AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that Guam’s Sex Offender Registry statute is in need of changes in order to strengthen its provisions and close certain gaps within the law. I Liheslatura further finds that the Supreme Court of the United States has determined that due process rights (Connecticut Dept. of Public Safety v. John Doe, et al., 538 U.S. 1 (2003)) and the ex post facto clause in the U.S. Constitution (Delbert W. Smith and Bruce M. Botelho v. John Doe I, et al., 538 U.S. 84 (2003)) are not violated by requiring those already convicted of criminal sexual conduct or of a crime against a victim who is a minor before the enactment of Sex Offender Registry laws, to register with the Guam Sex Offender Registry. I Liheslatura also finds that the crime of criminal sexual conduct and crimes committed against children are serious problems on our island, and persons convicted of these crimes may be a danger to the people of our community. I Liheslatura further finds that in order to protect our community, most particularly our children from sex offenses, especially violent sex offenses, the Guam Sex Offender Registry Law must be strengthened.

It is the intent of I Liheslatura to update the Guam Sex Offender Registry requirements and notification program and to require all those convicted of criminal sexual conduct or of a crime against a victim who is a minor, to register with the Guam Sex Offender
Registry in order to increase the awareness of our community and our nation about dangerous individuals released into the community. *I Liheslatura* hopes that such awareness will assist in the prevention of future sex offenses and alert the community of such dangers.

In an attempt to bring Guam’s Sex Offender Registry and Notification System into substantial compliance with the Federal Mandates of Title I of Public Law 109-248, of the Adam Walsh Act, Sex Offender Registration Notification Act (SORNA), and in light of the review and recommendations provided by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking in United States Department of Justice (SMART Office) relating to Guam’s SORNA compliance packet concluding that Guam has not yet substantially implemented SORNA, it is the intent of *I Liheslatura Guahan* that in order for Guam to substantially implement SORNA these amendments of Guam’s current Sex Offender Registry and Notification System are necessary.

**Section 2.** Chapter 89 of Title 9 (as amended by Public Law 29-30) of the Guam Code Annotated (G.C.A.) is hereby amended to read as follows:

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“CHAPTER 89
CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY
§ 89.01. Definitions. As used in this Chapter:
(a) Minor means a person below the age of eighteen (18) years.
(b) Criminal offense against a victim who is a minor means any criminal offense
that consists of any of the following:
   (1) felony kidnapping, felonious restraint, felony child stealing, and custodial
       interference, as defined and punished in Chapter 22 of Title 9 of the G.C.A,
       *Kidnapping, and Related Offenses*, when the victim is a minor;
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(2) promoting prostitution, abetting prostitution, compelling prostitution, as defined and punished in Article 1 of Chapter 28 of Title 9 of the G.C.A., *Prostitution*, when the individual committing or engaging in prostitution is a minor;

(3) participation in obscenity, use of one's own child in obscene acts, indecent exposure, photography of minors' sexual acts, as defined and punished in Article 2 of Chapter 28 of Title 9 of the G.C.A., *Obscenity and Related Offenses*, when a minor is employed or used;

(4) criminal sexual conduct, as defined and punished in Chapter 25 of Title 9 of the G.C.A., *Sexual Offenses*, when the victim of the crime is a minor; or

(5) any attempt to commit, solicitation to commit, or conspiracy to commit the crimes stated in paragraphs (1) to (4) of this subsection (b), in violation of Chapter 13 of Title 9 of the G.C.A.

(c) *Criminal sexual conduct* refers to violations defined and punished under Chapter 25 of Title 9 of the G.C.A., *Sexual Offenses*, and any violations of similar federal laws or laws of other states, territories or tribes.

(d) *Sex Offense*. The term "sex offense" as used in this code includes those offenses contained in 42 United States Code (U.S.C.) §16911(5) and also includes the following offenses:

(1) *Sexually violent offenses*. A sexually violent offense is defined as any criminal offense which includes the following:

(A) criminal sexual conduct involving sexual penetration or sexual contact where the actor causes personal injury to the victim and either of the following circumstances exists:

1. force or coercion is used to accomplish the sexual penetration or sexual contact; or

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2. the actor knows or has reason to know that the victim is 
   mentally defective, mentally incapacitated or physically 
   helpless.

(B) criminal sexual conduct involving sexual penetration or sexual 
   contact where the actor is aided or abetted by one (1) or more 
   other persons and either of the following circumstances exists:
   1. force or coercion is used to accomplish the sexual 
      penetration or sexual contact; or
   2. the actor knows or has reason to know that the victim is 
      mentally defective, mentally incapacitated or physically 
      helpless.

(C) criminal sexual conduct involving sexual penetration or sexual 
   contact where the actor is armed with a weapon or any article 
   used or fashioned in a manner to lead the victim to reasonably 
   believe it to be a weapon;

(D) criminal sexual conduct involving sexual penetration or sexual 
   contact which occurs under circumstances involving the 
   commission of another felony; or

(E) criminal sexual conduct involving a victim under fourteen (14) 
   years of age.

(2) Guam Offenses.

(A) any convictions under local laws relating to 9 G.C.A. §16.30;
(B) any convictions under local laws relating to 9 G.C.A. §22.20, 
   wherein the victim of such crime is a minor;
(C) any convictions under local laws relating to 9 G.C.A. §22.30;
(D) any convictions under local laws relating to 9 G.C.A. §22.40, wherein the victim of such crime is a minor;

(E) any convictions under local laws relating to 9 G.C.A. §22.50, wherein the victim of such crime is a minor;

(F) any convictions under local laws relating to 9 G.C.A. §25.15;

(G) any convictions under local laws relating to 9 G.C.A. §25.20;

(H) any convictions under local laws relating to 9 G.C.A. §25.25;

(I) any convictions under local laws relating to 9 G.C.A. §25.30;

(J) any convictions under local laws relating to 9 G.C.A. §25.35;

(K) any convictions under local laws relating to 9 G.C.A. §28.20 wherein the victim of such crime is a minor

(L) any convictions under local laws relating to 9 G.C.A. §28.25 wherein the victim of such crime is a minor

(M) any convictions under local laws relating to 9 G.C.A. §28.30; wherein the victim of such crime is a minor

(N) any convictions under local laws relating to 9 G.C.A. §28.49;

(O) any convictions under local laws relating to 9 G.C.A. §28.50;

(P) any convictions under local laws relating to 9 G.C.A. §28.51;

