

- 1 (ii) recent criminal offenses, *if any*;
2 (iii) documentation of treatment, *if any*;

3 *and*

4 (iv) a current photograph.

5 (v) name and address of the institution of
6 higher education, enrollment or employment
7 status, and any changes of enrollment or
8 employment status if the person is enrolled,
9 employed or carrying on a vocation.

10 (3) **Level Three Offender.** The registrant
11 shall verify registered information in the same manner as
12 a Level Two Offender.

13 (4) Notwithstanding Subsections (a), (b) *and*
14 (c) of this Section, a registrant shall register the
15 registrant's new physical address with the Court within
16 seven (7) calendar days of any change in physical
17 residence. If a registrant anticipates moving from Guam,
18 that registrant shall register the registrant's intended
19 place of residence with the Court no later than three (3)
20 calendar days before the registrant's departure from
21 Guam.

22 (g) **Registration Requirements for Offenders**
23 **Enrollment and Employment in an Institution of Higher**
24 **Education.** All registrant must update the name and address of
25 the institution of higher education, enrollment or employment
26 status, and any changes of enrollment or employment status if
27 the registrant is enrolled, employed or carrying on a vocation in

1 an institution of higher education within seven (7) days of any
2 changes in employment or enrollment in an institution of higher
3 education with the Guam Police Department.

4 **(g) h Registration Requirements; Verification,**
5 **Method of Verification.** A registrant shall verify the
6 registrant's registered information as required by §89.03(e) in
7 the following manner:

8 **(1) Parolee.** A parolee shall personally
9 present himself to the parolee's parole officer and verify
10 the registered information with the parole officer;

11 **(2) Probationer.** A probationer shall
12 personally present oneself to the person's probation
13 officer and verify the registered information with the
14 probation officer;

15 **(3) Dual Supervision.** A person under
16 dual supervision, that is, the person is supervised by both
17 parole and probation, shall personally present oneself to
18 that person's probation officer; *and*

19 **(4) Others.** All registrants, including persons
20 who are no longer under supervised parole or probation,
21 shall personally appear at the Guam Police Department,
22 Records Section, and register with the Guam Police
23 Department.

24 **(h) i Registration Requirement; Guam Residents**
25 **Who are Employed, Carry on a Vocation, or are Students in**
26 **Another State or Territory.** A person who is required to
27 register on Guam and who is employed, carries on a vocation,

1 or is a student of another state or territory, shall also register in
2 that other state or territory pursuant to the registration
3 requirements of that state or territory.

4 **(i) L Registration Requirement; Persons Who**
5 **Move to Another State or Territory.** When a person who is
6 required to register on Guam anticipates moving to another
7 state or territory, that registrant shall report the change of
8 address to the Guam Police Department pursuant to the
9 requirements of this Chapter, *and* comply with any registration
10 requirement of the new state or territory of residence.

11 **Section 89.04. Registration.** A registrant shall continue to
12 comply with this Chapter, *except* during ensuing periods of
13 incarceration, for the following period of time:

14 **(a) Lifetime; Level One and Level Two**
15 **Offenders.** A Level One and Two Offender must comply
16 with this Chapter for the length of that person's life.

17 **(b) Ten (10) Years.** A person deemed a Level Three
18 Offender shall register pursuant to §89.03(b)(2), and
19 Subsections (2) and (3) of §89.03(f), for a period of ten (10)
20 years from the date of that person's release on probation or
21 release on parole.

22 **(c) Where Conviction Reversed, Vacated or Set**
23 **Aside or Where Registrant Pardoned.** Notwithstanding
24 Subsections (a) and (b) of this Section, where the underlying
25 conviction is reversed, vacated or set aside, or *if* the person is
26 pardoned of the crime which triggered the registration
27 requirement of this Chapter, registration is no longer required.

1 **(d) Tolling of Registration Requirement.** *If a*
2 registrant is re-incarcerated for violations of release conditions
3 imposed in the same crime, or for the commission of another
4 crime, or the registrant is civilly committed, then the period of
5 registration is tolled and remains tolled until the registrant's
6 subsequent release. Thereafter, the registrant shall recommence
7 and continue registering for the remaining period of time the
8 registrant is required to register.

9 **Section 89.05. Penalties.**

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

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

21 **(c) Address Changes.** A registrant's failure to
22 register the registrant's new physical address within seven (7)
23 calendar days of any change of physical address is a
24 misdemeanor. A second or subsequent failure to so register is a
25 felony of the third degree. Failure of a registrant who is a
26 probationer or parolee to so register may result in sanctions
27 pursuant to 9 GCA §80.66 *and* 9 GCA §80.82, *respectively*.

1 (d) **False Information.** Intentionally and
2 knowingly providing false information during initial
3 registration or subsequent verification is a felony of the second
4 degree.

5 (e) **Enrollment or Employment at an Institution**
6 **of Higher Education.** A registrant's failure to update
7 enrollment or employment at an institution of higher education
8 or termination of such enrollment or employment at an
9 institution of higher education with the Guam Police
10 Department within seven (7) calendar days of any change
11 would constitute a failure to register or keep such registration
12 current is a felony of the third degree.

13 **Section 89.06. Duties of the Department of Corrections and**
14 **the Court; Initial Registration.** *If* a registrant is released from
15 incarceration, placed on parole or placed on probation, the
16 Department of Corrections, the Parole Services Division, the Court or
17 the Probation Services Division shall:

18 (a) inform the registrant of the duty to register and
19 obtain the information required for such registration;

20 (b) inform the registrant that *if* the registrant changes
21 residence on Guam, the registrant shall provide the new
22 residential address to the Court;

23 (c) inform the registrant that *if* the registrant moves to
24 another state or territory, the registrant shall report the change
25 of address to the Court no later than three (3) calendar days of
26 the registrant's leaving Guam, and shall comply with any
27 registration requirement of the new state or territory;

1 (d) inform the registrant that *if* the registrant is, or
2 becomes, employed, carries on a vocation, or becomes a student
3 in another state or territory, then the registrant must comply
4 with the registration requirement of that new state or territory;

5 (e) obtain all information that must necessarily be
6 gathered for the registrant's initial registration, and inform the
7 registrant that the registrant must provide the registrant's
8 fingerprints, a photograph and a biological sample to the Guam
9 Police Department. The Department of Corrections or the
10 Office of Probation shall facilitate the obtaining of fingerprints,
11 photograph and biological sample. After this information is
12 gathered, the Guam Police Department shall retain the
13 biological sample and transmit the fingerprints and photograph
14 to the Court within three (3) calendar days;

15 (f) require the registrant to read and sign a form
16 stating that the registrant's duty to register under this Chapter
17 has been explained; *and*

18 (g) forward information described in (f) above to the
19 Court within three (3) calendar days after receipt thereof.

20 (h) inform the registrant that if the registrant enrolls
21 at, is employed at, or carries on a vocation at an institution of
22 higher education in Guam the registrant must inform the Guam
23 Police Department, and to notify the Guam Police Department
24 of any change in such enrollment or employment status at the
25 institution of higher education within seven (7) calendar days of
26 any changes.

1 (i) ensure the registration information collected on
2 the registrant's enrollment or employment status at the
3 institution of higher education, and any change of enrollment or
4 employment status of the registrants at the institution of higher
5 education is promptly made available to the Guam Police
6 Department.

