sexual conduct if the student is less than 19 years old. Arizona, Montana, New Jersey, Kansas, New Mexico, Colorado, Indiana, Kentucky, Mississippi, and Maryland have similar statutes, but only criminalizes sexual conduct if the student is under 18 years old. Now, Wyoming criminalizes sexual conduct only for elementary and secondary schools. Minnesota criminalizes sexual conduct if the student is less than 18 years old with different grades of offense based on the student's age and Illinois criminalizes sexual conduct if the student is less than 17 years old.

The AG's office supports this legislation to strengthen our Criminal Sexual Conduct laws and to better protect our client, our People of Guam. By passing this legislation, we will send a clear message that Guam will not tolerate the exploitation and abuse of our most vulnerable.

And as a note, the AG's office is very much into the deterrent message. You know, we'd rather deter the crimes than to be prosecuting people. Because overall, it's just a bad feeling and you use up our taxpayer resources. So, it's putting the laws on the books as the Vice Speaker is proposing but at the same time having an Attorney General's office with people like Christine Tenorio in it, that we can effectively send the message of deterrence to the community, by using examples of people we prosecute. So, thank you very much for allowing us to comment and I believe I have Ms. Tenorio, Prosecutor Tenorio here to also field any specific questions.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Yes, I was going to ask would you like to make a comment or...

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: My name is Christine Tenorio. I'm an Assistant Attorney General. I'm also the Criminal Sexual Conduct Prosecutor on Guam. I join in on Attorney General Moylan's testimony and I'm available for any questions at the end of the testimony.



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SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you so much Christine. Good to have you here, and next we'd like to recognize Jane Flores, you may proceed.

JAYNE FLORES, BUREAU OF WOMEN'S AFFAIRS: Okay. *Håfa adai* and thank you Senator Taitague, Speaker Blas, Senators Shawn Gumataotao, Shelly Calvo and Senator Tony Ada the author of the bill. The Bureau of Women's Affairs respectfully submits the following testimony in support of Bill 33-38. According to the Guam Police Department's Domestic Assault Response Team, in the last eight years, an average of 72% of the criminal sexual conduct cases filed with GPD have involved victims who were minor minors. Guam's Healing Heart Crisis Center, which helps victims-survivors of sexual assault, reports that the percentage is nearly even with regard to data showing whether the perpetrator is a family member or an acquaintance.

So BWA supports Bill 33-38 as a way to ensure that those acquaintances who would commit this heinous crime against a vulnerable child or minor person over whom the perpetrator may have a position of authority or influence do not fall through any legal cracks with regard to punishment when they are convicted because every measure helps when it comes to the deterrence of sexual assault and we clearly have a problem with it on our island.

According to the Division of Children's Wellness at the Department of Public Health and Social Services for fiscal year 2023, drugs and/or alcohol accounted for 57% of the risk factors when children were taken away from their parents because of abuse. In 2020, a woman was sexually assaulted and murdered in Toto by a man who told officers that he had blacked out and couldn't remember details. How many other times have we heard about sexual assaults where the perpetrator was intoxicated or using illicit drugs? While we cannot limit a person's ability to purchase alcoholic beverages if they are 21 or older, BWA suggests that the 38th Guam legislature might consider providing funding for more awareness efforts about what to do if someone tries to sexually assault a person of any age.

The BWA awareness video, *Don't Be That Guy*, is part of this effort. We also have a federal child youth grant to develop bathroom stall posters, kind of like what you



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see in international airports in the stalls. If you go in, well, in the female bathrooms anyway, that tell people what they can do if someone is doing something to make them feel bad or harming them in any way. Our other federal grants provide some awareness funding, but not much.

The Guam Coalition Against Sexual Assault and Family Violence notes that an increase in the reporting of sexual assaults doesn't necessarily mean there is an increase in these crimes. Instead, it often signals an increase in the number of people aware that they have the power to make the abuse stop. So, awareness efforts do work in that they help to empower potential victims because the more we empower a person, the more opportunity they have to protect themselves against sexual assault and say no. Another suggestion with regard to the acquaintance perpetrator aspect might be to tighten laws to provide for stricter screening for those who work with or near children. Sexual assault is the most under report crime in nearly every community. So, the BWA applauds the authors of Bill 33-38 for the convictions and increased punishment that this bill may provide. We do note, however, that this measure alone will not solve the problem. Much more needs to be done. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Mrs. Flores. And at this time, I would like to turn over the opening not just opening but for questions to the author of the legislation. Vice Speaker Ada you are recognized.

VICE SPEAKER TONY ADA: Thank you Madam Chair. I just like to thank Attorney General Moylan, Attorney Tenorio and Ms. Flores for their testimonies here today. You know Ms. Tenorio your record on prosecution for criminal sexual conduct is truly amazing. We thank you for your hard work in protecting those who are very vulnerable and we just hope that by strengthening our laws and we continue to look for the loopholes and where we can strengthen them to ensure that prosecution on your end becomes one of those that will be able to ensure that justice prevails.

And I think Ms. Flores, you're right. We do need to continuously educate our youth to ensure that they know that they can turn to someone for help before something happens and not wait until that time. And unfortunately, we don't know when that



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time is. So, educating our community is always very important. Attorney General Moylan, thank you for your testimony and the work that you guys do at the

Attorney General's office. You know, the bill, dating relationship and the affinity provisions of this bill were worded specifically to exclude the Romeo and Juliet relationships. The amendment to the affinity provisions I, you know, is necessary to include boyfriends or girlfriends of the parents and their relatives who are not living in the same household as the victim. So, you know, do you have any other additional comments on that or, you know, where, how we can strengthen it or do you think that would be okay how we have it?

DOUGLAS MOYLAN, ATTORNEY GENERAL OF GUAM, OFFICE OF THE

ATTORNEY GENERAL: I would like to also comment that being in this position, I've been seeing the deterioration of the families, but especially the influence of meth. You know, we've always had alcohol in our community, but alcohol has a certain pattern of how it affects people, but what's going on in our Family Court system that nobody gets to see except we lawyers' and the parties involved is destroying the families. And these are the change of behavior, the use of excuses such as the person was drunk and then went into somebody's bed in the household, especially with the cultural differences with the Micronesian community. We hear things and Christine is basically the one that relates a lot of these things where they think it's acceptable at younger ages to engage in intercourse. All that is playing out in the courtrooms as these bills are being introduced. But meth is destroying the families and this is at a bigger level. not only causing men to be more out of their frames of mind, but influencing the family members that are in that household because they're on a substance that's changing their behavior.