(Q) any convictions under local laws relating to 9 G.C.A. §28.52, wherein the victim of such crime is a minor;

(R) any convictions under local laws relating to 9 G.C.A. §28.65;

(S) any convictions under local laws relating to 9 G.C.A. §28.80, wherein the victim of such crime is a minor;

(T) any convictions under local laws relating to 9 G.C.A. §31.15;

(U) any convictions under local laws relating to 9 G.C.A. §70.35;
(V) any convictions under local laws relating to 9 G.C.A. §89.01(b)(1); or
(W) any convictions under local laws relating to 9 G.C.A. §89.01(b)(3); and any other offenses under Guam law relating to a criminal offense wherein there is an element involving:

1. a sexual act or sexual contact with another, regardless of the age of the victim;
2. non-parental kidnapping of a minor; non-parental false imprisonment of a minor;
3. solicitation to engage a minor in sexual conduct;
4. use of a minor in a sexual performance;
5. solicitation of a minor to practice prostitution;
6. video voyeurism of a minor;
7. possession, production, or distribution of child pornography;
8. criminal sexual conduct involving a minor; or
9. use of the internet to engage a minor in criminal sexual conduct.

(3) Convictions from Other Jurisdictions. Any conviction for any sex offense committed in any jurisdiction that is comparable to any sex offense as defined in 42 U.S.C. §16911(5) or §89.01(b), (c), or (d) of this code. In addition, any conviction for any sex offense committed in any jurisdiction that involves:

(A) Any type or degree of genital, oral, or anal penetration;
(B) Any sexual touching of or sexual contact with a person’s body, either directly or through the clothing;
(C) Kidnapping of a minor;
(D) False imprisonment of a minor;

(E) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct;

(F) Use of a minor in a sexual performance;

(G) Solicitation of a minor to practice prostitution;

(H) Possession, production, or distribution of child pornography;

(I) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense; or

(J) Any conduct that by its nature is a sex offense against a minor.

(4) Federal Offenses. A conviction for any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5):

(A) 18 U.S.C. §1591;

(B) 18 U.S.C. §1801;

(C) 18 U.S.C. §2241;

(D) 18 U.S.C. §2242;

(E) 18 U.S.C. §2243;

(F) 18 U.S.C. §2244;

(G) 18 U.S.C. §2245;

(H) 18 U.S.C. §2251;

(I) 18 U.S.C. §2251A;

(J) 18 U.S.C. §2252;
(K) 18 U.S.C. §2252A;
(L) 18 U.S.C. §2252B;
(M) 18 U.S.C. §2252C;
(N) 18 U.S.C. §2260;
(O) 18 U.S.C. §2421;
(P) 18 U.S.C. §2422;
(Q) 18 U.S.C. §2423;
(R) 18 U.S.C. §2424; or
(S) 18 U.S.C. §2425.

(5) Military Offenses. Any military offense as specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (Title 10 U.S.C. §951 note) or listed under 10 U.S.C. §920 that is similar or comparable to any sex offense as defined in §16911(5) or outlined in §89.01(b), (c) or (d) of this code.

(6) Foreign Offenses. Any foreign convictions wherein the registrant was convicted of any of the sex offenses specified in §89.01(b), (c) or (d) of this code or any other similar laws of any foreign country. A foreign conviction is not a sex offense for the purposes of this code unless it was either: (1) obtained under the laws of Canada, the United Kingdom, Australia, New Zealand; or (2) under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

(7) Juvenile Offenses or Adjudications. Any conviction of a sex offense as defined in §89.01(g)(2).
(8) Exemptions to Registry Requirements. An offense involving consensual sexual conduct is not a sex offense for the purpose of this code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than four (4) years older than the victim.

(e) The terms sexual penetration and sexual contact have the same meaning as sexual penetration and sexual contact in Chapter 25 of Title 9 of the G.C.A.

(f) The term sex offender refers to persons convicted of a sex offense as defined in §89.01(d).

(g) Conviction.

(1) Adult Conviction. The term conviction refers to each separate charge to which the offender either voluntarily pleads guilty and such guilty plea has been accepted by the Court, whether in a single hearing or in separate hearings, or is found guilty by a trier of fact, whether the charges are contained in one (1) indictment, or separate indictments. This term includes convictions based on pleas of nolo contendere and guilty pleas entered pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). An adult sex offender is “convicted” for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.

(2) Juvenile Conviction. A juvenile offender is “convicted” for the purposes of this code if the juvenile offender is either:

(A) Prosecuted and found guilty as an adult for any sex offense, including those juveniles convicted through the certification process in 19 G.C.A. §5106; or
(B) Is adjudicated delinquent as a juvenile for a sex offense, but only if the juvenile is at least 14 years of age or older at the time of the offense, and the sex offense adjudicated was one that is comparable to or more severe than the federal crime of "aggravated sexual abuse" (as described in either (a) and (b) of section 2241 of Title 18 of the U.S.C.), or was an attempt or conspiracy to commit such an offense, which is noted in 9 G.C.A. § 25.15 subsections (a) (4) (i) or (ii), (a)(5), (a)(6), and (a)(7); and 9 G.C.A. § 25.20 (a)(4) (i) or (ii), (a)(5), (a)(6), and (a)(7).

(3) Foreign Conviction. A foreign conviction is one obtained outside of the United States.

(h) Intimate Parts. For purposes of this code, the term "intimate parts" is defined to include the primary genital area, groin, inner thigh, buttock or breast of a human being.

(i) The terms employed and carries on a vocation include employment that is full-time or part-time for a period of time exceeding fourteen (14) days, or an aggregate period of time exceeding thirty (30) days during any calendar year, whether financially compensated, on a volunteer basis or for the purpose of government or educational benefit.

(j) Employee. The term "employee" when used in this code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of any agency or organization are included with the definition of employee for registration purposes.

(k) The term "student" when used in this code, and when referring to any sex offender who is required to register under this act, who is enrolled in or attends either a private or public education institution, including a secondary school,
trade or professional school, or an institution of higher education, including
those who are currently enrolled in the school or institution, but are performing
internship, externships or apprentices at an agency or organization under the
supervision of a school program.

(l) The term institution of higher education means post secondary school.

