

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 141 (con)

Introduced by:

Telo Taitague
A. B. Palacios, Sr.
Ray Tenorio

2009 JUN 5 AM 3:06
www

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120
OF 8GCA RELATIVE TO DNA PROFILING.**

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

2 **Section 1.** A new Article 3 is *added* to Chapter 120 of 8GCA to read as follows:

3 **Article 3**
4 **DNA Profiling Act**

5 **§120.301. Title.** This Article may be cited as the DNA Profiling Act.

6

7 **§120.302. DNA testing requirements.**

8

9 (A) Any person who is convicted of or who pleads guilty or *nolo contendere* to
10 any of the following offenses shall submit to deoxyribonucleic acid (DNA)
11 testing for law enforcement identification purposes:

12 (1) Criminal Sexual Conduct as provided in Chapter 25 of 9GCA; and/or

13 (2) A violation of Chapter 13 of 9GCA committed in conjunction with or
14 an attempt to commit a violation of Chapter 25 of 9GCA; and/ or

1 (3) A violation of Chapter 22 of 9GCA committed in conjunction with or
2 an attempt to commit a violation of Chapter 25 of 9GCA, and/ or

3 (4) A violation of Chapter 30 of 9GCA committed in conjunction with or
4 an attempt to commit a violation of Chapter 25 of 9GCA.

5
6 (B) As used in this section the term "persons who plead guilty or *nolo*
7 *contendere*" shall include those persons who receive suspended impositions of
8 sentence or suspended executions of sentence.

9
10 (C) Persons who are convicted or persons who plead guilty or *nolo contendere*
11 after the effective date of this Article to any of the offenses listed in Subsection
12 (A) shall submit to DNA testing within three days of such conviction or plea of
13 guilty or *nolo contendere*. Persons who were convicted or plead guilty or *nolo*
14 *contendere* prior to the effective date of this Article shall submit to DNA testing
15 prior to and as a condition of eligibility for probation or parole.

16
17 **§120.303. Notice to victim or victim representative.**

18 Reports from tests performed pursuant to §120.302 shall be maintained by the central
19 criminal records repository of criminal records division of the Guam Police
20 Department.

21 **§120.304. Reporting to CODIS.** Nothing herein this Article shall prevent the
22 dissemination, sharing or referencing of any DNA (deoxyribonucleic acid) tests results

1 collected pursuant to the provision of this Article for inclusion in the Federal Bureau of
2 Investigation's (FBI's) Combined DNA Index System (CODIS).

3

4 **Section 2.** A new Item (6) is *added* to Section 89.03(c) if Chapter 89 of 9GCA to read
5 as follows:

6 “(6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph
7 for those individuals who have submitted DNA samples pursuant to the provisions of
8 Article 3 of Chapter 120 of 8GCA.”

9

10 **Section 3.** A new Item (t) is *added* to Section 89.01 if Chapter 89 of 9GCA to read as
11 follows:

12 “(t) *DNA* means deoxyribonucleic acid.”