

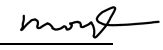
I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
269-36 (COR)	James C. Moylan	AN ACT TO <i>AMEND</i> §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE.	3/14/22 8:20 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 269-36 (COR)

Introduced by:

James. C. Moylan 

**AN ACT TO AMEND §89.13(a) AND §89.13(b) OF
CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO MANDATING ELECTRONIC
MONITORING OF SEX OFFENDERS ON PROBATION
OR PAROLE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that Electronic Monitoring devices, or ankle bracelets (tethers) as they are commonly known, are homing devices placed on those defendants convicted of certain crimes, who are either on house arrest, probation, or parole. They provide public safety officials the ability to monitor the whereabouts of these individuals and may be used to help deter crime by potential repeat offenders. Unfortunately, there are several criminals who have been convicted of criminal sexual contact (CSC) who will qualify for either probation or parole in the coming months or years, which may raise some concerns within the community if these individuals are truly reformed and ready to turn their lives around. Guam's laws currently make these tether's an option and not a mandated requirement for those on probation or parole for CSC, hence it is vital that our community sends a strong message to those convicted of such crimes, in that during their tenure on probation

1 or parole, which is part of their overall sentence, will still require close monitoring
2 by public safety officials.

3 The objective of this Act is to mandate that any individual who is a
4 Registered Sex Offender, who will either be serving probation or parole, shall be
5 required to wear an electronic monitoring device during the tenure of their
6 sentence out in the community. While criminal reform is critical and should
7 continue to be one of the priorities of our government, the safety of the
8 community, especially our most vulnerable residents, needs to be of equal, or
9 greater importance.

10 **Section 2.** § 89.13(a) and (b) of Chapter 89, Title 9, Guam Code Annotated
11 are hereby *amended* to read as follows:

12 **§ 89.13. Electronic Monitoring of Sex Offenders.**

13 (a) The Superior Court shall ~~may~~ order that a sex offender wear an
14 electronic monitoring device, as defined by § 89.01 (w) of this Chapter, for
15 ~~any portion of or~~ all of the duration of his probation, as a condition of his
16 probation. The offender *shall* pay for the purchase or lease of the electronic
17 monitoring device, provided that the Court may order that the cost or a
18 portion thereof be paid by the Court.

19 (b) If a sex offender is released on parole from incarceration, the
20 Territorial Parole Board shall ~~may~~ require, as a condition of his parole, that
21 the offender wear an electronic monitoring device as defined by § 89.01(w)
22 of this Chapter, for ~~any portion of or~~ all of the duration of his parole. The
23 offender *shall* pay for the purchase or lease of the electronic monitoring
24 device, provided that the Parole Board may direct that the cost or a portion
25 thereof be paid by the Parole Office.

26 **Section 3. Severability.** If any provision of this Act or its application to
27 any person or circumstance is found to be invalid or contrary to law, such

1 invalidity *shall not* affect other provisions or applications of this Act that can be
2 given effect without the invalid provision or application, and to this end the
3 provisions of this Act are severable.

4 **Section 4. Effective Date.** The Act shall be effective upon enactment.