



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the Speaker

MARK FORBES

Date: 12/7/05
Time: 3:05
Rec'd by: [Signature]
Print Name: Riz A.

07 DEC 2005

28-05-0471

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is 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" which I signed into law on December 5, 2005, as Public Law 28-77.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 10:44 Date: 12-13-05

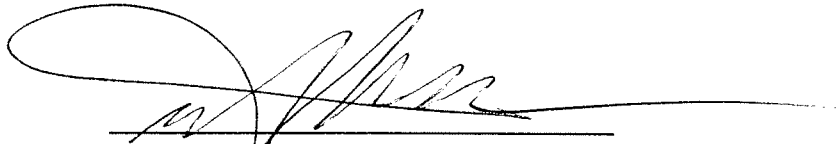
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I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

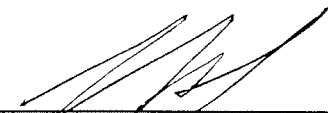
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 86 (LS) "AN ACT TO ADD A NEW 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," was on the 11th day of November, 2005, duly and regularly passed.



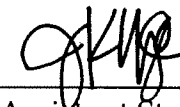
Mark Forbes
Speaker

Attested:




Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of November, 2005,
at 4:45 o'clock P.M.



Assistant Staff Officer
Maga'laha'i's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 5 DEC 2005

Public Law No. 28-77

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session

Bill No. 86 (LS)

As amended on the Floor.

Introduced by:

Ray Tenorio
L. F. Kasperbauer
A. B. Palacios
F. B. Aguon, Jr.
Edward J.B. Calvo
J. M.S. Brown
B. J.F. Cruz
Mike Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
R. J. Respicio
A. R. Unpingco
J. T. Won Pat

AN ACT TO *ADD* A NEW 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 Annotated, *Prostitution*, when the individual committing
2 or engaging in prostitution is a minor;

3 (3) participation in obscenity, use of one's own
4 child in obscene acts, indecent exposure, photography of
5 minors' sexual acts, as defined and punished in Article 2
6 of Chapter 28 of Title 9 of the Guam Code Annotated,
7 *Obscenity and Related Offenses*, when a minor is
8 employed or used;

9 (4) criminal sexual conduct, as defined and
10 punished in Chapter 25 of Title 9 of the Guam Code
11 Annotated, *Sexual Offenses*, when the victim of the crime
12 is a minor; *or*

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

17 (c) '*Criminal sexual conduct*' refers to violations
18 defined and punished under Chapter 25 of Title 9 of the Guam
19 Code Annotated, *Sexual Offenses*, and any violations of similar
20 federal laws or laws of other states, territories or tribes.

21 (d) '*Sexually violent offense*' refers to any of the
22 following:

23 (1) criminal sexual conduct involving sexual
24 penetration or sexual contact when the actor causes
25 personal injury to the victim and either of the following
26 circumstances exists: (A) force or coercion is used to
27 accomplish the sexual penetration or contact; *or* (B) the

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

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

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

17 (4) criminal sexual conduct involving sexual
18 penetration or sexual contact which occurs under
19 circumstances involving the commission of another
20 felony;

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

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

25 (e) The terms '*sexual penetration*' and '*sexual*
26 *contact*' have the same meaning as '*sexual penetration*' and

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page 4

'sexual contact' in Chapter 25 of Title 9 of the Guam Code Annotated.

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

(g) The term 'conviction' refers to each separate charge to which the offender either voluntarily pleads guilty, 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).

(h) 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.

(i) 'Student' means any person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution or institution of higher learning.

(j) 'Institution of higher education' means post secondary school.

(k) 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

1 Commercial Port Police, the Parole Services Division of the
2 Department of Corrections, the Superior Court of Guam
3 Probation Services Division, the U.S. Probation Office, the U.S.
4 Marshals Service, the Conservation Office of the Department of
5 Agriculture, the A. B. Won Pat International Airport, Guam
6 Police, the Attorney Generals Office's Family and Prosecution
7 Divisions, the Superior Court of Guam and its Marshals
8 Division, the Air Force Office of Special Investigations, the
9 Naval Criminal Investigation Section, the Coast Guard
10 Criminal Investigation Section, the United States Army
11 Criminal Investigation Division, and other criminal
12 investigators of the United States Government.

13 As Guam does *not* have a recognized law enforcement
14 campus police in Guam's institution of higher education, the
15 Guam Police Department is the recognized law enforcement
16 agency with jurisdiction over Guam's institution of higher
17 education.