So, whether you blame them or not, the next generation is being destroyed in every capacity you can think of in addition to losing parents to being taken away from them and being put into the Family Court system eventually. And I've seen it time and again, the military coming in here serving as foster parents and then adopting our children from parents that can't control their addiction to meth. So, Senator, this is part of that overall prophylactic in sending a deterrence message out and thank you for having submitted this and for all the senators for endorsing it.



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VICE SPEAKER TONY ADA: Thank you, Attorney General Moylan, and thank you guys again for your testimony once again. Madam Chair, that's the only question that I had. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Vice Speaker. Speaker Blas, you are recognized.

SPEAKER FRANK BLAS JR.: Thank you, Madam Chair, and thank you to the panel. Thank you very much, Attorney General Doug Moylan. For a matter of full disclosure, my daughter is Attorney Christine Tenorio and my aunt is Jayne Flores. I appreciate the testimony, Mr. AG and you're right as you were you reading your testimony and reminded us of a bill that I had introduced back in the 36th. The Chairwoman and I, actually she did some research and its unfortunate that even when back in the 36th that it didn't even receive a public hearing. And it is in that instant for that particular reason, there could have been some cases that may not have occurred if events that would not have occurred had that been put into statute. This is one of those things I hope will be able to provide that stop gap measure.

You know, you're absolutely right. And it's unfortunate that it has to reach the level of you that it has to get as far as going to court. It should have never happened to begin with. And that if there was a way that we can be able to legislate and provide individuals who decide who want to be able when thinking about wanting to commit this type of offense the ramifications of the consequences to their actions. It could probably prevent them or deter them from doing these things. And I guess I want to ask the question I guess is more so to all due respect, sir. I'm going to ask the attorney that has a resounding success in being able to prosecute this. How would this type of legislation actually help you based on your experience so far?

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: Thank you, Speaker Blas. So currently I am allowed to prosecute this type of conduct but under different theories and under a lower felony. So, third degree felony the range is 1 to 8 years. This piece of legislation would allow me to prosecute under first degree criminal sexual conduct where it's 15 to life because it is these types of relationships within households, within the foster care facilities and all the other relationships delineated here. It would allow



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me to prosecute these defendants to the fullest and not let them get away with the sentence that just would be the same sentence as an adult victim. And it's not that adults are the adults, it's the children that are vulnerable victims. So that is what this piece of legislation would allow us to do. And to kind of also answer what Vice Speaker Ada questioned earlier, the dating relationship is going to help me prosecute. I do think that subsection H is a very important piece of this legislation because it would help me address Common Law. As you know, Common Law is not adopted on Guam. So, I cannot proceed under that definition under the current law. It's the *affinity* portion that we're going to have a tough time with, but the subsection H would allow me to prosecute those relationships that the legislature was concerned about.

So, to answer the question, it would allow me to prosecute these cases more easily. The reason why AG Moylan read out the computations is that it is necessary because those definitions are lacking. And when I have prosecuted these cases, defense attorneys are clever and they are saying, 'well the attorney general cannot tell you how to compute because it's not in the statute' and therefore I'm legally barred from explaining to a jury how to compute the method of affinity and consanguinity. And so, we put the table in there to show you literally how I have to show the jurors on paper, but it's not codified. So, I run into issues when I'm trying to do that. So, that's why we appreciate the additions and that the definitions of affinity and consanguinity- those were just spoken about and proposed at our recent criminal law review commission meeting. That was the commission that was enabled by Speaker Blas for his legislation two years ago.

So, that is the very long-winded answer to your question. It would help me do this more easily because when we get to jury instructions and where we're arguing with the court, they're like, 'Where is the definition? What did the legislature intend? And so, by being explicit about what you intended, I'm able to argue that successfully to the Supreme Court. And then I'm also the Appellate Attorney for criminal sexual conduct. So, I have to go before the Supreme Court and argue definitions all the time and argue what the legislature intended. And so, by more clearly delineating these relationships under this bill it would enable me to prosecute more easily.



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There is a section that is currently in the bill that doesn't pass muster. It's the current statute in the state. It's in a relationship which has an authoritative relationship and causes that victim to submit. We can proceed with the teacher relationship under that. I've tried. It's a very hard thing to do. So, by delineating these relationships without me having to perform legal gymnastics to get there, this would help me greatly.

SPEAKER FRANK BLAS JR.: Thank you very much for that explanation. Not long winded at all. It was necessary. Appreciate it and then I appreciate that this will help to close the gaps and fill the gaps for some of those areas of concern. And I want to thank the sponsor for allowing me to be able to co-sponsor this as well and I appreciate your testimony and you've got my support on this. So, thank you very much. Thank you.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you, Speaker Blas. Before I recognize my other senator for opening up I'd like to recognize Senator Perez who's joined us. Thank you, Senator. And I'd like to recognize Senator Gumataotao. You have the floor.

SENATOR SHAWN GUMATAOTAO: Thank you, Madam Chair, and thank you to the panel for your service to the people of Guam. I just wanted to start with this afternoon. According to statistics made available through the University of Guam's Violence Against Women Prevention Program, Guam has the second highest number of rapes per capita in the United States. There are 64.2 reported rapes per 100,000 people in Guam compared to the national rate of 25.2 per 100,000 people. Sexual violence affects millions of Americans, many here at home. And sexual violence is pervasive among college students. Many of the college students that I probably would walk by twice a week when I'm up there at the University of Guam.

I just wanted to if I could just also bring forward stats, Madam Chair, from our sister branch who was just here from the judiciary of Guam. In 2023 there were 10 trials for criminal sexual conduct. It was number one amongst the trials that



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were reported by the Judiciary. I'm sure it's of the 847 filed criminal felony file filings that were done in that branch in 2023. Not much had changed in the year previous. It was actually three more of seven trials in 2022. I bring this out importantly because I just want to say that it is a big problem in this society.