(m) The term law enforcement agency means any so designated agency on Guam,
including, but not limited to, the Guam Police Department, the Jose D. Leon
Guerrero Commercial Port Police, the Parole Services Division of the
Department of Corrections, the Judiciary of Guam, Probation Division, the U.S.
Probation Office, the U.S. Marshal's Service, the Conservation Office of the
Department of Agriculture, the A. B. Won Pat International Airport Authority
Police, the Office of the Attorney General – Prosecution and Family Divisions,
the Judiciary of Guam Marshals Division, the Air Force Office of Special
Investigations, the Naval Criminal Investigation Section, the Coast Guard
Criminal Investigation Section, the United States Army Criminal Investigation
Division, and other criminal investigators of the United States Government. As
Guam does not have recognized law enforcement Campus Police in Guam’s
institution of higher education, the Guam Police Department is the recognized
law enforcement agency with jurisdiction over Guam’s institution of higher
education.

(n) The term court means the Superior Court of Guam, Judiciary of Guam, District
Court of Guam, or Island Court of Guam.

(o) The term community refers to the entire territorial boundaries of Guam.

(p) The term registrant refers to persons required to register under this code and is
used interchangeably throughout this code with the word “sex offender”.
(q) The term change in enrollment or employment status means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(r) The term resides means, with respect to an individual, the location of the individual’s home or any other place where the individual habitually lives or sleeps regardless of whether there is no fixed home or address in the jurisdiction, so long as the individual lived in the jurisdiction for at least 30 days.

(s) For the purposes of this code, a “resident” includes any individual who either resides within Guam or who otherwise owns any real property within Guam in fee or trust regardless of its location on Guam, who is employed within Guam or employed by a corporation or organization whose primary business address is on Guam, or who is a student or attends an educational program within Guam, or who files their yearly income taxes on Guam.

(t) The term jurisdiction refers to any of the following:
   (1) A State
   (2) The District of Columbia
   (3) The Commonwealth of Puerto Rico
   (4) Guam
   (5) American Samoa
   (6) The Northern Mariana Islands
   (7) The United States Virgin Islands
   (8) To the extent provided and subject to the requirements of 42 U.S.C. §16927, a federally recognized Indian tribe.

(u) Immediate. The term immediate or immediately when used in this code means within three (3) working days.
(v) **Imprisonment.** The term *imprisonment* or *imprisoned* refers to incarceration pursuant to a conviction regardless of the nature of the institution in which the offender serves the sentence. Sex Offenders under “house arrest” following any conviction for any offense are required to register pursuant to the provisions of this code during the period of “house arrest”.

(w) **This Code.** The term *this code* refers to the sex offender registration and community notification system established in Chapter 89 of the G.C.A.

(x) **Sex Offender.** The term *sex offender* refers to any person convicted of an offense listed in 89.01(b), (c) or (d).

§ 89.02. **Classification of Offenders.**

(a) **Level One Offender.** Any person convicted of any of the following offenses, including a conviction for an attempt or conspiracy to commit any of the following offenses, shall be considered a Level One Offender.

   1. A *Sexually Violent Offense* as defined in §89.01(d)(1);
   2. *Guam Offenses:*

      i. 9 G.C.A. §16.30;
      ii. 9 G.C.A. §22.20, wherein the victim of such crime is a minor;
      iii. 9 G.C.A. §22.40, wherein the victim of such crime is a minor;
      iv. 9 G.C.A. §22.50, wherein the victim of such crime is a minor;
      v. 9 G.C.A. §25.15, except for a conviction under §25.15(2);
      vi. 9 G.C.A. §25.20, except for a conviction under §25.20(2);
      vii. 9 G.C.A. §25.25;
      viii. 9 G.C.A. §28.49;
      ix. 9 G.C.A. §28.51;
      x. 9 G.C.A. §31.15; or
(3) Federal Offenses: Any conviction under the following statutes and all of their subsections:
   i. 18 U.S.C. §2241;
   ii. 18 U.S.C. §2242; or
   iii. 18 U.S.C. §2244.

(4) Military Offenses. Any offense specified by the Secretary of Defense under section 115(a)(8)(c)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C. §920 that is similar or comparable to those offenses outlined in §89.02(a)(1), (2), (3) or (5).

(5) Other Offenses. Any offense in any jurisdiction or foreign country which involves:
   i. non-parental kidnapping of a minor;
   ii. a sexual act with another by force or threats;
   iii. a sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate; or
   iv. sexual contact with a minor under 14 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing; or
   v. is similar or comparable to those offenses outlined in §89.02(a)(1) or (2).
(6) **Recidivism.** Any sex offense that is punishable by more than one year in prison where the offender has at least one prior conviction for an offense listed in §89.02(b), or has previously become a Level Two Offender.

(b) **Level Two Offender.** Any person not otherwise classified as a Level One Offender who is convicted of any of the following offenses, including a conviction for an attempt or conspiracy to commit any of the following offenses, shall be considered a Level Two Offender:

(1) **Guam Offenses**

i. **Generally.** Any conviction for:

1. criminal sexual conduct involving two (2) or more victims;
2. two (2) or more separate criminal sexual conduct offenses;
3. a criminal offense against a victim who is a minor, involving two (2) or more minors;
4. two (2) or more separate criminal offenses against a victim who is a minor; or
5. one (1) or more separate criminal sexual conduct offense and one (1) or more separate criminal offense against a victim who is a minor.

ii. **Specific Offenses:** Any conviction under the following statutes and all of their subsections:

1. 9 G.C.A. §28.20, wherein the victim of such crime is a minor;
2. 9 G.C.A. §28.25, wherein the victim of such crime is a minor;
3. 9 G.C.A. §28.30, wherein the victim of such crime is a minor;

4. 9 G.C.A. §28.52, wherein the victim of such crime is a minor; or

5. 9 G.C.A. §28.80, wherein the victim of such crime is a minor.

(2) Federal Offenses: Any conviction under the following statutes and all of their subsections:

i. 18 U.S.C. §1591;

ii. 18 U.S.C. §2243;

iii. 18 U.S.C. §2244;

iv. 18 U.S.C. §2251;

v. 18 U.S.C. §2251A;

vi. 18 U.S.C. §2252 (production or distribution of child pornography);

vii. 18 U.S.C. §2252A (production or distribution of child pornography);

viii. 18 U.S.C. §2260;

ix. 18 U.S.C. §2421;

x. 18 U.S.C. §2422(b); or


(3) Military Offenses: Any offense specified by the Secretary of Defense under section 115(a)(8)(c)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C. §920 that is similar or comparable to those offenses outlined in §89.02(b)(1), (2), (4).
(4) **Other Offenses.** Any offense in any jurisdiction or foreign country which involves:

i. the use of minors in prostitution, including solicitation;

ii. enticing a minor to engage in criminal sexual activity;

iii. sexual contact with a minor 14 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body;

iv. The use of a minor in a sexual performance;

v. The production or distribution of child pornography; or

vi. is similar or comparable to those offenses outlined in §89.02(b)(1).