7 (j) ensure the registration information collected on
8 the registrant's enrollment or employment status at the
9 institution of higher education, and any change of enrollment or
10 employment status of the registrants at the institution of higher
11 education is provided to the Superior Court of Guam to be
12 entered into Guam's Sex Offender Registry.

13 **Section 89.07. Duties of the Department of Corrections and**
14 **the Court, Verification of Registered Information.**

15 (a) The Department of Corrections, Parole Services
16 Division, shall receive and obtain initial registration and
17 registration verification information from registrants who are
18 parolees, and shall transmit such information to the Court no
19 later than three (3) business days of receipt of such information.

20 (b) The Court, Probation Services Division, shall
21 receive and obtain initial registration and registration
22 verification information from registrants who are probationers
23 and shall enter such information into the Court's Sex Offender
24 Registry database.

25 **Section 89.08. Duties of the Guam Police Department.**

26 (a) Upon receipt of the information that is required to
27 be registered or verified pursuant to this Chapter, the Guam

1 Police Department shall *immediately*, and no later than three (3)
2 business days of receipt of this information, transmit the
3 information to the Court which shall record this information in
4 the Sex Offender Registry database. The Guam Police
5 Department shall also immediately transmit the registrant's
6 photograph, fingerprints, conviction data and current residence
7 to the Court. In addition to sex offender data, the Guam Police
8 Department shall also immediately transmit all felony
9 fingerprints to the Court. The Court shall forward these
10 fingerprints to the Federal Bureau of Investigation's Automated
11 Fingerprint Identification System ('AFIS') for assignment of a
12 fingerprint identification number.

13 (b) inform the registrant that if the registrant enrolls
14 at, is employed at, or carries on a vocation at an institution of
15 higher education in Guam the registrant must inform Guam
16 Police Department, and to notify the Guam Police Department
17 of any change in such enrollment or employment status at the
18 institution of higher education within seven (7) calendar days.

19 (c) ensure the registration information collected on
20 the registrant's enrollment or employment status at the
21 institution of higher education, and any change of enrollment or
22 employment status of the registrants at the institution of higher
23 education is promptly made available to the Guam Police
24 Department.

25 (d) ensure the registration information collected on
26 the registrant's enrollment or employment status at the
27 institution of higher education, and any change of enrollment or

1 employment status of the registrants at the institution of higher
2 education is provided to the Superior Court of Guam no later
3 than three (3) business days of receipt of the information to be
4 entered into Guam's Sex Offender Registry.

5 (b) e The Superior Court of Guam is the state sole
6 source for submission of information and fingerprints to the
7 Federal Bureau of Investigation and the National Crime
8 Information Center ('NCIC'). The Court shall enter all
9 registered information into the NCIC system no later than three
10 (3) business days after receipt of such information.

11 (e) f **Notification of Local Law Enforcement**
12 **Agencies Regarding Changes of Address; Moving From**
13 **Guam.** Upon receipt of information that the registrant is
14 anticipated to move from Guam to another state, territory or
15 tribe, the Court shall *immediately* notify that state or territory to
16 which the registrant is moving, and shall transmit the address of
17 the registrant's anticipated residence to the Federal Bureau of
18 Investigation no later than three (3) business days of receipt of
19 this information.

20 (d) g **Notification of FBI Regarding Changes**
21 **of Address.**
22 Upon receipt of information that registrant is or has changed
23 residence within Guam, or is anticipated to move from Guam to
24 another state, territory or tribe, the Guam Police Department
25 shall transmit the new address to the Federal Bureau of
26 Investigation no later than three (3) business days after receipt
27 of this information.

1 **Section 89.09. Duties of the Court.**

2 **(a) Repository.** The Court shall be the central
3 repository for the registered information, in addition to all
4 criminal history records information.

5 **(b) Fees.** The Court is authorized to collect
6 reasonable registration fees from registrants. Such fees shall be
7 used for the maintenance and support of the sex offender
8 registration and notification program. Fifty percent (50%) of
9 the fee paid by the registrant shall be given to the Court and the
10 remaining fifty percent (50%) shall go to the Guam Police
11 Department.

12 **Section 89.10. Notification.**

13 **(a) Release of Information.** The Court shall
14 release the following information to the community:

15 (1) Level One Offender: all registered
16 information *except* the Social Security number, the age of
17 the victim(s) in the underlying case, and the state or
18 territory in which the crime occurred;

19 (2) Level Two Offender: name, physical
20 address, photograph, criminal history, the age of the
21 victim in the underlying case, and the state or territory in
22 which the crime occurred;

23 (3) Level Three Offender, Felony Conviction:
24 name, photograph, criminal sexual conduct offense or
25 'the criminal offense against a victim who is a minor' of
26 which the person was convicted; *and*

1 (4) Level Three Offender, Misdemeanor
2 Conviction: no notification.

3 (b) **Victims.** The identity of the victim or any
4 information that may identify the victim shall *not* be released,
5 *subject* to Subsection (a).

6 (c) **Method of Release of Information.** The
7 Court shall maintain an Internet web-page dedicated to persons
8 required to register, which shall contain the information that is
9 required to be released. The released information shall be
10 updated during the first week of every month. The community
11 shall have access to the Sex Offender Registry Web Page. The
12 Court shall transmit released information concerning Level One
13 and Level Two Offenders to the Department of Education, the
14 Guam Community College, the University of Guam, all public
15 and private schools, day care centers, victim shelters and victim
16 advocates on the first week of every month. The Court may
17 transmit information concerning Level One and Level Two
18 Offenders directly to the media for dissemination.

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

25 **Section 3. Severability.** *If* any provision of this Law or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.

Testimony By
Anthony P. Sanchez, Acting Director
Bureau of Statistics and Plans
on
Bill Number 86

“An Act to Amend Chapter 89 to Title 9 of the Guam Code Annotated, to Require Sex Offenders already required to register in Guam to provide notice, as required under Guam’s Law, of each institution of higher education in Guam at which the person is employed, carries on a vocation, or is a student; and to ensure that this registration information is promptly made available to the law enforcement agency with jurisdiction where the institution of higher education is located and that it is entered into Guam’s Sex Offender Registry System.”

Good Morning Chairman Tenorio and Members of the Committee, I want to thank you for the opportunity to testify before you on Bill Number 86.

The Twenty-Fifth Guam Legislature was the first time when the Bureau of Statistics and Plans came before you to testify on proposed legislation to create a Sex Offender Registry. The impetus for the creation of Guam’s Sex Offender Registry was the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which is commonly referred to as the Wetterling Act. Congress had placed a condition on the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant that any state that was not in full compliance with the provisions of the Wetterling Act would lose ten percent of its federal funds under the Edward Byrne Memorial Formula Grant Program. There were members of the Twenty-Fifth Guam Legislature that had concerns about creating a Sex Offender Registry, but they put their concerns aside for the safety of our community at large. The result was the enactment of Public Law 25-75. Presently, Guam is in compliance with four out of the five amendments that have been made to the Jacob Wetterling Act. Guam has demonstrated compliance with the following:

- the original requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act that require states to implement a sex offender and crimes against children registry;
- the Megan’s Law amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act) that require states to establish a community notification system;
- the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 amendment to the Wetterling Act that requires lifetime registration for recidivists and offenders who commit certain aggravated offenses; and
- Section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (CJSA) that amends the

requirements of the Wetterling Act to include heightened registration requirements for sexually violent offenders, registration of federal and military offenders, registration of nonresident workers and students, and participation in the National Sex Offender Registry (NSOR).