According to a media report and then this is very timely. The Archdiocese of Hagåtña is scheduling a series of forums this month in conjunction with child abuse prevention month, sexual assault awareness month, and youth violence prevention month. Acknowledging that the meetings that were conducted recently by the Archdiocese of Hagåtña that were mandated by a federal bankruptcy court settlement. If I can maybe, for the panel, what government and or maybe non-government led initiatives are in place right now to help provide safe spaces for children and families to report alleged criminal sexual conduct including information on the suspicious behavior or actions of individuals which if not mitigated in a timely manner could lead to unwanted outcomes? Maybe I can ask maybe Jayne or maybe Attorney Moylan.

JAYNE FLORES, BUREAU OF WOMEN'S AFFAIRS: We do know that there is supposed to be a Lani Kate curriculum within the Department of Education that's supposed to talk about good touch, bad touch with the kids. What we're finding though with when we meet with people in the youth congress that is that a lot of their health classes just don't talk about sexual assault. And so, this is why we got the federal grant, our child youth grant to put the posters in bathroom stalls. And we are going to meet with the count with the it's a community effort where we meet with GDOE counselors DYA not only the DYA clients but the DYA counselors and GBHWC to decide what kind of language when you put these posters in the bathrooms and I apologize I haven't been in the men's bathrooms in places like San Francisco airport but those of you who have been in the women's bathrooms you go in a stall and you shut the door and there's a poster there that says, "Are you okay? Has someone taken your passport? Is someone harming you?"

And so, we want to put this language in bathroom posters in the middle schools, in the elementary schools, in the high schools, in the mall bathrooms, just so kids know, explaining, is someone making you feel bad? Is someone touching you in a way that makes you feel bad? Is someone giving you gifts that make you feel



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uncomfortable? Here's what you can do. Here's who you can call. This is what you can do. And so, we're trying to create more awareness. And what we think we can do with these, we have GDOE on our side with these, is to give them to teachers to actually as a tool to talk to kids about this kind of stuff because the more awareness as the sexual the coalition tells us is the more you're aware, the more you give the kids power to say no. Because as many of us who deal with this know, if the perpetrators look for vulnerable victims, victims that they think are not going to speak up, but if we can teach kids to speak up and say, "No, leave me alone," it goes a long way toward preventing this crime. But we, you know, we have VARO, but we really need to engage the kids in the schools because that's where they are, that's where we teach them.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: And if I may add to Ms. Flores. So, the Lani Kate program, here's the issue with that. It's an excellent program. It teaches kids about good touch, bad touch. It's only confined to elementary though and so a lot of the disclosures are coming out later. The delayed disclosures when the victims are in middle school or high school. Here is the issue that the Lanie Kate curriculum does not address. In all, with all of my minor victims, I ask, "Did you go through the Lanie Kate curriculum? Did you learn good touch, bad touch?" The answer is yes, but the curriculum doesn't teach them how to deal with affecting their family because I would, I want to say 80% of my cases, it's a familial relationship, which is why this piece of legislation is so important. They don't tell them what happens after you disclose. They're telling them to disclose but they're not given therapy services on how to deal with that or how to deal with the guilt of breaking apart the family. They think it's their fault they put their father or uncle or stepfather in jail. So, I think that is what's missing with that curriculum.

JAYNE FLORES, BUREAU OF WOMEN'S AFFAIRS: We do senator, we do have through our Sexual Assault Services Program, we have grants with West Care and Guam Coalition Against Sexual Assault where the families especially in West Care, they do family counseling when something like this happens but the need is so much greater than the number of counselors that we have and that's the issue, is that we just need more counselors, we need more bodies to help in this situation.



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SENATOR SHAWN GUMATAOTAO: Thank you so much. And I just have one more question, Madam Chair, and maybe you could help me answer it. I know that you probably from your experience, you can share with the committee what you've heard or seen. But when we think about the immediate long-term impacts that these criminal sexual conduct cases, their impact on I guess learning but and what we think is maybe impact on other parts of the education process of a young person- can you help shed some light on that?

JAYNE FLORES, BUREAU OF WOMEN'S AFFAIRS: Senator, I just want to tell you that every single one of the women who are in the in-patient unit recovery program at GBHWC was at one time a victim of sexual assault. So that's that it tells you a lot about how this affects someone going forward in their entire life.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: Right. And to echo that although every victim is different with the way that they cope, much like people grieve in different ways, there are resilient victims who are strong and they are able to go about their daily life but the trauma is always with them. There are less resilient victims who every day, in and out, this is all they think about, was the sexual assault that they've experienced. But as far as the school's concerned, I've seen kids excel despite what has happened to them. I've seen their grades plummet despite what has happened to them. So, there's a whole range of demeanor and educational progress and, just the way they manifest their trauma. There's a whole range of emotions and effects.

DOUGLAS MOYLAN, ATTORNEY GENERAL OF GUAM, OFFICE OF THE ATTORNEY GENERAL: But this is the first step. That's why the AG's office, Christine, is so important because the first step in rehabilitation, katharsis, whatever you want to call it, is getting justice. And I can tell you as an Attorney General, receiving the phone calls from Christine detailing the types of conversations that she's having with these victims, these kids are scarred for life. But how the body responds and adapts to the pain that goes on and especially from the ones you most trust, your parents, a person that the parent brought into the household- that's the type of stuff we're dealing with in the AG's office. And that's why Christine is so important at that office with our team, our other team members. But I mean, she's educating the other prosecutors that we're bringing in to know how to deal



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with these types of crimes. and I'm the one that takes the calls from the police at first blush and just hearing what they're going down and then it gets into the he said, she said, everything that the defendants' rights are. That's what Christine and the team have to deal with every day, senators. So, it's a difficult issue. Very few witnesses.

SENATOR SHAWN GUMATAOTAO: Thank you, AG Moylan, and thank you all for your service. And yeah, I stand with this legislature and we got to be tougher and we just got to take care of this really big problem in our community and our society. Thank you, Madam Chair.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Senator Gumataotao. Senator Calvo, you are recognized.