(5) **Recidivism.** Unless otherwise covered under §89.02(a)(6), any sex offense that is not the first sex offense for which an offender has been convicted and that is punishable by more than one year imprisonment.

(c) **Level Three Offender.** Any person not otherwise classified as a Level One Offender or Level Two Offender who is convicted of any of the following offenses, including a conviction for an attempt or conspiracy to commit any of the following offenses, shall be considered a Level Three Offender.

(1) **Guam Offenses.** Any conviction under the following statutes and all of their subsections:

i. 9 G.C.A. §22.30;

ii. 9 G.C.A. §25.15(2);

iii. 9 G.C.A. §25.20(2);

iv. 9 G.C.A. §25.25;

v. 9 G.C.A. §25.30;

vi. 9 G.C.A. §25.35;
vii. 9 G.C.A. §28.50;
viii. 9 G.C.A. §28.65;
ix. 9 G.C.A. §89.01(b)(1);
x. 9 G.C.A. §89.01(b)(3);

xi. Any criminal sexual conduct offense not otherwise listed in §89.02 (a), (b) or (c); or
xii. Any criminal offense against a victim who is a minor not otherwise listed in §89.02 (a), (b) or (c).

(2) Federal Offenses. Any conviction under the following statutes and all of their subsections:
i. 18 U.S.C. §1801;
ii. 18 U.S.C. §2252 (receipt or possession of child pornography);
iii. 18 U.S.C. §2252A (receipt or possession of child pornography);
iv. 18 U.S.C. §2252B;
v. 18 U.S.C. §2252C;
vi. 18 U.S.C. §2422(a);
vii. 18 U.S.C. §2423(b);
viii. 18 U.S.C. §2423(c);
ix. 18 U.S.C. §2424; or
x. 18 U.S.C. §2425;

(3) Military Offenses. Any offense specified by the Secretary of Defense under section 115(a)(8)(c)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C. §920 that is similar or comparable to those offenses outlined in §89.02(c)(1), (2), (4).
(4) Other Offenses. Any offense in any jurisdiction or foreign country which involves:

i. false imprisonment of a minor;

ii. video voyeurism of a minor;

iii. possession or receipt of child pornography; or

iv. is similar or comparable to those offenses outlined in §89.02(c)(1).

§ 89.03. Registration; Duty to Register.

(a) Persons Required to Register on Guam. The following persons shall have the absolute duty to register on Guam at the Judiciary of Guam, Probation Division, register pursuant to this code:

(1) Residents. Any person who resides on Guam that has been or is hereafter convicted of a sex offense; and

(2) Non-Residents. Any person who is a non-resident who is on Guam for the purpose of being employed or as a student and has been or is hereafter convicted of a sex offense.

(b) Registration Requirements; Information to be Registered.

(1) Registrants required to provide information. All persons required to register shall provide all of the information detailed in this section to the Judiciary of Guam, Probation Division, and the Judiciary of Guam, Probation Division, shall obtain all of the information detailed in this section from any person required to register with Guam in accordance with this code and shall implement any relevant policies and procedures necessary to effectuate the intent of this code.
(2) **Digitized Format.** To the greatest extent possible, all information obtained under this code shall be maintained by the Judiciary of Guam, Probation Division, in a digitized format.

(3) **Sex Offender Registry Management System.** There is hereby established a Sex Offender Registry, which the Judiciary of Guam, Probation Division, shall maintain and operate pursuant to the provisions of this code, as amended. The sex offender registry shall be maintained in an electronic database by the Judiciary of Guam, Probation Division, and shall be in a form capable of electronic transmission. This sex offender registry may also be maintained in any other form in addition to the electronic database described above.

(4) **Provided by the Offender.** The following information must be registered and updated by any sex offender required to register under this code at the Judiciary of Guam, Probation Division, or at the designated agency assigned to manage the Sex Offender Registry Management System:

   a. **Name, Date of Birth, Social Security Number.** All primary and given names, alias(es), nicknames, and pseudonyms to include ethnic and tribal names (regardless of the context in which they are used, actual date of birth and any purported dates of birth, and actual social security number and any purported social security numbers used, if any, and any other identifying factors;

   b. **Residential and Physical Address.**
i. Current physical address and mailing address, or if the person is incarcerated, the address of the residence where the person will be residing immediately upon release and the mailing address the person plans to use immediately upon release;

ii. If a registrant does not have a fixed or definite address, then a specific name, description and the location of the place or places where the registrant habitually lives to include, but not limited to, information of a certain part of the city or village that is the registrant’s habitual locale, a park or spot on the street where the registrant stations himself/herself during the day or sleeps at night, any shelters or temporary homeless shelters which the registrant circulates, or places of public buildings, restaurants, libraries, or other establishments that the registrant frequents;

iii. physical address and mailing address of any anticipated future residence or any residence of temporary lodging, wherein the offender leaves the current residence for seven days or more, including any land line telephone numbers of the anticipated future residence or temporary lodging, pagers or cellular/mobile numbers that the offender has access to or anticipates in having access to;

c. Employment Information. Employer name, employer’s telephone numbers, physical address and mailing address of
current and/or anticipated employment, and if applicable, 
transient/day labor information. If the employment requires 
registrant to travel to different locales, then the registrant shall 
provide the specific names and addresses of the other locales;

d. Photograph. current photograph (paper records);

e. School Information. Name and address of any place where the 
sex offender is a student or will be a student, including the 
name and address of any secondary school, institution of 
higher education, trade school or professional school (public 
or privately owned), and enrollment status;

f. Phone Numbers. Any land line telephone numbers, pagers, 
cellular/mobile numbers, or any other designations used by the 
offender for purposes of routing or self-identification in 
telephonic communications, that the offender has access to or 
anticipates having access to;

g. Vehicle Information. The license plate number and description 
of any vehicle, which includes all land vehicles, aircrafts, or 
watercrafts, whether owned or operated for work or personal 
use, to include a description of the vehicle, its permanent or 
frequent location;

h. Internet Identifiers. Internet identifiers and all designations 
used by sex offenders for purposes of routing or self-
identification in Internet communications or postings, 
including email addresses, instant messaging addresses or any 
other designation used in internet communication;
i. *Driver’s License and Identification Card.* A photocopy of all valid driver’s licenses or identification cards, if any, issued to the offender by any and all jurisdictions;

