

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
172-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND § 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.	6/26/19 10:21 a.m.	7/12/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/24/19 9:00 a.m.	11/13/19 10:49 a.m.	Request: 7/18/19 Waiver: 7/26/19	



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

11 2 NOV 2019

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: **The Honorable Régine Biscoe Lee**
Chairperson, Committee on Rules

PR.

RE: Committee Report on Bill No. 172-35 (COR) As Amended by the Committee

Håfa Adai Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 172-35 (COR) As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice – As Introduced by Senator Therese M. Terlaje**- "AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE."

Committee votes are as follows:

- 5 TO DO PASS
- 0 TO NOT PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

RECEIVED
 NOV 12 2019
 2:18 P.M.
 COMMITTEE ON RULES

[Handwritten signature]

Revisions Recd: 11/13/19 @ 10:09 AM

2019 NOV 13 AM 10:49
[Handwritten signature]

Sincerely,

[Handwritten signature]
Therese M. Terlaje



Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE REPORT

Bill No. 172-35 (COR)

**As Amended by the Committee on
Health, Tourism, Historic
Preservation, Land and Justice**

**Introduced by Senator Therese M.
Terlaje**

**“AN ACT TO AMEND § 80.14 OF ARTICLE 1,
AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL
OF CHAPTER 80, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO ENSURING
PRE-SENTENCE REPORTS AND
ASSESSMENTS ARE UTILIZED BY THE
GUAM PAROLE BOARD PRIOR TO THE
RELEASE OF ANY OFFENDER ON PAROLE.”**

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com

www.senatorterlaje.com



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåban

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

12 NOV 2019

MEMORANDUM

To: All Members
Committee on Health, Tourism, Historic Preservation, Land and Justice

From: Senator Therese M. Terlaje *TMT*
Committee Chairperson

Subject: Committee Report on Bill No. 172-35 (COR), As Amended by the Committee

Transmitted herewith for your consideration is the Committee Report Bill No. 172-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- Therese M. Terlaje- "AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE."

This report includes the following:

- Copy of COR Referral of Bill No. 172-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 172-35 (COR)
- Copy of Bill No. 172-35 (COR), As amended by the Committee
- Amended Mark-Up Version
- Copy of Fiscal Note Waiver from Bureau of Budget and Management Research
- Committee Vote Sheet
- Related News Reports



Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

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Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com

www.senatorterlaje.com

Senator Régine Biscoe Lee
Chairperson

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

July 12, 2019

Senator Clynton E. Ridgell
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and
Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 172-35 (COR)**

Buenas yan Häfa adai.

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 172-35 (COR)**.


Please ensure that the subject bill is referred to the Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules

I Mina'trentai Singko Na Lihelaturan Guåhan
BILL STATUS

172-35 (COR)	Therese M. Terfaje	AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.	6/26/19 10:21 a.m.	7/12/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice				
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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

FIRST NOTICE of Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Jul 17, 2019 at 11:32 AM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org

Bcc: lifestyleeditor@glimpsesofofguam.com, carlsonc@pstripes.osd.mil, dcrisost@guam.gannett.com, dmgeorge@guampdn.com, The Post Editor in Chief <editor@postguam.com>, editor@saipantribune.com, michael ko <gktv23@hotmail.com>, guam@pstripes.osd.mil, Jason Salas <jason@kuam.com>, John Oconor <john@postguam.com>, Jon Anderson <jontalk@gmail.com>, KISH <kstokish@gmail.com>, life@guampdn.com, mabuhaynews@yahoo.com, Guam PDN <news@guampdn.com>, Sorensen Pacific Broadcasting <news@spbguam.com>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@k57.com, KPRG Guam <pdkprg@gmail.com>, Phill Leon Guerrero <phill@spbguam.com>, publisher@glimpsesofofguam.com, rlimtiaco@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Manny Cruz <cruzma812@gmail.com>, Jerick Sablan <jpsablan@guampdn.com>, K57 <news@k57.com>, KPRG <admin.kprg@gmail.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Pacific Island Times <pacificislandtimes@gmail.com>, cherrie@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, bryan@mvariety.com, businesseditor@glimpsesofofguam.com, Patti Rodriguez <parroyo@spbguam.com>, heugenio@guampdn.com, raygibsonshow@gmail.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, pattiontheradio@yahoo.com, Kelly Park <kcn.kelly@gmail.com>, akaur@gannett.com, Desk Editor <deskeditor@postguam.com>, Shawn Gumataotao <sgumataotao@guamcourts.org>, John Lizama <jqlizama@guamcourts.org>

July 17, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Wednesday, July 24, 2019 beginning at 9:00 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña) to hear and accept testimony on the following agenda items:

Please note that first public notice was published on Tuesday, July 16, 2019 in the Guam Daily Post. Please see attached Ad.

9:00 AM: Bill 157- 35 (COR)- A.L. Shelton: AN ACT TO ADD A NEW § 89.16 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE

CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER.

9:30 AM: Bill 162-35 (COR)- M.C. Torres: RELATIVE TO TERMINATING THE PARENT-CHILD RELATIONSHIP OF A PARENT WHO IS FOUND BY CLEAR AND CONVINCING EVIDENCE TO HAVE COMMITTED AGAINST THE OTHER PARENT AN ACT OF SEXUAL ASSAULT, AS DEFINED IN 9 GCA §25.10(a)(9), RESULTING IN THE CONCEPTION OF THE CHILD.

10:0 AM: Bill No. 171-35 (COR)- T. M. Terlaje: AN ACT TO AMEND § 4401(c) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.

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11:00 AM: Bill No. 175-35 (LS)- J.C. Moylan: RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

*The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via **I Liheslaturan Guåhan's live feed**. A recording of the hearing will be available online via **Guam Legislature Media** on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.*

We look forward to your attendance and participation. Si Yu'os Ma'åse!

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

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2 attachments



7.24.19 Public Hearing Notice 1_TMT.pdf

122K



First Notice of Public Hearing_ 7.24.19_TMT.pdf

255K



Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan


35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

July 17, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje 
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.**

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Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

11:00 AM: Bill No. 175-35 (LS)- J.C. Moylan: RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [Lihselaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation. Si Yu'os Ma'åse!

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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www.senatorterlaje.com

Car bomb, hotel siege kill 26 in Somalia's Kismayo

By **Abdiqani Hassan** and **Abdi Shelkh**
Reuters

MOGADISHU/GAROWE — Somalia is possible to perform conversion therapy on gay men and lesbians to change their sexual orientation.

Minister Rabbi Rafi Peretz, head of the far-right, ultranationalist Jewish Home Party, also told Channel 12 News that he had personally carried out such treatments in the past, counseling young religious students who spoke to

candidate for August's Jubbaland regional elections, Jubbaland state president Ahmed Mohamed Madobe said. "At least two journalists and a U.N. agency staff member were also needed to think about this, learn about this, observe this. The objective is for him first of all to know himself, and then I can give him the data."

Peretz became minister for education three weeks ago as part of a coalition deal with Prime Minister Benjamin Netanyahu, who has engaged in complex political maneuvering to

three Kenyans, one Briton, two Americans and three Tanzanians were among those killed.

"Four militants attacked the hotel. One of them was the suicide car

Ecuador tribe wins legal battle over the Amazon

BOGOTA (Thomson Reuters Foundation) — A court in Ecuador has upheld a ruling that prevents the government from selling land in the Amazon rainforest to oil companies, a move activists called a historic win for the Waorani indigenous tribe living there.

Committee On Health, Tourism, Hispanic Preservation, Land and Justice

SENATOR THOMAS M. TERLJE
1 Pasa'traita Sigele pa Libestrasan Guaman
35th Guam Legislature

PUBLIC HEARING • 9:00 AM • Thursday, July 24, 2019
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

9:00 AM: Bill 157-35 (COR) A.L. Shelkh: AN ACT TO ADD A NEW § 89.16 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER.

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11:00 AM: Bill No. 175-35 (S) J.C. Madobe: RELATIVE TO LIMITATIONS TO LOTTERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

If you require any special accommodations or for further information, please contact the Office of Senator Thomas M. Terlje at 472-3698. Testimonies may be submitted to our office at Adu Plaza Center, Suite 207, 173 Agaña Avenue, Hagåtña, Guam 96910, by the Guam Congress Building, or via email at senator@terlje.com. The hearing will broadcast on local television, GMA Channel 21, Docomo Channel 117/80.4 and stream online via 11NewsGuam. Guåhan is the best at www.comunicacion.com/guam. This ad is paid for with government funds.

iLearn Academy Charter School Board of Trustees

Notice of Business Meeting

Date: July 18, 2019
Time: 10:00 a.m.

Location: iLearn Academy Charter School Campus, Ukudu Village Rt. 3 Dededo, GU.
For special accommodations and further information, contact iLACS @ 969-3789/9.



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: AMENDED SECOND NOTICE of Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sun, Jul 21, 2019 at 1:48 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>
Cc: phnotice@guamlegislature.org

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MY APOLOGIES,

PLEASE NOTE THAT BILL 175-35 IS STILL ON THE PUBLIC HEARING AGENDA FOR 7/24/19 AND IS INCLUDED IN THE ATTACHED MEMO BUT DID NOT PASTE INTO AMENDED SECOND NOTICE. ITS TIME HAS ALSO BEEN ADJUSTED TO 10:30 AM.

10:30-11:00 AM: Bill No. 175-35 (LS)- J.C. Moylan: RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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On Sun, Jul 21, 2019 at 8:56 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

July 21, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **AMENDED SECOND NOTICE of Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.**

Håfa Adai,

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on **Wednesday, July 24, 2019 beginning at 9:00 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña) to hear and accept testimony on the following agenda items:

First notice initially published on Tuesday, July 16, 2019 in the Guam Daily Post. Please see attached Ad for reference.

9:00 AM: Bill 157- 35 (COR)- A.L. Shelton: AN ACT TO ADD A NEW § 89.16 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER.

REMOVED 9:30 AM: Bill 162-35 (COR)- M.C. Torres: ~~RELATIVE TO TERMINATING THE PARENT-CHILD RELATIONSHIP OF A PARENT WHO IS FOUND BY CLEAR AND CONVINCING EVIDENCE TO HAVE COMMITTED AGAINST THE OTHER PARENT AN ACT OF SEXUAL ASSAULT, AS DEFINED IN 9 GCA §25.10(a)(9), RESULTING IN THE CONCEPTION OF THE CHILD.~~

9:30-10:00 AM: Bill No. 171-35 (COR)- T. M. Terlaje: AN ACT TO AMEND § 4401(c) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.

10:00-10:30 AM: Bill No. 172-35 (COR)- T.M. Terlaje: AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF

CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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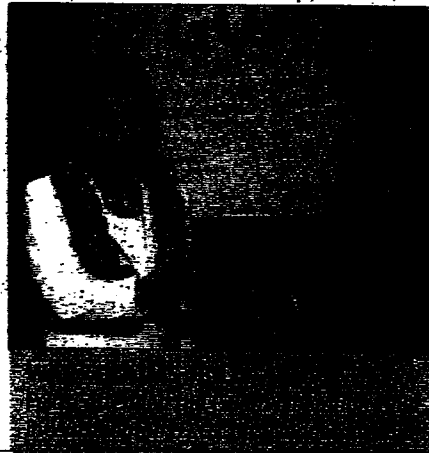
GUAM DAILY POST • FRIDAY, JULY 19, 2019

San Nicolas: War claims bill likely to pass House

The bill that fixes a technical error in Guam's World War II Loyalty Recognition Act will likely pass the U.S. House of Representatives with bipartisan support next week.

Speaker Nancy Pelosi (D-Calif.) made the announcement during the Guam Liberation Gala at the U.S. Botanic Garden on Wednesday (Thursday, Guam time), according to Guam Del. Michael San Nicolas.

San Nicolas introduced H.R. 1365 to correct flaws in the World War II Loyalty Recognition Act, which was



for the passage of H.R. 1365 with several members of Congress including Pelosi, Rep. Maxine Waters (D-Calif.) and Rep. Alexandria Ocasio-Cortez (D-N.Y.), according to a press release from her office. She also discussed with them and other representatives the Guam Legislature's resolution supporting H.R. 1365.

"These collective efforts coupled with a united front from all of Guam's leaders is truly the best hope for our people. I would like to thank Congressman San Nicolas, his predecessors and

While there, Shelton also met with Assistant Secretary of the Interior Doug Domenech, according to her office.

The Foreign Claims Settlement Commission has awarded more than \$6.2 million in claims to over 600 survivors of the Japanese occupation during World War II. No checks have been issued because Bordallo's bill lacked the provision necessary to authorize the U.S. Treasury Department to make the payments in the bill she originally introduced.

they would call me when they had room," Glick said. "After Pearl Harbor happened, hundreds of thousands of people rushed to recruiting stations to volunteer. They just couldn't handle the crowds. So all they did was take your name and phone number and said when they had room to take you into the Navy, they would call you."

Glick would earn the rank of musician second class aboard the USS North Carolina. He served in the 5th Fleet, which included six aircraft carriers and 10 battleships. His unit provided air cover over Guam during retaking operations.

He later co-authored the book, "From Bugle Boy to Battleship: A Battle of Saipan and Guam Veteran's Memoirs," which was published in 2014.

Marine Division headquarters for the first time in February and March 1945.

Bell

A fourth liberator and retired Marine, 93-year-old Gene Bell, fought in battles on Guam and on Iwo Jima. He was planning to come to Guam this year, but his health conditions prevented him from traveling. Bell has returned to the island 18 times and has served as a grand marshal of the parade.

GVB President Laguaña said Bell, who now resides in Montana, was "heartbroken" to miss this year's events and said he extends his "greatest respect and love for the people of Guam."

*Lannie Walker
contributed to this report.*

PUBLIC HEARING • 9:00 AM • Thursday, July 24, 2019

Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

9:00 AM: Bill No. 157-35 (COR.-A.L. Shelton): AN ACT TO ADD A NEW § 80.18 TO CHAPTER 69 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER.

9:30 AM: Bill No. 168-35 (COR.-M.C. Torres): RELATIVE TO TERMINATING THE PARENT-CHILD RELATIONSHIP OF A PARENT WHO IS FOUND BY CLEAR AND CONVINCING EVIDENCE TO HAVE COMMITTED AGAINST THE OTHER PARENT AN ACT OF SEXUAL ASSAULT, AS DEFINED IN 9 GCA § 25.10(a)(9), RESULTING IN THE CONCEPTION OF THE CHILD.

10:00 AM: Bill No. 171-35 (COR.-T.M. Torres): AN ACT TO AMEND § 440(a) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.

10:30 AM: Bill No. 172-35 (COR.-T.M. Torres): AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

11:00 AM: Bill No. 175-35 (COR.-J.C. Morán): RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

If you require any special accommodations or for further information, please contact the Office of Senator Theresa M. Tellez at 472-3030. Testimonies may be submitted in our office at Ada Plaza Center, Suite 207, 173 Asipol Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatortellez@postguam.com. The hearing will broadcast on local television, GVA Channel 24, Docomo Channel 117884 and stream online at <http://www.guamradio.com>. This ad is paid for with government funds.



Senator

THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

Wednesday, July 24, 2019

AGENDA

9:00 AM

9:00 AM: Bill 157- 35 (COR)- A.L. Shelton: AN ACT TO ADD A NEW § 89.16 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER.

9:30 AM: Bill No. 171-35 (COR)- T. M. Terlaje: AN ACT TO AMEND § 4401(c) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.

10:00 AM: Bill No. 172-35 (COR)- T.M. Terlaje: AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

10:30 AM: Bill No. 175-35 (LS)- J.C. Moylan: RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via [Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Senator Therese M. Terlaje at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam; to the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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**I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje
Public Hearing**

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: **Wednesday, July 24, 2019**

Time: **10:00 AM**

Bill No. 172-35 (COR)- T.M. Terlaje: AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Mark T. Perez	P.O. Box 3236 Agaña GU 96932	734-2459	mark.perez@doc.guam.gm	✓	✓	✓	
2	Michelle H. Taitano	POB 3044 Hag GU 96932	482-3221	on file		✓	✓	
3	TOM VAN ENGEN	PO Box 5776 Vd G Sta MANGILAO	747-7458	" "		✓	✓	
4								
5								
6								
7								
8								
9								
10								

BILL No. 172-35 (COR)



I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje
Public Hearing

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: **Wednesday, July 24, 2019**

Time: **10:00 AM**

Bill No. 172-35 (COR)- T.M. Terlaje: AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	ron McVinch	UOG	488 8889	govsam@gmail.com	X	X	X	
2								
3								
4								
5								
6								
7								
8								
9								
10								



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: Invitation to Public Hearing – Wednesday, July 24, 2019 beginning at 9:00 a.m.

1 message

Mark Perez <mark.perez@doc.guam.gov>

Tue, Jul 23, 2019 at 3:34 PM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Greetings, please see the comments for the public bills as requested.

Bill 157-35 (COR) Ref: Sex Offender Registration while case is on appeal.

-Support this bill and request the bill be given added teeth to require registration to be mandatory upon official date of conviction, as recorded by the court. Ref: 9GCA 89.03(d)(2) Initial Registration.

Bill 162-35 (COR) Ref: Terminating Parent Child Relationship – No comment

Bill 171-35 (COR) Ref: Magistrate Judges – No comment

Bill 172-35 (COR) Ref: Parole Reports and Records made Available (PSI)

-Support the bill as it stands, however clarification is needed as to the manner a correctional institution and/or parole board is having access to or being furnished a copy of a pre-sentence investigation report. Are the entities being given a copy each or is the court going to simply allow the PSI to be viewed (based on client and victim confidentiality).