While Guam is in compliance with the aforementioned amendments, Guam is not in compliance with the Campus Sex Crimes Prevention Act amendment to the Wetterling Act. This amendment requires sex offenders to report information regarding any enrollment or employment at an institution of higher education and provide this information to a law enforcement agency whose jurisdiction includes the institution. The Bureau of Statistics and Plans is here to testify in support of Bill Number 86, "An Act to Amend Chapter 89 to Title 9 of the Guam Code Annotated, to Require Sex Offenders already required to register in Guam to provide notice, as required under Guam's Law, of each institution of higher education in Guam at which the person is employed, carries on a vocation, or is a student; and to ensure that this registration information is promptly made available to the law enforcement agency with jurisdiction where the institution of higher education is located and that it is entered into Guam's Sex Offender Registry System."

As was the case with Guam's initial compliance with the Wetterling Act when it enacted Public Law 25-75, the U.S. Congress has stipulated that any state that does not fully comply with the Campus Sex Crimes Prevention Act will lose ten percent of its federal funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. It is important that Guam comply with the Act; otherwise, the Government of Guam will forfeit federal funds because the Bureau of Justice Assistance has imposed a ten percent funding penalty on the Byrne Formula Grant Program for those states that are not in compliance. However, if Guam becomes complaint before the expiration date of its Fiscal Year 2003 and Fiscal Year 2004 grants, Guam will be able to obligate and expend the funds. For these two fiscal years, Guam has set aside a total of \$272,899 in federal funds for non compliance as demonstrated in the following table:

Grant Year	Federal Funds	Set Aside for Non Compliance (10% Penalty)	Grant Expiration Date
FY 2003	\$1,324,227.00	\$132,422.00	September 30, 2006
FY 2004	\$1,404,775.00	\$140,477.00	September 30, 2007
Total:		\$272,899.00	

As you may be aware, Congress discontinued the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program. Fiscal Year 2004 is the last year that funds were appropriated by Congress for the Program. Passage of Bill Number 86 will enable critical law enforcement programs funded under Guam's FY 2003 and FY2004 grants to utilize the sequestered funds until the grants under which they are funded expire. These critical law enforcement programs include the prosecution of narcotics cases, drug interdiction by the Guam Customs and Quarantine Agency's

drug detector canines, support of Guam's law enforcement officers participating in the U.S. Drug Enforcement Administration Task Force and the automation of criminal justice records. The Bureau anticipates that the cost to implement Bill No. 86 will be nominal. Any costs that may be incurred by the Government of Guam to implement Bill Number 86 will be paid for by Guam's Edward Byrne Memorial Formula Grant Program.

More specifically, the provisions in Bill Number 86 will amend the registration information of Guam's Sex Offender Registry to include the name and address of the institution of higher education, enrollment or employment status if a sex offender is enrolled, employed or carrying on a vocation. It will require the registrant to update the registration information within seven days of any changes with the Guam Police Department. The Bill will impose criminal penalties on the registrant for failure of notifying or updating the required information. The Bill requires the Department of Correction and the Superior Court of Guam to inform the registrant at the time of the initial registration of the requirements to provide and update the information with the Guam Police Department. It also requires the Department of Correction and the Superior Court of Guam to ensure the registration information collected is promptly made available to the Guam Police Department. It will require that the information collected be provided to the Superior Court Guam to be entered into Guam's Sex Offender Registry. Lastly, the Bill requires the Superior Court of Guam to transmit the released information concerning Level One and Level Two Offenders to the Guam Community College and the University of Guam.

The Bureau of Statistics and Plans would like to take this opportunity to advise you that Bill Number 86's proposed amendments to Chapter 89 to Title 9 of the Guam Code Annotated have been pre-reviewed by the Office of General Counsel, U.S. Department of Justice. If Bill Number 86 is enacted into law as written, Guam will be in full compliance with the Campus Sex Crimes Prevention Act. Because the Bill has already been reviewed by the Office of General Counsel, Guam will immediately be able to spend the federal funds that are presently sequestered. If there are any revisions, there will be time delays as the Office of General Counsel will need to review the law to ensure it is in compliance.

In addition to the restoring of federal funds, the Bureau of Statistics and Plans also urges you to pass Bill Number 86 to help ensure that the University of Guam's and the Guam Community College's campus communities are protected and informed about the presence of registered sex offenders who are students or employees on their campuses.

The Bureau of Statistics and Plans strongly supports Bill Number 86's passage, provided that no change are made to it.

Thank you for providing us the opportunity to testify on Bill Number 86. We are now prepared to answer any questions you may have.



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman

Public Hearing
Tuesday • April 12, 2005 • 9:00a.m.
Public Hearing Room, / Liheslaturan Guåhan

Bill No. 86(LS): An act to amend Chapter 89 to Title 9 of the Guam Code Annotated, to require sex offenders already required to register in Guam to provide notice, as required under Guam's law, of each institution of higher education in Guam at which the person is employed, carries on a vocation, or is a student; and to ensure that this registration information is promptly made available to the law enforcement agency with jurisdiction where the institution of higher education is located and that it is entered into Guam's sex offender registry system.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
ANTHONY P. SANCHEZ	BSP		✓	✓		472-2301-2
Michelle A. Craig, Jean Guerrero	BSP			✓		472-4201
FRANKIE TENORIO						



FELIX PEREZ CAMACHO
GOVERNOR

KALEO SCOTT MOYLAN
LIEUTENANT GOVERNOR

BUREAU OF BUDGET & MANAGEMENT RESEARCH

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

CARLOS P. BORDALLO
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 86 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed legislation seeks to amend Ch. 89 of Title 9 GCA whereby sex offenders will be required to provide notice of each institution of higher education at which the person is employed, carries on a vocation, or is a student. Additionally, it requires that affected agencies promptly notify law enforcement agencies with jurisdiction where the institution of higher education is located and requires that such information is entered into Guam's Sex Offender Registry system.

The aforementioned amendments to existing statutes are primarily administrative in nature. It should be noted that although Section 89.09(b) cited in Section 2 of the proposed legislation references registration fees, such language was incorporated into the enabling statutes for the Sex Offender Registry promulgated in P.L. 25-75:2. Based on information received from the Unified Judiciary, the current registration fee for the Registry is \$50. This fee remains status quo at this time and there are no other sections of the legislation that pose a fiscal impact on the Government of Guam.

The Bureau would like to note that the word "added" should be substituted with "amended" in the title of Section 2 of the proposed legislation. This is so since Chapter 89 of Title 9 GCA already exists per P.L. 25-75 and the intent of the proposed legislation is to make amendments to this section of the GCA.

Carlos P. Bordallo
Acting Director, BBMR

Jan 4/5

LOCAL

GOVERNMENT MEETINGS

April 6
GUAM COMMUNITY COLLEGE BOARD OF TRUSTEES: 3 p.m. April 6, GCC library conference room, second floor, Foundation Building, Mangilao. Call 735-5637. For special accommodations, call 735-5597.