18 (l) '*Court*' means the Superior Court of Guam.

19 (m) The term '*community*' refers to the entire territorial
20 boundaries of Guam.

21 (n) The term '*registrant*' refers to persons required to
22 register under this Chapter.

23 (o) 'Change in enrollment or employment status'
24 means the commencement or termination of enrollment or
25 employment or a change in location of enrollment or
26 employment.

27 **Section 89.02. Classification of Offenders.**

1 (a) **Level One Offender.** A person convicted of a
2 sexually violent offense.

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

5 (1) criminal sexual conduct involving two (2)
6 or more victims;

7 (2) two (2) or more separate criminal sexual
8 conduct offenses;

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

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

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

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

19 (1) criminal sexual conduct; *or*

20 (2) a criminal offense against a victim who is a
21 minor.

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

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

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

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(A) a sexually violent offense;

(B) a criminal sexual conduct offense;

or

(C) a criminal offense against a victim who is a minor.

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

(A) an offense under Title 18 USC §§2241 or 2242; *or*

(B) a criminal offense against a victim who is a minor.

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

(A) a criminal sexual conduct offense;

or

(B) a criminal offense against a victim who is a minor.

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

(A) who is or has been convicted in another state, territory or tribal jurisdiction of a criminal sexual conduct offense, or a criminal

1 offense against a victim who is a minor and is
2 required to register in the state, territory or tribal
3 jurisdiction wherein that person was convicted; *or*

4 (B) who, since January 1, 1993, has
5 been or is hereafter convicted in a military court or
6 a court in another state, territory or tribal
7 jurisdiction, of a criminal sexual conduct offense
8 or a criminal offense against a victim who is a
9 minor.

10 **(b) Registration Requirements; Information to be**
11 **Registered.**

12 (1) Form A Registration: Level One and Level
13 Two Offenders:

14 (A) name, aliases, date of birth, social
15 security number, *if any*, and any other identifying
16 factors;

17 (B) current physical address and mailing
18 address, or, if the person is incarcerated, the
19 address of the residence where the person will be
20 residing immediately upon release and the mailing
21 address the person plans to use immediately upon
22 release;

23 (C) anticipated future residence;

24 (D) current and anticipated employment;

25 (E) offense history, including the
26 underlying crime, which triggered the registration
27 requirements of this Chapter;

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(F) documentation of treatment;

(G) fingerprints;

(H) current photograph; *and*

(I) name and address of the institution of higher education, enrollment or employment status, and any changes of enrollment or employment status if the person is enrolled, employed or carrying on a vocation.

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

(A) name, aliases, date of birth, social security number, *if any*, and any other identifying factors;

(B) 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;

(C) fingerprints;

(D) current photograph; *and*

(E) name and address of the institution of higher education, enrollment or employment status, and any changes of enrollment or employment status if the person is enrolled, employed or carrying on a vocation.

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(3) 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), original name, place of offense, date of birth, social security number or prior residence.

(4) 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 'lahen Guahån*.

(c) Biological Samples.

(1) Every person convicted in the Superior Court of Guam 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 typing *no later than* thirty (30) calendar days after the person's sentencing.

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

(3) Every person who was convicted in the Superior Court of Guam *prior to* the effective date of this law of a criminal sexual conduct offense, or of a criminal

1 offense against a victim who is a minor and was released
2 on parole or probation after January 1, 1993, shall
3 provide a biological sample for DNA typing to the Guam
4 Police Department at the time of that person's initial
5 registration.

6 (4) Every person required to register pursuant
7 to Paragraphs (2), (3) or (4) of §89.03(a) shall provide a
8 biological sample to the Guam Police Department for
9 DNA typing at the time of that person's initial
10 registration on Guam.

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

14 **(d) Registration Requirements for Persons**
15 **Required to Register Pursuant to §89.03(a)(1); Initial**
16 **Registration; Penalty.**

17 (1) Where a Person Required to Register is
18 Sentenced to Incarceration. Initial registration
19 information must be provided to the Parole Services
20 Division of the Department of Corrections *no later than*
21 two (2) weeks before the person's anticipated release.
22 Intentional or knowing failure to provide this information
23 shall result in the delay of that person's release.

24 (2) Where a Person Required to Register is
25 Sentenced to Probation. Initial registration information
26 must be provided to the Probation Services Division of
27 the Superior Court of Guam *no later than* the date the

1 person is scheduled to be placed on probation.
2 Intentional or knowing failure to provide this information
3 by that date shall result in the revocation of the person's
4 probation and shall make that person *ineligible* for
5 probation.