j. *Passport and Immigration Documents.* A photocopy of all passport and immigration documents, if any, issued to the offender by any and all countries and jurisdictions;

k. *Professional Licensing Information.* Professional Licensing Information, to include all licensing in which the registrant has obtained or had previously obtained which authorizes the registrant to engage in an occupation or carry out a trade or business. This includes any information as to the name, place of employment and contact information as required in this section, as well as any organization or business wherein the professional license was obtained and to which the registrant is affiliated or has some financial stake in;

l. *International Travel.* Any intended travel plans or arrangements that the sex offender has, whether such travel is to an international jurisdiction or within the United States or its territories. The Offender shall provide such travel plans or arrangements at least 21 days in advance of such travel. Information provided by the sex offender shall include the destination and any other information requested by the Judiciary of Guam, Probation Office or the designated Guam agency in charge of managing the Sex Offender Registry; and

m. *Miscellaneous.* Any other information as may be deemed appropriate by the Judiciary of Guam, Probation Office or the
designated Guam agency in charge of managing the Sex Offender Registry.

(5) **Provided by Guam.** The Judiciary of Guam, Probation Office, or the designated agency that manages Guam’s Sex Offender Registry in which the sex offender registers shall ensure that the following information is included in the Guam Sex Offender Registry for that sex offender:

a. **Physical Description.** A physical description of the offender, to include a written general physical description of the offender and any distinguishing physical characteristics or marks such as birthmarks, scars, moles, and tattoos, and its location on the offender. A photograph of any such distinguishing physical characteristics or marks should be included if possible, but is not required;

b. **Photograph.** A current photograph of the offender (digitized form);

c. **Driver’s License and Identification Card.** A photocopy of all valid driver’s licenses or identification cards, if any, issued to the offender by any and all jurisdictions (digitized form);

d. **Passport and Immigration Documents.** A photocopy of all passport and immigration documents, if any, issued to the offender by any and all countries and jurisdictions (digitized form);

e. **Criminal History.** Criminal history, including the date of all arrests and convictions, the status of parole, probation, or
supervised release, registration status, all relevant information related to the underlying crime which triggered the registration requirements of this code, any sex offender registration status, and any outstanding arrest warrants;

f. Treatment Documentation. Documentation of any treatment, that the sex offender has completed, is currently undergoing, or wherein the sex offender has been ordered to attend and complete by any court on Guam, as defined under §89.01(n);

g. Fingerprints and Palm Prints. Fingerprints and palm prints;

h. DNA Sample. DNA sample of the offender;

i. Text of Registration of Offense. The text of the provision of law defining the criminal offense for which the sex offender is registered;

j. Notice and Acknowledgement Form of Registration Requirements. All sex offenders will sign and acknowledge a notice and acknowledgement form which shall provide information regarding the registration requirements and duties of sex offenders. The sex offender will be required to sign an acknowledgement that the information of the registration requirements have been provided upon their initial registration, and an original, photocopy, or electronic copy of the offender’s notice form signed shall be made available on Guam’s sex offender registry; and

k. Miscellaneous. Any other information as may be deemed appropriate by the Judiciary of Guam, Probation Division, or
the designated Guam agency in charge of managing the Sex Offender Registry.

(6) Exemptions.

a. Federally Protected Witnesses. Where the person required to register is a Federally protected witness, the person shall not be required to provide a photograph, alias(es), and original name, place of offense, date of birth, social security number or prior residence.

b. Pardoned Convict or Conviction Reversed Upon Appeal. The duty to register under this code shall not be applicable to any sex offender whose conviction was reversed upon appeal, or who was pardoned by I Maga’lahen Guåhan or who has been pardoned by the designated agency or individual of any jurisdiction as defined in this code.

(c) Biological Samples.

(1) Every person convicted in court of a criminal sexual conduct offense, or of a criminal offense against a victim who is a minor, shall provide a biological sample to the Guam Police Department for DNA profile information typing upon conviction.

(2) Every person who was convicted in court of a criminal sexual conduct offense or of a criminal offense against a victim who is a minor and is incarcerated on the effective date of this law shall provide a biological sample for DNA profile information no later than ninety (90) calendar days after the effective date of this law.
(3) Every person who was convicted in court of a criminal sexual conduct offense or of a criminal offense against a victim who is a minor and is released on parole or probation shall provide a biological sample for DNA profile information to the Guam Police Department at the time of that person's initial registration or within thirty (30) working days of initial registration.

(4) Every person required to register pursuant to §89.03 (i) and (ii) shall provide a biological sample to the Guam Police Department for DNA profile information at the time of that person's initial registration on Guam or within thirty (30) working days upon conviction.

(5) Intentional or knowing failure to provide a biological sample shall have the same penalty as a failure to provide initial registration information, which is a felony of the third degree as noted under §89.05(f).

(6) All biological samples for DNA profile information typing that is provided to the Guam Police Department pursuant to this subsection shall be submitted for analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS).

(d) Registration Requirements for Persons Required to Register Pursuant to §89.03(a); Initial Registration; Penalty.

(1) Registry Requirements for Sex Offenders, In General. All persons required to register must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.
(2) *Initial Registration, In General.* All sex offenders shall initially register:

a. Before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirements, if the person is so incarcerated on or after the date of the enactment of this statute. Intentional or knowing failure to provide this information shall result in the delay of that person’s release;

b. Not later than three (3) working days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment, if the person is sentenced on or after the date of the enactment of this statute;

c. Not later than the date the person is scheduled to be placed on probation. Intentional or knowing failure to provide this information by that date shall result in the revocation of the person’s probation and shall make that person ineligible for probation;

d. Not later than three (3) working days after arrival on Guam;

e. If the registrant is on probation in another jurisdiction and that registrant’s probation is to be transferred to Guam, then the Judiciary of Guam, Probation Division, may obtain the necessary information from the office of probation or parole of the jurisdiction from where the registrant came; said registrant is required to verify the registered information as required by this code *no later than* three (3) calendar days after the person’s arrival on Guam.
(3) Where a Person Identified as a Person Required to Register is on Supervised Parole or Probation at the Time of the Passage of This Law and Is Not Currently Registered. Initial registration information must be provided to the Judiciary of Guam, Probation Division, Sex Offender Registry Management Office no later than ninety (90) calendar days after the effective date of this law. Intentional or knowing failure to register pursuant to this Subsection is a felony of the third degree, as noted under §89.05(a).