SENATOR SHELLY V. CALVO: *Si Yu'os ma'åse*, Madame Chair. *Håfa adai*, *bueñas* everyone. Thank you for your testimonies. As a woman, a mother, this piece of legislation is truly important, protecting our children is non-negotiable. It's a must. It's a priority. This bill, bill number 33-38, does that by updating our law to reflect modern realities and long-standing loopholes. We are actually not just protecting our kids, but we are aligning Guam with best practices across the nation and ensuring that no predator can hide behind their job title or proximity to the victim's family. You know, it pains my heart to think about abuse towards women, most especially towards children. And you guys are right about it when you mention that it's not just about the situation that they went through, but it's a long-lasting effect to the person, to the victim.

This is like a forever scar, you know. So, predators, they have to be held liable in the highest account and I'm for that- especially individuals in positions of trust and authority, exploiting their position to take advantage of vulnerable individuals. I am a very motivated co-sponsor of this bill. This bill must pass, and I thank Vice Speaker Ada for putting this out on the table because this is a truly essential bill for our community. There's so much happening in our community that's not even reported. Not even reported. We all need to be vigilant about this. We need to protect children. We need to protect women. We need to protect vulnerable individuals. On that note, I really don't have a question, but this bill must push



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through. Thank you. Thank you, Madam Chair. Thank you everyone for your testimonies.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Senator Calvo. Senator Perez, you are recognized.

SENATOR SABINA FLORES PEREZ: Thank you, Madam Chair, and good afternoon to the panel. Thank you for all the work that you're doing. We do appreciate it. I want to go back to the testimony that you provided in regards to clarification of *affinity* as it relates to dating. And so, in the bill there's Section 2...what is it, Section 3 in the bill. Actually, it should have been Section 4, but the last section of the bill. So, the language in that last section do you think helps to clarify dating versus affinity or do you think it needs more verbiage?

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: If I may. Thank you for the question Senator. No, I don't think that this is the correct legal definition to use. And I want to explain where I'm coming from. As the Appellate Attorney, when I have to defend to the Supreme Court, I have to find a basis for using this language. And so, the definitions that we gave- the proposed definitions for *affinity* or *consanguinity* passed legal muster in other jurisdictions. So, it is better for the legislature to use language that has already passed muster so that we don't have to reinvent the wheel and litigate something that has already been litigated.

SENATOR SABINA FLORES PEREZ: So, the reference to dating should be removed from the bill.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: Correct. So, the recommendation was this. The Section 3, that the proposed addition to Section 3 would not be used and in lieu of that would be the definitions of *affinity* and *consanguinity* that the AG has proposed. Those are legal definitions from I believe Michigan.

SENATOR SABINA FLORES PEREZ: Thank you. So, I'm one of the co-sponsors of the bill because I believe that we need to hold those accountable and I think also



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most importantly we need to be preventative too as well. But, you know, we have to hit all sides. I think holistically we have to address this holistically. I guess the legal question is when we become descriptive does leaving out other descriptions make it harder to prosecute?

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: No, because there are always fallback provisions that I can use. So, all of the relationships that are now proposed to be added, I actually can still prosecute those under different theories right now. This just makes it easier because it's more explicit. So, it wouldn't be exhaustive and it wouldn't be suggesting that if the relationship is not defined or delineated that then I cannot prosecute other relationships. I can use the subsection for causing the victim to submit by virtue of their authority.

SENATOR SABINA FLORES PEREZ: Okay. Thank you. I think that is my questions and so I appreciate it. Thank you, Madam Chair.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Senator Perez. I really don't have that many questions other than the fact that if this legislation were to go through, would it affect the speed and the efficiency of criminal proceedings moving forward, if this legislation was passed? Is it clear-cut for the judicial side to act upon it?

DOUGLAS MOYLAN, ATTORNEY GENERAL OF GUAM, OFFICE OF THE ATTORNEY GENERAL: Well, in terms of the process...

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Yes.

DOUGLAS MOYLAN, ATTORNEY GENERAL OF GUAM, OFFICE OF THE ATTORNEY GENERAL: We, I agree with the earlier senator's comment. Guam has a problem with sexual predators. It's clear and there are different cultures, our own culture for that matter. But what Christine is trying to indicate is that the judiciary when you're dealing with a defendant's rights, a criminal defendant's rights, they have, we all have, a right to clarity and specificity in the law. The Supreme Court and the appellate level throws out cases, statutes that are vague or void for



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vagueness they call it. When the defendant can't understand what is being prohibited, it is a big red flag for the judiciary and lawyers, and is prime for Defense Attorneys to not only argue that case before a jury to prevent us from proving beyond a reasonable doubt, but get the Supreme Court to potentially throw things out. So, what Christine has indicated today is troubleshooting at a high level. If this went to the Supreme Court of Guam, would they throw it out or not? And if she was able to prove it with the jury, could it be proven so that people sitting there would nod their heads and say, "Yes, this is clearly a violation." That's where Christine is coming from.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: That's right. To add to what AG Moylan said, I actually just wanted to clarify something. Although we agree with the subsection H which should also be added to § 25.20 for uniformity purposes so I can prosecute under both § 25.15 is sexual penetration and § 25.20 is the sexual touching. The *dating relationship* actually would have to be defined further. That would be up to the legislature. There are definitions that I have seen but I already know that this is going to be questioned and that is the one phrase that I'll run into issues with because the question would be, '*What is a dating relationship?*'.

The way the family violence treats dating relationships, they have a whole exhaustive list of what constitutes a dating relationship. You know what they say and it's not really defined as a dating relationship. It says this applies to adults who have dated, have had a sexual relationship. All of those, I don't know what definition that this body wants to use. But I can already tell you that the *dating relationship* needs to be further defined. Because, is it one date, two dates, casually dating? Is it people who have intimate relations with each other but are not officially boyfriend and girlfriend? Those issues will come up.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Are there other jurisdictions that have that definition that we need to incorporate?