MAYORS' COUNCIL OF GUAM: 10 a.m. April 6 (each first Wednesday), council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hogåtña. Call Elaine Laguana, 472-6940 or 477-8461.

April 7
APPLICATION REVIEW COMMITTEE: 9:30 a.m. April 7, Department of Land Management conference room, first floor. Watabe Guam, zone variance and tentative development plan for proposed new Watabe Wedding Building.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m. second floor, April 7, Hakubotan Building, Tamuning. Hearings on P. Quinata v. Guam Waterworks Authority; P. Cruz v. GWA; M.J. Manglona v. GWA; Bill 62, 78 and 87; pay shift policy; de-

GUAM BOARD OF BARBERING AND COSMETOLOGY: Special session meeting 8:30 a.m. April 11, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Call Jane Diego, 735-7406/11.


April 12
CIVIL SERVICE COMMISSION BOARD: 5:30 p.m. April 12, second floor, Hakubotan Building, Tamuning. Pharmacist pay implementation, judgment: Constance Quintanilla v. Department of Revenue and Taxation; legislative bills affecting CSC; pay shift policy — department/agency heads and first assistant. Call Bianca, 647-1855/57 or TDD 647-1872.

COMMITTEE ON CRIMINAL JUSTICE, PUBLIC SAFETY, YOUTH AND FOREIGN AFFAIRS: Public hearing 9 a.m. April 12, Legislature's public hearing room, Hogåtña. Bill 57, establishing safety measures for pocket bikes; Bill 61, formal establishment of critical life-saving Advance Life Support Program within Guam Fire Department; Bill 68, authorizing the attorney general of Guam to convene special grand juries; Bill 86, requiring sex offenders already required to register in Guam to provide notice of each institution of higher education in Guam at which the person is employed, carries a vocation or is a student, to ensure registration information is promptly made available to law enforcement agency with jurisdiction where the institution is located and that it is entered into Guam's sex offender registry system. At 5:30 p.m., Bill 91, prohibiting partial abortions and criminalizing partial birth abortion procedures for reasons other than to save the life or protect health of the mother as a third degree felony.

April 13
ALCOHOL BEVERAGE CONTROL

ON THE NET

▲ For the complete, searchable database of upcoming government meetings, visit www.guampdn.com



BOARD: 5 p.m. April 13, Compliance Branch Office, second floor, Pacific News Building, Archbishop Flores St., Hogåtña. Call 475-1802.

CHAMORRO LAND TRUST COMMISSION: 4 p.m. April 13, Department of Land Management conference room, first floor, Anigua. For special accommodations, call 475-4251.

GUAM ELECTION COMMISSION BOARD: 4 p.m. April 13, commission conference room, Suite 200, GCIC Building, Hogåtña. For special accommodations, call 477-9791/92.

April 14

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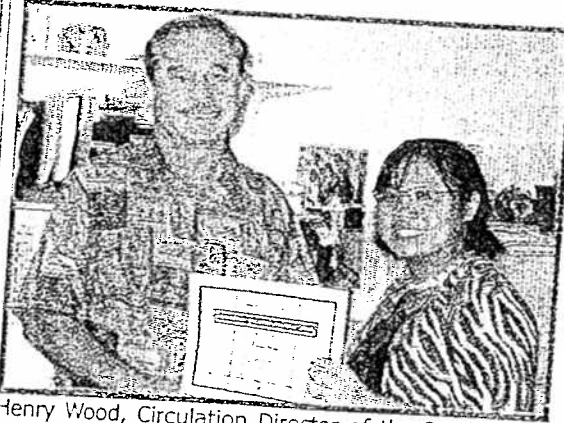
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Henry Wood, Circulation Director of the Pacific Daily News, presents Jessica Atenta with a certificate for being named February's Carrier of the Month. He also received a certificate for \$50 of gas.

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Weekends

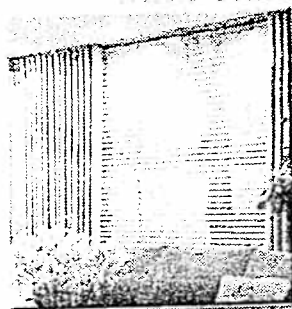
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GOVERNMENT MEETINGS

Continued from Page 8

Building, Tamuning. Hearings on P. Quinata vs. Guam Waterworks Authority; P. Cruz vs. GWA; M.J. Manglona vs. GWA; Bills 62, 78 and 87; pay shift policy; department/agency heads and first assistants. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

GUAM CONTRACTORS LICENSE BOARD: 10 a.m. April 7, board conference room, Tamuning. Call 649-2211/9676.

April 8 GOV GUAM RETIREMENT FUND BOARD OF TRUSTEES: Noon April 8, Retirement Fund conference room, 424 Route 8, Maite. For special accommodations, call 475-8900/1.

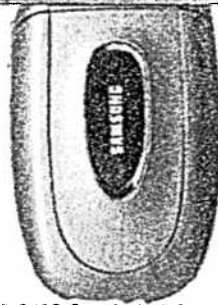
GUAM PAROLE BOARD: Special meeting 8:30 a.m. April 8, Parole Services Division, 404 East Sunset Blvd., Tiyan. For special accommodations, call 473-7001/7005.

Guam Waterworks Authority direct responsible in-charge operator related positions; Guam Memorial Hospital Authority ultrasound technologist job specification amendment. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

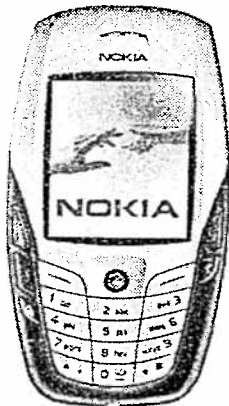
COMMITTEE ON CRIMINAL JUSTICE, PUBLIC SAFETY, YOUTH AND FOREIGN AFFAIRS: Public hearing 9 a.m. April 12, Legislature's public hearing room, Hagåtña. Bill 57, establishing safety measures for pocket bikes; Bill 61, formal establishment of critical life-saving Advance Life Support Program within Guam Fire Department requiring promulgation of rules and regulations for operational requirements; Bill 68, authorizing the Attorney General of Guam to convene special grand juries; Bill 86, requiring sex offenders already required to register in Guam to provide notice of each institution of higher education in Guam at which the person is employed, carries a vocation or is a student, to ensure registration information is promptly made available to law enforcement agency with jurisdiction where the institution is located and that it is entered into Guam's sex offender registry system. At 5:30 p.m. Bill 91, prohibiting partial abortions and criminalizing partial-birth abortion procedures for reasons other than to save the life or protect health of the mother as a third-degree felony.



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I MINA BENTE OCHO NA LIHESLATURAN GUAHAN
FIRST (Regular) SESSION

Bill No. 86(LS)
Introduced by:

Ray Tenorio 

AN ACT TO AMEND CHAPTER 89 TO TITLE 9 OF THE GUAM CODE ANNOTATED, TO REQUIRE SEX OFFENDERS ALREADY REQUIRED TO REGISTER IN GUAM TO PROVIDE NOTICE, AS REQUIRED UNDER GUAM'S LAW, OF EACH INSTITUTION OF HIGHER EDUCATION IN GUAM AT WHICH THE PERSON IS EMPLOYED, CARRIES ON A VOCATION, OR IS A STUDENT; AND TO ENSURE THAT THIS REGISTRATION INFORMATION IS PROMPTLY MADE AVAILABLE TO THE LAW ENFORCEMENT AGENCY WITH JURISDICTION WHERE THE INSTITUTION OF HIGHER EDUCATION IS LOCATED AND THAT IT IS ENTERED INTO GUAM'S SEX OFFENDER REGISTRY SYSTEM.