(4) Where a Person Required to Register is No Longer Under the Supervision of Either Probation or Parole at the Time of the Passage of This Law and Is Not Currently Registered. Sex offenders required to register pursuant to this code who fall within this category type shall have the absolute duty to report to and register with the Judiciary of Guam, Probation Division, Sex Offender Registry Management Office. Intentional or knowing failure to register pursuant to this subsection is a felony of the third degree, as noted under §89.05(a).

(5) Conviction Jurisdiction. Any person who has been or is convicted on Guam that is required to register under this code, but does not plan to reside in Guam, be employed on Guam, or register or enroll in a school on Guam, and upon release will reside in another jurisdiction, be employed or will be registering or enrolling in a school in another jurisdiction, shall still be required to register initially in Guam, and upon relocating to the other jurisdiction, the registrant shall be required to make an in-person registration appearance within three (3)
working days of commencing residence or employment in that jurisdiction.

(6) Incarceration Jurisdiction. Any person who has been convicted in another jurisdiction, other than in Guam, but the person will be released from custody of the conviction jurisdiction and released to the custody of Guam and incarcerated on Guam, such registrant, prior to the registrant being released from incarceration on Guam, shall be required to initially register in-person on Guam.

(e) Registration Requirements; Frequency, Verification, Duration, and Reduction.

(1) A registrant must verify their registration in person with the Judiciary of Guam, Probation Division, in the manner specified in this section. At each in-person verification the sex offender shall:

a. permit the Judiciary of Guam, Probation Division, to take a photograph of the offender, and

b. review existing information for accuracy and update, as necessary, any changes to existing registration information.

(2) Level One Offender. A person who is a level one offender shall verify the following registered information ninety (90) calendar days from the date of initial registration; and shall appear in person once every ninety (90) calendar days thereafter to verify and update their registration information for the rest of their lives. If the ninetieth (90th) day falls on a weekend or holiday, the registrant shall appear on the following working day.

(3) Level Two Offender. A person who is a level two offender shall verify the following registered information one hundred eighty (180)
calendar days from the date of initial registration; and shall appear in
person once every one hundred eighty (180) calendar days thereafter
to verify and update their registration information for the rest of their
lives. If the one hundred eightieth (180th) day falls on a weekend or
holiday, the registrant shall appear on the following working day.

(4) Level Three Offender. A person who is a level three offender
shall verify the following registered information one (1) year from
the date of the registrant’s initial registration; and shall appear in
person once every year thereafter to verify and update their
registration information for fifteen (15) years. If the date the
registrant is to verify falls on a weekend or holiday, the registrant
shall appear on the following working day.

(5) If any new information or change in information is obtained at an
in-person verification, the Judiciary of Guam, Probation Division,
shall immediately notify:

a. All other jurisdictions in which the sex offender is required to
register of the information or change in information; and

b. The Guam Police Department;

c. Any other appropriate governmental agency as determined by
the Judiciary of Guam, Probation Division.

(f) Keeping The Registration Current. A sex offender who is a resident of
Guam shall:

(1) not later than three (3) working days after each change of name,
residence, employment, student status, or termination of residence,
appear in person at the Judiciary of Guam, Probation Division, and
inform the Judiciary of Guam, Probation Division of all changes in the information required for that sex offender in the sex offender registry. If a registrant anticipates moving from Guam, that registrant shall register in person his intended place of residence with the Judiciary of Guam, Probation Division, no later than three (3) calendar days before his departure from Guam; and

(2) not later than three (3) working days after each change in temporary lodging information, vehicle information, internet identifiers, or telephone numbers, immediately notify the Judiciary of Guam, Probation Division, and inform the Judiciary of Guam, Probation Division, of all changes in the information required for that sex offender in the sex offender registry.

(3) The Judiciary of Guam, Probation Division, shall immediately provide the updated information via electronic forwarding to:

a. All other jurisdictions in which the sex offender is required to register;

b. The Guam Police Department; and

c. Any other appropriate governmental agency as determined by the Judiciary of Guam, Probation Division.

(g) Registration Requirement; Guam Residents Who are Employed, Carry on a Vocation, or are Students in Another Jurisdiction. A person who is required to register on Guam and who is employed, carries on a vocation, or is a student in another jurisdiction shall also register in that other jurisdiction pursuant to the registration requirements of that jurisdiction.
(h) Registration Requirement; Sex offenders Who Move to Another Jurisdiction.

When a sex offender who is required to register on Guam anticipates moving to another jurisdiction, that registrant shall report the change of address to the Judiciary of Guam, Probation Division, pursuant to the requirements of this code, and comply with any registration requirement of the new jurisdiction.

§ 89.04. Duration of Registration

A registrant shall continue to comply with this code, except during ensuing periods of incarceration, for the following period of time:

(a) Lifetime; Level One and Level Two Offenders. A Level One Offender or Level Two Offender must comply with this code for the length of that person's life.

(b) Fifteen (15) Years; Level Three Offenders. A Level Three Offender must comply with this code for a period of fifteen (15) years from the date of that person's initial registration.

(c) Where Conviction Reversed, Vacated or Set Aside or Where Registrant Pardoned. Notwithstanding subsections (a) and (b) of this section, where the underlying conviction is reversed, vacated or set aside, or if the person is pardoned of the crime which triggered the registration requirement of this code, registration is no longer required.

(d) Tolling of Registration Requirement. If a registrant is reincarcerated for violations of release conditions imposed in the same crime, or for the commission of another crime, or the registrant is civilly committed, or if the registrant leaves to a foreign country and

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informs the Judiciary of Guam, Probation Division, then the period of registration is tolled and remains tolled until the registrant’s subsequent release or arrival in another jurisdiction. Thereafter, the registrant shall recommence and continue registering for the remaining period of time the registrant is required to register.

§ 89.05. Penalties.

(a) Initial Registration. Intentional or knowing failure to provide initial registration information shall delay the registrant's release if the registrant is to be released, or make the registrant ineligible for probation if the registrant is to be placed on probation. Intentional or knowing failure to provide initial registration information is a felony of the third degree.

(b) Verification. The failure to verify registered information is a felony of the third degree. A second or subsequent failure to so register is a felony of the second degree. Failure of a probationer or parolee to so register may result in sanctions pursuant to Title 8 GCA §80.66 and Title 9 GCA §80.82, respectively.