6 (3) Where a Person Identified as a Person
7 Required to Register is on Supervised Parole or
8 Probation at the Time of the Passage of This Law. Initial
9 registration information must be provided to the
10 registrant's parole or probation officer *no later than* six
11 (6) months after the effective date of this law. Intentional
12 or knowing failure to register pursuant to this Subsection
13 is a felony of the third degree.

14 (4) Where a Person Required to Register is No
15 Longer Under the Supervision of Either Probation or
16 Parole at the Time of the Passage of This Law. Subject
17 to written notice by certified or registered mail provided
18 by the Superior Court of Guam to a person as described
19 in this Section, initial registration information must be
20 provided to the Guam Police Department *no later than*
21 one (1) year after receipt of written notice by the person.
22 The Guam Police Department shall transmit the
23 information to the Court *no later than* three (3) business
24 days thereafter for inclusion into the Sex Offender
25 Registry database. Intentional or knowing failure to
26 register pursuant to this Subsection is a felony of the
27 third degree.

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

4 (1) Persons required to register pursuant to
5 §89.03(a)(2) shall provide *all* the information that must
6 be registered pursuant to §89.03(b) to the Guam Police
7 Department *no later than* seven (7) calendar days after
8 release from incarceration, release on probation or arrival
9 on Guam. *If* the registrant is on probation in another
10 jurisdiction and that registrant's probation is to be
11 transferred to Guam, then the Guam Police Department
12 may obtain the necessary information from the office of
13 probation of the jurisdiction from where the registrant
14 came; said registrant is required to verify the registered
15 information as required by this Chapter *no later than*
16 seven (7) calendar days after the person's arrival on
17 Guam.

18 (2) Persons required to register pursuant to
19 Paragraphs (3) or (4) of §89.03(a) shall provide all the
20 information that must be registered pursuant to §89.03(b)
21 to the Guam Police Department *no later than* seven (7)
22 calendar days after their arrival on Guam. *If* the
23 registrant is on probation in another jurisdiction, and that
24 registrant's probation is to be transferred to Guam, then
25 the Guam Police Department may obtain the necessary
26 information from the office of probation of the
27 jurisdiction from where the registrant came; said

1 registrant is required to verify the registered information
2 as required by this Chapter *no later than* seven (7)
3 calendar days after the registrant's arrival on Guam.

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

6 (1) Level One Offender. The registrant shall
7 verify the following registered information ninety (90)
8 calendar days from the date of the registrant's release
9 from incarceration, or ninety (90) calendar days from the
10 date of the registrant's release on probation *if* the
11 registrant is placed on probation, and every ninety (90)
12 calendar days thereafter. *If* the ninetieth (90th) day falls
13 on a weekend or holiday, the registrant shall verify the
14 following information on the following business day:

15 (A) current physical and mailing
16 address(es);

17 (B) recent criminal offenses, *if any*;

18 (C) documentation of treatment;

19 (D) a current photograph; *and*

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

25 (2) Level Two Offender. The registrant shall
26 verify the following registered information exactly one
27 (1) year from the date of the registrant's release from

1 incarceration or the date of the registrant's release on
2 probation *if* the registrant is placed on probation, and
3 exactly every year thereafter. *If* the date the registrant is
4 to verify falls on a weekend or holiday, the registrant
5 shall verify the following information on the following
6 business day:

7 (A) current physical and mailing
8 addresses;

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

10 (C) documentation of treatment, *if any*;

11 (D) a current photograph; *and*

12 (E) 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 (3) Level Three Offender. The registrant
18 shall verify registered information in the same manner as
19 a Level Two Offender.

20 (4) Notwithstanding Subsections (a), (b) *and*
21 (c) of this Section, a registrant shall register the
22 registrant's new physical address with the Court within
23 seven (7) calendar days of any change in physical
24 residence. If a registrant anticipates moving from Guam,
25 that registrant shall register his intended place of
26 residence with the Court *no later than* three (3) calendar
27 days before his departure from Guam.

1 **(g) Registration Requirements for Offender's**
2 **Enrollment and Employment in an Institution of Higher**
3 **Education.** The registrant must update the name and address
4 of the institution of higher education, enrollment or
5 employment status, and any changes of enrollment or
6 employment status if the registrant is enrolled, employed or
7 carrying on a vocation in an institution of higher education
8 within seven (7) days of any changes in employment or
9 enrollment in an institution of higher education with the Guam
10 Police Department.