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

2 **Section 1. Legislative Findings and Intent.** The crime of
3 criminal sexual conduct and the various forms of crimes against children are
4 serious problems on our Island, and persons convicted of these crimes are a
5 danger to the people of our community, both at the Village level and at the
6 entire Island level. The purpose and objective of this Act is to protect the
7 people of our community, and most particularly our children, from child and
8 sex offenders, especially violent sex offenders.

1 *Obscenity and Related Offenses*, where a minor is
2 employed or used;

3 (4) criminal sexual conduct, as defined and
4 punished in Chapter 25 of Title 9 of the Guam Code
5 Annotated, *Sexual Offenses*, where the victim of the
6 crime is a minor; *or*

7 (5) attempt to commit, solicitation to commit,
8 or conspiracy to commit the crimes stated in Paragraphs
9 (1) to (4) of this Subsection (b), in violation of Chapter
10 13 of Title 9 of the Guam Code Annotated.

11 (c) ‘*Criminal sexual conduct*’ refers to violations
12 defined and punished under Chapter 25 of Title 9 of the Guam
13 Code Annotated, *Sexual Offenses*, and any violations of similar
14 Federal laws or laws of other states, territories or tribes.

15 (d) ‘*Sexually violent offense*’ refers to any of the
16 following:

17 (1) criminal sexual conduct involving sexual
18 penetration or sexual contact where the actor causes
19 personal injury to the victim and either of the following
20 circumstances exists: (i) force or coercion is used to
21 accomplish the sexual penetration or contact; *or* (ii) the
22 actor knows or has reason to know that the victim is
23 mentally defective, mentally incapacitated or physically
24 helpless;

25 (2) criminal sexual conduct involving sexual
26 penetration or sexual contact where the actor is aided or
27 abetted by one (1) or more other persons and either of the

1 following circumstances exists: (i) force or coercion is
2 used to accomplish the sexual penetration or contact, *or*
3 (ii) the actor knows or has reason to know that the victim
4 is mentally defective, mentally incapacitated or
5 physically helpless;

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

11 (4) criminal sexual conduct involving sexual
12 penetration or sexual contact which occurs under
13 circumstances involving the commission of another
14 felony;

15 (5) criminal sexual conduct involving a victim
16 under fourteen (14) years of age; *or*

17 (6) violation of 18 USC §§2241 *or* 2242, or
18 any other similar laws of other states, territories or tribes.

19 (e) The terms '*sexual penetration*' and '*sexual*
20 *contact*' have the same meaning as '*sexual penetration*' and
21 '*sexual contact*' in Chapter 25 of Title 9 of the Guam Code
22 Annotated.

23 (f) The term '*sex offender*' refers to persons
24 convicted of a criminal sexual conduct offense.

25 (g) The term '*conviction*' refers to each separate
26 charge to which the offender either voluntarily pleads guilty,
27 whether in a single hearing or in separate hearings, or is found

1 guilty by a trier of fact, whether the charges are contained in
2 one (1) indictment, or separate indictments. This term includes
3 pleas of *nolo contendere* and guilty pleas entered pursuant to
4 *North Carolina v. Alford*, 400 U.S. 25 (1970).

5 (h) The terms ‘*employed*’ and ‘*carries on a vocation*’
6 include employment that is full-time or part-time for a period of
7 time exceeding fourteen (14) days, or an aggregate period of
8 time exceeding thirty (30) days during any calendar year,
9 whether financially compensated, volunteer or for the purpose
10 of government or educational benefit.

11 (i) ‘*Student*’ means any person who is enrolled on a
12 full-time or part-time basis, in any public or private educational
13 institution, including any secondary school, trade, or
14 professional institutions, or institution of higher learning.

15 (j) “Institution of higher education” means post
16 secondary school.

17 ~~(j)~~ k The term ‘*law enforcement agency*’ means any
18 so designated agency on Guam, including, but not limited to,
19 the Guam Police Department, the Port Authority of Guam
20 Police, the Parole Services Division of the Department of
21 Corrections, the Superior Court of Guam Probation Services
22 Division, the U.S. Probation Office, the U.S. Marshal's Service,
23 the Conservation Office of the Department of Agriculture, the
24 Guam International Airport Police, the Attorney Generals
25 Office’s Family and Prosecution Divisions, the Superior Court
26 of Guam and its Marshals Division, the Air Force Office of
27 Special Investigations, the Naval Criminal Investigation

1 Section, the Coast Guard Criminal Investigation Section, the
2 United States Army Criminal Investigation Division, and other
3 criminal investigators of the United States Government.

4 As Guam does not have a recognized law enforcement
5 Campus Police in Guam's Institution of Higher Education, the
6 Guam Police Department is the recognized law enforcement
7 agency with jurisdiction over Guam's Institution of Higher
8 Education.

9 ~~(k)~~ l 'Court' means the Superior Court of Guam.

10 ~~(h)~~ m The term '*community*' refers to the entire
11 territorial boundaries of Guam.

12 ~~(m)~~ n The term '*registrant*' refers to persons required
13 to register under this Chapter.

14 (o) "Change in enrollment or employment status"
15 means the commencement or termination of enrollment or
16 employment or a change in location of enrollment or
17 employment.

18 **Section 89.02. Classification of Offenders.**

19 **(a) Level One Offender.** A person convicted of a
20 sexually violent
21 offense.

22 **(b) Level Two Offender.** A person *not* otherwise
23 classified as a Level One Offender and is convicted of:

24 (1) criminal sexual conduct involving two (2)
25 or more victims;

26 (2) two (2) or more separate criminal sexual
27 conduct offenses;

1 (3) a criminal offense against a victim who is a
2 minor, involving two (2) or more minors;

3 (4) two (2) or more separate criminal offenses
4 against a victim who is a minor; *or*

5 (5) one (1) or more separate criminal sexual
6 conduct offenses and one (1) or more separate criminal
7 offenses against a victim who is a minor.

8 (c) **Level Three Offender.** A person *not*
9 otherwise classified as either a Level One or a Level Two
10 Offender and is convicted of:

11 (1) criminal sexual conduct; *or*

12 (2) a criminal offense against a victim who is a
13 minor.

14 **Section 89.03. Registration; Duty to Register.**

15 (a) **Persons Required to Register.** The following
16 persons shall register pursuant to this Chapter:

17 (1) any person who, since January 1, 1993, has
18 been or is hereafter convicted in any court of Guam of a
19 violation of any of the following offenses:

20 (i) a sexually violent offense;

21 (ii) a criminal sexual conduct offense;

22 *or*

23 (iii) a criminal offense against a victim
24 who is a minor.

25 (2) any person who, since January 1, 1993, has
26 been or is hereafter convicted in any Federal or military
27 court for a violation of any of the following offenses:

1 (i) an offense under Title 18 USC
2 §§2241 or 2242; *or*

3 (ii) a criminal offense against a victim
4 who is a minor.