(c) Address Changes. A registrant's failure to register the registrant’s new physical and mailing address within three (3) calendar days of any change of physical and mailing address is a felony of the third degree. A second or subsequent failure to so register is a felony of the second degree. Failure of a registrant who is a probationer or parolee to so register may result in sanctions pursuant to Title 9 GCA §80.66 and Title 9 GCA §80.82, respectively.

(d) False Information. Intentionally and knowingly providing false information during initial registration or subsequent verification is a felony of the second degree.
(e) Enrollment or Employment at an Institution of Higher Education. A registrant’s failure to update enrollment or employment at an institution of higher education or termination of such enrollment or employment at an institution of higher education with the Judiciary of Guam, Probation Division, within three (3) calendar days of any change would constitute a failure to register or keep such registration current and is a felony of the third degree.

(f) Failure to Provide Biological Sample. Intentional or knowing failure to provide biological samples for DNA profile information to the Guam Police Department pursuant to this code is a felony of the third degree.

§ 89.06. Failure to Appear for Registration, Absconding and Failure to Register

(a) Failure to Appear. In the event a sex offender fails to register on Guam as required by this code, then the Judiciary of Guam, Probation Division, or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school enrollment on Guam, and that the sex offender failed to appear for registration.

(b) Absconded Sex Offenders. If the Judiciary of Guam, Probation Division, or its designee receives information that a sex offender has absconded, then the Judiciary of Guam, Probation Division, shall make an effort to determine if the sex offender has actually absconded.

i. In the event that no determination can be made, the Judiciary of Guam or designee shall ensure that the Guam Police Department and other local law enforcement agencies are notified so that a proper investigation may be conducted.

ii. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the other
jurisdiction or the federal authorities shall be informed that the sex
offender failed to appear and register.

iii. If an absconded sex offender cannot be located by the Guam Police
Department after the matter had been forwarded for investigation,
then the Guam Police Department shall inform the Judiciary of
Guam, Probation Division, and the Judiciary of Guam, Probation
Division, shall take the forthcoming steps:

1. Update the registry to reflect the sex offender has absconded
or is otherwise not capable of being located;

2. Notify the U.S. Marshals;

3. If all legal requirements are met to obtain a federal warrant of
arrest, then the U.S. Marshals Service or the Federal Bureau of
Investigations may be contacted in an attempt to obtain a
federal warrant for the sex offender’s arrest;

4. Update the National Sex Offender Registry (NSOR) to reflect
the sex offender’s status as an absconder, or is otherwise not
capable of being located; and

5. Enter the sex offender into the National Crime Information
Center Wanted Persons File.

iv. Failure to Register. In the event a sex offender who is required to
register due to their employment or school attendance status fails to
do so or otherwise violates a registration requirement of this code,
then the Judiciary of Guam, Probation Division, shall take all
appropriate follow-up measures including those outlined in the above
section. The Judiciary of Guam, Probation Division, shall first make
an effort to determine if the sex offender is actually employed or
attending or enrolled in school within its jurisdiction.

§ 89.07. Duties of the Department of Corrections and the Parole Services and
Probation Division, of the Judiciary of Guam; Initial Registration.
If a registrant is placed on parole or placed on probation, or prior to the registrant being
released from incarceration, the Department of Corrections, the Parole Services Division,
or the Judiciary of Guam, Probation Division, shall:
(a) inform the registrant of the duty to register;
(b) ensure that the sex offender completes his/her initial registration pursuant to this
code;
(c) require the registrant to read and sign a form stating that the registrant’s duty to
register under this code has been explained;
(d) forward information described in (c) above to the Judiciary of Guam, Probation
Division, within three (3) calendar days after receipt thereof;
(e) ensure any registration information is promptly made available to the Judiciary of
Guam, Probation Division; and

§ 89.08. Duties of the Guam Police Department.
The Guam Police Department shall:
(a) inform all persons required to register under this code of their duty to register;
(b) require any person required to register under this code who has not yet provided his
or her initial registration information to read and sign a form stating the registrant’s
duty to register under this code has been explained;
(c) forward information described in (b) above to the Judiciary of Guam, Probation
Division, within three (3) calendar days after receipt thereof;

(d) collect a biological sample for DNA profile information from the offender as
required in this code and submit the sample to the Federal Bureau of Investigation
within twenty-four (24) hours of collection and to any local entity that may be
Guam’s central repository for DNA;

(e) collect and keep records of fingerprints and palm prints from the registrant and also
distribute cards containing such prints to the Judiciary of Guam, Probation
Division, to submit such fingerprints and palm prints to the Federal Bureau of
Investigation within twenty-four (24) hours of collection and to any local entity that
may be Guam’s central repository for fingerprints or palm prints.

§ 89.09. Duties of the Judiciary of Guam.

(a) Repository. The Judiciary of Guam shall be the central repository for all
registration information gathered pursuant to this code, in addition to all criminal
history records information.

(b) Sole Source of Submission of Information to the Federal Bureau of
Investigation (FBI) and the National Crime Information Center (NCIC). The
Judiciary of Guam, Probation Division, shall enter all registration information into
the NCIC system and National Sex Offender Registry (NSOR) no later than three
(3) working days after receipt of such information. The Judiciary of Guam,
Probation Division, shall forward the fingerprints and palm prints to the FBI for
inclusion in the appropriate databases.

(c) Notification of Local Law Enforcement Agencies Regarding Changes of Address;
Relocation from Guam. Upon receipt of information that the registrant is
anticipated to relocate from Guam to another jurisdiction, the Judiciary of Guam,
Probation Division, shall immediately notify the jurisdiction to which the registrant is relocating and shall transmit the address of the registrant’s anticipated residence to the FBI no later than three (3) working days of receipt of such information.

(d) Notification of FBI Regarding Changes of Address. Upon receipt of information that the registrant is or has changed residence within Guam, or is anticipated to relocate from Guam to another state, territory or tribe, the Judiciary of Guam, Probation Division, shall transmit the new address to the FBI no later than three (3) working days after receipt of such information.

(e) Release of Information. The Judiciary of Guam, Probation Division, shall ensure that all of the registrant’s information that is required to be released under this code is properly and timely released.

(f) Fees. The Judiciary of Guam, Probation Division, is authorized to collect reasonable registration fees from registrants. Such fees shall be used for the maintenance and support of the sex offender registration and notification program. One hundred percent (100%) of the fee paid by the registrant shall be given to the Judiciary of Guam, Probation Division.