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: That is a tricky question. So right now, I am actually in preparation for this. I vetted all the jurisdictions. Nobody actually has this



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subsection. So, we would be starting from scratch about what a dating relationship is. But there are ways we can pull from other jurisdictions and come up with a definition that we believe would pass muster.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: So, you would look at other case law then, you would look at other case law that would kind of define it then. Is that how you would do it?

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: Right. So, because right now the family violence code- it defines family or household member. But then, it has a whole like 12 different ways you could qualify and none of them actually say dating relationship. It's just descriptive of what relationships would be involved there. So that is one way that you could address that is to go through the way the family violence statute, 9 GCA § 30.10 defines the relationships. But I also think we could also find a better definition.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Great. Yes. And thank you Christine. Well, I greatly appreciate you being here. I too would like to be a co-sponsor of this. I think there's 11 co-sponsors on this legislation. I know it has the support it needs to get through. However, you know, it does have some meaning toward how I feel about the situation and we what we need to do to have every avenue to cover those areas that have not been addressed, that people get away with certain things because of just a slip through the law and a loophole in the law. So, the more we clarify it, the better it is for us. And I greatly appreciate everyone who's being here to testify on this. And I'd like the Vice Speaker to close, if you may please.

VICE SPEAKER TONY ADA: Yes. Just to follow up on the reason why we can't, the *dating relationship* definition can't apply in the Family Violence Act.

CHRISTINE TENORIO, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL: So, the Family Violence Act already delineates all of the relationships that would be a family or household member, but they're using the phrase *family or household member* and the phrase in subsection H is *dating relationship*. So, it's different.



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VICE SPEAKER TONY ADA: Okay. Just for the clarification there. Yeah, thank you. And again, I'd just like to thank Ms. Flores, Attorney Tenorio, and AG Moylan for coming down and providing your testimony and most especially for your support of this piece of legislation. I believe that it is truly important for the protection of the vulnerable, again. And I like those posters that you were saying, but hopefully we not just get them in the mall and at schools, but restaurants and everywhere else where we don't think people would be, but they are- at the clubs and all those places. Cause I believe that if we can help just one individual and protect them from a sexual assault or sexual violence, then, you know, I think we can just add that as well. Thank you for your testimonies again and I truly appreciate all the hard work you all do. Thank you. Thank you, Madam Chair.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Vice Speaker. And at this time, if there's no further questions or comments, this concludes our discussion on Bill 33-38 (COR). My office will continue to accept written testimony on today's hearing for five business days from today, which may be mailed to my office at 238 Archbishop Flores Suite 407 at the DNA building in Hagåtña. You may also send your written testimony to my office via email, senatortelot@gmail.com. Thank you all for your participation and create a great day.

Public Hearing Adjourned at: 4:40pm.

III. FINDINGS & RECOMMENDATIONS

- The Committee finds that Bill No. 33-38 COR seeks to amend Guam's Criminal Sexual Conduct laws, focusing on increasing penalties for sex offenders who target minors aged 14-15 and expanding the list of perpetrators to include individuals in positions of authority such as teachers, school aides, foster care providers, and correctional facility workers. The bill aims to address loopholes in current laws, ensuring stricter penalties for offenders and better protection for Guam's children. The legislation excludes "Romeo and Juliet" relationships and seeks to expand the definition of *affinity* to include individuals in dating relationships with a victim's parent.



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- The Committee received both oral and written testimony from Attorney General Douglas Moylan in support of the bill, highlighting the following points:
 - The need for clearer definitions of *affinity* and *consanguinity* to aid prosecution.
 - Moylan raised concerns about the proposed definition of affinity, suggesting it could lead to legal challenges and recommended tightening the language to avoid vagueness.
 - Moylan stressed the impact of methamphetamine abuse on families and its role in exacerbating sexual misconduct cases, calling for stronger deterrent measures
- The Committee received oral testimony from Assistant Attorney General Christine Tenorio, who serves as the Criminal Sexual Assault Prosecutor, as follows:
 - Tenorio explained how the bill would enable her to prosecute offenders under first-degree criminal sexual conduct statutes, increasing penalties from 1-8 years to 15 years to life for certain cases.
 - She highlighted challenges in prosecuting cases under current laws, including the lack of clear definitions for *affinity* and *dating relationships*, which often lead to legal disputes and appeals.
 - Tenorio recommended adding subsection H to both § 25.15 and § 25.20 for uniformity and further defining *dating relationship* to avoid ambiguity in legal proceedings.
- The Committee received both oral and written testimony in support of the bill from Jayne Flores, Director of the Bureau of Women's Affairs, as follows:
 - Flores supported the bill, citing data from Guam Police Department showing that 72% of criminal sexual conduct cases involve minors and emphasizing the need for stricter laws to deter offenders.
 - Flores advocated for increased awareness efforts, including bathroom stall posters in schools and public spaces, to educate children on recognizing and reporting abuse.
 - She noted the long-term impact of sexual assault on victims, with many survivors requiring extensive counseling and support, and called for more resources to address the issue.



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The Committee held a Bill Markup Meeting on May 6, 2025. All recommendations from the public hearing, and senators in attendance was reviewed and considered. Bill 33-38 (COR) was amended, as follows:

Per the Attorney Generals recommendations:

1. A new subsection H was also added to § 25.20 for uniformity purposes.
2. Review and refine the definition of "dating relationship" in the bill to ensure clarity and legal robustness, potentially pulling from other jurisdictions or case law for guidance: Christine Tenorio.
3. Amendments to Section 3. § 715(h)(7) of Chapter 7, Title 1 were struck out and replaced with a new Section 3. § 25.10 of Chapter 25, Title 9, Guam Code Annotated, to add to the definitions in the Chapter as follows:

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



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The Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement hereby reports out **Bill No. 33-38 (COR, As Amended)** – Introduced by Vice Speaker V. Anthony Ada, Christopher M. Dueñas, Frank 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 – “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 EXPANSION OF THE ELEMENTS FOR FIRST AND SECOND DEGREE CRIMINAL SEXUAL CONDUCT,” To Report Out Only .

