


*I Mina'trentai Singko 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 |
|--------------|------------------|---|----------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 137-35 (COR) | James. C. Moylan | AN ACT TO AMEND ARTICLE 7 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE HORMONE OR ANTI-ANDROGEN TREATMENT PROGRAM, ALSO KNOWN AS "CHEMICAL CASTRATION" FOR CONVICTED SEX OFFENDERS. | 5/14/19<br>9:39 a.m. |               |               |                     |                             |              |       |

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
2019 (FIRST) Regular Session

Bill No. 137-35 (CoA)

Introduced by:

James. C. Moylan 

**AN ACT TO AMEND ARTICLE 7 OF CHAPTER 80,  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
THE HORMONE OR ANTI-ANDROGEN TREATMENT  
PROGRAM, ALSO KNOWN AS “CHEMICAL  
CASTRATION” FOR CONVICTED SEX OFFENDERS.**

2019 MAY 14 AM 9:39 

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that eight states in the continental United States have legalized the utilization of “chemical castration” over the years, as a means to reduce the potential of a released sex offender from repeating the crime they were initially incarcerated for. A hormone or anti-androgen treatment essentially has the potential of reducing testosterone levels to pre-puberty levels, which has been proven to lower the urges for the offender to commit a crime associated with criminal sexual conduct. This is certainly one of several steps in preventing recidivism.

In 2015, Public Law 33-67 was passed by the 33<sup>rd</sup> Guam Legislature and enacted into law by Governor Eddie B. Calvo. The “Chemical Castration for Sex Offenders Act” was designed to be a pilot program of the Department of Corrections, with the intent that chemical castration may be an option proposed by the Parole Board for sex offenders being released on parole or post-prison supervision. Because rules and regulations were never finalized, and arrangements

1 with medical professionals yet to be established, the Act was never truly  
2 implemented; hence the need to assure that the process is expeditiously completed  
3 to fully implement the hormone or anti-androgen program for those qualified  
4 pursuant to this legislation.

5 Unfortunately with increasing reports of criminal sexual conduct cases on  
6 island, and equally concerning is the number of registered offenders who will be  
7 released from prison in the coming weeks, months and years, it is vital to  
8 strengthen the language in PL 33-67 to assure that the community, more  
9 importantly the victims of these horrible crimes, are protected and the residents  
10 feel safe from the risks of a sex offender repeating their crime.

11 The proposed legislation shall require that qualified sex offenders being  
12 released be mandated for recommendation to undergo a hormone or anti-androgen  
13 treatment as a condition of their parole or post-prison supervision requirements.  
14 Those qualified would either 1). Be diagnosed with a DSM-5 paraphilic disorder,  
15 2). Their conviction was a First Degree Criminal Sexual Conduct, and/or 3). Their  
16 victim at the time of the crime was a minor. Further that the offender shall be  
17 responsible for all expenses associated with the program, including prior to their  
18 release at the inaugural treatment and its continuation post release, until the  
19 individuals sentence commences. This would encompass a strong message to sex  
20 offenders that the community will not tolerate such actions, and to victims, that the  
21 government stands with you and will do everything in its capacity to appropriately  
22 punish the offender to the fullest extent of the law.

23 **Section 2.** Article 7 of Chapter 80, Title 9, Guam Code Annotated is hereby  
24 *amended* to read as follows:

25 **ARTICLE 7**

26 **HORMONE OR ANTI-ANDROGEN ~~PILOT~~ TREATMENT**

27 **PROGRAM FOR CONVICTED SEX OFFENDERS**

1 § 80.101. Definitions.

2 § 80.102. Hormone or Anti-Androgen ~~Pilot~~ Treatment Program –  
3 Establishment, Eligibility.

4 § 80.103. Rules.

5 § 80.104. Costs.

6 § 80.105. Use of Hormone or Anti-Androgen Treatment Program with  
7 Persons not Included in the ~~Pilot~~ Program; Referrals to the Program.