§ 89.10 Duties of the Judiciary of Guam in managing the Sex Offender Registry

The Judiciary of Guam shall:

(a) supervise, upkeep, and maintain the Crimes Against Minors and Sex Offender Registry;

(b) inform the registrant of his/her registration duties under this code;

(c) ensure that any person required to register under this code has read and signed a form stating that the registrant’s duty to register under this code has been explained;
(d) receive and obtain initial registration and registration verification information from all persons required to register under this code, and enter such information into the Sex Offender Registry database;

(e) supervise the release of verified information, as required in this code;

(f) perform all other duties necessary to ensure the proper maintenance of the Sex Offender Registry and to ensure that all registrants comply with their registration duties as set out in this code; and

(g) publish, every year, a notification in any publication of general circulation informing all persons required to register pursuant to this code of their duty of register. Such notification shall include, but is not limited to, the following:

a. the provision requiring the duty to register;

b. the provision stating the information that is required to be registered;

c. the physical address of location in which persons required to register must report to;

d. the provisions stating the penalties for failure to register; and

e. the contact information and name of the person from whom persons required to register can receive further information regarding registration requirements.

(h) Local Appropriations to Fund Sex Offender Registry. I Liheslaturan Guahan shall hereby appropriate a reasonable amount from the General Fund as part of the budget of the respective agency who is assigned to implement, maintain, and operate the Sex Offender Registry. Such budget shall be used by the respective agency for the implementation, maintenance, and support of the Sex Offender Registration and Notification Program.
§ 89.11 Notification

(a) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Judiciary of Guam, Probation Division, shall maintain and operate pursuant to the provisions of this code, as amended.

(b) Functionality. The Judiciary of Guam, Probation Division, shall, within the Public Sex Offender Registry Website, provide for:

a. a searchable database of all Sex Offenders that shall have the capability of conducting searches by (a) name, (b) county, city and/or town, and (c) zip code and/or geographic radius;

b. a mechanism to allow visitors to subscribe, through an electronic mail (e-mail) address, to notification of any updates or changes made to the Sex Offender Registry;

c. links, to the extent practicable, to sex offender safety and education resources;

d. instructions on how to seek correction of information that an individual contends is erroneous; and

e. a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address, and such warning shall note that any such action could result in civil or criminal penalties.

(c) Dru Sjodin National Sex Offender Public Website. The Judiciary of Guam, Probation Division, shall include in the design of its website all field search capabilities needed for full participation in the Dru Sjodin National Sex
Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

(d) *Information on the Public Sex Offender Registry Website.* The following information shall be made available to the public on the sex offender registry website:

a. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded;

b. All sex offenses for which the sex offender has been convicted, which should include the text of the registration offense;

c. The sex offense(s), including the text of the registration offense, for which the sex offender is currently registered;

d. The address of the sex offender’s employer;

e. The name of the sex offender including all aliases, nicknames, pseudonyms, and tribal or ethnic names;

f. A current photograph of the sex offender;

g. A physical description of the sex offender;

h. The residential address, and if relevant, a description of a habitual residence of the sex offender;

i. All addresses of schools in which the sex offender attends or is enrolled in; and

j. The sex offender’s vehicle license plate number along with a description of the vehicle;

(e) *Prohibited Information.* The following information shall not be available to the public on the sex offender registry website:
a. Any arrest that did not result in conviction;

b. The sex offender’s social security number;

c. Any travel and immigration documents;

d. The identity of the victim; and

e. Any Internet Identifiers.

(f) **Victims.** The identity of the victim or any information that may identify the victim is strictly prohibited under this code.

(g) **Re-incarceration.** In the event that a registrant is re-incarcerated for any reason, the information that the registrant is re-incarcerated, and the reason(s) for such re-incarceration, shall be released to the community.

(h) **Method of Release of Information.** The Judiciary of Guam, Probation Division, shall maintain the Public Sex Offender Registry Website and it shall be updated immediately after a registrant registers, or updates registered information. The community shall have access to the Sex Offender Registry Web Page. The Judiciary of Guam, Probation Division, shall transmit a notice of any updates to registration information concerning any sex offender to the Guam Public School System, the Guam Community College, the University of Guam, the Department of Administration, the Department of Labor & Agency for Human Resource Development, the Department of Public Health & Social Services, the Department of Youth Affairs, Child Protective Services Agency, the Office of the Attorney General, all public and private schools, day care centers, victim shelters and victim advocates, within three (3) calendar days with the information in which such registration information can be found. The Judiciary of Guam, Probation Division, may transmit such information and fulfill the requirement of this section by use of an email notification system.
described in §89.10(j), below. The Judiciary of Guam, Probation Division, may transmit any information concerning all sex offenders directly to the media for dissemination.

(i) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with Guam, the Judiciary of Guam, Probation Division, shall:

a. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on the National Sex Offender Registry (NSOR) or other relevant database;

b. Immediately notify any agency, department, or program with Guam responsible for criminal investigation, prosecution of child welfare, or sex offender supervision functions, which will include the Guam Police Department, Child Protective Services, Office of the Attorney General, and the Judiciary of Guam, Probation Division;

c. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender’s residency, school enrollment or employment;

(j) Community Notification. The Judiciary of Guam, Probation Division, shall ensure there is an automated community notification process in place that ensures the following:

a. Upon a sex offender’s registration or update of information with Guam, Guam’s public sex offender registry website is immediately updated within (3) working days;

b. Guam’s public sex offender’s registry has a function that enables the general public to request email notices that will notify the person
requesting such information when a sex offender commences residence,
employment or school enrollment on Guam, within a specified zip code,
or within a certain geographic radius. This email notice shall include the
sex offender’s identity so that the public can access the public registry
for the new information.

(k) Verification of Names on Sex Offender Registry. Entities within the government
of Guam may request the Judiciary of Guam, Probation Division, to verify the
identities of individuals registered on the Sex Offender Registry for the
purposes of employment.

(l) Notice of Change. The Judiciary of Guam, Probation Division, shall, upon
passage of this code, provide for education to the community through a notice
to the public of changes made by this code requiring all convicted sex offenders
to register with the Sex Offender Registry. Such education may include,
sending of information to local schools, notice in a publication of general
circulation, notices to various local media entities, and actively promoting
safety through and awareness of the Guam Sex Offender Registry.

§ 89.11 Immunity for Good Faith Conduct. Law enforcement agencies, their
employees and government of Guam officials shall be immune from any civil or criminal
liability for good faith conduct under this code, unless it is shown that the agency,
employee, government official or board member acted with gross negligence or in bad
faith.