Bill 175-35 (COR) Ref: Sex Offender Loitering

-Support the intent of the bill to limit the loitering of registered sex offenders. It would be good to add and/or clarify the following:

- School bus stops (as defined) are strictly off-limits to registered sex offenders in regards to loitering;
- Parks, beaches (include), playgrounds, and athletic field/facility are strictly off-limit to registered sex offenders in regards to loitering if there is an **active** youth activity ongoing in the area (such as a youth baseball game, youth basketball practice, or youth activity).

Thank you for the opportunity to submit comments.

Mark Perez
Social Worker

On Thu, Jul 18, 2019 at 9:17 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

July 18, 2019

Transmitted via Electronic Mail

mark.perez@doc.guam.gov

Mark Perez

3 Mashburn Lane Dairy Road
Mangilao, Guam 96913

Håfa Adai Mr. Perez,

The Committee on Health, Tourism, Historic Preservation, Land and Justice is convening a public hearing on Wednesday, July 24, 2019 beginning at 9:00 a.m. in *I Liheslaturan Guåhan*'s Public Hearing Room (Guam Congress Building, Hagåtña) to hear and accept testimony on the following bills:

Bill 157- 35 (COR)- A.L. Shelton: An act to add a new § 89.16 to Chapter 89 of Title 9, Guam Code Annotated, relative to requiring convicted sexual offenders, whose cases are under appeal, to retain their absolute duty to

register at the Judiciary of Guam, Probation Division, as a sex offender.

Bill 162-35 (COR)- M.C. Torres: Relative to terminating the parent-child relationship of a parent who is found by clear and convincing evidence to have committed against the other parent an act of sexual assault, as defined in 9 GCA §25.10(a)(9), resulting in the conception of the child.

Bill No. 171-35 (COR)- T. M. Terlaje: An act to amend § 4401(c) of Chapter 4, Article 4, Title 7, Guam Code Annotated, relative to limiting magistrates from handling cases involving felony charges, criminal sexual conduct charges, or repeat offenders.

Bill No. 172-35 (COR)- T.M. Terlaje: An act to amend § 80.14 of Article 1 of Chapter 80, Title 9, Guam Code Annotated and § 80.76 and § 80.78, both of Article 5 of Chapter 80, Title 9, Guam Code Annotated, relative to ensuring pre-sentence reports and assessments are utilized by the Guam Parole Board prior to the release of any offender on parole.

Bill No. 175-35 (LS)- J.C. Moylan: Relative to limitations to loitering in certain areas for registered sex offenders.

I am respectfully requesting information that would contribute to the discussion of these bills from Department of Corrections in advance of the public hearing.

Your attendance and contribution to improvements are critical and would be greatly appreciated. If you are unable to attend the public hearing, written testimony can be submitted to my office either electronically at senatorterlajeguam@gmail.com or mailed to Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910.

Si Yu'os Ma'åse',

Therese M. Terlaje

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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website: www.senatorterlaje.com

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Comments on proposed legislation

1 message

Karen Carpenter <[REDACTED]@hotmail.com>

Tue, Jul 23, 2019 at 4:47 PM

To: "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>

Thank you for soliciting VARO's comments on the proposed bills. We just have a couple of comments. Bill no 172-35 - we feel that there may need to be additional resources available to hire another individual to assist with the assessments, since these requirements may generate more requests for assessments. I think that the person doing the assessments now is already busy with his current work load and might not be able to handle additional requests for assessments in a timely manner.

Bill 157-35 - There would need to be a mechanism so that the name could be quickly taken off the sex offender registry if the case were overturned on appeal.

Again, thank you for soliciting our comments. Karen Carpenter

9 GCA CRIMES & CORRECTIONS
Ch. 89 CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY

CHAPTER 89
CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY

SOURCE: This entire Chapter was added by P.L. 25-075:2 (Nov. 9, 1999), entitled Crimes Against Minors and Sex Offender Registry. The Chapter name was amended to Crimes Against Minors, Sex Offender Registry and Electronic Monitoring of Sex Offenders by P.L. 29-007:1 (Sept. 7, 2007). P.L. 29-030 (Oct. 25, 2007) reverted the Chapter name to the original title.

- § 89.01. Definitions.
- § 89.02. Classification of Offenders.
- § 89.03. Registration; Duty to Register.
- § 89.04. Duration of Registration.
- § 89.05. Penalties.
- § 89.06. Failure to Appear for Registration, Absconding and Failure to Register.
- § 89.07. Duties of the Department of Corrections and the Parole Services and Probation Division of the Judiciary of Guam; Initial Registration.
- § 89.08. Duties of the Guam Police Department.
- § 89.09. Duties of the Judiciary of Guam.
- § 89.10. Duties of the Judiciary of Guam in Managing the Sex Offender Registry.
- § 89.11. Notification.
- § 89.12. Immunity for Good Faith Conduct.
- § 89.13. Electronic Monitoring of Sex Offenders.
- § 89.14. Limitations on the Use of Electronic Mail (e-mail) by Registered Sex Offenders.
- § 89.15. Limitations on Employment of Convicted Sex Offenders.

§ 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

9 GCA CRIMES & CORRECTIONS
Ch. 89 CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY

Chapter 22 of Title 9 of the Guam Code Annotated, Kidnapping, and Related Offenses, when the victim is a minor;

(2) promoting prostitution, abetting prostitution, compelling prostitution, as defined and punished in Article 1 of Chapter 28 of Title 9 of the Guam Code Annotated, 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 Guam Code Annotated, 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 Guam Code Annotated, 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 Guam Code Annotated.

(c) Criminal sexual conduct refers to violations defined and punished under Chapter 25 of Title 9 of the Guam Code Annotated, 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 Chapter 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:

(i) force or coercion is used to accomplish the sexual penetration or sexual contact; or

(ii) the actor knows or has reason to know that the

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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:

(i) force or coercion is used to accomplish the sexual penetration or sexual contact; or

(ii) 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 Title 9 GCA § 22.35;

(B) any convictions under local laws relating to Title 9 GCA § 22.20, wherein the victim of such crime is a minor;

(C) any convictions under local laws relating to Title 9 GCA § 22.30;

(D) any convictions under local laws relating to Title 9 GCA § 22.40, wherein the victim of such crime is a minor;

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

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(F) any convictions under local laws relating to Title 9 GCA § 25.15;

(G) any convictions under local laws relating to Title 9 GCA § 25.20;

(H) any convictions under local laws relating to Title 9 GCA § 25.25;

(I) any convictions under local laws relating to Title 9 GCA § 25.30;

(J) any convictions under local laws relating to Title 9 GCA § 25.35;

(K) any convictions under local laws relating to Title 9 GCA § 28.20, wherein the victim of such crime is a minor

(L) any convictions under local laws relating to Title 9 GCA § 28.25, wherein the victim of such crime is a minor

(M) any convictions under local laws relating to Title 9 GCA § 28.30; wherein the victim of such crime is a minor

(N) any convictions under local laws relating to Title 9 GCA § 28.49;

(O) any convictions under local laws relating to Title 9 GCA § 28.50;

(P) any convictions under local laws relating to Title 9 GCA § 28.51;

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

(R) any convictions under local laws relating to Title 9 GCA § 28.65;

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

(T) any convictions under local laws relating to Title 9 GCA § 31.15;

(U) any convictions under local laws relating to Title 9 GCA § 70.35;

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(V) any convictions under local laws relating to Title 9 GCA § 89.01(b)(1); or

(W) any convictions under local laws relating to Title 9 GCA § 89.01(b)(3); and any other offenses under Guam law relating to a criminal offense wherein there is an element involving:

(i) a sexual act or sexual contact with another, regardless of the age of the victim;

(ii) non-parental kidnapping of a minor; non-parental false imprisonment of a minor;

(iii) solicitation to engage a minor in sexual conduct;

(iv) use of a minor in a sexual performance;

(v) solicitation of a minor to practice prostitution;

(vi) video voyeurism of a minor;

(vii) possession, production, or distribution of child pornography;

(viii) criminal sexual conduct involving a minor; or

(ix) 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 Chapter. 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;

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(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

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- (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 Chapter.

(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 Chapter, or any other similar laws of any foreign country. A foreign conviction is not a sex offense for the purposes of this Chapter, 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 purposes of this Chapter 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 thirteen (13) years old,

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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 Guam Code Annotated.

(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 Chapter 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 Chapter 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 Title 19, Guam Code Annotated, § 5106; or

(B) is adjudicated delinquent as a juvenile for a sex offense, but only if the juvenile is *at least* fourteen (14) years of age 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 Title 9 GCA § 25.15, Subsections (a) (4) (i) or (ii), (a)(5), (a)(6), and (a)(7); and

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Title 9 GCA § 25.20 (a)(4) (i) or (ii), (a)(5), (a)(6), and (a)(7).

(C) Any juvenile sex offender who meets the definitions under § 89.01(g)(2) of this Act *shall* be required to follow all registration requirements under this Act, and all other Sex Offender Registration and Notification Act (SORNA) registration requirements *shall* apply, including public website disclosure in the Sex Offender Registry.

(f) Exemption Permitted. The only exception made for this Section is that juvenile sex offenders who are adjudicated in the Family Court, and who meet the definition under § 89.01(g)(2)(B), *shall* be exempted from the public website disclosure, and *shall* be placed on a private, non-public database, wherein such registration information will only be made available to the National Sex Offender Registry (NSOR) to be placed in the national (non-public) databases of sex offender information, to law enforcement and supervision agencies, and to registration authorities in other jurisdictions.

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

(h) Intimate Parts. For the purposes of this Chapter, 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 Chapter 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.

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(k) The term student when used in this Chapter, and when referring to any sex offender who is required to register under this Act, means an individual 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 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 a recognized law enforcement Campus Police in Guam's institutions of higher education, the Guam Police Department is the recognized law enforcement agency with jurisdiction over Guam's institutions 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 Chapter, and is used interchangeably throughout this Chapter 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 thirty (30) days.

(s) For the purposes of this Chapter, 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 Commonwealth of the Northern Mariana Islands;
- (7) the United States Virgin Islands; and
- (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 Chapter 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 Chapter during the period of "house arrest".

(w) Electronic Monitoring Device (EMD). The term Electronic Monitoring Device (EMD) is a device that monitors the location of the

person wearing it through radio frequency, a Global Positioning Satellite (GPS) network or other means of wireless networking, communication or data transmission. Said devices may be active or passive. An active Electronic Monitoring Device transmits location data on a real-time current basis to a central monitoring station. A passive Electronic Monitoring Device collects location data for a specified period of time for subsequent upload to a centralized monitoring system.

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

(y) Instant messaging or chat room means a program that requires a person to register or create an account, a user name, or a password to become a member or registered user of the program and allows members or authorized users to communicate over the internet in real time using typed text or voice, including programs associated with online games, and other online communities. The term does not include an electronic mail (e-mail).

(z) Social networking website/application means an internet website/application that has a primary purpose of facilitating social interaction between two (2) or more persons for the purposes of friendship, meeting other persons, dating, gaming, or information exchanges, and allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messaging.

(aa) DNA. DNA means deoxyribonucleic acid.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010). Subsection (n) added by P.L. 29-007:2 (Sept. 7, 2007), and relettered subsection (w) by Compiler because (n) was already occupied. Subsections (y) and (z) added by P.L. 31-047:1 (May 23, 2011). Subsection (aa) added by P.L. 31-171:2 (Feb. 3, 2012). Subsection (d)(2)(A) amended by P.L. 32-141:1 (Apr. 28, 2014). Subsection (g)(2)(B) amended by P.L. 32-141:2 (Apr. 28, 2014). Subsection (g)(2)(C) added by P.L. 32-141:3 (Apr. 28, 2014).

§ 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

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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: Any conviction under the following statutes and all of their subsections:
 - (A) Title 9 GCA § 22.30;
 - (B) Title 9 GCA § 22.20, wherein the victim of such crime is a minor;
 - (C) Title 9 GCA § 22.40, wherein the victim of such crime is a minor;
 - (D) Title 9 GCA § 22.50, wherein the victim of such crime is a minor, wherein the commission of (or the attempt or conspiracy to commit) involves a sexual offense;
 - (E) Title 9 GCA § 25.15;
 - (F) Title 9 GCA § 25.20;
 - (G) Title 9 GCA § 25.25;
 - (H) Title 9 GCA § 28.49;
 - (I) Title 9 GCA § 28.51;
 - (J) Title 9 GCA § 31.15; or
 - (K) Title 9 GCA § 70.35.
- (3) Federal Offenses. Any conviction under the following statutes and all of their subsections:
 - (A) 18 U.S.C. § 2241;
 - (B) 18 U.S.C. § 2242;
 - (C) 18 U.S.C. § 2243; or
 - (D) 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).

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(5) Other Offenses. Any offense in any jurisdiction or foreign country which involves:

- (A) non-parental kidnapping of a minor;
- (B) a sexual act with another by force or threats;
- (C) 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
- (D) sexual contact with a minor fourteen (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
- (E) 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 (1) year in prison where the offender has at least one (1) 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

- (A) Generally. Any conviction for:
 - (i) criminal sexual conduct involving two (2) or more victims;
 - (ii) two (2) or more separate criminal sexual conduct offenses;
 - (iii) a criminal offense against a victim who is a minor, involving two (2) or more minors;
 - (iv) two (2) or more separate criminal offenses against a victim who is a minor; or

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(v) one (1) or more separate criminal sexual conduct offense and one (1) or more separate criminal offense against a victim who is a minor.

(B) Specific Offenses: Any conviction under the following statutes and all of their subsections:

(i) Title 9 GCA § 28.20, wherein the victim of such crime is a minor;

(ii) Title 9 GCA § 28.25, wherein the victim of such crime is a minor;

(iii) Title 9 GCA § 28.30, wherein the victim of such crime is a minor;

(iv) Title 9 GCA § 28.52, wherein the victim of such crime is a minor; or

(v) Title 9 GCA § 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:

(A) 18 U.S.C. § 1591;

(B) 18 U.S.C. § 2244;

(C) 18 U.S.C. § 2251;

(D) 18U.S.C. § 2251A;

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

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

(G) 18 U.S.C. § 2260;

(H) 18 U.S.C. § 2421;

(I) 18 U.S.C. § 2422(b); or

(J) 18 U.S.C. § 2423(a).

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(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:

(A) the use of minors in prostitution, including solicitation;

(B) enticing a minor to engage in criminal sexual activity;

(C) sexual contact with a minor fourteen (14) years of age or younger, whether directly or indirectly through the clothing, that involves the intimate parts of the body;

(D) the use of a minor in a sexual performance;

(E) the production or distribution of child pornography; or

(F) 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 (1) 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:

(A) Title 9 GCA § 25.30;

(B) Title 9 GCA § 25.35;

(C) Title 9 G.C.A. § 28.50;

(D) Title 9 GCA § 28.65;

(E) Title 9 GCA § 89.01(b)(1);

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- (F) Title 9 GCA § 89.01(b)(3);
 - (G) Title 9 GCA § 22.35;
 - (H) any criminal sexual conduct offense not otherwise listed in § 89.02 (a), (b) or (c); or
 - (I) 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:
- (A) 18 U.S.C. § 1801;
 - (B) 18 U.S.C. § 2252 (receipt or possession of child pornography);
 - (C) 18 U.S.C. § 2252A (receipt or possession of child pornography);
 - (D) 18 U.S.C. § 2252B;
 - (E) 18 U.S.C. § 2252C;
 - (F) 18 U.S.C. § 2422(a);
 - (G) 18 U.S.C. § 2423(b);
 - (H) 18 U.S.C. § 2423(c);
 - (I) 18 U.S.C. § 2424; or
 - (J) 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:
- (A) false imprisonment of a minor;
 - (B) video voyeurism of a minor;
 - (C) possession or receipt of child pornography; or

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- (D) is similar or comparable to those offenses outlined in § 89.02(c)(1).
- (d) Tiering of Juvenile Sex Offenders.
- (1) Any juvenile sex offender who meets the definition provided for in § 89.01(g)(2)(A) of this Act, and is convicted of any sex offense under this Act, shall be required to follow the tiering system provided for under § 89.02(a), (b) and (c) of this Act, respectively and accordingly to the crimes the juvenile offenders are convicted of.

- (2) Any juvenile sex offender who meets the definition of § 89.01(g)(2)(B) shall be tiered as a Level Offender 1, and shall be required to be on the private, non-public database for life.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010). Subsection (a)(2) amended by P.L. 32-141:4 (Apr. 28, 2014). Subsection (a)(3) amended by P.L. 32-141:5 (Apr. 28, 2014). Subsection (b)(2) amended by P.L. 32-141:6 (Apr. 28, 2014). Subsection (c)(1) amended by P.L. 32-141:7 (Apr. 28, 2014). Subsection (d) added by P.L. 32-141:8 (Apr. 28, 2014).

§ 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, pursuant to this Chapter:

(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 Chapter, and shall implement any relevant policies and procedures necessary to effectuate the intent of this code.

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(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 Chapter, 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 Chapter 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 be 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

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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 (7) 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. A 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

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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 immigrations 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 twenty-one (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:

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(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 Chapter, 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. A 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;

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(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 Chapter shall not be applicable to any sex offender whose conviction was reversed upon appeal, or who was pardoned by *I Maga'laken Gudhan*, 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

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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(a) 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;

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(B) no 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) no 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) no 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 Chapter 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 Chapter 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

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convicted on Guam that is required to register under this Chapter, 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

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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;

(B) the Guam Police Department; and

(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) no 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) no 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

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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 Chapter, and comply with any registration requirement of the new jurisdiction.

