



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***

THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

September 3, 2015

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 97-33 (COR), 99-33 (LS), 112-33 (COR), 118-33 (COR), 122-33 (COR), 123-33 (COR), 126-33 (COR), 128-33 (COR), 138-33 (COR) and 140-33 (COR); and Substitute Bill Nos. 57-33 (LS) and 115-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on September 3, 2015.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (12)

FILE COPY

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 99-33 (COR)**, "AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 80 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A HORMONE OR ANTI-ANDROGEN PILOT TREATMENT PROGRAM FOR PERSONS CONVICTED OF SEX CRIMES," was on the 3<sup>rd</sup> day of September 2015, duly and regularly passed.




Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 3<sup>rd</sup> day of Sept,  
2015, at 4:45 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
2015 (FIRST) Regular Session

**Bill No. 99-33 (COR)**

As amended on the Floor.

Introduced by:

Brant T. McCreddie  
V. Anthony Ada  
Frank F. Blas, Jr.  
James V. Espaldon  
Tommy Morrison  
Dennis G. Rodriguez, Jr.  
T. C. Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
T. R. Muña Barnes  
R. J. Respicio  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 80  
OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE  
TO ESTABLISHING A HORMONE OR ANTI-  
ANDROGEN PILOT TREATMENT PROGRAM FOR  
PERSONS CONVICTED OF SEX CRIMES.**

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

2 **Section 1.** This Act *shall* be known and may be cited as the “Chemical  
3 Castration for Sex Offenders Act.”

4 **Section 2.** A new Article 7 is *added* to Chapter 80 of Title 9, Guam Code  
5 Annotated, to read as follows:

6 **“ARTICLE 7**

1                   **HORMONE OR ANTI-ANDROGEN PILOT TREATMENT**  
2                   **PROGRAM FOR CONVICTED SEX OFFENDERS**

3           § 80.100.   Definitions.

4           § 80.101.   Hormone or Anti-Androgen Pilot Treatment Program –  
5                   Establishment, Eligibility.

6           § 80.102.   Rules.

7           § 80.103.   Costs.

8           § 80.104.   Use of Hormone or Anti-Androgen Treatment Program  
9                   with Persons not Included in Pilot Program; Referrals to  
10                  the Program.

11          § 80.105.   Sunset Provision.

12          **§ 80.100.   Definitions.** As used in this Article:

13               (a)   *Sex crime* means an offense under 9 GCA §§ 25.15,  
14               25.20, or 25.25.

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

17          **§ 80.101.   Hormone or Anti-Androgen Pilot Treatment Program**  
18          **– Establishment, Eligibility.**

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

1 medically appropriate for the treatment program, with hormone or  
2 anti-androgen, such as medroxyprogesterone acetate, each year.

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

4 (1) screen persons convicted of sex crimes who are  
5 eligible for release within six (6) months on parole or post-  
6 prison supervision to determine their suitability for hormone or  
7 anti-androgen treatment upon release;

8 (2) refer persons found most likely to benefit from  
9 hormone or anti-androgen treatment to a competent physician  
10 for medical evaluation, and a competent psychologist for  
11 psychological evaluation; and

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

17 (c) The Parole Board *may* require, as a condition of parole or  
18 post-prison supervision, hormone or anti-androgen treatment during  
19 all or a portion of parole or post-prison supervision of persons  
20 required to participate in the hormone or anti-androgen treatment  
21 program described in Subsection (b) of this Section.

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

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

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

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

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

13 **§ 80.102. Rules.**

14                   (a) The Department of Corrections *shall* adopt rules,  
15 pursuant to the Administrative Adjudication Law, to implement and  
16 enforce the treatment program of hormone or anti-androgen, such as  
17 medroxyprogesterone acetate, under § 80.101 of this Article. Rules  
18 adopted under this Subsection *shall* include, but *not* be limited to:

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

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

25                   (3) procedures to monitor compliance with the  
26 treatment program;

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

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

10 (b) The Department of Corrections may contract, pursuant to  
11 the requirements of Guam law, with community physicians,  
12 laboratories, or other medical service providers, to administer the  
13 program of hormone or anti-androgen treatment under § 80.101 of this  
14 Article, or to monitor compliance with the treatment program.

15 **§ 80.103. Costs.**

16 A person required to undergo a treatment program of hormone or anti-  
17 androgen, such as medoxyprogesterone acetate, under § 80.101 of this  
18 Article *shall* pay or reimburse all costs of the treatment program directly to  
19 the department, agency, or organization administering the treatment  
20 program.

21 **§ 80.104. Use of Hormone or Anti-Androgen Treatment**  
22 **Program with Persons not Included in Pilot Program; Referrals to the**  
23 **Program.**

24 Nothing in § 80.101 or § 80.102 of this Article prohibits the Parole  
25 Board from requiring hormone or anti-androgen treatment for a person  
26 whom the Department of Corrections did not screen or evaluate as described  
27 in § 80.101 of this Article, or from referring to the Department of

1 Corrections for screening, evaluation or treatment, as provided for under §  
2 80.101 of this Article, persons convicted of sex crimes.

3           **§ 80.105. Sunset Provision.** The pilot treatment program *shall*  
4 come to an end forty-eight (48) months after the date of implementation of  
5 this treatment program. A detailed evaluation report, which addresses the  
6 effectiveness and financial impact of the pilot treatment program *shall* be  
7 provided by the Director of Department of Corrections to *I Liheslaturan*  
8 *Guahan* by the thirty-sixth (36<sup>th</sup>) month of the implementation of this  
9 treatment program to determine if new legislation should be passed  
10 authorizing its continuation.”

11           **Section 3. Effective Date.** The provisions of this Act *shall* become  
12 effective upon enactment.