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FOR IMMEDIATE RELEASE

AG: Law Should Distinguish Between Child Molesters and Teenaged Consensual Sex

February 27, 2019, Tamuning, Guam- Under current law, teenagers who engage in consensual sex could be charged with and convicted of rape. For example, a 16 year-old who has consensual sex with a 15 year-old has committed Criminal Sexual Conduct as a Second Degree Felony and could face up to 8 years in prison. A felony criminal sexual conduct conviction would carry other lifelong consequences such as a prohibition from joining the military, working with the Government of Guam, or having a job where minors are present.

The range of penalties under existing law facing a 16-year-old who has consensual sex with a 15-year-old are identical to an adult who forcibly rapes a victim.

“The law should distinguish between child molesters and teenagers engaged in consensual dating relationships. The current law does not promote justice for young individuals in this circumstance. They should not receive the same penalties and consequences as an adult who forcibly rapes someone. That is not justice,” said Attorney General Leevin Taitano Camacho.

Bill 50-35 seeks to create an age-differential exception, or a close-in-age exception. If passed, Guam would join at least 24 other states who have similar close-in-age statutory exemptions. Certain and distinct qualifications must be met in order to meet the statutory exception in the proposed bill:

- Consenting sexual relationship
- First-time offender
- Less than 4 years apart in age from the consenting minor, with a maximum offender age of 19 and minimum age of 16.

A breakdown by age-range is as follows:

19/15 *still within the >4 range	17/14
18/15	16/14
17/15	

All offenses that involve force or coercion- even within this subgroup that the bill addresses- will be prosecuted as felony charges and are ineligible for the protections proposed in the bill.

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“I want to thank Speaker Muna-Barnes for introducing this piece of legislation, along with the safety valve and mandatory minimum sentences measures introduced in Bills 51-35 and 52-35. It aligns with our quest for restorative justice for our youth,” said AG Camacho.

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