5 (3) any person convicted in another state,
6 territory or tribe of any of the following offenses if that
7 person is required to register in the state, territory or tribe
8 wherein that person was convicted of any of the
9 following:

10 (i) a criminal sexual conduct offense;

11 *or*

12 (ii) a criminal offense against a victim
13 who is a minor.

14 (4) any person who is a non-resident who is on
15 Guam for the purpose of work or education and:

16 (i) who is or has been convicted in
17 another state, territory or tribe of a criminal sexual
18 conduct offense, or a criminal offense against a
19 victim who is a minor and is required to register in
20 the state, territory or tribe wherein that person was
21 convicted; *or*

22 (ii) who, since January 1, 1993, has
23 been or is hereafter convicted in a military court or
24 a court in another state, territory or tribe, of a
25 criminal sexual conduct offense or a criminal
26 offense against a victim who is a minor.

1 **(b) Registration Requirements; Information to be**
2 **Registered.**

3 (1) Form A Registration: Level One and Level
4 Two Offenders:

5 (i) name, alias(es), date of birth, social
6 security number, *if any*, and any other identifying
7 factors;

8 (ii) current physical address and
9 mailing address, or, if the person is incarcerated,
10 the address of the residence where the person will
11 be residing immediately upon release and the
12 mailing address the person plans to use
13 immediately upon release;

14 (iii) anticipated future residence;

15 (iv) current/anticipated employment;

16 (v) offense history, including the
17 underlying crime which triggered the registration
18 requirements of this Chapter;

19 (vi) documentation of treatment;

20 (vii) fingerprints; *and*

21 (viii) current photograph.

22 (ix) name and address of the institution
23 of higher education, enrollment or employment
24 status, and any changes of enrollment or
25 employment status if the person is enrolled,
26 employed or carrying on a vocation.

1 (2) Form B Registration: Level Three
2 offenders shall provide the following:

3 (i) name, alias(es), date of birth, social
4 security number, *if any*, and any other identifying
5 factors;

6 (ii) current physical address and
7 mailing address, or, if the person is incarcerated,
8 the address of the residence where the person will
9 be residing immediately upon release and the
10 mailing address the person plans to use
11 immediately upon release;

12 (iii) fingerprints; *and*

13 (iv) current photograph.

14 (v) name and address of the institution
15 of higher education, enrollment or employment
16 status, and any changes of enrollment or
17 employment status if the person is enrolled,
18 employed or carrying on a vocation.

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

24 (4) **Pardoned Convict or Conviction**
25 **Reversed Upon Appeal.** The duty to register under this
26 Chapter shall *not* be applicable to any sex offender whose

1 conviction was reversed upon appeal, or who was
2 pardoned by *I Maga'lahaen Guahån*.

3 **(c) Biological Samples.**

4 (1) Every person convicted in the Superior
5 Court of Guam of a criminal sexual conduct offense, or
6 of a criminal offense against a victim who is a minor,
7 shall provide a biological sample to the Guam Police
8 Department for DNA typing no later than thirty (30)
9 calendar days after the person's sentencing.

10 (2) Every person who was convicted in the
11 Superior Court of Guam *prior to* the effective date of this
12 law of a criminal sexual conduct offense or of a criminal
13 offense against a victim who is a minor and is
14 incarcerated on the effective date of this law shall
15 provide a biological sample for DNA typing no later than
16 six (6) months after the effective date of this law.

17 (3) Every person who was convicted in the
18 Superior Court of Guam *prior to* the effective date of this
19 law of a criminal sexual conduct offense, or of a criminal
20 offense against a victim who is a minor and was released
21 on parole or probation after January 1, 1993, shall
22 provide a biological sample for DNA typing to the Guam
23 Police Department at the time of that person's initial
24 registration.

25 (4) Every person required to register pursuant
26 to Paragraphs (2), (3) or (4) of §89.03(a) shall provide a
27 biological sample to the Guam Police Department for

1 DNA typing at the time of that person's initial
2 registration on Guam.

3 (5) Intentional or knowing failure to provide a
4 biological sample shall have the same penalty as a failure
5 to provide initial registration information.

6 **(d) Registration Requirements for Persons**
7 **Required to Register Pursuant to §89.03(a)(1); Initial**
8 **Registration; Penalty.**

9 (1) **Where a Person Required to Register is**
10 **Sentenced to Incarceration.** Initial registration
11 information must be provided to the Parole Services
12 Division of the Department of Corrections no later than
13 two (2) weeks before the person's anticipated release.
14 Intentional or knowing failure to provide this information
15 shall result in the delay of that person's release.

16 (2) **Where a Person Required to Register is**
17 **Sentenced to Probation.** Initial registration
18 information must be provided to the Probation Services
19 Division of the Superior Court of Guam no later than the
20 date the person is scheduled to be placed on probation.
21 Intentional or knowing failure to provide this information
22 by that date shall result in the revocation of the person's
23 probation and shall make that person *ineligible* for
24 probation.

25 (3) **Where a Person Identified as a Person**
26 **Required to Register is on Supervised Parole or**
27 **Probation at the Time of the Passage of This Law.**

1 Initial registration information must be provided to the
2 registrant's parole or probation officer no later than six
3 (6) months after the effective date of this law. Intentional
4 or knowing failure to register pursuant to this Subsection
5 is a felony of the third degree.

6 **(4) Where a Person Required to Register is**
7 **No Longer Under the Supervision of Either Probation**
8 **or Parole at the Time of the Passage of This Law.**

9 Subject to written notice by certified or registered mail
10 provided by the Superior Court of Guam to a person as
11 described in this Section, initial registration information
12 must be provided to the Guam Police Department no later
13 than one (1) year after receipt of written notice by the
14 person. The Guam Police Department shall transmit the
15 information to the Court no later than three (3) business
16 days thereafter for inclusion into the Sex Offender
17 Registry database. Intentional or knowing failure to
18 register pursuant to this Subsection is a felony of the
19 third degree.

20 **(e) Registration Requirements for Persons**
21 **Required to Register Pursuant to §89.03(a), Paragraphs (2),**
22 **(3) or (4); Initial Registration.**

23 (1) Persons required to register pursuant to
24 §89.03(a)(2) shall provide *all* the information that must
25 be registered pursuant to §89.03(b) to the Guam Police
26 Department no later than seven (7) calendar days after
27 release from incarceration, release on probation or arrival

1 on Guam. *If* the registrant is on probation in another
2 jurisdiction and that registrant's probation is to be
3 transferred to Guam, then the Guam Police Department
4 may obtain the necessary information from the office of
5 probation of the jurisdiction from where registrant came;
6 said registrant is required to verify the registered
7 information as required by this Chapter no later than
8 seven (7) calendar days after the person's arrival on
9 Guam.

10 (2) Persons required to register pursuant to
11 Paragraphs (3) or (4) of §89.03(a) shall provide all the
12 information that must be registered pursuant to §89.03(b)
13 to the Guam Police Department *no later than* seven (7)
14 calendar days after their arrival on Guam. *If* the
15 registrant is on probation in another jurisdiction, and that
16 registrant's probation is to be transferred to Guam, then
17 the Guam Police Department may obtain the necessary
18 information from the office of probation of the
19 jurisdiction from where the registrant came; said
20 registrant is required to verify the registered information
21 as required by this Chapter no later than seven (7)
22 calendar days after the registrant's arrival on Guam.