11 **(h) Registration Requirements; Verification,**
12 **Method of Verification.** A registrant shall verify the
13 registrant's registered information as required by §89.03(e) in
14 the following manner:

15 (1) Parolee. A parolee shall personally present
16 himself to the parolee's parole officer and verify the
17 registered information with the parole officer;

18 (2) Probationer. A probationer shall personally
19 present himself to the person's probation officer and
20 verify the registered information with the probation
21 officer;

22 (3) Dual Supervision. A person under dual
23 supervision, that is, the person is supervised by both
24 parole and probation, shall personally present himself to
25 that person's probation officer; *and*

26 (4) Others. All registrants, including persons
27 who are no longer under supervised parole or probation,

1 shall personally appear at the Guam Police Department,
2 Records Section, and register with the Guam Police
3 Department.

4 **(i) Registration Requirement; Guam Residents**
5 **Who are Employed, Carry on a Vocation, or are Students in**
6 **Another State or Territory.** A person who is required to
7 register on Guam and who is employed, carries on a vocation,
8 or is a student in another state or territory, shall also register in
9 that other state or territory pursuant to the registration
10 requirements of that state or territory.

11 **(j) Registration Requirement; Persons Who Move**
12 **to Another State or Territory.** When a person who is required
13 to register on Guam anticipates moving to another state or
14 territory, that registrant shall report his change of address to the
15 Guam Police Department pursuant to the requirements of this
16 Chapter, *and* comply with any registration requirement of the
17 new state or territory of residence.

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

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

24 **(b) Ten (10) Years.** A person deemed a Level Three
25 Offender shall register pursuant to §89.03(b)(2), and
26 Subsections (2) and (3) of §89.03(f), for a period of ten (10)

1 years from the date of that person's release on probation or
2 release on parole.

3 **(c) Where Conviction Reversed, Vacated or Set**
4 **Aside or Where Registrant Pardoned.** Notwithstanding
5 Subsections (a) and (b) of this Section, when the underlying
6 conviction is reversed, vacated or set aside, or *if* the person is
7 pardoned of the crime which triggered the registration
8 requirement of this Chapter, registration is no longer required.

9 **(d) Tolling of Registration Requirement.** *If* a
10 registrant is re-incarcerated for violations of release conditions
11 imposed for the same crime, or for the commission of another
12 crime, or the registrant is civilly committed, then the period of
13 registration is tolled and remains tolled until the registrant's
14 subsequent release. Thereafter, the registrant shall recommence
15 and continue registering for the remaining period of time the
16 registrant is required to register.

17 **Section 89.05. Penalties.**

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

24 **(b) Verification.** The failure to verify registered
25 information is a misdemeanor. A second or subsequent failure
26 to so register is a felony of the third degree. Failure of a
27 probationer or parolee to so register may result in sanctions

1 pursuant to Title 8 GCA §80.66 *and* Title 9 GCA §80.82,
2 *respectively*.

3 **(c) Address Changes.** A registrant's failure to
4 register the registrant's new physical address within seven (7)
5 calendar days of any change of physical address is a
6 misdemeanor. A second or subsequent failure to so register is a
7 felony of the third degree. Failure of a registrant who is a
8 probationer or parolee to so register may result in sanctions
9 pursuant to Title 9 GCA §80.66 *and* Title 9 GCA §80.82,
10 *respectively*.

11 **(d) False Information.** Intentionally and
12 knowingly providing false information during initial
13 registration or subsequent verification is a felony of the second
14 degree.

15 **(e) Enrollment or Employment at an Institution**
16 **of Higher Education.** A registrant's failure to update
17 enrollment or employment at an institution of higher education
18 or termination of such enrollment or employment at an
19 institution of higher education with the Guam Police
20 Department within seven (7) calendar days of any change
21 would constitute a failure to register or keep such registration
22 current and is a felony of the third degree.