(i) Persons required to register under this Section shall not access, or create or maintain a personal web page, profile, account, password, or user name for: a social networking website; or an instant messaging or chat room program, that permits persons under the age of eighteen (18) years to become a member or to create or maintain a personal web page, unless such social networking website, or an instant messaging or chat room, limits the ability of adult members to add persons under the age of eighteen (18) years as friends, buddies or associates. All computers or devices capable of accessing the internet that are on the registrant's person, vehicle or home are subject to unannounced searches by law enforcement personnel acting within the scope of their duties while performing a lawful investigation.

SOURCE: Added by P.L. 25-75:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010). Subsection (f) added by P.L. 31-047:2 (May 23, 2011).

§ 89.04. Duration of Registration.

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A registrant shall continue to comply with this Chapter, 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 Chapter for the length of that person's life.

(b) Fifteen (15) Years; Level Three Offenders. A Level Three Offender must comply with this Chapter 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 Chapter, 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 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 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

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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 Chapter is a felony of the third degree.

(g) Any person who violates § 89.03(i) of this Chapter commits a misdemeanor.

(h) Any person who violates § 89.03(i) of this Chapter and intentionally adds person(s) under the age of eighteen (18) years as friends, buddies or associates commits a third degree felony.

(i) Any person who misrepresents his or her age and/or uses a pseudonym to gain membership in a social networking website, or an instant messaging or chat room, accessible to persons who are under eighteen (18) years of age and/or to add as friends, buddies or associates who are under eighteen (18) years of age commits a third degree felony.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010). Subsections (g), (h) and (i) added by P.L. 31-047:3 (May 23, 2011).

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§ 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 Chapter, 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.

(1) 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.

(2) 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.

(3) 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:

(A) update the registry to reflect the sex offender has absconded or is otherwise not capable of being located;

(B) notify the U.S. Marshals;

(C) 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;

(D) update the National Sex Offender Registry (NSOR) to reflect the sex offender's status as an absconder, or is otherwise

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not capable of being located; and

(E) enter the sex offender into the National Crime Information Center Wanted Persons File.

(c) 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 violate a registration requirement of this Chapter, 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 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 Chapter;

(c) require the registrant to read and sign a form stating that the registrant's duty to register under this Chapter 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; and

(e) ensure any registration information is promptly made available to the Judiciary of Guam, Probation Division.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 89.08. Duties of the Guam Police Department.

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The Guam Police Department shall:

(a) inform all persons required to register under this Chapter of their duty to register;

(b) require any person required to register under this Chapter 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 Chapter 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 Chapter, 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 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 Chapter, 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.

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(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 Chapter 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 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 Chapter;

(c) ensure that any person required to register under this Chapter has read and signed a form stating that the registrant's duty to register under this Chapter has been explained;

(d) receive and obtain initial registration and registration verification information from all persons required to register under this

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Chapter, and enter such information into the Sex Offender Registry database;

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

(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 Chapter; and

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

- (1) the provision requiring the duty to register;
- (2) the provision stating the information that is required to be registered;
- (3) the physical address of location in which persons required to register must report to;
- (4) the provisions stating the penalties for failure to register; and
- (5) 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 89.11. Notification.

(a) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Judiciary of Guam,

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Probation Division, shall maintain and operate pursuant to the provisions of this Chapter, as amended.

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

- (1) 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;
- (2) 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;
- (3) links, to the extent practicable, to sex offender safety and education resources;
- (4) instructions on how to seek correction of information that an individual contends is erroneous; and
- (5) 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:

- (1) notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded;
- (2) all sex offenses for which the sex offender has been convicted, which should include the text of the registration offense;
- (3) the sex offense(s), including the text of the registration offense, for which the sex offender is currently registered;

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- (4) the address of the sex offender's employer;
 - (5) the name of the sex offender including all aliases, nicknames, pseudonyms, and tribal or ethnic names;
 - (6) a current photograph of the sex offender;
 - (7) a physical description of the sex offender;
 - (8) the residential address, and if relevant, a description of a habitual residence of the sex offender;
 - (9) all addresses of schools in which the sex offender attends or is enrolled in; and
 - (10) 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:
- (1) any arrest that did not result in conviction;
 - (2) the sex offender's social security number;
 - (3) any travel and immigration documents;
 - (4) the identity of the victim; and
 - (5) any Internet Identifiers.
- (f) **Victims.** The identity of the victim or any information that may identify the victim is strictly prohibited under this Chapter.
- (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 Department of Education, the Guam Community College, the University of Guam, the Department of Administration, the Department of Labor & Agency for Human Resources

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Development, the Department of Public Health & Social Services, the Department of Youth Affairs, the 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(f), 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:

(1) 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;

(2) 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;

(3) 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:

(1) that 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;

(2) that 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

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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 the passage of this Act, provide for education to the community through a notice to the public of changes made by this Chapter 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.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 89.12. 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 Chapter, unless it is shown that the agency, employee, government official or board member acted with gross negligence or in bad faith.

SOURCE: Added by P.L. 25-075:2 (Nov. 9, 1999), amended by P.L. 28-077:2 (Dec. 5, 2005), P.L. 29-030 (Oct. 25, 2007), and P.L. 30-223:2 (Dec. 30, 2010).

§ 89.13. Electronic Monitoring of Sex Offenders.

(a) The Superior Court may order that a sex offender wear an electronic monitoring device, as defined by § 89.01 (w) of this Chapter, for any portion of or all of the duration of his probation, as a condition of his probation. The offender shall pay for the purchase or lease of the electronic monitoring device, provided that the Court may order that the cost or a portion thereof be paid by the Court.

(b) If a sex offender is released on parole from incarceration, the Territorial Parole Board may require, as a condition of his parole, that the offender wear an electronic monitoring device as defined by § 89.01(w) of

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this Chapter, for any portion of or all of the duration of his parole. The offender shall pay for the purchase or lease of the electronic monitoring device, provided that the Parole Board may direct that the cost or a portion thereof be paid by the Parole Office.

(c) The Supreme Court of Guam shall enact rules and regulations, pursuant to the Administrative Adjudication Law, to effectuate Subsections (a) and (b) herein. Said rules shall include a means of determining EMD costs and assessing the offenders therefor.

(d) Any person(s) who disables or attempts to disable or otherwise render wholly or partially unusable, an electronic monitoring device defined in § 89.01(w) of this Chapter, while being used by an "offender" as defined by § 89.02 of this Chapter, commits a third degree felony. The penalty for such felony shall be re-incarceration for the remainder of the original sentence, inclusive of any probationary period, and an additional sentence of confinement of not less than one (1) year and no more than five (5) years. Such additional sentence shall run subsequent to the original sentence.

SOURCE: Added by P.L. 29-007:3 (Sept. 7, 2007) as § 89.12. Renumbered by Compiler because § 89.12 already existed. Amended by P.L. 29-030 (Oct. 25, 2007), P.L. 30-223:2 (Dec. 30, 2010).

§ 89.14. Limitations on the Use of Electronic Mail (e-mail) by Registered Sex Offenders.

(a) Any person required to register as a sex offender pursuant to the provisions of this Chapter shall include identifying information in the "reply to" and/or "sender" and/or "from" field(s) in any e-mail account established and used by the registered sex offender. For purposes of this Section, identifying information means the user's first name, middle initial(s) and last name. Any violation of this paragraph is a third degree felony.

(b) Any e-mail address created by a registered sex offender shall be submitted, physically or electronically, to the Superior Court within ten (10) days of the creation of such account. A violation of this paragraph is a petty misdemeanor.

SOURCE: Added by P.L. 31-048:1 (May 23, 2011).

§ 89.15. Limitations on Employment of Convicted Sex Offenders.

Any person convicted of a violation of Chapters 25 and 25.1 of this Chapter and/or is required to register as a Sex Offender pursuant to the

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provisions of this Chapter, may not be employed, directly or through an independent contractor, in any of the following:

- (a) a medical, dental or physical therapy facility or clinic while patients are present;
- (b) a child care facility while children are present;
- (c) a school or learning institution while children are present;
- (d) a medical or disabled person transport service while patients are present;
- (e) a hospital nursing home or hospice facility while patients are present; or
- (f) as an installer or deliverer of services or goods where the employee may be required to enter a private residence.

SOURCE: Added by P.L. 31-248:1 (Dec. 6, 2012).

FOR IMMEDIATE NEWS RELEASE - Key Findings from May 6th Roundtable

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Mon, May 6, 2019 at 5:11 PM

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FOR IMMEDIATE NEWS RELEASE (May 6, 2019 – Hagåtña)

Senator Therese Terlaje held a roundtable discussion this afternoon with members of the Judiciary, Office of the Attorney General, Department of Corrections, the Parole Board, Guam Behavioral Health and Wellness Center, and Public Defenders Service Corporation regarding Guam's sentencing laws, rehabilitation programs and parole for repeat sexual offenders, particularly when committed against children.

Prior to the hearing, Senator Therese Terlaje asked the invited agencies to provide information that would help the Legislature determine if there is adequate assessment, treatment, or rehabilitation for repeat criminal sexual contact offenders and if any such tools are currently being used or should be incorporated into sentencing and parole.

The following are some of the key findings:

- Prior to 2017, there were no rehabilitation or treatment programs available on Guam for repeat Criminal Sexual Conduct offenders. Department of Corrections (DOC) reported that it recently instituted a Sex Offender treatment program, based on cognitive behavior interventions (CBI) best practices, but only 15 people can be put in this program.
- Psychological evaluations are often requested by the Parole Board to be included in Parole Investigation Reports used to make parole decisions. However, these evaluations are not always conducted or made available to the Parole Board before hearings are held. Chairman MiChelle Taitano of the Guam Parole Board reported that in light of the Paul Mafnas case, no hearings will be held unless the Parole Board has a completed psychological evaluation.
- Risk assessments are not catered to criminal sexual contact repeat offenders and this risk may not be adequately known by judges, Department of Corrections or Parole Board.
- Pre-sentencing investigation reports and recommendations regarding parole made at the time of sentencing are have not been available to the Parole office or Parole Board when making parole decisions even though it is mandated by statute.

- Current reality is that criminal sexual conduct offenders will continue to be released at the expiration of sentence without accurate risk assessment, without any treatment and without further monitoring required.

Senator Terlaje states, "All relevant information and risk assessment must be made available. We can't pretend to know the risk. We must all unite and act immediately to prevent repeat offenses and to protect our community. If we can't get the correct information to ensure the safety of children, we should put a moratorium on parole.

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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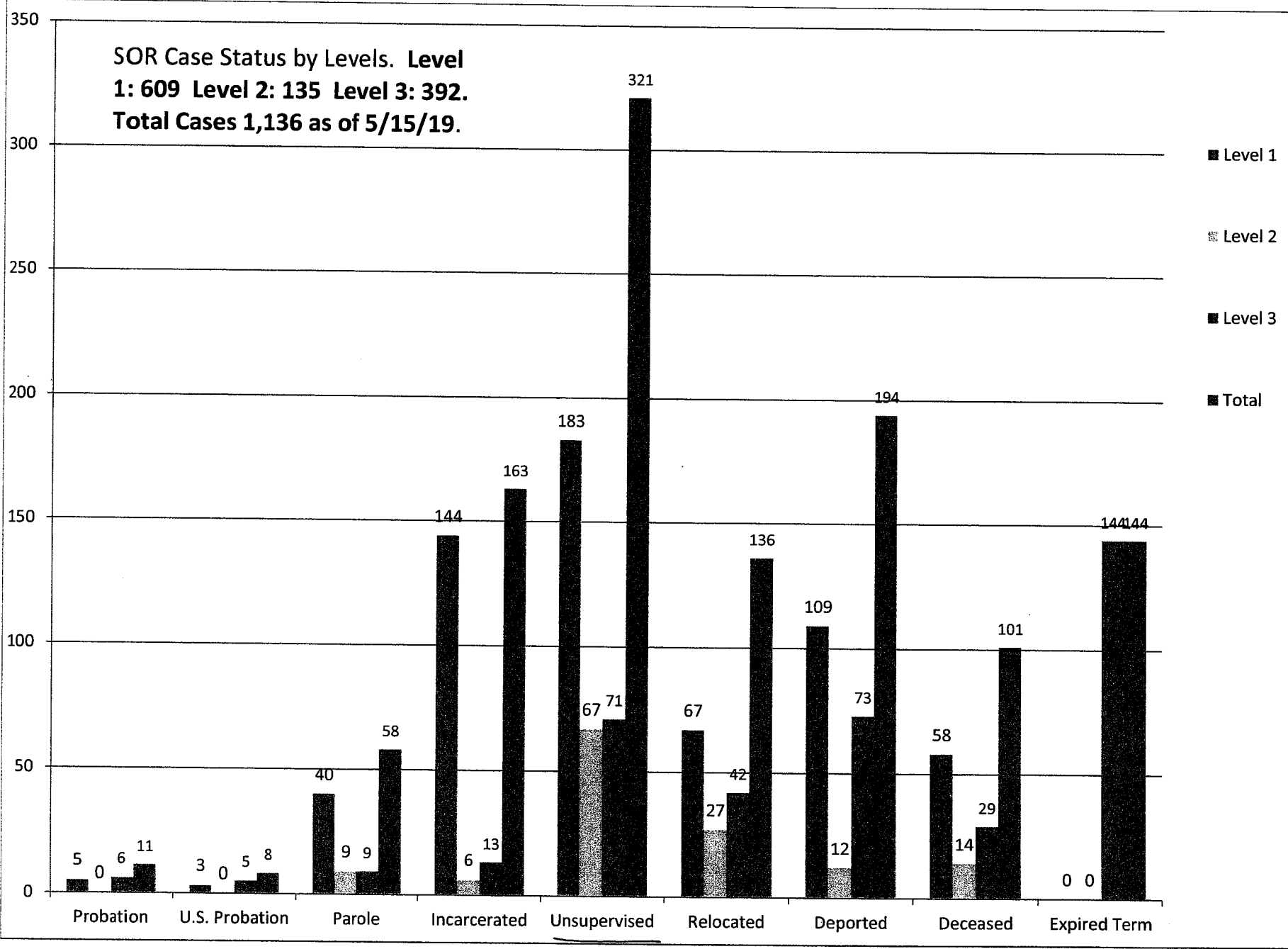
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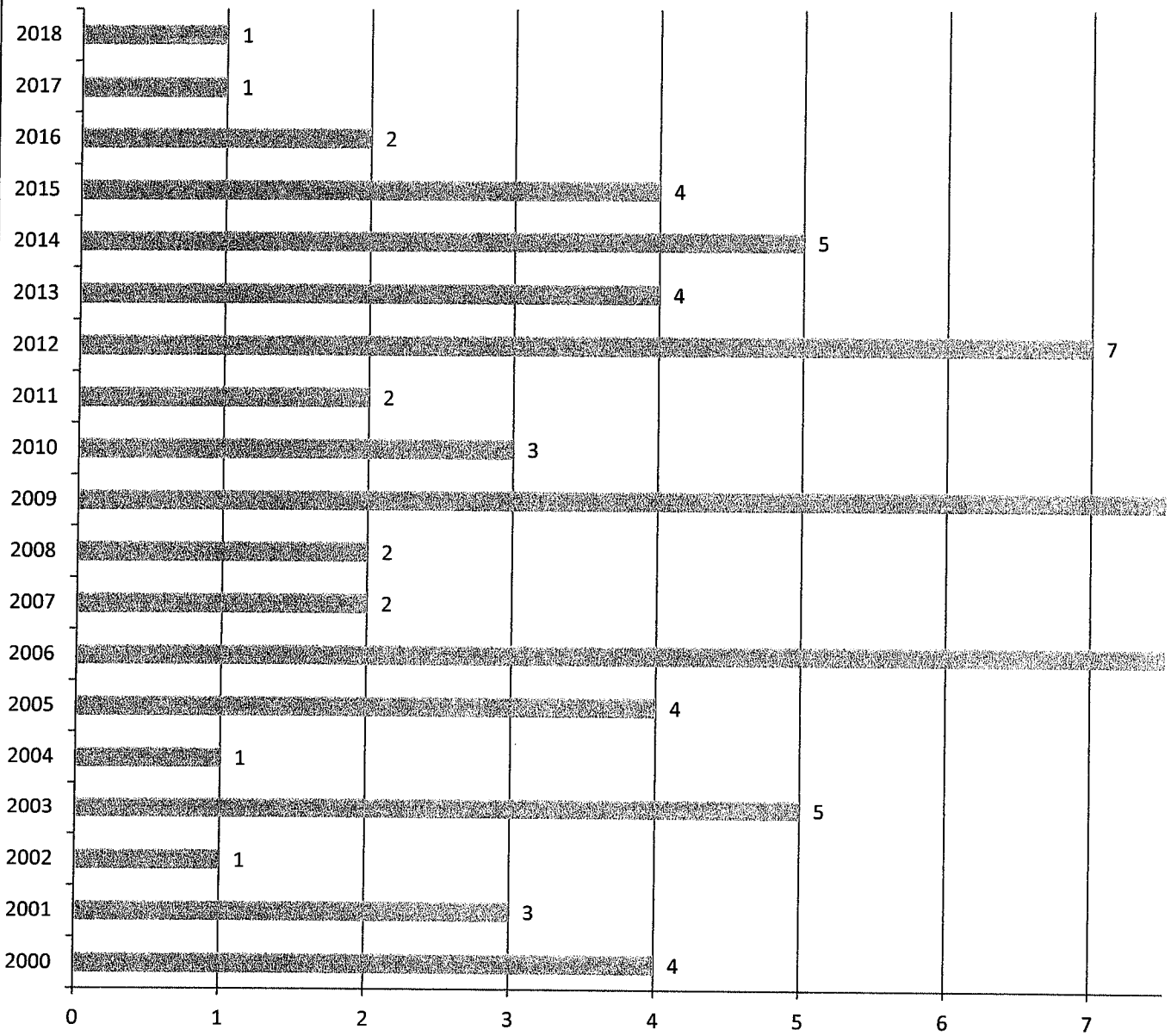
NR_CSC Roundtable_5.6.19.pdf

167K

SOR Case Status by Levels. Level 1: 609 Level 2: 135 Level 3: 392. Total Cases 1,136 as of 5/15/19.