8 ~~§ 80.106. Sunset Provision.~~

9 **§ 80.101. Definitions.**

10 As used in this Article:

11 (a) *Sex crime* means an offense under 9 GCA §§ 25.15, 25.20, or  
12 25.25.

13 (b) *Parole Board* means the Guam Parole Board established pursuant  
14 to 9 GCA, Chapter 85.

15 **§ 80.102. Hormone or Anti-Androgen ~~Pilot~~ Treatment Program –**  
16 **Establishment, Eligibility.**

17 (a) The Department of Corrections *shall* establish a ~~pilot~~ treatment  
18 program for qualified persons convicted of a sex crime who are eligible for,  
19 or sentenced to, parole or post-prison supervision. ~~Evaluation of this pilot~~  
20 ~~treatment program will be completed no later than three (3) years after the~~  
21 ~~date of implementation of the program, and an evaluation report shall be~~  
22 ~~transmitted to the Parole Board upon completion.~~ The purpose of the  
23 program is to reduce the risk of reoffending after release on parole or post-  
24 prison supervision by providing certain persons, convicted of sex crimes that  
25 are deemed medically appropriate for the treatment program, with hormone  
26 or anti-androgen, such as medroxyprogesterone acetate, each year.

27 (b) Under the program, the Department of Corrections *shall*:

1 (1) screen qualified persons convicted of sex crimes who are  
2 eligible for release within six (6) months on parole, or post-prison  
3 supervision to determine their qualification, pursuant to the  
4 prerequisites outlined in §80.103(c) of this Article ~~suitability~~ for  
5 hormone or anti-androgen treatment upon release;

6 (2) refer persons qualified pursuant to §80.103(c) of this  
7 Chapter for ~~found most likely to benefit from~~ hormone or anti-  
8 androgen treatment to a competent physician for medical evaluation,  
9 and a competent psychologist for psychological evaluation; and

10 (3) refer those persons, unless medically contraindicated after  
11 the evaluation by a competent physician, to a community physician to  
12 begin hormone or anti-androgen treatment one (1) week prior to  
13 release on parole or post-prison supervision.

14 (c) The Parole Board ~~shall~~ *may* require for those qualified pursuant to  
15 § 80.103(c) of this Article, as a condition of parole or post-prison  
16 supervision, hormone or anti-androgen treatment during all ~~or a portion~~ of  
17 parole or post-prison supervision of ~~persons required to participate in the~~  
18 ~~hormone or anti-androgen treatment program described in Subsection (b) of~~  
19 ~~this Section.~~

20 (d) A person required to undergo a treatment program under  
21 Subsection (b) of this Section violates a condition of parole or post-prison  
22 supervision, and is subject to sanctions, if the person:

23 (1) fails to cooperate in the treatment program required under  
24 Subsection (b) of this Section; or

25 (2) takes any steroid or other chemical to counteract the  
26 treatment required under Subsection (b) of this Section.

1 (e) If a person voluntarily undergoes a permanent surgical alternative  
2 to treatment under Subsection (b) of this Section, he or she *shall not* be  
3 subject to hormone or anti-androgen treatment under this Section. All costs  
4 of such permanent surgical alternative *shall* be paid by the person  
5 undergoing such procedure.

6 (f) Any physician who acts in good faith under this Section in the  
7 administration of hormone or anti-androgen treatment, or the evaluation of  
8 persons for hormone or anti-androgen treatment, *shall* be immune from civil  
9 or criminal liability in connection with such treatment or evaluation.