23 **(f) Registration Requirements; Verification.** A
24 registrant must verify the following information:

25 **(1) Level One Offender.** The registrant
26 shall verify the following registered information ninety
27 (90) calendar days from the date the registrant's release

1 from incarceration, or ninety (90) calendar days from the
2 date of the registrant's release on probation *if* the
3 registrant is placed on probation, and every ninety (90)
4 calendar days thereafter. *If* the ninetieth (90th) day falls
5 on a weekend or holiday, the registrant shall verify the
6 following information on the following business day:

7 (i) current physical and mailing
8 address(es);

9 (ii) recent criminal offenses, *if any*;

10 (iii) documentation of treatment; *and*

11 (iv) a current photograph.

12 (v) name and address of the institution of
13 higher education, enrollment or employment
14 status, and any changes of enrollment or
15 employment status if the person is enrolled,
16 employed or carrying on a vocation.

17 **(2) Level Two Offender.** The registrant
18 shall verify the following registered information exactly
19 one (1) year from the date of the registrant's release from
20 incarceration or the date of the registrant's release on
21 probation *if* the registrant is placed on probation, and
22 exactly every year thereafter. *If* the date the registrant is
23 to verify falls on a weekend or holiday, the registrant
24 shall verify the following information on the following
25 business day:

26 (i) current physical and mailing
27 address(es);

- 1 (ii) recent criminal offenses, *if any*;
2 (iii) documentation of treatment, *if any*;

3 *and*

- 4 (iv) a current photograph.

5 (v) name and address of the institution of
6 higher education, enrollment or employment
7 status, and any changes of enrollment or
8 employment status if the person is enrolled,
9 employed or carrying on a vocation.

10 (3) **Level Three Offender.** The registrant
11 shall verify registered information in the same manner as
12 a Level Two Offender.

13 (4) Notwithstanding Subsections (a), (b) *and*
14 (c) of this Section, a registrant shall register the
15 registrant's new physical address with the Court within
16 seven (7) calendar days of any change in physical
17 residence. If a registrant anticipates moving from Guam,
18 that registrant shall register the registrant's intended
19 place of residence with the Court no later than three (3)
20 calendar days before the registrant's departure from
21 Guam.

22 (g) **Registration Requirements for Offenders**
23 **Enrollment and Employment in an Institution of Higher**
24 **Education.** All registrant must update the name and address of
25 the institution of higher education, enrollment or employment
26 status, and any changes of enrollment or employment status if
27 the registrant is enrolled, employed or carrying on a vocation in

1 an institution of higher education within seven (7) days of any
2 changes in employment or enrollment in an institution of higher
3 education with the Guam Police Department.

4 **(g) h Registration Requirements; Verification,**
5 **Method of Verification.** A registrant shall verify the
6 registrant's registered information as required by §89.03(e) in
7 the following manner:

8 **(1) Parolee.** A parolee shall personally
9 present himself to the parolee's parole officer and verify
10 the registered information with the parole officer;

11 **(2) Probationer.** A probationer shall
12 personally present oneself to the person's probation
13 officer and verify the registered information with the
14 probation officer;

15 **(3) Dual Supervision.** A person under
16 dual supervision, that is, the person is supervised by both
17 parole and probation, shall personally present oneself to
18 that person's probation officer; *and*

19 **(4) Others.** All registrants, including persons
20 who are no longer under supervised parole or probation,
21 shall personally appear at the Guam Police Department,
22 Records Section, and register with the Guam Police
23 Department.

24 **(h) i Registration Requirement; Guam Residents**
25 **Who are Employed, Carry on a Vocation, or are Students in**
26 **Another State or Territory.** A person who is required to
27 register on Guam and who is employed, carries on a vocation,

1 or is a student of another state or territory, shall also register in
2 that other state or territory pursuant to the registration
3 requirements of that state or territory.

4 **(i) i Registration Requirement; Persons Who**
5 **Move to Another State or Territory.** When a person who is
6 required to register on Guam anticipates moving to another
7 state or territory, that registrant shall report the change of
8 address to the Guam Police Department pursuant to the
9 requirements of this Chapter, *and* comply with any registration
10 requirement of the new state or territory of residence.

11 **Section 89.04. Registration.** A registrant shall continue to
12 comply with this Chapter, *except* during ensuing periods of
13 incarceration, for the following period of time:

14 **(a) Lifetime; Level One and Level Two**
15 **Offenders.** A Level One and Two Offender must comply
16 with this Chapter for the length of that person's life.

17 **(b) Ten (10) Years.** A person deemed a Level Three
18 Offender shall register pursuant to §89.03(b)(2), and
19 Subsections (2) and (3) of §89.03(f), for a period of ten (10)
20 years from the date of that person's release on probation or
21 release on parole.

22 **(c) Where Conviction Reversed, Vacated or Set**
23 **Aside or Where Registrant Pardoned.** Notwithstanding
24 Subsections (a) and (b) of this Section, where the underlying
25 conviction is reversed, vacated or set aside, or *if* the person is
26 pardoned of the crime which triggered the registration
27 requirement of this Chapter, registration is no longer required.

1 **(d) Tolling of Registration Requirement.** *If a*
2 registrant is re-incarcerated for violations of release conditions
3 imposed in the same crime, or for the commission of another
4 crime, or the registrant is civilly committed, then the period of
5 registration is tolled and remains tolled until the registrant's
6 subsequent release. Thereafter, the registrant shall recommence
7 and continue registering for the remaining period of time the
8 registrant is required to register.

9 **Section 89.05. Penalties.**

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

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

21 **(c) Address Changes.** A registrant's failure to
22 register the registrant's new physical address within seven (7)
23 calendar days of any change of physical address is a
24 misdemeanor. A second or subsequent failure to so register is a
25 felony of the third degree. Failure of a registrant who is a
26 probationer or parolee to so register may result in sanctions
27 pursuant to 9 GCA §80.66 *and* 9 GCA §80.82, *respectively*.

1 **(d) False Information.** Intentionally and
2 knowingly providing false information during initial
3 registration or subsequent verification is a felony of the second
4 degree.

5 **(e) Enrollment or Employment at an Institution**
6 **of Higher Education.** A registrant's failure to update
7 enrollment or employment at an institution of higher education
8 or termination of such enrollment or employment at an
9 institution of higher education with the Guam Police
10 Department within seven (7) calendar days of any change
11 would constitute a failure to register or keep such registration
12 current is a felony of the third degree.