SOR REPEAT OFFENDERS: 68 as of 5/15/19



CASE SUMMARY

Total Criminal Cases Filed	2016	2017	2018	2019
Criminal Felony	764	745	772	263
Criminal Misdemeanor	918	752	643	184
Total	1,682	1,497	1,415	447

Criminal Sexual Conduct Cases Filed	2016	2017	2018	2019
Criminal Felony	47	59	79	16
Criminal Misdemeanor	13	8	20	4
Total	60	67	99	20

Percentage of Cases that were Criminal Sexual Conduct Cases	2016	2017	2018	2019
Criminal Felony	6.2%	7.9%	10.2%	6.1%
Criminal Misdemeanor	1.4%	1.1%	3.1%	2.2%
Total	3.6%	4.5%	7%	4.5%

Offenses Charged	# of Offenses	Offenses Disposed	# of Offenses
2019	61	2019	38
2018	357	2018	174
2017	168	2017	149
2016	182	2016	36
Total	768		397

TOTAL OFFENSES DISPOSED 2016 – 2019 (TOTAL 397)

Convictions	Acquittals	Dismissals	Lesser Charge	Deferred Pleas
70	53	254	13	7

2019 CHARGED OFFENSES

Criminal Sexual Conduct Offenses - 2019	All Offenses
All Criminal Sexual Conduct Offenses Charged - 2019	# OFFENSES
Second Degree CSC - contact & V is less than 14	28
First Degree Criminal Sexual Conduct	23
Third Degree CSC	3
Fourth Degree CSC - contact and force/coercion	4
Attempted First Degree Criminal Sexual Conduct	2
Assault with Intent to Commit CSC	1
Grand Total	61

Criminal Sexual Conduct Felony Offenses - 2019	Felony
OFFENSES CHARGED	# OFFENSES
Second Degree CSC - contact & V is less than 14	28
First Degree Criminal Sexual Conduct	23
Third Degree CSC	3
Attempted First Degree Criminal Sexual Conduct	2
Assault with Intent to Commit CSC	1
Grand Total	57

Criminal Sexual Conduct Misdemeanors - 2019	Misdemeanor
OFFENSES CHARGED	# OFFENSES
Fourth Degree CSC - contact and force/coercion	4
Grand Total	4

2018 CHARGED OFFENSES

Criminal Sexual Conduct Offenses - 2018	All Offenses
All Criminal Sexual Conduct Offenses Charged - 2018	# OFFENSES
Second Degree CSC - contact & V is less than 14	108
First Degree Criminal Sexual Conduct	83
Third Degree CSC	62
Fourth Degree CSC - contact and force/coercion	62
First Degree Criminal Sexual Conduct - penetration and other felony	11
Second Degree CSC - contact and other felony	9
Second Degree Criminal Sexual Conduct	7
Assault with Intent to Commit CSC	5
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	5
Second Degree CSC - contact and weapon	2
Attempted Third Degree Criminal Sexual Conduct (2nd degree felony)	1
Attempted First Degree Criminal Sexual Conduct	1
Attempted Second Degree Criminal Sexual Conduct	1
Grand Total	357

Criminal Sexual Conduct Felony Offenses - 2018	Felony
OFFENSES CHARGED	# OFFENSES
Second Degree CSC - contact & V is less than 14	108
First Degree Criminal Sexual Conduct	83
Third Degree CSC	62
First Degree Criminal Sexual Conduct - penetration and other felony	11
Second Degree CSC - contact and other felony	9
Second Degree Criminal Sexual Conduct	7
Assault with Intent to Commit CSC	5
Second Degree CSC - contact and weapon	2
Attempted Third Degree Criminal Sexual Conduct (2nd degree felony)	1
Attempted First Degree Criminal Sexual Conduct	1
Attempted Second Degree CSC	1
Grand Total	290

Criminal Sexual Conduct Misdemeanors - 2018	Misdemeanor
OFFENSES CHARGED	# OFFENSES
Fourth Degree CSC - contact and force/coercion	62
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	5
Grand Total	67

2017 CHARGED OFFENSES

Criminal Sexual Conduct Offenses - 2017	All Offenses
All Criminal Sexual Conduct Offenses Charged - 2017	# OFFENSES
Second Degree CSC - contact & V is less than 14	71
Fourth Degree CSC - contact and force/coercion	28
Third Degree CSC	26
First Degree Criminal Sexual Conduct	22
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	7
Second Degree CSC - contact and other felony	5
Attempted Third Degree Criminal Sexual Conduct (2nd degree felony)	4
Attempted Second Degree CSC	3
First Degree Criminal Sexual Conduct - penetration and other felony	2
Grand Total	168

Criminal Sexual Conduct Offenses - 2017	Felony
OFFENSES CHARGED	# OFFENSES
Second Degree CSC - contact & V is less than 14	71
Third Degree CSC	26
First Degree Criminal Sexual Conduct	22
Second Degree CSC - contact and other felony	5
Attempted Third Degree Criminal Sexual Conduct (2nd degree felony)	4
Attempted Second Degree CSC	3
First Degree Criminal Sexual Conduct - penetration and other felony	2
Grand Total	133

Criminal Sexual Conduct Offenses - 2017	Misdemeanor
OFFENSES CHARGED	# OFFENSES
Fourth Degree CSC - contact and force/coercion	28
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	7
Grand Total	35

2016 CHARGED OFFENSES

Criminal Sexual Conduct Offenses - 2016	All Offenses
All Criminal Sexual Conduct Offenses Charged - 2016	# OFFENSES
Second Degree CSC - contact & V is less than 14	58
Fourth Degree CSC - contact and force/coercion	36
First Degree Criminal Sexual Conduct	31
Third Degree CSC	27
First Degree Criminal Sexual Conduct - penetration and other felony	15
Assault with Intent to Commit CSC	5
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	5
Second Degree CSC - contact and other felony	2
Attempted Second Degree CSC	1
Attempted Third Degree Criminal Sexual Conduct (2nd degree felony)	1
Second Degree Criminal Sexual Conduct	1
Grand Total	182

Criminal Sexual Conduct Offenses - 2016	Felony
OFFENSES CHARGED	# OFFENSES
Second Degree CSC – contact & V is less than 14	58
First Degree Criminal Sexual Conduct	31
Third Degree CSC	27
First Degree Criminal Sexual Conduct – penetration and other felony	15
Assault with Intent to Commit CSC	5
Second Degree CSC – contact and other felony	2
Attempted Second Degree CSC	1
Attempted Third Degree Criminal Sexual Conduct (2 nd degree felony)	1
Second Degree Criminal Sexual Conduct	1
Grand Total	141

Criminal Sexual Conduct Offenses - 2016	Misdemeanor
OFFENSES CHARGED	# OFFENSES
Fourth Degree CSC - contact and force/coercion	36
Fourth Degree CSC - contact and mentally defective/ incapacitated/ physically helpless	5
Grand Total	41

Judiciary of Guam Sex Offender Registry															
Year	Registered Sex Offender Cases	Registered Sex Offender Cases by Levels			Registered Sex Offender Cases on Probation, Parole, Unsupervised, Incarcerated, Relocated, Deported, Expired Term & Deceased								Registered Sex Offenders on Website	Registered Sex Offenders who are Absconders	Convicted Sex Offenders who failed to register
		Level I	Level II	Level III	Probation (U.S. & JOG)	Parole	Unsupervised	Incarcerated	Relocated	Deported	Expired Term	Deceased			
2010	630	287	97	246	37	42	237	74	64	90	59	27	537	23	9
2011	665	303	102	260	36	48	241	71	67	91	60	28	544	26	9
2012	752	367	106	279	35	52	266	104	81	98	77	39	636	12	6
2013	857	434	113	310	36	54	272	159	95	110	84	50	726	10	6
2014	937	484	125	328	32	71	291	185	96	117	93	55	792	12	5
2015	983	514	127	342	29	61	312	199	101	118	104	65	820	12	5
2016	1040	546	131	363	30	65	306	208	116	126	117	78	851	12	4
2017	1093	583	132	378	33	60	308	202	130	150	128	88	883	14	4
2018	1131	605	136	390	27	62	314	183	134	170	137	100	890	14	4
Level I A person convicted of a sexually violent offense															
Level II A person not otherwise classified as a Level One Offender and is convicted of:															
(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 offenses and one (1) or more separate criminal offenses against a victim who is a minor.															
Level III A person not otherwise classified as either a Level One or a Level Two Offender and is convicted of: (1) criminal sexual conduct; or (2) a criminal offense against a victim who is a minor.															
Source: Judiciary of Guam Sex Offender Registry Management Office															



Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Draft
Guam's FY 2019-2022 Strategy for Drug Control, Violent Crime
and Criminal Justice System Improvement

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and violent abuse is far more likely to occur while the abuser is intoxicated and, there is no evidence that the violence will stop with the end of alcohol or drug abuse. Family violence includes all types of violent crimes committed by an offender who is related to the victim either biological or legally through marriage or adoption. Guam’s family violence offense consists of criminal homicide, completed or attempted rape, sexual assault (including threats), robbery, assaults (including threats), kidnapping, intimidation, illegal abortion, extortion, cruelty towards a child or wife, hit-and-run driving with bodily injury, and miscellaneous crimes against persons (as opposed to crimes against property).

In 2017, there were an estimated 796 offenses involving family violence in Guam. The five-year trend, comparing 2017 data with that of 2013, showed an 89 percent increase in family violence. Overall, Guam’s family violence rate increased 49 percent in 2017 as compared to 535 in 2016. Of the 796 family violence reported, Part I offenses (violent crime and property crime) accounted for 10 percent, and Part II offenses (other assaults (simple) and offense against family and children) accounted for 90 percent. The 2017 offenses reported for family violence is the highest within the five-year trend and considerably high for a small island community.

Family Violence: Offenses Involving Family Violence, Trends 2013 - 2017					
Offense Classification	2013	2014	2015	2016	2017
Violent Crime	103	88	82	92	70
Property Crime	2	1	1	6	8
Part I Offenses	105	89	83	98	78
Part II Offenses	316	263	213	437	718
Total	421	352	296	535	796
<i>percent change</i>	<i>-1</i>	<i>-16.4</i>	<i>-16</i>	<i>80.7</i>	<i>48.8</i>
Rate Per 1,000 Inhabitants	2.6	2.2	2	3.3	4.8

Source: 2017 Crime in Guam Uniform Crime Report

Sexual Assault:

Sexual assaults are serious, violent and frightening crimes directed against women, men and children and continue to be a major community and criminal justice issue in Guam. Guam’s police officers and prosecutors work in hand with Guam’s only rape crisis center, Healing Hearts Crisis Center (HHCC). HHCC was established in 1993 to provide a holistic approach consisting of treatment, support, and counseling to victims of sexual assault.

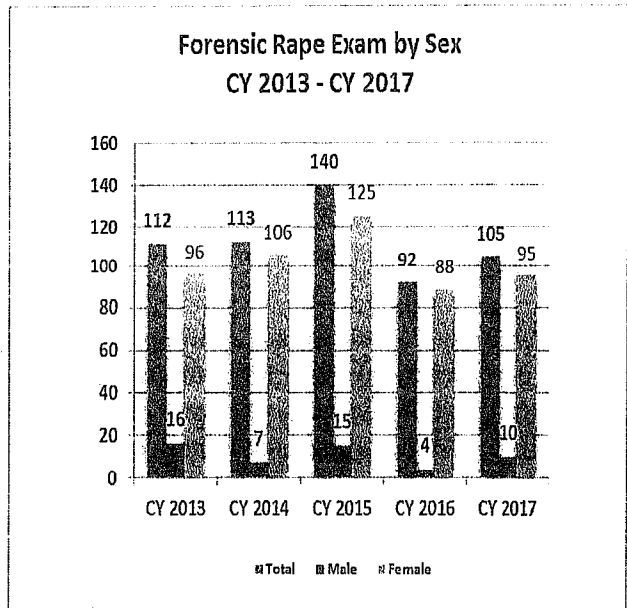
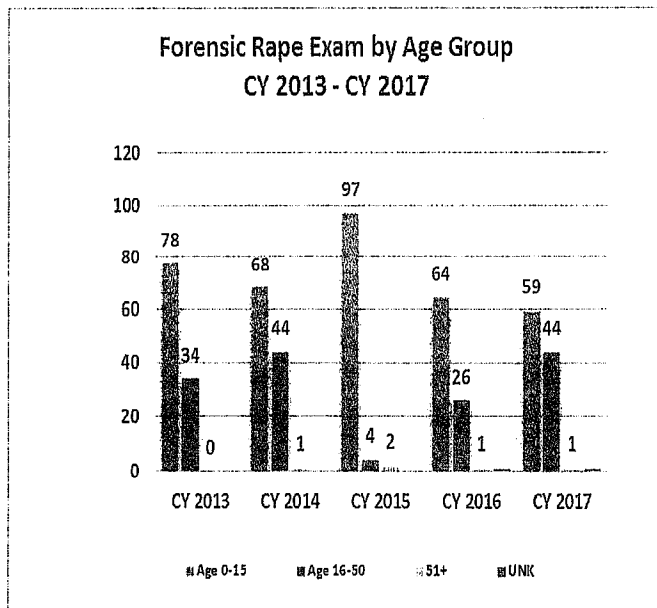
The *Crime in Guam 2017 Uniform Crime Report* estimated 32 rape offenses reported to law enforcement. This estimate is approximately 69 percent lower than the 103 rape offenses reported in 2016. In 2013 the total rape offense reported was 106. In 2015, the percent change in forcible rape offense drastically changed and increased to 160 or 35.6 percent. On average, a total of 104 forcible rape offenses are committed following the total offenses reported in the last five years. The following table reflects the Forcible Rape Offense reported in Calendar Year 2013 to 2017.

Forcible Rape Offenses Reported					
By Type	2013	2014	2015	2016	2017
Rape by force	95	109	121	46	30
Attempts to commit forcible rape	11	9	39	57	2
Total	106	118	160	103	32
% Change in Forcible Rape Offense Reported	-1.0%	11.3%	35.6%	-35.6%	-69%

Source: 2017 Crime in Guam Uniform Crime Report

Another growing concern on Guam is the sexual assault cases involving a minor. This is significant as Guam’s only rape crisis center serviced 59 sexual assault victims between the ages of 0 to 15 years of age in 2017. Overall, in 2017 HHCC serviced a total of 105 victims of sexual assault, a 14 percent increase over 2016 with 92 reported victims. Of the 105 victims that received services, 95 were female victims and 10 were male victims, 59 sexual assault victims were between the ages of 0 to 15 years of age, 42 sexual assault victims were between the ages of 16 to 50 years of age, 1 sexual assault victim over the age of 50 and 1 unknown who did not state his/or her gender.

The following graph and table show the total number of forensic rape examinations conducted over the past reporting periods broken down by sex, age group and exam type from Calendar Year 2013 to Calendar Year 2017.



Source: Guam Behavioral Health and Wellness Center, Healing Hearts Rape Crisis Center Quarter Progress Report 2017

Forensic Rape Examination Calendar Year 2013 to 2017										
Year	Total	Gender		Age Group				Type of Exam		
		Male	Female	0 - 15	16 - 50	51+	Unk	Acute	Non Acute	No Exam
CY 2013	112	16	96	78	34	0	0	22	9	81
CY 2014	113	7	106	68	44	1	0	26	4	83
CY 2015	140	15	125	99	39	2	0	23	9	108
CY 2016	92	4	88	64	26	1	1	15	4	73
CY 2017	105	10	95	59	44	1	1	11	7	75

Source: GBHWC, Healing Hearts Crisis Center 2013 - 2017 Quarter Progress Report

Sex Offender Registration Management:

To increase public safety and to improve the monitoring of sex offenders, the federal Jacob Wetterling Crimes against Children and Sexual Violent Offender Registration Program, enacted in 1994, requires states to establish registration programs for persons who have been convicted of certain sex crimes. Guam's Sex Offender Registry (SOR) was enacted in November 1999 under Public Law No. 25-75. To close potential gaps and loopholes that existed under prior law and to generally strengthen the nationwide network of sex offender registration and notification program, U.S. Congress passed SORNA, Public Law 109-248. SORNA refers to the Sex Offender Registration and Notification Act which is Title I of the Adam Walsh Child Protection and Safety Act of 2006. Guam became the seventh jurisdiction to become SORNA compliant with the passage of Public Law 30-223.

In 2017, the Judiciary of Guam's Sex Offender Registry Management Office reported 1,093 convicted sex offenders of which 583 are Level I registrants, 132 are Level II registrants, and 378 are Level III registrants. The number of offenders convicted of a sex offense increased by 5.1 percent in 2017 as compare to the 1040 reported in 2016.