10 **§ 80.103. Rules.**

11 (a) The Department of Corrections, in concurrence with the  
12 Department of Public Health and Social Services, *shall* adopt rules, pursuant  
13 to the Administrative Adjudication Law, to implement and enforce the  
14 treatment program of hormone or anti-androgen, such as  
15 medroxyprogesterone acetate, under § 80.102 of this Article. Rules adopted  
16 under this Subsection *shall* include, but *not* be limited to:

17 (1) a requirement that the offender be informed of the effect of  
18 the treatment program, including any side effects that may result from  
19 the treatment program;

20 (2) a requirement that the offender acknowledge receipt of the  
21 information the Department is required to present to the offender  
22 under Paragraph (1) of this Subsection;

23 (3) procedures to monitor compliance with the treatment  
24 program;

25 (4) procedures to test for attempts to counteract the treatment  
26 program, that may include chemical testing of the offender's blood  
27 and urine; and

1                   ~~(5) a requirement that the Department of Corrections develop~~  
2                   ~~evaluation criteria and evaluate this pilot treatment program no later~~  
3                   ~~than three (3) years after the date of implementation of the treatment~~  
4                   ~~program, and that an evaluation report be transmitted to the Parole~~  
5                   ~~Board upon completion.~~

6                   (b) The Department of Corrections, in concurrence with the  
7                   Department of Public Health and Social Services, may contract, pursuant to  
8                   the requirements of Guam law, with community physicians, laboratories, or  
9                   other medical service providers, to administer the program of hormone or  
10                  anti-androgen treatment under § 80.102 of this Article, or to monitor  
11                  compliance with the treatment program.

12                  (c) To qualify for the Hormone or Anti-Androgen Treatment  
13                  Program pursuant to this Article, the convicted offender shall:

14                         (1) Be diagnosed with a DSM-5 paraphilic disorder by a  
15                         licensed psychologist during a psychological evaluation; or

16                         (2) Be convicted of a First Degree Criminal Sexual Conduct,  
17                         pursuant to § 25.15 of Title 9, Guam Code Annotated; or

18                         (3) Be convicted of a Criminal Sexual Conduct, pursuant to §§  
19                         25.15, 25.20, or 25.25 of Title 9, Guam Code Annotated, where the  
20                         victim was a minor at the time of the crime.

21                  **§ 80.104. Costs.**

22                  A person required to undergo a treatment program of hormone or anti-  
23                  androgen, such as medoxyprogesterone acetate, under § 80.102 of this Article *shall*  
24                  pay for or reimburse all costs of the treatment program directly to the department,  
25                  agency, or organization administering the treatment program. Failure to pay for  
26                  this procedure shall revoke the individuals parole or post-prison release, and they  
27                  shall be released upon the payment for the initial treatment under § 80.102(b)(3) of

1 this Article. The costs associated with this Section shall include the treatment  
2 required during the period the individual is released and is on parole of post-prison  
3 supervision.

4 **§ 80.105. Use of Hormone or Anti-Androgen Treatment Program with**  
5 **Persons not Included in the Pilot Program; Referrals to the Program.**

6 Nothing in § 80.102 or § 80.103 of this Article prohibits the Parole Board  
7 from requiring hormone or anti-androgen treatment for a person whom the  
8 Department of Corrections did not screen or evaluate as described in § 80.102 of  
9 this Article, or from referring to the Department of Corrections for screening,  
10 evaluation or treatment, as provided for under § 80.102 of this Article, persons  
11 convicted of sex crimes.

12 **~~§ 80.106. Sunset Provision.~~**

13 ~~The pilot treatment program shall come to an end forty eight (48) months~~  
14 ~~after the date of implementation of this treatment program. A detailed evaluation~~  
15 ~~report, which addresses the effectiveness and financial impact of the pilot~~  
16 ~~treatment program shall be provided by the Director of Department of Corrections~~  
17 ~~to I Liheslaturan Guahan by the thirty sixth (36th) month of the implementation of~~  
18 ~~this treatment program to determine if new legislation should be passed authorizing~~  
19 ~~its continuation.~~

20 **Section 3. Severability.** If any provision of this Act or its application to  
21 any person or circumstance is found to be invalid or contrary to law, such  
22 invalidity shall not affect other provisions or applications of this Act that can be  
23 given effect without the invalid provision or application, and to this end the  
24 provisions of this Act are severable.

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