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

Bill No. 33 -38 (COR)

Introduced by:

V. Anthony Ada 
Christopher M. Dueñas 
Frank 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 

**AN ACT TO AMEND §§ 25.15(a)(2) AND 25.20(a)(2) OF
CHAPTER 25, TITLE 9 AND §715(h)(7) OF CHAPTER 7
TITLE 1 GUAM CODE ANNOTATED RELATIVE TO
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 statute 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.

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

1 In June of 2024, Guam enacted Jessica's Law which added ten years to the
2 minimum sentences for 1st and 2nd degree CSC where the victims are 11 years of age
3 and younger.

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

13 It is the intent of *I Liheslaturan Guåhan* to expand and create sufficient
14 specificity, in the relationships between victims and perpetrators to charge the crimes
15 of 1st and 2nd degree Criminal Sexual Conduct committed against victims who are
16 14 or 15 years of age.

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

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

21 A. the actor is a member of the same household as the victim,

22 B. the actor is related to the victim by blood or affinity to the
23 fourth degree to the victim, or

24 C. the actor is in a position of authority over the victim and used
25 this authority to coerce the victim to submit;₂

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

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

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

17 G. The actor is an employee, contractual service provider, or
18 volunteer of a social services organization, victims' advocacy
19 organization, youth correctional or detention facility, drug treatment
20 facility or medical, psychiatric or psychological treatment facility and
21 the sexual penetration occurs during the period of that other person's
22 residency, or

23 H. The actor is in a dating relationship with a member of the
24 victim's household."

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

1 “(2) the victim is at least fourteen (14) but less than sixteen (16) years
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4 B. the actor is related to the victim by blood or affinity to the
5 fourth degree to the victim,

6 C. the actor is in a position of authority over the victim and used
7 this authority to coerce the victim to submit;

8 D. The actor is a teacher, substitute teacher, intern/student
9 teacher or administrator of the public school, nonpublic school, school
10 district, in which that other person is enrolled,

11 E. The actor is an employee or a contractual service provider of
12 the public school, nonpublic school, school district, in which that other
13 person is enrolled, or is a volunteer who is not a student in any public
14 school or nonpublic school, or is an employee of the government of
15 Guam or Government of the United States assigned to provide any
16 service to that public school, nonpublic school, school district, or and
17 the actor uses his or her employee, contractual, or volunteer status to
18 gain access to, or to establish a relationship with, that other person,

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23 occurs during the period of that other person's residency, or

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25 volunteer of a social services organization, victims' advocacy
26 organization, youth correctional or detention facility, drug treatment
27 facility or medical, psychiatric or psychological treatment facility and

1 the sexual penetration occurs during the period of that other person's
2 residency.”

3 **Section 3.** § 715(h)(7) of Chapter 7, Title 1, Guam Code Annotated is
4 *amended* to read as follows:

5 “(7) The word affinity when applied to the marriage relation, signifies
6 the connection existing in consequence of marriage, between each of the
7 married persons and the blood relative of the other. For purposes of Chapters
8 25 and 30 of Title 9, Guam Code Annotated, the word affinity also applies to
9 the dating relation, signifies the connection existing in consequence of dating,
10 between each of the dating persons and the blood relative of the other.”

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

Introduced by:

V. Anthony Ada
Christopher M. Dueñas
Frank 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

**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 EXPANSION OF THE
ELEMENTS FOR FIRST AND SECOND DEGREE
CRIMINAL SEXUAL CONDUCT.**

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2 both first degree felonies with extended minimum sentences.

3 In June of 2024, Guam enacted Jessica's Law which added ten years to the
4 minimum sentences for 1st and 2nd degree CSC where the victims are 11 years of
5 age and younger.

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

15 It is the intent of *I Liheslaturan Guåhan* to expand and create sufficient
16 specificity, in the relationships between victims and perpetrators to charge the
17 crimes of 1st and 2nd degree Criminal Sexual Conduct committed against victims
18 who are 14 or 15 years of age.

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

21 “ **§ 25.15. First Degree Criminal Sexual Conduct.**

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

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

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

1 A. the actor is a member of the same household as the victim,

2 B. the actor is related to the victim by blood or affinity to the
3 fourth degree to the victim, or

4 C. the actor is in a position of authority over the victim and
5 used this authority to coerce the victim to submit;

6 D. The actor is a teacher, substitute teacher, intern/student
7 teacher or administrator of the public school, nonpublic school, school
8 district, in which that other person is enrolled,

9 E. The actor is an employee or a contractual service provider of
10 the public school, nonpublic school, or school district, in which that
11 other person is enrolled, or is a volunteer who is not a student in any
12 public school or nonpublic school, or is an employee of the
13 government of Guam or Government of the United States assigned to
14 provide any service to that public school, nonpublic school, or school
15 district, and the actor uses his or her employee, contractual, or
16 volunteer status to gain access to, or to establish a relationship with,
17 that other person,

18 F. The actor is an employee, contractual service provider, or
19 volunteer of a child care facility, or a person licensed or lawfully
20 authorized to operate a foster care facility or home or a foster care
21 group home in which that other person is a resident, and the sexual
22 penetration occurs during the period of that other person's residency,

23 G. The actor is an employee, contractual service provider, or
24 volunteer of a social services organization, victims' advocacy
25 organization, youth correctional or detention facility, drug treatment
26 facility or medical, psychiatric or psychological treatment facility and

1 the sexual penetration occurs during the period of that other person's
2 residency, or

3 H. The actor is in a dating relationship with a member of the
4 victim's household."

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

7 **"§ 25.20. Second Degree Criminal Sexual Conduct.**

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

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

12 (2) ~~that other person~~ the victim is at least fourteen (14) but less than
13 sixteen (16) years of age and any of the following circumstances exist:

14 A. the actor is a member of the same household as the victim,
15 or

16 B. the actor is related to the victim by blood or affinity to the
17 fourth degree to the victim, ~~or~~

18 C. the actor is in a position of authority over the victim and ~~the~~
19 ~~actor~~ used this authority to coerce the victim to submit;²

20 D. The actor is a teacher, substitute teacher, intern/student
21 teacher or administrator of the public school, nonpublic school, school
22 district, in which that other person is enrolled,