The Guam Sex Offender Registry Management Office reported a total of 883 registered sex offenders on website, 14 registered sex offenders who are absconders, and 4 sex offenders who failed to register. The Judiciary of Guam Sex Offender Registration Management Office has approximately 92 sex offenders managed by one probation officer and 494 managed by three case managers with approximately 543 unsupervised sex offenders. The Department of Corrections Parole Division has 74 sex offenders managed by six (6) parole officers. The following table provides data from 2013 – 2017 regarding Guam's Sex Offender Registry.

Judiciary of Guam Sex Offender Registry															
Year	Convicted Sex Offenders	Convicted Sex Offenders who Registered			Registered Sex Offenders on Probation, Parole, Unsupervised, Incarcerated, Relocated, Deported, Expired Term, & Deceased								Registered Sex Offenders on Website	Registered Sex Offenders who are absconders	Convicted Sex Offenders who failed to register
		Level I	Level II	Level III	Probation	Parole	Unsupervised	Incarcerated	Relocated	Deported	Expired Term	Deceased			
2011	665	303	102	260	36	48	241	71	67	91	60	28	544	26	9
2012	752	367	106	279	35	52	266	104	81	98	77	39	636	12	6
2013	857	434	113	310	36	54	272	159	95	110	84	50	726	10	6
2014	937	484	125	328	32	71	291	185	96	117	93	55	792	12	5
2015	983	514	127	342	29	61	312	199	101	118	104	65	820	12	5
2016	1040	546	131	363	30	65	306	208	116	126	117	78	851	12	4
2017	1093	583	132	378	33	60	308	202	130	150	128	88	883	14	4

Level I A person convicted of a sexually violent offense⁷⁸

Level II A person not otherwise classified as a Level One Offender and is convicted of:

- (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 offenses and one (1) or more separate criminal offenses against a victim who is a minor.

Level III A person not otherwise classified as either a Level One or a Level Two Offender and is convicted of: (1) criminal sexual conduct; or (2) a criminal offense against a victim who is a minor.

Source: Judiciary of Guam Sex Offender Registry Management Office, 2019

- Increase public awareness campaign through technology used for investigative, surveillance, and to deter crime in Law Enforcement, e.g., purchase of equipment (Drug Display kits) and Driving Under the Influence (DUI) goggles for group presentations for educational campaign efforts and outreach activities.

Restrictions on STOP VAW Program: The Governor's Community Outreach-Federal Programs Office (GCO-FPO) applies for and administers federal grant from the Office on Violence Against Women, U.S. Department of Justice. Currently, GCO-FPO has three active programs, the Services*Training* Officers* Prosecution (STOP) Violence Against Women (VAW) and the Sexual Assault Services Formula Grant Program, and the Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Assistance Planning Grant.

The STOP VAW program provides funding to subprojects within the community and faith-based organizations, and criminal justice agencies such as the Guam Police Department, Office of the Attorney General's and the Judiciary of Guam. Funding is used to support services for victims of Domestic Violence, Sexual Assault, Dating Violence and Stalking.

GCO-FPO, in coordination with STOP VAW subprojects and collaboration with community partners, participates in various community prevention and outreach events. However, because of restrictions within the STOP VAW program, only 5% from the discretionary funding category can be used towards prevention purposes. With this limitation, there is a need for more resources for prevention efforts to address violence against women and their family.

B. Law Enforcement

Sexual Assault Services: Sexual assault continues to be one of the most underreported violent crime according to U.S. National statistics. The Bureau of Justice Statistics, under the Office of Justice Programs National Institute of Justice, estimates that 60%-85% of rape and sexual assault go unreported. Some reasons identified by victims for underreporting are guilt and self-blaming, shame, humiliation, fear of not being believed, fear of the perpetrator, lack of trust in the law enforcement or the judicial process, lack of clarity or understanding that a crime did in fact occur and not knowing who to turn to for help. Some survivors state that the initial disclosure of the sexual assault is the hardest step in the process. This statement stresses how crucial it is to have trained, competent individuals responding to the needs of survivors.

Responding to victims of sexual assault requires a coordinated community effort. Local data continues to show the magnitude of this problem on Guam. According to the Guam Police Department Law Enforcement Records Management System, there are on average 255 Criminal Sexual Conduct arrests over the past 4 years. The Healing Hearts Crisis Center (HHCC) leads Guam's Sexual Assault Response Team (SART) which incorporates governmental and nonprofit agencies who provide services to victims of sexual assault and abuse.

The Healing Hearts Crisis Center (HHCC) is Guam's only rape crisis center and was established by public law in 1992. HHCC is a division of the Guam Behavioral Health and Wellness Center in the Government of Guam. The intent of the program is to provide survivors of sexual assault with

"discrete, immediate, and full medical attention". HHCC works closely with the Guam Police Department, Child Protective Services, Advocacy agencies such as Victim Advocates Reaching Out as well as the Office of the Attorney General to provide a full continuum of care to victims. All pertinent agencies participate in Guam's Sexual Assault Response Team and work together to develop strategies based on current best practice standards to begin the healing process for victims and ensure that the necessary help and resources are available.

There are certain challenges and limitations that continue to be worked through in the community. The most significant limitation for victims of sexual assault and abuse is the limited amount of services available for victims. HHCC continues to be the only provider on the island of Guam with specialized, trained individuals to deliver specific services to victims of sexual assault and abuse. As a result of these, HHCC has identified the following resource needs and gaps in services:

- A. Increased funding to incentivize health professionals to become Forensic Examiners. Funds are currently very limited to support HHCC's efforts to maintain a pool of on-call Examiners and Examiner Assistants to be able to respond to and provide needed medical services 24 hours a day, 7 days a week.
- B. Increased training opportunities for Forensic Examiners. Hand in hand with the above need, there are currently no funds to support the training of potential Forensic Examiners in Sexual Assault Forensic Examination courses. Training opportunities have been limited to full-time HHCC staff which prevents contractual personnel from accessing needed training opportunities to work towards certification in the area of sexual assault forensic examination.
- C. Equipment upgrades/ technological improvements for medical and Forensic Interview equipment. The field of research surrounding sexual assault is constantly being innovated and as a result, technological and equipment needs to keep up with evidence-based practices and best practice standards that are changing rapidly. Medical equipment such as a colposcope, computer equipment and corresponding software, as well as forensic interviewing equipment such as audio and visual recording equipment and data storage need to be upgraded and maintained to maximize the collection of forensic evidence in sexual assault cases.
- D. Increase compliance with the Violence Against Women Act and not require any police involvement to access rape kits. Currently all sexual assault kits used to collect forensic evidence is the property of the Guam Police Department which requires a corresponding police report number for record purposes. Although HHCC works well with GPD and utilizes mechanisms such as anonymous reporting for adult victims without disabilities, there is still a gap in access to rape kits. Exploration of the possibility of other entities such as major hospitals, clinics, or government agencies such as the Department of Public Health and Social Services or even HHCC directly being able to procure evidence collection kits would provide easier access to these kits for victims who do not want to participate in the criminal justice system which by federal law should not be required and would also potentially facilitate greater coordination between other health provider entities to be able to provide evidence collection for victims.

Another major limitation is the need for other available services. Immediate services provided to sexual assault survivors is critical to not only the healing process, but also to the survivor's willingness to cooperate with the criminal justice system, culminating in the prosecution of the alleged perpetrator. Appropriate referrals and resources identified within the community provide the

survivor with the necessary tools to facilitate healing and navigate through the criminal justice system.

The prosecution of criminal sexual conduct cases historically takes an average of two years after the initial reporting. Although the matter has somewhat improved through a ruling passed by the Guam Court system that requires these cases to be prosecuted within a shorter time frame, the HHCC is still working through trials for cases dating back to as far as 2012. The time lapse between reporting and trial highlights the importance of ensuring that survivors obtain all services needed throughout all stages of the process. If an alleged perpetrator is released pending court trial, the survivor may be in fear of danger of further assault and may recant in the hope that the alleged perpetrator will not harass them. Linkages to systems to mitigate this is critical wherein the victim is referred to agencies where they can obtain protective or restraining orders will help deter recanting and increase their sense of security. It is critical that the prosecution of sexual assault cases takes place within a reasonable time frame to provide a safe, supportive and healing response to survivors not only during the rape exam and the intake/interview process, but to also have closure through successful prosecution.

A need exist to ensure the officers trained in child sexual assault forensic interviewing remain constant to ensure there is a seamless working relationship with all parties involved.

Violent Crime & Sexual Assault Prosecution Program: Based on an analysis of previous year's filing, the growing trend is the number of drug cases filed at 162 cases or 17% of the total cases filed. Among violent crimes committed against persons, assault had the highest number of cases filed at 285 or 30%. Sexual assault crimes continue to be one of the top crimes committed against women and children at 78 or 8%.

There is a need to fund prosecutors and investigators at the Office of the Attorney General to handle cases stemming from violent crimes and sexual assault cases charged. There is also a need to fund a paralegal to provide administrative support for this project to also include the following:

A. Sexual Assault Response Team (SART)

- Resources to fund a prosecutor, investigator, and/or paralegal to handle violent crime and sexual assault cases.
- Training for prosecutors and investigators (e.g., child sexual assault forensic interviewing techniques, trauma informed training and best practices, to name a few).
- Training for victim advocates on best practices of handling sexual assault and child sexual assault victims and trauma informed advocacy training.
- Develop a risk assessment instrument for prosecutor use.

B. Restitution Court

- Resources to fund a coordinator to identify restitution cases (defendants with expired probation terms), track restitution paid for victims, and coordinate payments due to victims.

Training: In response to addressing the needs of victims of criminal sexual assault cases and minimize additional trauma, a General Order 03-10 was developed by the Healing Hearts Steering

Committee. The General Order was developed to provide the Guam Police Department law enforcement officers with guidelines for responding to reported criminal sexual assault cases. There is still a need for continued training for all responding officers on the proper procedures and protocol in handling a sexual assault case.

There is still a need to ensure all precinct police officers, commanders, and patrol are trained in the dynamics of domestic violence and sexual assault cases, its victims and the services available to them as they are the first to respond to a reported case; and to grow the capacity of first responders to be trained to interview children of sexual abuse. Law enforcement needs continuous training on how to deal with sexual assault cases and forensic interviewing.

Prescription Drug and Diversion. Educate and train police officers, detectives, and investigators in the investigation of prescription drug abuse and diversion. Attorneys need training and assistance in prosecuting controlled substance diversion cases that involve healthcare providers.

Covert Investigations. Provide specialized training opportunities in covert investigations, advanced electronic audio and video surveillance and other counter intelligence to the Guam Police Department task forces. The need for all police officers to be properly trained and educated with new and upcoming illegal narcotics that have been trafficked into Guam. Some of these illegal narcotics can be fatal even at the slightest contact with skin. The need for specialized training regarding narcotic investigations due to its evolving techniques and methods. Organize crime has always been II step ahead due to its vast amount of money they use to further their criminal activity.

Forensic Laboratory. All laboratory personnel to be properly trained and educated in the processing of crimes scenes, analysis of controlled substance, analysis of body fluids, examination of firearms and fingerprint/latent prints. After completion of the basic training course, personnel need to be further developed with advance training in new, advanced and upcoming techniques for the various specialties in the laboratory.

Equipment: There is a need to acquire advanced counter-electronic audio/video and surveillance equipment to assist Guam's law enforcement agency to conduct investigations on drug traffickers for narcotics and firearms to include other investigative and surveillance equipment to aid in investigation efforts.

Vehicles (Marked and Unmarked). There is a need to increase the patrol presence in the villages with high crime rates and police cruisers and police motorcycles are needed by the Guam Police Department. The need also exists to acquire system support vehicles for Multi-Jurisdictional Task Forces. Most of the vehicles being utilized are ready to be surveyed because they cannot be repaired. System support vehicles are essential to the task forces operations.

The Judiciary's law enforcement divisions have varied responsibilities but both share one: the transport of individuals who have been convicted of crimes and ordered by the court to be detained. These individuals range from your juvenile/adult common thief to violent drug addicts. On any given day, up to 10 individuals are court ordered to be detained at the Department of Corrections and or the Department of Youth Affairs. As custody of the Judiciary, transportation is our responsibility. In



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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 172-35 (COR) was introduced on Wednesday, June 26, 2019 by Senator Therese M. Terlaje and was subsequently referred by the Committee on Rules to the Committee on Health, Tourism, Historic Preservation, Land and Justice on Friday, July 12, 2019.

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a public hearing on Bill No. 172-35 (COR) on Wednesday, July 24, 2019 at 9:00 AM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements:

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Wednesday, July 17, 2019 (5-Day Notice) and again on Sunday, July 21, 2019 (48- Hour Notice). The notice was also published on the Guam Daily Post on Tuesday, July 16 & Friday, 19, 2019.

Senators Present:

Senator Therese M. Terlaje, Chairperson

Senator Amanda L. Shelton, Committee Member

Senator James C. Moylan, Committee Member

Senator Telo Taitague

Appearing Before the Committee:

Tom Van Engen, Acting Chair of Guam Parole Board

Michelle Taitano, Chairwoman of Guam Parole Board

Mark T. Perez, Department of Corrections Social Worker

Dr. Ron McNinch, University of Guam Chair of Public Administration

Written Testimony Submitted:

Mark T. Perez, Department of Corrections Social Worker

Karen Carpenter, Victims Advocates Reaching Out (VARO)

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:54 AM.



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Chairperson Therese M. Terlaje:

We'll now move on to the Bill No. 172-35 (COR).

Bill No. 172-35 (COR) was introduced by myself. And it is "An act to amend §80.14, §80.76 and §80.78 of Title 9, Guam Code Annotated, relative to ensuring pre-sentence reports and assessments are utilized by the Guam Parole Board prior to the release of any offender on parole."

Currently pre-sentencing investigation reports and recommendations made at the time of sentencing have not been available to the parole board with decisions, even though it is mandated by statute. Criminal sexual conduct offenders continue to be released at the expiration of sentences without an accurate risk assessment, without rehabilitation. As these are not clearly mandated by the law. Risk assessments are not catered to criminal sexual conduct repeat offenders and the risk of harm on release. And this risk may not be adequately known by judges, Department of Corrections or the Parole board at a time of release.

Bill No. 172 will mandate any and all pretrial, pre-sentencing and incarceration assessment reports be made available to the parole board before a determination is made regarding a prisoners' release. This is intended to better ensure safety of the public. It's also an effort to eliminate any barriers to the Guam Parole Board review of any of these pre-sentence and incarceration reports and assessments.

It was drafted based on the feedback from the public survivors and victims' advocates after several public roundtables and meetings. I feel that this part of our duty to safeguard the peace of mind and well-being of our community and to achieve true justice for victims' and survivors of these terrible crimes. By closing the gaps that may jeopardize their justice and their safety and all of our safety.

So, we will now accept testimony from those on the panel or those who have signed up to testify including Mr. Mark Perez, MiChelle Taitano, Tom Van Ingen, and Dr. Ron McNinch.

Mr. Perez, you may begin.

Mark Perez:

Thank you again. For myself as a social worker at the Department of Corrections. I support this bill but one questions that I have is, what does the word 'furnish' mean?



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Does it just mean furnish the pre-sentence investigation? A copy or original? I guess taken away, at the end, after we review it. Are we allowed to make copies?

Just looking at the original law at the end of sentencing copies are taken back by the court and then likewise at the roundtable discussion that I attended. The court indicated that although the law says to allow DOC to have a copy or something, there's an alternate law that says not to give it out. I tried looking for that law. I couldn't find it. Is there? Does this bill rescind that law?

Chairperson Therese M. Terlaje:

I tried looking for it also and couldn't find a specific law. So, I'm hoping that this bill will just clarify that and make it very clear that any superseding barriers are now removed.

Mark Perez:

Okay, and that at DOC with us, with the social workers, and I'm sure also with the parole officers- they are in support of this bill because it gives us access to more information. We do have an assessment system that we are currently launching and it does require us to know some information about the offender prior to getting them.

This assessment is that dealing with interviews with the clients, having the pre-sentence investigation helps us to validate the information the client is getting and that way we can truly get a better picture as through the level of criminality – the client is at. And then once we get that level, we can determine the amount of hours of treatment that is needed.

Chairperson Therese M. Terlaje:

Thank you very much Mr. Perez. Ms. Taitano?

MiChelle Taitano:

Thank you, Madame Chair. And thank you, Mark, for bringing that up because after that was my concern. We already by law have that. Our laws to have the information from the courts but we haven't had it because they haven't given it to the parole officers for some reason. And Mark is saying now that there's an alternative law that's preventing them for saying that. But we do ask and we have asked in the past. And so, that has been a continuing problem for many years.

So, I'm just saying ma'am, I'm hoping yes this will clarify as you have just said and make it clear that it will be current and the courts will allow us to access that because it



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has been an issue. And again, I just want to thank you for making this more definitive and with the other sections, I think they are good. And I'm just wondering if because since it hasn't worked. I'm praying should let's just hypothetically say, they continue to do that, what are the sanctions? How are we going to try to be able to access this information because we want to move forward? We want to use those risk assessments that we're in process of. I'm concerned because there it just says and if they trumpet that's a concern that I have ma'am. But thank you again.

Chairperson Therese M. Terlaje:

Thank you. Mr. Van Ingen?

