

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
270-35 (COR)	Therese M. Terlaje James C. Moylan	AN ACT TO AMEND §80.12 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING PRE-SENTENCE INVESTIGATOR, INCLUDING SEX OFFENDER RISK ASSESSMENT, AND REPORTS FOR FELONY CRIMINAL SEXUAL CONDUCT CONVICTIONS.	1/15/20 4:58 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 270-35 (COR/LS)

Introduced by:

Therese M. Terlaje
James C. Moylan

AN ACT TO AMEND §80.12 OF CHAPTER 80, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
REQUIRING PRE-SENTENCE INVESTIGATION,
INCLUDING SEX OFFENDER RISK ASSESSMENT, AND
REPORTS FOR FELONY CRIMINAL SEXUAL
CONDUCT CONVICTIONS

2020 JAN 15 PM 4:58 PM

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

2 **Section 1. Legislative Findings and Intent.** *I Lehislaturan Guåhan* finds
3 persons convicted of felony Criminal Sexual Conduct are being sentenced and
4 released into the community without adequate assessment.

5 *I Lehislaturan Guåhan* further finds that appropriate Sex Offender Risk
6 Assessment tools have been developed and should be used, and that the information
7 should be available to the Court at the time of sentencing.

8 **Section 2. 9 GCA Chapter §80.12 is hereby amended as follows:**

9 § 80.12. Presentence Report: Psychiatric Exam: Temporary Imprisonment
10 for Classification.

11 (a) The probation service of the court shall make a presentence investigation
12 and report to the court before the imposition of sentence unless the court otherwise
13 directs for reasons stated on the record, except that an investigation and report shall
14 be required in all convictions of felony Criminal Sexual Conduct.

1 (b) The report shall not be submitted to the court or its contents disclosed to
2 anyone unless the defendant has pleaded guilty or nolo contendere or has been
3 found guilty, except that a judge may, with the written consent of the defendant,
4 inspect a presentence report at any time.

5 (c) The report of such investigation shall be in writing and so far as
6 practicable shall include

7 (1) an analysis of the circumstances attending the commission of the
8 crime,

9 (2) the offender's history of delinquency or criminality,

10 (3) physical and mental condition,

11 (4) family situation and background,

12 (5) social, economic and educational background,

13 (6) job experience and occupational skills and aptitude and personal
14 habits, and

15 (7) any other matters that the probation officer deems relevant or the
16 court directs to be included.

17 (8) an appropriate Sex Offender Risk Assessment in cases where a
18 person is convicted of any felony Criminal Sexual Conduct

19 (d) Before making disposition in the case of persons convicted, whether by
20 guilty plea, nolo contendere plea, or verdict of guilty, of any felony Criminal Sexual
21 Conduct, the court shall order the offender to submit to an appropriate Sex
22 Offender Risk Assessment, which shall be included in a presentence investigation
23 report.

24 **Section 3. Effective Date.** This Act shall become effective upon enactment.

25 **Section 5. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
27 *not* affect other provisions or applications of this Act that can be given effect without

1 the invalid provision or application, and to this end the provisions of this Act are
2 severable.