23 E. The actor is an employee or a contractual service provider of
24 the public school, nonpublic school, school district, in which that
25 other person is enrolled, or is a volunteer who is not a student in any
26 public school or nonpublic school, or is an employee of the
27 government of Guam or Government of the United States assigned to

1 provide any service to that public school, nonpublic school, school
2 district, or and the actor uses his or her employee, contractual, or
3 volunteer status to gain access to, or to establish a relationship with,
4 that other person,

5 F. The actor is an employee, contractual service provider, or
6 volunteer of a child care facility, or a person licensed or lawfully
7 authorized to operate a foster care facility or home or a foster care
8 group home in which that other person is a resident, and the sexual
9 penetration occurs during the period of that other person's residency,
10 or

11 G. The actor is an employee, contractual service provider, or
12 volunteer of a social services organization, victims' advocacy
13 organization, youth correctional or detention facility, drug treatment
14 facility or medical, psychiatric or psychological treatment facility and
15 the sexual penetration occurs during the period of that other person's
16 residency.”

17 H. The actor is in a dating relationship with a member of the
18 victim's household.”

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

21 **“ § 25.10. Definitions.**

22
23 (a) As used in this Chapter:

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

25 (2) “Consent” means words or overt actions by a person indicating a freely
26 given present agreement to perform a particular sexual act with the actor. Consent

1 does not mean the existence of a prior or current social relationship between the
2 actor and the victim or that the victim failed to resist a particular sexual act.

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

5 (B) Corroboration of the victim's testimony is not required to show
6 lack of consent.

7 (3) "Force" or "Coercion" includes, but is not limited to, any of the following
8 circumstances:

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

11 (B) when the actor coerces the victim to submit by threatening to use
12 force or violence on the victim and the victim believes that the actor has the
13 present ability to execute these threats;

14 (C) when the actor coerces the victim to submit by threatening to
15 retaliate in the future against the victim or any other person and the victim
16 believes that the actor has the ability to execute this threat. As used in this
17 Subsection, to retaliate includes threats of physical punishment,
18 kidnapping, or extortion;

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

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

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

1 (5) “Mentally Impaired” means that a person suffers from a mental disease
2 or defect which renders that person temporarily or permanently incapable of
3 appraising the nature of his or her conduct;

4 (6) “Mentally Incapacitated” means

5 (A) that a person is rendered temporarily incapable of appraising or
6 controlling his or her conduct due to the influence of a narcotic, anesthetic,
7 or other substance administered to that person without his or her consent, or
8 due to any other act committed upon that person without his or her consent;
9 or

10 (B) that a person is voluntarily under the influence of any substance or
11 substances to a degree that renders them incapable of consenting or
12 incapable of appreciating, understanding, or controlling the person’s
13 conduct.

14 (7) “Physically Helpless” means that a person is

15 (A) unconscious,

16 (B) asleep,

17 (C) unable to withhold consent or to withdraw consent because of a
18 physical condition, or

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

21 (8) “Personal Injury” means bodily injury, disfigurement, mental anguish,
22 chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive
23 organ;

24 (9) “Sexual Contact” includes the intentional touching of the victim’s or
25 actor’s intimate parts or the intentional touching of the clothing covering the
26 immediate area of the victim’s or actor’s intimate parts, if that intentional touching
27 can reasonably be construed as being for the purpose of sexual arousal

1 or gratification;

2 (10) “Sexual Penetration” means sexual intercourse, cunnilingus, fellatio,
3 anal intercourse, or any other intrusion, however slight, of any part of a person’s
4 body or of any object into the genital or anal openings of another person’s body,
5 but emission of semen is not required; and

6 (11) “Victim” means the person alleging to have been subjected to criminal
7 sexual conduct.

8 (12) “Relationship by blood” means a relationship between persons arising
9 by descent from a common ancestor or a relationship by birth rather than by
10 marriage. The degree of consanguinity is determined by counting upward from
11 one of the persons in question to the nearest common ancestor, and then down to
12 the other person, calling it one degree for each generation in the ascending as well
13 as the descending line.

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

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

21 (a) the length of the relationship;

22 (b) the nature of the relationship; and

23 (c) the frequency and type of interaction between the persons involved in the
24 relationship.

25 A casual acquaintanceship or ordinary fraternization in a business or social
26 context does not constitute a “dating relationship”.

COMMITTEE MARKUP VERSION

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

Introduced by:

V. Anthony Ada
Christopher M. Dueñas
Frank 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

**AN ACT TO AMEND §§ 25.15(a)(2), ~~AND 25.20(a)(2) AND~~
~~§ 25.10~~ OF CHAPTER 25, TITLE 9 ~~AND §715(h)(7) OF~~
~~CHAPTER 7 TITLE 4~~ GUAM CODE ANNOTATED
RELATIVE TO 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 statute 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.

Like most states, Guam's 1st and 2nd degree Criminal Sexual Conduct (CSC)
laws apply, mainly, to perpetrator~~s~~ that victimize children age 13 and younger. In

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1 April of 2021, Guam eliminated protections for first time offenders from the
2 Justice Safety Act for those who convicted of 1st and 2nd degree CSC which are
3 both first degree felonies with extended minimum sentences.

4 In June of 2024, Guam enacted Jessica's Law which added ten years to the
5 minimum sentences for 1st and 2nd degree CSC where the victims are 11 years of
6 age and younger.

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

16 It is the intent of *I Liheslaturan Guåhan* to expand and create sufficient
17 specificity, in the relationships between victims and perpetrators to charge the
18 crimes of 1st and 2nd degree Criminal Sexual Conduct committed against victims
19 who are 14 or 15 years of age.