Tom Van Ingen:

Thank you, Madame Chair. Thank you, senators. I appreciate your work on pronunciation, good job! I share the concerns of Mr. Perez and Ms. Taitano. So, I don't need to restate all of that but this is not the only example of some of the things that are already in law that are not being done. So, I would like to take this as a good sign that you'll look into some of those other issues as well.

Not the least of which is that we should be provided with an executive secretary. I think we brought that up at their roundtable and the law says it but it hasn't happened in the five years that I've been on the parole board. So, I don't mean that as a criticism of anyone that I know of. I don't know why this happened but there are several things that the parole board could use more support that are already in law. Not to mention maybe other possible improvements.

Thank you, Senators.

Chairperson Therese M. Terlaje:

Thank you. Dr. McNinch?

Dr. Ron McNinch:

Thank you, Senator Terlaje and Honorable Senators.

My name is Ron McNinch, in my testimony in support of Bill No. 172 today. I am speaking as a private citizen now. First, I support the bill. I think the more information that the parole board and important agencies have about these important decisions, the better. But I would like to point out one additional point relative to this kind of concept or bill.



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We live on an island community and since we live on an island community, we interact with people on a constant and regular basis, all the time. Part of the pre-sentencing report or even the sentencing report itself is often letters that are written to judges. To lobby judges to kind of influence them to sentence in a particular way and so those letters are not ever made public. They're considered part of the sentencing report.

Just yesterday the federal court released all the letters and all the information in a sentencing matter. There's no reason that these letters written to judges to lobby them should be part of the sentencing report. They should be able to be accessed by the media, by individual victims; after a person's a victim particularly of a bad crime.

If a person from the community is writing a judge to lobby them, that victim has no idea that person is being supported by somebody that they may have to interact with every day. And so, you, Senator Terlaje you mentioned the aspect of peace of mind. If a person is a victim of a particularly violent crime or bad crime and a person is able to in secret write letters to judges supporting the person who is the perpetrator against them- that is fundamentally unfair and I believe that we should possibly maybe possibly amend this concept a little bit to make those letters public information that the media and individuals can review.

If a person is trying to lobby a judge, particularly on behalf of a person who's committed a serious crime, this is a member of the public. People should be able to know about it. In my own particular case, I have to work with people who wrote letters for somebody who did a very, very bad act and I have to work with them every day. And I have no idea who they are or what they said or even if their facts are accurate.

We have no idea if the things that are being told to these judges in this private manner are even accurate or not. They could be lying to the judge for all we know. If a person seeks to lobby the legislature, their words are open letters, are put on your website. If a person is seeking to lobby a judge and influence a judge in a sentencing matter, their words should be also be public.

Thank you for the opportunity to speak today.

Chairperson Therese M. Terlaje:

Thank you very much. The testimony is well taken. I want to read, out because I share you concern, the original statute that controls pre-sentence reports by the courts that allows for a big exception for the pre-sentence report release, right?

So, it says that at least two days before imposing sentence the court shall furnish the offender or his counsel if he so represented, a copy of the written investigation.



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Exclusive of any recommendations as to sentence which may exclude those letters, Dr. McNinch. Unless, in the opinion of the court the report contains diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information obtained upon a promise of confidentiality or any other information which if disclosed might result in harm – physical or otherwise to the defendant or other persons. And the court shall afford the offender an opportunity to comment there on.

It continues to allow huge exceptions to the release of these reports even to the offenders and it sounds like yes, letters sent in support of a certain type of sentence or even maybe a witness statement. I'm not even sure what these all entail, but it does continue to get this huge gap now.

I didn't copy these same exceptions on the parole board but that may be something that needs to be clarified and whether there is a risk of a parole board seeing this information. That's given example that contains diagnostic opinion which might seriously disrupt a program of rehabilitation. Not sure what that means but I'm not sure why I'm worried about a parole board not seeing that.

If a judge needs to see those things in order to decide whether to release or not to release or to sentence, then I'm thinking the same should apply for anyone who has the authority to release, to give that person back to the community and put that risk on the community, right?

So, your concerns are well taken and because those are big exceptions in the law. So, we will clarify the meaning of "furnish" whether copies will be made and I'm very interested in the assessment tool that DOC is now launching because I have another bill talking about that.

So, please if you could give us details that would be great. What is the goal of your assessment tool? You can just submit that to the Committee and we'd like to work with you? If you got something going, that's great. And as for the other parts of law that are this law, even if it's passed, that they're not implemented and what do we do about those things?

My advice in this job is the only real remedy we have is to be very vocal, right? You need to be vocal. You need to tell us what the issues are with your board. And so, you have at the roundtables brought those up, but if I recall the statute correctly regarding an executive secretary, here is a very specific provision as to who shall be your executive secretary, isn't it?



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And we just need to follow up with that entity to make sure that happens. But yes, I guess the goal is to raise the concerns- be as early and as often as possible and until they are addressed and like we said earlier, at lease for this Committee, there are many bills regarding how to address criminal sexual conduct and four in particular.

So, we are trying to take those one by one and give them the due diligence that they deserve.

So, any Senators have questions? Senator Taitague?

Senator Telo Taitague:

Thank you, Madame Chair.

And thank you for testifying here today for this bill which I'm in full support of but you're right MiChelle, when you mentioned that what about if they don't provide you this documentation. My concern is, where is the teeth? I'm going to work with the author of this bill to find mechanisms to ensure that these documents do get to you because I do realize your job is very sensitive and you're working with individuals all the time that can be very intimidating.

Especially in your line of work. My hat is off to you for doing this job at the parole board. But you know we need to find a way too so that it's very simple, if they don't provide it to you. Then this will happen. So, I appreciate that input.

Thank you so much Madame Chair.

Chairperson Therese M. Terlaje:

Thank you, senator. Any other?

All right. Well again, thank you very much for taking your time to testify on this bill and for your welcome suggestions.

Si Yu'os ma'åse'

We will continue to accept testimony on Bill No. 172 until August 7, 2019.

The public hearing was adjourned at 10:25 AM.

III. FINDINGS & RECOMMENDATIONS



Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

- Bill 172-35 (COR) was amended to conform with standards of Legislative form and style.
- Language in Section 3, Lines 10-11 on pg. 3 pertaining to § 80.76 of Article 5, Title 9, GCA was amended per recommendations by the Legislatures Legal Bureau to ensure board discretion and findings based on records available.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports out **Bill No. 172-35 (COR) As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As introduced by Senator Therese M. Terlaje- "AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE,"** with the recommendation to do pass.

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

Bill No. 172-35 (COR)

Introduced by:

Therese M. Terlaje *TMT*

**AN ACT TO AMEND § 80.14 OF ARTICLE 1 OF
CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED
AND § 80.76 AND § 80.78, BOTH OF ARTICLE 5 OF
CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO ENSURING PRE-SENTENCE REPORTS
AND ASSESSMENTS ARE UTILIZED BY THE GUAM
PAROLE BOARD PRIOR TO THE RELEASE OF ANY
OFFENDER ON PAROLE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan intends to eliminate any barrier to the Guam Parole Board's review of any and all pre-trial, pre-sentence and incarceration reports and assessments prior to release on parole of any offender.

Section 2. § 80.14 to Article 1, Chapter 80, Title 9, Guam Code Annotated, is hereby *amended* to read:

“§ 80.14. Presentence Report: Use Regulated.

(a) (1) The presentence report shall not be a public record.

(2) It may be made available only

(A) to the sentencing court,

(B) to any reviewing court where relevant to an issue on

which an appeal has been taken,

2019 JUN 26 AM 10:21

1 (C) to any examining facility, correctional institution,
2 probation or parole department or board for use in the
3 treatment or supervision of the offender and to the parties as
4 provided in this Section.

5 (b) At least two (2) days before imposing sentence the court
6 shall furnish the offender, or his counsel if he is so represented, a copy
7 of the report of the presentence investigation exclusive of any
8 recommendations as to sentence, unless in the opinion of the court the
9 report contains diagnostic opinion which might seriously disrupt a
10 program of rehabilitation, sources of information obtained upon a
11 promise of confidentiality, or any other information which, if
12 disclosed, might result in harm, physical or otherwise, to the
13 defendant or other persons; and the court shall afford the offender or
14 his counsel an opportunity to comment thereon.

15 (c) If the court is of the view that there is information in the
16 presentence report which should not be disclosed under Subsection (b), the
17 court in lieu of making the report or part thereof available shall state ~~orally~~
18 ~~or~~ in writing a summary of the factual information contained therein to be
19 relied on in determining sentence, and shall give the offender or his counsel
20 an opportunity to comment thereon. The statement may be made to the
21 parties in camera but shall be included as part of the permanent record and
22 subject to disclosure to the Parole Board.

23 (d) Any material disclosed to the offender or his counsel shall at the
24 same time be disclosed to the attorney for the Government.

25 (e) (1) Any copies of the presentence investigation report made
26 available to the offender or his counsel and the attorney for the

1 Government shall be returned to the court immediately following the
2 imposition of sentence.

3 (2) Copies of the presentence investigation report shall not be
4 made by the offender, his counsel or the attorney for the Government.

5 **Section 3.** § 80.76 of Title 9, Guam Code Annotated, is hereby *amended*
6 to read:

7 **“§ 80.76. Standards Governing Release on Parole.**

8 (a) Whenever the board considers the release of a prisoner for
9 parole, the board shall order his release, if it ~~is of the opinion~~ finds in
10 the records mandated in 9 GCA 80.78 that:

11 (1) his release is compatible with public safety and
12 security and will not put victims’ safety or security in danger
13 based on an assessment of the risk of prisoner to re-offend;

14 (2) there is substantial likelihood that he will abide by
15 law and conform to the conditions of parole;

16 (3) his release at that time would not depreciate the
17 seriousness of his crime nor promote disrespect for law;

18 (4) his release would not have a substantially adverse
19 effect on institutional discipline; and

20 (5) he is of sufficient capacity and deemed likely to lead
21 a law-abiding life when released and his continued correctional
22 treatment, medical care or vocational or other training in the
23 institution will not substantially enhance his capacity to lead a
24 law-abiding life when released at a later date.

25 (b) In making its determination regarding a prisoner’s release
26 on parole, the board may consider, to the extent relevant, the
27 following factors:

1 (1) the prisoner's personality, including his age and
2 maturity, stability, sense of responsibility and any apparent
3 development in his personality which may promote or hinder
4 his conformity to law;

5 (2) the prisoner's parole plan;

6 (3) the prisoner's ability and readiness to assume
7 obligations and undertake responsibilities;

8 (4) the prisoner's family status and whether he has
9 relatives who display interest in him or whether he has other
10 close and constructive associations in the community;

11 (5) the prisoner's employment history, his occupational
12 skills and training, and the stability of his past employment;

13 (6) the type of home environment in which the prisoner
14 plans to live;

15 (7) the prisoner's past use of narcotics or other harmful
16 drugs, or past habitual and excessive use of alcohol;

17 (8) the prisoner's mental and physical make-up,
18 including any disability or handicap which may affect his
19 conformity to law;

20 (9) the prisoner's prior criminal record, including the
21 nature and circumstances, recentness and frequency of previous
22 offense;

23 (10) the prisoner's attitude toward law and authority;

24 (11) the prisoner's conduct in the institution, including
25 whether he has taken advantage of the opportunities for self-
26 improvement afforded by the institutional program;

1 (12) the prisoner's conduct and attitude during any
2 previous experience of probation or parole and the recentness of
3 such experience."

4 **Section 4.** § 80.78 of Title 9, Guam Code Annotated, is hereby *amended*
5 to read:

6 **“§ 80.78. Records to Be Made Available to Board.**

7 Before making a determination regarding a prisoner's release on
8 parole, the board shall cause to be brought before it, and it shall be the
9 responsibility of the department of corrections or administrative head
10 of the institution in which an offender is held and the Clerk of Court
11 of the Superior Court of Guam to furnish such of the following
12 records and information regarding the prisoner as may be available:

13 (a) a report prepared by the institutional parole staff, relating to
14 his personality, social history and adjustment to authority, and
15 including any recommendations which the institutional staff may
16 make;

17 (b) all official reports of his prior criminal record, including
18 reports and records of earlier probation and parole experiences;

19 (c) any pre-sentence investigation report of the sentencing
20 court;

21 (d) any recommendations regarding his parole made at the time
22 of sentencing by the sentencing judge or the prosecutor;

23 (e) the reports of any physical and mental examinations of
24 the prisoner;

25 (f) any and all pre-trial, pre-sentence, incarceration assessment
26 reports

1 ~~(f)~~ (g) any relevant information which may be submitted by the
2 prisoner, the victim of his crime, or by other persons;
3 ~~(g)~~ (h) the prisoner's parole plan;
4 ~~(h)~~ (i) the record of his conduct while imprisoned;
5 ~~(i)~~ (j) such other relevant information concerning the prisoner
6 as may be reasonably available."

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

Bill No. 172-35 (COR)

As Amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice

Introduced by:

Therese M. Terlaje

**AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§
80.76 AND § 80.78 OF ARTICLE 5, ALL OF CHAPTER 80,
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
ENSURING PRE-SENTENCE REPORTS AND
ASSESSMENTS ARE UTILIZED BY THE GUAM
PAROLE BOARD PRIOR TO THE RELEASE OF ANY
OFFENDER ON PAROLE.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* intends to eliminate any barrier to the Guam Parole
4 Board's review of any and all pre-trial, pre-sentence and incarceration reports and
5 assessments prior to release on parole of any offender.

6 **Section 2.** § 80.14 of Article 1, Chapter 80, Title 9, Guam Code
7 Annotated, is hereby *amended* to read:

8 **“§ 80.14. Presentence Report: Use Regulated.**

9 (a) (1) The presentence report shall not be a public record.

10 (2) It may be made available only

11 (A) to the sentencing court,

12 (B) to any reviewing court where relevant to an issue on

13 which an appeal has been taken,

1 (C) to any examining facility, correctional institution,
2 probation or parole department or board for use in the
3 treatment or supervision of the offender and to the parties as
4 provided in this Section.

5 (b) At least two (2) days before imposing sentence the court
6 shall furnish the offender, or his counsel if he is so represented, a copy
7 of the report of the presentence investigation exclusive of any
8 recommendations as to sentence, unless in the opinion of the court the
9 report contains diagnostic opinion which might seriously disrupt a
10 program of rehabilitation, sources of information obtained upon a
11 promise of confidentiality, or any other information which, if
12 disclosed, might result in harm, physical or otherwise, to the
13 defendant or other persons; and the court shall afford the offender or
14 his counsel an opportunity to comment thereon.

15 (c) If the court is of the view that there is information in the
16 presentence report which should not be disclosed under Subsection (b), the
17 court in lieu of making the report or part thereof available shall state ~~orally~~
18 ~~or~~ in writing a summary of the factual information contained therein to be
19 relied on in determining sentence, and shall give the offender or his counsel
20 an opportunity to comment thereon. The statement may be made to the
21 parties in camera but shall be included as part of the permanent record and
22 subject to disclosure to the Parole Board.

23 (d) Any material disclosed to the offender or his counsel shall at the
24 same time be disclosed to the attorney for the Government.

25 (e) (1) Any copies of the presentence investigation report made
26 available to the offender or his counsel and the attorney for the

1 Government shall be returned to the court immediately following the
2 imposition of sentence.

3 (2) Copies of the presentence investigation report shall not be
4 made by the offender, his counsel or the attorney for the
5 Government.”

6 **Section 3.** § 80.76 of Article 5, Chapter 80, Title 9, Guam Code
7 Annotated, is hereby *amended* to read:

8 **“§ 80.76. Standards Governing Release on Parole.**

9 (a) Whenever the board considers the release of a prisoner for
10 parole, the board shall order his release, if it is of the opinion after
11 review of the records mandated in 9 GCA § 80.78, that:

12 (1) his release is compatible with public safety and
13 security and will not put victims’ safety or security in danger
14 based on an assessment of the risk of prisoner to re-offend;

15 (2) there is substantial likelihood that he will abide by
16 law and conform to the conditions of parole;

17 (3) his release at that time would not depreciate the
18 seriousness of his crime nor promote disrespect for law;

19 (4) his release would not have a substantially adverse
20 effect on institutional discipline; and

21 (5) he is of sufficient capacity and deemed likely to lead
22 a law-abiding life when released and his continued correctional
23 treatment, medical care, or vocational or other training in the
24 institution will not substantially enhance his capacity to lead a
25 law-abiding life when released at a later date.

1 (b) In making its determination regarding a prisoner's release
2 on parole, the board may consider, to the extent relevant, the
3 following factors:

4 (1) the prisoner's personality, including his age and
5 maturity, stability, sense of responsibility and any apparent
6 development in his personality which may promote or hinder
7 his conformity to law;

8 (2) the prisoner's parole plan;

9 (3) the prisoner's ability and readiness to assume
10 obligations and undertake responsibilities;

11 (4) the prisoner's family status and whether he has
12 relatives who display interest in him or whether he has other
13 close and constructive associations in the community;

14 (5) the prisoner's employment history, his occupational
15 skills and training, and the stability of his past employment;

16 (6) the type of home environment in which the prisoner
17 plans to live;

18 (7) the prisoner's past use of narcotics or other harmful
19 drugs, or past habitual and excessive use of alcohol;

20 (8) the prisoner's mental and physical make-up,
21 including any disability or handicap which may affect his
22 conformity to law;

23 (9) the prisoner's prior criminal record, including the
24 nature and circumstances, recentness and frequency of previous
25 offense;

26 (10) the prisoner's attitude toward law and authority;

1 (11) the prisoner's conduct in the institution, including
2 whether he has taken advantage of the opportunities for self-
3 improvement afforded by the institutional program;

4 (12) the prisoner's conduct and attitude during any
5 previous experience of probation or parole and the recentness of
6 such experience."