13 **Section 89.06. Duties of the Department of Corrections and**
14 **the Court; Initial Registration.** *If* a registrant is released from
15 incarceration, placed on parole or placed on probation, the
16 Department of Corrections, the Parole Services Division, the Court or
17 the Probation Services Division shall:

18 (a) inform the registrant of the duty to register and
19 obtain the information required for such registration;

20 (b) inform the registrant that *if* the registrant changes
21 residence on Guam, the registrant shall provide the new
22 residential address to the Court;

23 (c) inform the registrant that *if* the registrant moves to
24 another state or territory, the registrant shall report the change
25 of address to the Court no later than three (3) calendar days of
26 the registrant's leaving Guam, and shall comply with any
27 registration requirement of the new state or territory;

1 (d) inform the registrant that *if* the registrant is, or
2 becomes, employed, carries on a vocation, or becomes a student
3 in another state or territory, then the registrant must comply
4 with the registration requirement of that new state or territory;

5 (e) obtain all information that must necessarily be
6 gathered for the registrant's initial registration, and inform the
7 registrant that the registrant must provide the registrant's
8 fingerprints, a photograph and a biological sample to the Guam
9 Police Department. The Department of Corrections or the
10 Office of Probation shall facilitate the obtaining of fingerprints,
11 photograph and biological sample. After this information is
12 gathered, the Guam Police Department shall retain the
13 biological sample and transmit the fingerprints and photograph
14 to the Court within three (3) calendar days;

15 (f) require the registrant to read and sign a form
16 stating that the registrant's duty to register under this Chapter
17 has been explained; *and*

18 (g) forward information described in (f) above to the
19 Court within three (3) calendar days after receipt thereof.

20 (h) inform the registrant that if the registrant enrolls
21 at, is employed at, or carries on a vocation at an institution of
22 higher education in Guam the registrant must inform the Guam
23 Police Department, and to notify the Guam Police Department
24 of any change in such enrollment or employment status at the
25 institution of higher education within seven (7) calendar days of
26 any changes.

1 (i) ensure the registration information collected on
2 the registrant's enrollment or employment status at the
3 institution of higher education, and any change of enrollment or
4 employment status of the registrants at the institution of higher
5 education is promptly made available to the Guam Police
6 Department.

7 (j) ensure the registration information collected on
8 the registrant's enrollment or employment status at the
9 institution of higher education, and any change of enrollment or
10 employment status of the registrants at the institution of higher
11 education is provided to the Superior Court of Guam to be
12 entered into Guam's Sex Offender Registry.

13 **Section 89.07. Duties of the Department of Corrections and**
14 **the Court, Verification of Registered Information.**

15 (a) The Department of Corrections, Parole Services
16 Division, shall receive and obtain initial registration and
17 registration verification information from registrants who are
18 parolees, and shall transmit such information to the Court no
19 later than three (3) business days of receipt of such information.

20 (b) The Court, Probation Services Division, shall
21 receive and obtain initial registration and registration
22 verification information from registrants who are probationers
23 and shall enter such information into the Court's Sex Offender
24 Registry database.

25 **Section 89.08. Duties of the Guam Police Department.**

26 (a) Upon receipt of the information that is required to
27 be registered or verified pursuant to this Chapter, the Guam

1 Police Department shall *immediately*, and no later than three (3)
2 business days of receipt of this information, transmit the
3 information to the Court which shall record this information in
4 the Sex Offender Registry database. The Guam Police
5 Department shall also immediately transmit the registrant's
6 photograph, fingerprints, conviction data and current residence
7 to the Court. In addition to sex offender data, the Guam Police
8 Department shall also immediately transmit all felony
9 fingerprints to the Court. The Court shall forward these
10 fingerprints to the Federal Bureau of Investigation's Automated
11 Fingerprint Identification System ('AFIS') for assignment of a
12 fingerprint identification number.

13 (b) inform the registrant that if the registrant enrolls
14 at, is employed at, or carries on a vocation at an institution of
15 higher education in Guam the registrant must inform Guam
16 Police Department, and to notify the Guam Police Department
17 of any change in such enrollment or employment status at the
18 institution of higher education within seven (7) calendar days.

19 (c) ensure the registration information collected on
20 the registrant's enrollment or employment status at the
21 institution of higher education, and any change of enrollment or
22 employment status of the registrants at the institution of higher
23 education is promptly made available to the Guam Police
24 Department.

25 (d) ensure the registration information collected on
26 the registrant's enrollment or employment status at the
27 institution of higher education, and any change of enrollment or

1 employment status of the registrants at the institution of higher
2 education is provided to the Superior Court of Guam no later
3 than three (3) business days of receipt of the information to be
4 entered into Guam's Sex Offender Registry.

5 (b) e The Superior Court of Guam is the state sole
6 source for submission of information and fingerprints to the
7 Federal Bureau of Investigation and the National Crime
8 Information Center ('NCIC'). The Court shall enter all
9 registered information into the NCIC system no later than three
10 (3) business days after receipt of such information.

11 (e) f **Notification of Local Law Enforcement**
12 **Agencies Regarding Changes of Address; Moving From**
13 **Guam.** Upon receipt of information that the registrant is
14 anticipated to move from Guam to another state, territory or
15 tribe, the Court shall *immediately* notify that state or territory to
16 which the registrant is moving, and shall transmit the address of
17 the registrant's anticipated residence to the Federal Bureau of
18 Investigation no later than three (3) business days of receipt of
19 this information.

20 (d) g **Notification of FBI Regarding Changes**
21 **of Address.**

22 Upon receipt of information that registrant is or has changed
23 residence within Guam, or is anticipated to move from Guam to
24 another state, territory or tribe, the Guam Police Department
25 shall transmit the new address to the Federal Bureau of
26 Investigation no later than three (3) business days after receipt
27 of this information.

1 **Section 89.09. Duties of the Court.**

2 **(a) Repository.** The Court shall be the central
3 repository for the registered information, in addition to all
4 criminal history records information.

5 **(b) Fees.** The Court is authorized to collect
6 reasonable registration fees from registrants. Such fees shall be
7 used for the maintenance and support of the sex offender
8 registration and notification program. Fifty percent (50%) of
9 the fee paid by the registrant shall be given to the Court and the
10 remaining fifty percent (50%) shall go to the Guam Police
11 Department.

12 **Section 89.10. Notification.**

13 **(a) Release of Information.** The Court shall
14 release the following information to the community:

15 (1) Level One Offender: all registered
16 information *except* the Social Security number, the age of
17 the victim(s) in the underlying case, and the state or
18 territory in which the crime occurred;

19 (2) Level Two Offender: name, physical
20 address, photograph, criminal history, the age of the
21 victim in the underlying case, and the state or territory in
22 which the crime occurred;

23 (3) Level Three Offender, Felony Conviction:
24 name, photograph, criminal sexual conduct offense or
25 'the criminal offense against a victim who is a minor' of
26 which the person was convicted; *and*

1 (4) Level Three Offender, Misdemeanor
2 Conviction: no notification.

3 (b) **Victims.** The identity of the victim or any
4 information that may identify the victim shall *not* be released,
5 *subject* to Subsection (a).

6 (c) **Method of Release of Information.** The
7 Court shall maintain an Internet web-page dedicated to persons
8 required to register, which shall contain the information that is
9 required to be released. The released information shall be
10 updated during the first week of every month. The community
11 shall have access to the Sex Offender Registry Web Page. The
12 Court shall transmit released information concerning Level One
13 and Level Two Offenders to the Department of Education, the
14 Guam Community College, the University of Guam, all public
15 and private schools, day care centers, victim shelters and victim
16 advocates on the first week of every month. The Court may
17 transmit information concerning Level One and Level Two
18 Offenders directly to the media for dissemination.

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

25 **Section 3. Severability.** *If* any provision of this Law or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.