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

22 **“ § 25.15. First Degree Criminal Sexual Conduct.**

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

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

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

3 A. the actor is a member of the same household as the victim,

4 B. the actor is related to the victim by blood or affinity to the
5 fourth degree to the victim, or

6 C. the actor is in a position of authority over the victim and
7 used this authority to coerce the victim to submit;

8 D. The actor is a teacher, substitute teacher, intern/student
9 teacher or administrator of the public school, nonpublic school, school
10 district, in which that other person is enrolled,

11 E. The actor is an employee or a contractual service provider of
12 the public school, nonpublic school, or school district, in which that
13 other person is enrolled, or is a volunteer who is not a student in any
14 public school or nonpublic school, or is an employee of the
15 government of Guam or Government of the United States assigned to
16 provide any service to that public school, nonpublic school, or school
17 district, and the actor uses his or her employee, contractual, or
18 volunteer status to gain access to, or to establish a relationship with,
19 that other person,

20 F. The actor is an employee, contractual service provider, or
21 volunteer of a child care facility, or a person licensed or lawfully
22 authorized to operate a foster care facility or home or a foster care
23 group home in which that other person is a resident, and the sexual
24 penetration occurs during the period of that other person's residency,

25 G. The actor is an employee, contractual service provider, or
26 volunteer of a social services organization, victims' advocacy
27 organization, youth correctional or detention facility, drug treatment

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1 facility or medical, psychiatric or psychological treatment facility and
2 the sexual penetration occurs during the period of that other person's
3 residency, or

4 H. The actor is in a dating relationship with a member of the
5 victim's household."

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

8 **"§ 25.20. Second Degree Criminal Sexual Conduct.**

9 **(a) A person is guilty of criminal sexual conduct in the second degree if the**
10 **person engages in sexual contact with another person and if any of the following**
11 **circumstances exists:**

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

13 **(2) ~~that other person~~ the victim is at least fourteen (14) but less than**
14 **sixteen (16) years of age and any of the following circumstances exist:**

15 **A. the actor is a member of the same household as the victim,**

16 **~~or~~**

17 **B. the actor is related to the victim by blood or affinity to the**
18 **fourth degree to the victim, ~~or~~**

19 **C. the actor is in a position of authority over the victim and ~~the~~**
20 **~~actor~~ used this authority to coerce the victim to submit;**

21 **D. The actor is a teacher, substitute teacher, intern/student**
22 **teacher or administrator of the public school, nonpublic school, school**
23 **district, in which that other person is enrolled,**

24 **E. The actor is an employee or a contractual service provider of**
25 **the public school, nonpublic school, school district, in which that**
26 **other person is enrolled, or is a volunteer who is not a student in any**
27 **public school or nonpublic school, or is an employee of the**

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1 government of Guam or Government of the United States assigned to
2 provide any service to that public school, nonpublic school, school
3 district, or and the actor uses his or her employee, contractual, or
4 volunteer status to gain access to, or to establish a relationship with,
5 that other person,

6 F. The actor is an employee, contractual service provider, or
7 volunteer of a child care facility, or a person licensed or lawfully
8 authorized to operate a foster care facility or home or a foster care
9 group home in which that other person is a resident, and the sexual
10 penetration occurs during the period of that other person's residency,
11 or

12 G. The actor is an employee, contractual service provider, or
13 volunteer of a social services organization, victims' advocacy
14 organization, youth correctional or detention facility, drug treatment
15 facility or medical, psychiatric or psychological treatment facility and
16 the sexual penetration occurs during the period of that other person's
17 residency.”

18 H. The actor is in a dating relationship with a member of the
19 victim's household.”

20
21 ~~Section 3. § 715(h)(7) of Chapter 7, Title 1, Guam Code Annotated is~~
22 ~~amended to read as follows:~~

23 ~~“(7) The word affinity when applied to the marriage relation, signifies~~
24 ~~the connection existing in consequence of marriage, between each of the~~
25 ~~married persons and the blood relative of the other. For purposes of~~
26 ~~Chapters 25 and 30 of Title 9, Guam Code Annotated, the word affinity also~~
27 ~~applies to the dating relation, signifies the connection existing in~~

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~~consequence of dating, between each of the dating persons and the blood
relative of the other.”~~

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

“ § 25.10. Definitions.

(a) As used in this Chapter:

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

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

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

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

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

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

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

(C) when the actor coerces the victim to submit by threatening to
retaliate in the future against the victim or any other person and the victim
believes that the actor has the ability to execute this threat. As used in this
Subsection, to retaliate includes threats of physical punishment,

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1 kidnapping, or extortion;

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

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

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

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

12 (6) "Mentally Incapacitated" means

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

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

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

23 (A) unconscious,

24 (B) asleep,

25 (C) unable to withhold consent or to withdraw consent because of a
26 physical condition, or

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

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

(9) “Sexual Contact” includes the intentional touching of the victim’s or
actor’s intimate parts or the intentional touching of the clothing covering the
immediate area of the victim’s or actor’s intimate parts, if that intentional touching
can reasonably be construed as being for the purpose of sexual arousal
or gratification;

(10) “Sexual Penetration” means sexual intercourse, cunnilingus, fellatio,
anal intercourse, or any other intrusion, however slight, of any part of a person’s
body or of any object into the genital or anal openings of another person’s body,
but emission of semen is not required; and

(11) “Victim” means the person alleging to have been subjected to criminal
sexual conduct.

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

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

4 (a) the length of the relationship;

5 (b) the nature of the relationship; and

6 (c) the frequency and type of interaction between the persons involved in the
7 relationship.

8 A casual acquaintanceship or ordinary fraternization in a business or social
9 context does not constitute a “dating relationship”.”



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

January 30, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note Waiver for Bill No. 33-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note Waiver for the following bill:

Bill No. 33-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.





**BUREAU OF BUDGET & MANAGEMENT
RESEARCH**



OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

JAN 30 2025

Vice Speaker, V. Anthony Ada
Chairperson, Committee on Rules
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai Vice Speaker Ada:

The Bureau requests that Bill No. 33-38 (COR) be granted a waiver pursuant to Public Law 12-229, as amended for the following reason(s):

Bill No. 33-38 (COR) is an act to *amend* §§ 25.15(a)(2) and 25.20(a)(2) of Chapter 25, Title 9 and §715(h)(7) of Chapter 7, Title 1 Guam Code Annotated relative to Expansion of the Elements for First and Second Degree Criminal Sexual Conduct.

Based on comments received regarding Bill No. 33-38 (COR), the Office of the Attorney General (OAG) notes that based on the proposed language, the bill will have no fiscal impact.

As such, the bill is administrative in nature and poses no fiscal impact upon any of the funds of Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.