7 **Section 4.** § 80.78 of Article 5, Chapter 80, Title 9, Guam Code
8 Annotated, is hereby *amended* to read:

9 **"§ 80.78. Records to Be Made Available to Board.**

10 Before making a determination regarding a prisoner's release
11 on parole, the board shall cause to be brought before it, and it shall be
12 the responsibility of the department of corrections or administrative
13 head of the institution in which an offender is held and the Clerk of
14 Court of the Superior Court of Guam to furnish such of the following
15 records and information regarding the prisoner as may be available:

16 (a) a report prepared by the institutional parole staff, relating to
17 his personality, social history and adjustment to authority, and
18 including any recommendations which the institutional staff may
19 make;

20 (b) all official reports of his prior criminal record, including
21 reports and records of earlier probation and parole experiences;

22 (c) any pre-sentence investigation report of the sentencing
23 court;

24 (d) any recommendations regarding his parole made at the time
25 of sentencing by the sentencing judge or the prosecutor;

26 (e) the reports of any physical and mental examinations of
27 the prisoner;

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(f) any and all pre-trial, pre-sentence, or incarceration
assessment reports;
(~~f~~) (g) any relevant information which may be submitted by the
prisoner, the victim of his crime, or by other persons;
(~~g~~) (h) the prisoner's parole plan;
(~~h~~) (i) the record of his conduct while imprisoned;
(~~i~~) (j) such other relevant information concerning the prisoner
as may be reasonably available."

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

Bill No. 172-35 (COR)

As Amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice

Introduced by:

Therese M. Terlaje

AN ACT TO AMEND § 80.14 OF ARTICLE 1, ~~AND §§ 80.76 AND § 80.78 OF ARTICLE 5, ALL OF CHAPTER 80,~~ TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guáhan* intends to eliminate any barrier to the Guam Parole
4 Board's review of any and all pre-trial, pre-sentence and incarceration reports and
5 assessments prior to release on parole of any offender.

6 **Section 2.** § 80.14 ~~of~~ Article 1, Chapter 80, Title 9, Guam Code

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7 Annotated, is hereby *amended* to read:

8 **"§ 80.14. Presentence Report: Use Regulated.**

9 (a) (1) The presentence report shall not be a public record.

10 (2) It may be made available only

11 (A) to the sentencing court,

12 (B) to any reviewing court where relevant to an issue on

13 which an appeal has been taken,

COMMITTEE MARK UP VERSION

1 (C) to any examining facility, correctional institution,
2 probation or parole department or board for use in the
3 treatment or supervision of the offender and to the parties as
4 provided in this Section.

5 (b) At least two (2) days before imposing sentence the court
6 shall furnish the offender, or his counsel if he is so represented, a copy
7 of the report of the presentence investigation exclusive of any
8 recommendations as to sentence, unless in the opinion of the court the
9 report contains diagnostic opinion which might seriously disrupt a
10 program of rehabilitation, sources of information obtained upon a
11 promise of confidentiality, or any other information which, if
12 disclosed, might result in harm, physical or otherwise, to the
13 defendant or other persons; and the court shall afford the offender or
14 his counsel an opportunity to comment thereon.

15 (c) If the court is of the view that there is information in the
16 presentence report which should not be disclosed under Subsection (b), the
17 court in lieu of making the report or part thereof available shall state ~~orally~~
18 ~~or~~ in writing a summary of the factual information contained therein to be
19 relied on in determining sentence, and shall give the offender or his counsel
20 an opportunity to comment thereon. The statement may be made to the
21 parties in camera but shall be included as part of the permanent record and
22 subject to disclosure to the Parole Board.

23 (d) Any material disclosed to the offender or his counsel shall at the
24 same time be disclosed to the attorney for the Government.

25 (e) (1) Any copies of the presentence investigation report made
26 available to the offender or his counsel and the attorney for the

COMMITTEE MARK UP VERSION

1 Government shall be returned to the court immediately following the
2 imposition of sentence.

3 (2) Copies of the presentence investigation report shall not be
4 made by the offender, his counsel or the attorney for the
5 Government.”

6 **Section 3.** § 80.76 of Article 5, Chapter 80, Title 9, Guam Code
7 Annotated, is hereby *amended* to read:

8 **“§ 80.76. Standards Governing Release on Parole.**

9 (a) Whenever the board considers the release of a prisoner for
10 parole, the board shall order his release, if it is of the opinion after
11 review of the records mandated in 9 GCA § 80.78, that:

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12 (1) his release is compatible with public safety and
13 security and will not put victims' safety or security in danger
14 based on an assessment of the risk of prisoner to re-offend;

15 (2) there is substantial likelihood that he will abide by
16 law and conform to the conditions of parole;

17 (3) his release at that time would not depreciate the
18 seriousness of his crime nor promote disrespect for law;

19 (4) his release would not have a substantially adverse
20 effect on institutional discipline; and

21 (5) he is of sufficient capacity and deemed likely to lead
22 a law-abiding life when released and his continued correctional
23 treatment, medical care, or vocational or other training in the
24 institution will not substantially enhance his capacity to lead a
25 law-abiding life when released at a later date.

COMMITTEE MARK UP VERSION

1 (b) In making its determination regarding a prisoner's release
2 on parole, the board may consider, to the extent relevant, the
3 following factors:

4 (1) the prisoner's personality, including his age and
5 maturity, stability, sense of responsibility and any apparent
6 development in his personality which may promote or hinder
7 his conformity to law;

8 (2) the prisoner's parole plan;

9 (3) the prisoner's ability and readiness to assume
10 obligations and undertake responsibilities;

11 (4) the prisoner's family status and whether he has
12 relatives who display interest in him or whether he has other
13 close and constructive associations in the community;

14 (5) the prisoner's employment history, his occupational
15 skills and training, and the stability of his past employment;

16 (6) the type of home environment in which the prisoner
17 plans to live;

18 (7) the prisoner's past use of narcotics or other harmful
19 drugs, or past habitual and excessive use of alcohol;

20 (8) the prisoner's mental and physical make-up,
21 including any disability or handicap which may affect his
22 conformity to law;

23 (9) the prisoner's prior criminal record, including the
24 nature and circumstances, recentness and frequency of previous
25 offense;

26 (10) the prisoner's attitude toward law and authority;

COMMITTEE MARK UP VERSION

1 (11) the prisoner's conduct in the institution, including
2 whether he has taken advantage of the opportunities for self-
3 improvement afforded by the institutional program;

4 (12) the prisoner's conduct and attitude during any
5 previous experience of probation or parole and the recentness of
6 such experience."

7 **Section 4.** § 80.78 of Article 5, Chapter 80, Title 9, Guam Code

8 Annotated, is hereby *amended* to read:

9 **"§ 80.78. Records to Be Made Available to Board.**

10 _____ Before making a determination regarding a prisoner's release
11 on parole, the board shall cause to be brought before it, and it shall be
12 the responsibility of the department of corrections or administrative
13 head of the institution in which an offender is held and the Clerk of
14 Court of the Superior Court of Guam to furnish such of the following
15 records and information regarding the prisoner as may be available:

16 (a) a report prepared by the institutional parole staff, relating to
17 his personality, social history and adjustment to authority, and
18 including any recommendations which the institutional staff may
19 make;

20 (b) all official reports of his prior criminal record, including
21 reports and records of earlier probation and parole experiences;

22 (c) any pre-sentence investigation report of the sentencing
23 court;

24 (d) any recommendations regarding his parole made at the time
25 of sentencing by the sentencing judge or the prosecutor;

26 (e) the reports of any physical and mental examinations of
27 the prisoner;

COMMITTEE MARK UP VERSION

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(f) any and all pre-trial, pre-sentence, or incarceration
assessment reports;
~~(f)~~ (g) any relevant information which may be submitted by the
prisoner, the victim of his crime, or by other persons;
~~(g)~~ (h) the prisoner's parole plan;
~~(h)~~ (i) the record of his conduct while imprisoned;
~~(i)~~ (j) such other relevant information concerning the prisoner
as may be reasonably available.”

Senator Régine Biscoe Lee
Chairperson

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

July 26, 2019

Senator Clynton E. Riehl
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Tejedor,
Member

Senator Therese M. Tejedor,
Member

Senator James C. Moore,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Fiscal Note Waiver

Buenas yan Háfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 172-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Amanda L. Shelton".

Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

JUL 25 2019

Senator Régine Biscoe Lee
Chairperson, Committee on Rules
I Mina' Trentai Singko na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai! Senator Biscoe Lee:

The Bureau requests that Bill No. 172-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 172-35 is an act to amend § 80.14 of Article 1 of Chapter 80, Title 9, Guam Code Annotated and § 80.76 and § 80.78, both of Article 5 of Chapter 80, Title 9, Guam Code Annotated, relative to ensuring pre-sentence reports and assessments are utilized by the Guam Parole Board prior to the release of any offender on parole.

Based on the foregoing, the provisions are administrative in nature and would not fiscally impact the appropriations of FY 2019.

Si Yu'us Ma'ase,

LESTER L. CARLSON JR.





Senator
THERESE M. TERLAJE

I Mina'trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

Committee on Health, Tourism, Historic Preservation, Land and Justice

COMMITTEE VOTE SHEET

Bill No. 172-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- Therese M. Terlaje- “AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Therese M. Terlaje Chairperson		11/8/19				
Senator Sabina Flores Perez Vice Chairperson				11/12/19 ✓		
Senator Kelly G. Marsh (Taitano), Ph.D. Member				11/8/19 ✓		
Senator James C. Moylan Member		11/12/19		11/18/19 ✓		
Senator Louise B. Muña Member				✓ 11/12/19		
Vice Speaker Telena C. Nelson Member		11/12/19				
Senator Joe S. San Agustin Member		11/12/19				
Senator Amanda L. Shelton Member		11/8/19				
Senator Mary Camacho Torres Member						

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com

www.senatorterlaje.com

Public hearing on bills targeting sex offenders

Steve Limtiaco, Pacific Daily News USA TODAY Network Published 4:17 p.m. ChT July 23, 2019

The Guam Parole Board must consider a convict's risk of reoffending before deciding whether to grant parole, states one of several sex-offender-related bills up for a public hearing at the Legislature Wednesday morning.

Lawmakers introduced several measures to reform the parole and criminal justice process, and to place further restrictions on registered sex offenders, following April's arrest of paroled sex offender Paul Santos Mafnas, Jr.

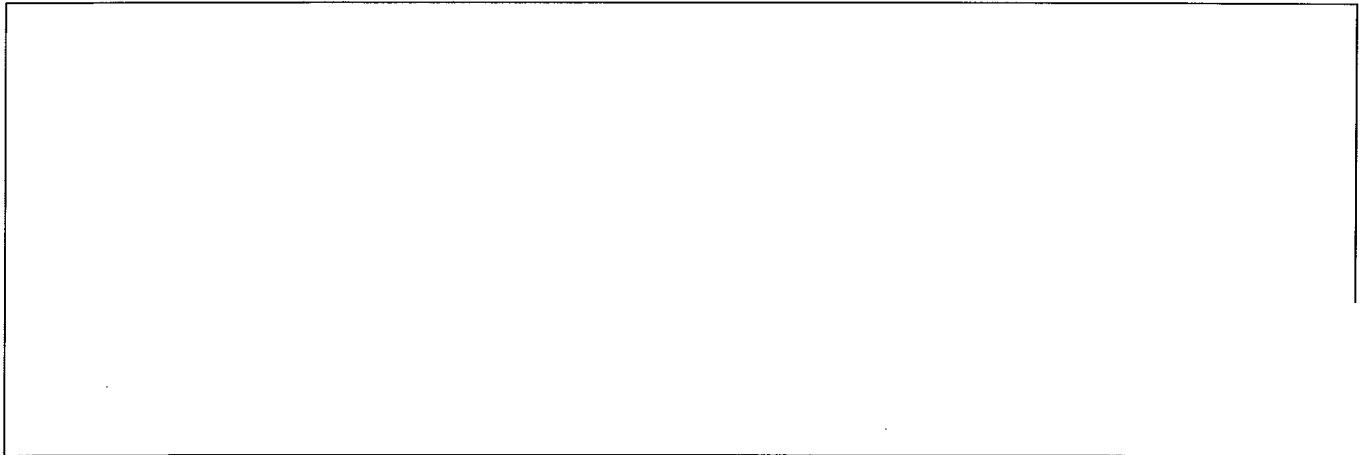
More: [Senator offers more ways to help prevent convicted sex criminals from offending again \(https://www.guampdn.com/in-depth/news/local/2019/07/01/senator-offers-ways-help-prevent-sex-criminals-re-offending/1614929001/\)](https://www.guampdn.com/in-depth/news/local/2019/07/01/senator-offers-ways-help-prevent-sex-criminals-re-offending/1614929001/)

More: ['There was risk at one': Why repeat sex offenders are granted parole with few obstacles \(https://www.guampdn.com/in-depth/news/local/2019/05/19/guam-sex-offenders-repeat-parole-rate-laws-therese-terlaje/1149970001/\)](https://www.guampdn.com/in-depth/news/local/2019/05/19/guam-sex-offenders-repeat-parole-rate-laws-therese-terlaje/1149970001/)

Mafnas, 53, was sentenced to 27 years in prison in 1999, and granted parole in 2014. His parole was terminated early, in July 2018.

On April 13, Mafnas was charged in the April 11 kidnapping and rape of a 10-year-old who was walking to a school bus stop — a crime similar to those he committed two decades ago. He reportedly told authorities after his arrest, “sexually assaulting female minors is an addiction of his that he can't resist.”

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Legislative oversight hearings revealed that the parole board granted Mafnas' parole request without a mental health evaluation or a copy of his presentence investigation report — information the law states is supposed to be available to the board.

Measures to be heard

The following measures will be heard 9 a.m. Wednesday at the Guam Congress Building:

- Sen. Therese Terlaje's Bill 172 requires that presentence reports be provided by the courts to the parole board. It also states the parole board must consider whether the convict is at risk of reoffending and is likely to lead a law-abiding life after release. The parole board currently is

not required to consider those specific issues when entertaining parole requests.

- Terlaje's Bill 171 would prohibit magistrate's judges from presiding over cases that involve felonies, criminal sexual conduct or repeat offenders. Only judges who must face a retention vote should handle those cases, the bill states.
- Her Bill 157 would require a convicted sex offender to be included on the sex offender registry, even if their conviction is pending appeal.
- Sen. James Moylan's Bill 175 would prohibit registered sex offenders from loitering near schools, playgrounds, parks, childcare facilities, libraries, colleges, universities or any other facility which has the main purpose of caring for, educating or entertaining minors. Registered sex offenders who do not leave after being asked by a person with authority over the site would be guilty of a felony, the bill states.

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Senator offers more ways to help prevent convicted sex criminals from offending again

Haidee V Eugenio, Pacific Daily News Published 12:57 a.m. ChT July 2, 2019



Judge gavel on law books with statue of justice and court government background. concept of law, justice, legal. (Photo: utah778, Getty Images/Stockphoto)

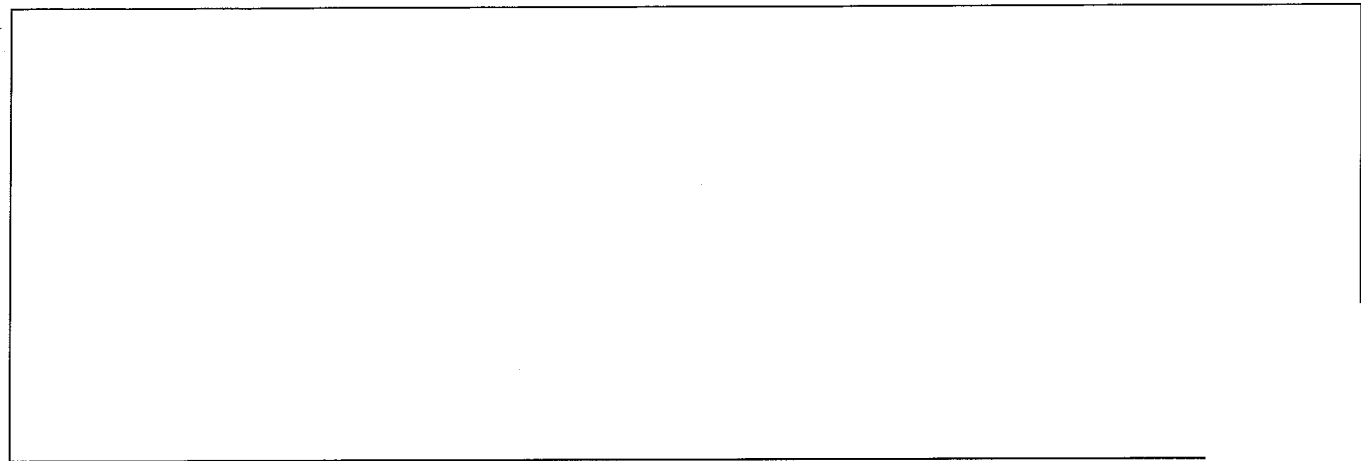
Sen. Therese Terlaje is proposing three more ways to help prevent convicted sexual predators from offending again, including coming up with an assessment tool to evaluate the risks of re-offending prior to release by the court or the Guam Parole Board.

Guam is still reeling from [convicted serial child rapist Paul Santos Mafnas Jr.'s arrest](#) ([/story/news/local/2019/04/13/guam-sex-offender-kidnapping-paul-santos-mafnas-jr/3463127002/](#)) in April in connection with the kidnapping and rape of a 10-year-old who was walking to a school bus stop. That was about nine months after Mafnas' parole was terminated.

Terlaje said after several public hearings, meetings, and discussions with various parties within the justice community, it became clear that "criminal sexual conduct offenders were being released into the community without adequate risk assessment, treatment or rehabilitation to protect the community against repeat offense."

Terlaje, chairwoman of the committee on justice, recently introduced three bills that seek to address gaps in the handling of criminal sexual conduct offenders:

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- Bill 171, which would ensure that decisions involving felonies, criminal sexual conduct, and repeat offenders are handled only by judges, not magistrates or referees, to ensure accountability for release decisions.
- Bill 172, which would ensure any and all pre-trial, pre-sentencing, and incarceration assessment reports are made available to the Parole Board before a determination is made regarding a prisoner's release.
- Bill 173, which would require the development and implementation of an assessment tool tailored to evaluate criminal sexual conduct offenders' risk of re-offending and that determination of risk be made prior to release by the court or Parole Board.

These bills will be up for a public hearing this month.

Since Mafnas' arrest in April, [other senators also introduced several bills \(/story/news/local/2019/04/26/anti-sexual-assault-bills-after-rape-case/3583512002/\)](#) to address criminal sexual conduct offenses.

They include Sen. Louise Muña's Bill 125, which seeks to impose minimum sentences for first- and second-degree criminal sexual conduct cases committed against children under the age of 12.

The bill, originally introduced during the previous Legislature, would increase the minimum sentence for first-degree criminal sexual conduct to 25 years to life, and the minimum sentence for second-degree criminal sexual conduct to 20 years.

'Life imprisonment but paroled'

Terlaje said despite the option of a sentence of life imprisonment without parole, many criminal sexual conduct offenders are being released due to lesser sentences or parole.

The senator also said they are being released without any assessment of risk of re-offending and in almost all cases, "without any treatment to deter them from re-offending."

"We must use specialized assessments to protect our community from repeat criminal sexual conduct offenders and ensure that informed and accountable decisions are made for pre-trial release, sentencing and parole," the senator said in a statement.

Roundtable discussions in May found out that prior to 2017, there were no rehabilitation or treatment programs available on Guam for repeat criminal sexual conduct offenders.

Department of Corrections reported that it recently instituted a voluntary sex offender treatment program, but only 15 people can be put in this program.

Terlaje said no determination has been made as to this program's effectiveness.

She said the current reality is that criminal sexual conduct offenders will continue to be released at the expiration of sentence without accurate risk assessment, without rehabilitation and without further monitoring required.

Additional monitoring and outreach are needed to ensure information is up-to-date on the Sex Offender Registry and distributed widely to the public, Terlaje said.

Reporter Haidee Eugenio Gilbert covers Guam's Catholic church issues, government, business and more. Follow her on Twitter @haidee_eugenio.

More: ['There was risk at one': Why repeat sex offenders are granted parole with few obstacles \(https://www.guampdn.com/in-depth/news/local/2019/05/19/guam-sex-offenders-repeat-parole-rate-laws-therese-terlaje/1149970001/\)](https://www.guampdn.com/in-depth/news/local/2019/05/19/guam-sex-offenders-repeat-parole-rate-laws-therese-terlaje/1149970001/)

More: [Senator: If we're guessing on releasing offenders, we're completely negligent \(/story/news/local/2019/05/06/senator-if-were-guessing-releasing-offenders-were-completely-negligent/1114267001/\)](https://www.guampdn.com/story/news/local/2019/05/06/senator-if-were-guessing-releasing-offenders-were-completely-negligent/1114267001/)

More: [Changes made since Mafnas was freed; rehabilitation, treatment programs for sex offenders \(/story/news/local/2019/05/07/treatment-programs-sexual-offenders-changes-mafnas-freed/1124230001/\)](https://www.guampdn.com/story/news/local/2019/05/07/treatment-programs-sexual-offenders-changes-mafnas-freed/1124230001/)

More: [Expert weighs in as flurry of anti-sexual assault bills after child rape case \(/story/news/local/2019/04/26/anti-sexual-assault-bills-after-rape-case/3583512002/\)](https://www.guampdn.com/story/news/local/2019/04/26/anti-sexual-assault-bills-after-rape-case/3583512002/)

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Changes made since Mafnas was freed; rehabilitation, treatment programs for sex offenders

Haidee V Eugenio, Pacific Daily News Published 8:57 a.m. ChT May 8, 2019



Sen. Therese Terlaje addresses concerns on sentencing laws, rehabilitation, and parole with officials from various agencies during a roundtable discussion at the Guam Congress Building in Hagåtña on May 6, 2019. (Photo: Frank San Nicolas/PDN)

Corrections and judicial officials say changes have been made over the last few years to help protect the public from repeat sex offenders released from prison, including the establishment of new treatment programs.

But the government is unable to implement a 2015 "chemical castration law" that was supposed to help control offenders.

During Sen. Therese Terlaje's Justice Committee roundtable on Monday, officials said there was a lack of funding and a lack of doctors willing to administer the program. They also noted mixed studies about the program's effectiveness.

Treatment program

Since late 2017, Guam's repeat sexual offenders have attended rehabilitation or treatment programs before leaving prison, corrections and judiciary officials said at the roundtable.

These programs were not available while Paul Santos Mafnas Jr. was in prison for 18 years. Mafnas' arrest in a recent child abduction and rape case raised concerns about Guam's parole process and the ability of the criminal justice system to keep the public safe.

Mafnas, 53, was sentenced to 27 years in prison in 1999, and placed on parole in 2014. His parole was terminated early in July 2018. On April 13, he was charged in the April 11 kidnapping and rape of a 10-year-old ([/story/news/2019/04/24/convicted-rapist-paul-mafnas-jr-pleaded-not-guilty-new-charges/3556403002/](https://www.guamnews.com/story/news/2019/04/24/convicted-rapist-paul-mafnas-jr-pleaded-not-guilty-new-charges/3556403002/)) who was walking to a school bus stop.



Michelle Hope Taitano, the Guam Parole Board chairwoman, answers questions by Sen. Therese Terlaje during a roundtable discussion on sentencing laws, rehabilitation, and parole at the Guam Congress Building in Hagåtña on May 6, 2019. (Photo: Frank San Nicolas/PDN)

Since his arrest in April, the Guam Parole Board began requiring a psychological evaluation on potential parolees whose cases are classified as violent crimes, Board Chairwoman Michelle Hope Taitano said.

"We are beyond saddened and disheartened of the recent incident by Mr. Paul Mafnas," Taitano said. "We continue to pray for the victim, her family, our community, for our healing and the improvements of our overall processes."

Chief Parole Officer Mike Quinata said of the 27 grants of parole since 2014, nine were granted over the objection of victims.

John Lizama, administrator for the courts, said over the last three years, the courts have implemented changes, including the use of a risk assessment system for adult offenders.

It's a "cradle-to-the-grave" system, Lizama said, because it has pre-trial, supervision, and re-entry components throughout the time an offender is in the system.

'The hardest offenders to change'

Court clinical psychologist Juan Rapadas said the recidivism rate for sex offenders is generally low, citing national data, but Terlaje asked the court to later provide Guam-specific data.

Mafnas, however, may have fallen under a certain category of sex offenders who have one of the highest risks of offending again, Rapadas said, referring those who sexually abuse children 11 years old and under.

They are "the hardest offenders to change," Rapadas said.



John Lizama, Judiciary of Guam administrator of the courts, speaks during a roundtable discussion at the Guam Congress Building in Hagåtña on May 6, 2019. (Photo: Frank San Nicolas/PDN)

He said generally, "treatment does work" given the right assessment tools.

Terlaje, an attorney, asked those at the roundtable whether the sex offender treatment and assessment programs that are currently being used should become the standard, or if Guam should look for other rehabilitation programs.

Related: [Expert weighs in as flurry of anti-sexual assault bills after child rape case \(/story/news/local/2019/04/26/anti-sexual-assault-bills-after-rape-case/3583512002/\)](#)

Law violations, weaknesses

The legislative justice committee found law violations, gaps and weaknesses that need to be addressed to help prevent convicted sex offenders from hurting people again.

While Mafnas was in prison and on parole, he did not undergo any mental health evaluation, did not go through any risk assessment to evaluate the likelihood of re-offending, and did not receive rehabilitation or treatment specific to sexual offenses, according to findings at the roundtable.

Terlaje's committee also heard from the Office of the Attorney General, represented by Chief Prosecutor Basil O' Mallan, who said there's no firm policy on when to recommend to the Guam Parole Board that parole be granted.

Terlaje's committee found that the law was not followed when pre-sentencing investigation reports and recommendations at the time of Mafnas' sentencing were not made available to the Parole Office or the Guam Parole Board, which was tasked with making parole decisions.

"Current reality is that criminal sexual conduct offenders will continue to be released at the expiration of sentence without accurate risk assessment, without any treatment and without further monitoring required," Terlaje later said in a statement.

The Parole Board also asked for, but did not receive, any mental health evaluation on Mafnas prior to a hearing in which Mafnas was granted parole, Taitano said.

Corrections officials said psychological evaluation "is not always performed," just like in the case of Mafnas, because the court psychologist had a backlog of work.

Parole Board members also do not receive training specific to dealing with sex offenders.

Limitations

Guam Behavioral Health and Wellness Center Director Therese Arriola said there is currently no sex offender treatment program for repeat sex offenders.

The Department of Corrections' treatment program for sex offenders can only take in 10 to 15 people at a time, Department of Corrections Director Samantha Brennan, social worker Mark Perez and parole officers Ron Santos and Quinata said.

Perez said the program has been "prioritizing those who are getting released soon."

"Unfortunately," he said, most drop out of the treatment program "so we have been graduating about five on each group."

Related: [Senator: If we're guessing on releasing offenders, we're completely negligent \(/story/news/local/2019/05/06/senator-if-were-guessing-releasing-offenders-were-completely-negligent/1114267001/\)](#)

Spike in sex offense cases

Danielle Rosete, clerk of court for the Superior Court of Guam, said at the roundtable that there was a spike in the number of cases filed in local court involving criminal sexual conduct offenses, especially in 2018:

- 2016: Of 1,682 criminal felony and misdemeanor cases filed, 60 involve criminal sexual conduct offenses, or 3.6% of total.
- 2017: Of 1,497 total cases filed, 67 involved criminal sexual conduct offenses, or 4.5%.
- 2018: Of 1,415 total cases filed, 99 involved criminal sexual conduct offenses, or 7%.
- 2019 to date: Of 447 total cases, 20 involved criminal sexual conduct offenses, or 4.5%.

Sen. James Moylan said the use of machines to monitor heart rate and blood pressure when presented with certain stimuli, could be a tool for second- or third-level assessment to determine sex offenders' risks of offending again once released from prison or parole.

But agencies said these risk assessment tools require funding.

Taitano, in a 10-point recommendation to the justice committee, asked that the Guam Parole Board be a compensated board.

"We are the last volunteer board in the nation," she wrote, adding that necessary funds and other resources should be given to the board.

Reporter Haidee Eugenio covers Guam's Catholic church issues, government, business and more. Follow her on Twitter @haidee_eugenio (https://twitter.com/haidee_eugenio). Follow Pacific Daily News on Facebook/GuamPDN (<http://www.facebook.com/guampdn/>) and Instagram @guampdn (<http://instagram.com/GuamPDN>).

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Ariane Nepomuceno, raped by Paul Santos Mafnas Jr. in 1995, furious about his release

Jerick Sablan, Pacific Daily News Published 12:32 p.m. ChT April 19, 2019 | Updated 3:51 p.m. ChT April 19, 2019

Dededo Middle School student Ariane Nepomuceno was walking to the bus stop when a man in a white sedan pulled up behind her and asked her what time school started. The 14-year-old, who had recently moved to Guam from the Philippines with her family, ignored him.

More: [Parole Board chair says abduction suspect did well on parole as Guam DOE heartbroken \(/story/news/local/2019/04/18/man-charged-abduction-rape-10-year-old-did-well-parole-guam-parole-board-chair-says-even-officials-h/3504852002/\)](#)

More: [Senators seek review of Parole Board process over convicted serial child rapist's parole \(/story/news/local/2019/04/16/senators-want-know-how-convicted-serial-child-rapist-got-paroled/3481319002/\)](#)

Moments later, the man was behind her with a knife. Terrified, she got into his car, and as they drove past the bus stop she waved to her friends.

In a jungle area near Two Lover's Point, he stopped the car and rifled through her school planner, pointing out the names of her friends and telling her they would be next.

He took her phone number and said that if she told anyone what happened, he would kill her family.



Paul Mafnas Jr. and Ariane Nepomuceno (Photo: Pacific Daily News)

As he raped her, he told her that nobody would ever go out with her now.

It was November 1995.

"I was the last victim that year," said Nepomuceno, now 37. "Then he was put in prison."

In 1999, Paul Santos Mafnas Jr. pleaded guilty to kidnapping and raping Nepomuceno and three others. He was sentenced to 27 years in prison, and he served 18. He "did well on parole" according to the Parole Board chairwoman, so his supervision was cut short by a year. In July 2018, he was a free man.

Last week, Mafnas was arrested after a 10-year-old was abducted at gunpoint while walking to a bus stop in Tamuning. She was raped and later dropped off at Tamuning Elementary School.

'Here to support her'

Mafnas was charged with criminal sexual conduct and kidnapping. He told investigators "sexually assaulting female minors is an addiction of his that he can't resist," according to a magistrate's complaint filed in Superior Court.

Today, Nepomuceno is furious that Mafnas was ever released from prison. She said she wants to share her story so the 10-year-old knows she is not alone.

"I am here to support her," Nepomuceno said. "She is the reason I have to speak up."

Mafnas first became eligible for parole in December 2013. In February 2014, Nepomuceno's family went before the board and pleaded for him to stay in prison. Nepomuceno, who hasn't lived on Guam for many years, wrote a letter to the board.

"They have to think about this monster that is sick in the head that will keep repeating what he had done before," she said.

Nepomuceno said board members asked her family how she was doing and told her family to find a way to get closure.

"They don't care about the victims," she said.

Journey through the justice system

Nepomuceno said she focused on one thought during the 1995 attack: "I hope he won't kill me."

Mafnas dropped her off a block away from school. As she walked toward her friends, they asked her what happened.

She told them she was raped.

Her friends walked her to the nurse, and then she went to the police precinct and to Healing Hearts.

Police showed her a lineup. She identified Mafnas, and after she made her report, another girl came forward, she said.

Nepomuceno had to go before a grand jury to relive her story over and over again.

Then she faced Mafnas during his sentencing.

She said she was angry when she heard Mafnas tell the judge that he was molested when he was young.

That didn't give him the right to rape anyone else.

Mafnas wrote to her and the others after he was sentenced, but she never read his letter.

She was angry.

She is still angry.

And she is upset that he was arrested again after pleading with the Parole Board to not let him out.

Parole Board says Mafnas' did well'

Parole Board Chairwoman MiChelle Hope Taitano said Mafnas "did well on parole," but senators want a review of the process that led to a serial child rapist's early release from prison.

"Prior to his release, our parole reports, interviews had positive outcomes of a changed life. Unfortunately, I or we are unable to guarantee the actions of individuals on parole status or beyond that. We do our very best to ensure folks avoid re-offending," Taitano said.

At the time of his discharge, Mafnas was following all the conditions of his parole, had his own yard maintenance business and did not have any negative reports or violations, according to Chief Parole Officer Michael Quinata.

Gov. Lou Leon Guerrero vowed to address any weakness in the current parole process.

Leon Guerrero, whose campaign promised making Guam streets safer, said she's still getting more information about the case.

Roundtable set

Sen. Therese Terlaje, chair of the Committee on Justice, set a May 6 roundtable on parole procedures, while also waiting for answers from Attorney General Leevin Camacho and the Parole Board on whether procedures were followed that led to Mafnas' early release from prison.

"An examination of our parole process is long overdue," Sen. Amanda Shelton said in a letter to Terlaje, asking her to call an oversight hearing on the Parole Board so senators may examine its processes and pass appropriate legislation.

Shelton, chairwoman of the Committee on the Advancement of Women and Youth, said the review of parole processes would allow for legislation that seeks to ensure that predators with self-described addictions to sexually assaulting children "are never put back on our streets again."

"This has raised many questions in the minds of our people about our parole process and how we keep our children safe from the monsters who wish to hurt them," Shelton wrote.

Nepomuceno said she hopes officials will do their homework before releasing rapists back into the community.

And she wants to offer encouragement to other survivors of sexual assault.

"I would let the girl know to be strong and that everything will be OK," she said.

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[Senators to take up at least 9 bills, 1 resolution, 6 appointments at next week's session \(/story/news/local/2019/04/18/least-9-bills-1-resolution-6-nominations-session-agenda/3505053002/\)](https://www.guampdn.com/story/news/local/2019/04/18/least-9-bills-1-resolution-6-nominations-session-agenda/3505053002/)

[Lawyer, herbalist, medical marijuana card holder named to Cannabis Control Board \(/story/news/local/2019/04/18/lawyer-herbalist-medical-pot-patient-named-cannabis-control-board/3505104002/\)](https://www.guampdn.com/story/news/local/2019/04/18/lawyer-herbalist-medical-pot-patient-named-cannabis-control-board/3505104002/)

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