23 **Section 89.06. Duties of the Department of Corrections and**
24 **the Court; Initial Registration.** *If* a registrant is released from
25 incarceration, placed on parole or placed on probation, the
26 Department of Corrections, the Parole Services Division, the Court or
27 the Probation Services Division shall:

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

3 (b) inform the registrant that *if* the registrant changes
4 residence on Guam, the registrant shall provide the new
5 residential address to the Court;

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

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

15 (e) obtain all information that must necessarily be
16 gathered for the registrant's initial registration, and inform the
17 registrant that the registrant must provide the registrant's
18 fingerprints, a photograph and a biological sample to the Guam
19 Police Department. The Department of Corrections or the
20 Office of Probation shall facilitate the obtaining of fingerprints,
21 photograph and biological sample. After this information is
22 gathered, the Guam Police Department shall retain the
23 biological sample and transmit the fingerprints and photograph
24 to the Court within three (3) calendar days;

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

1 (g) forward information described in (f) above to the
2 Court within three (3) calendar days after receipt thereof;

3 (h) inform the registrant that if the registrant enrolls
4 is employed, or carries on a vocation at an institution of higher
5 education in Guam the registrant must inform the Guam Police
6 Department, and to notify the Guam Police Department of any
7 change in such enrollment or employment status at the
8 institution of higher education within seven (7) calendar days of
9 any changes;

10 (i) ensure the registration information collected on
11 the registrant's enrollment or employment status at the
12 institution of higher education, and any change of enrollment or
13 employment status of the registrant at the institution of higher
14 education is promptly made available to the Guam Police
15 Department; and

16 (j) ensure the registration information collected on
17 the registrant's enrollment or employment status at the
18 institution of higher education, and any change of enrollment or
19 employment status of the registrant at the institution of higher
20 education is provided to the Superior Court of Guam to be
21 entered into Guam's Sex Offender Registry.

22 **Section 89.07. Duties of the Department of Corrections and**
23 **the Court, Verification of Registered Information.**

24 (a) The Department of Corrections, Parole Services
25 Division, shall receive and obtain initial registration and
26 registration verification information from registrants who are
27 parolees, and shall transmit such information to the Court *no*

1 *later than* three (3) business days of receipt of such
2 information.

3 (b) The Court, Probation Services Division, shall
4 receive and obtain initial registration and registration
5 verification information from registrants who are probationers
6 and shall enter such information into the Court's Sex Offender
7 Registry database.

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

9 (a) Upon receipt of the information that is required to
10 be registered or verified pursuant to this Chapter, the Guam
11 Police Department shall *immediately*, and *no later than* three
12 (3) business days of receipt of this information, transmit the
13 information to the Court which shall record this information in
14 the Sex Offender Registry database. The Guam Police
15 Department shall also *immediately* transmit the registrant's
16 photograph, fingerprints, conviction data and current residence
17 to the Court. In addition to sex offender data, the Guam Police
18 Department shall also *immediately* transmit all felony
19 fingerprints to the Court. The Court shall forward these
20 fingerprints to the Federal Bureau of Investigation's Automated
21 Fingerprint Identification System ('AFIS') for assignment of a
22 fingerprint identification number.

23 (b) Inform the registrant that if the registrant enrolls,
24 is employed, or carries on a vocation at an institution of higher
25 education in Guam the registrant must inform the Guam Police
26 Department, and to notify the Guam Police Department of any

1 change in such enrollment or employment status at the
2 institution of higher education within seven (7) calendar days.

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

9 (d) ensure the registration information collected on the
10 registrant's enrollment or employment status at the institution
11 of higher education, and any change of enrollment or
12 employment status of the registrant at the institution of higher
13 education is provided to the Superior Court of Guam *no later*
14 *than* three (3) business days of receipt of the information to be
15 entered into Guam's Sex Offender Registry.

16 (e) The Superior Court of Guam is the state sole
17 source for submission of information and fingerprints to the
18 Federal Bureau of Investigation and the National Crime
19 Information Center ('NCIC'). The Court shall enter all
20 registered information into the NCIC system *no later than* three
21 (3) business days after receipt of such information.

22 (f) Notification of Local Law Enforcement Agencies
23 Regarding Changes of Address; Moving From Guam. Upon
24 receipt of information that the registrant is anticipated to move
25 from Guam to another state, territory or tribe, the Court shall
26 *immediately* notify that state or territory to which the registrant
27 is moving, and shall transmit the address of the registrant's

1 anticipated residence to the Federal Bureau of Investigation *no*
2 *later than* three (3) business days of receipt of this information.

3 (g) Notification of FBI Regarding Changes of
4 Address. Upon receipt of information that registrant is or has
5 changed residence within Guam, or is anticipated to move from
6 Guam to another state, territory or tribe, the Guam Police
7 Department shall transmit the new address to the Federal
8 Bureau of Investigation *no later than* three (3) business days
9 after receipt of this information.

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

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

14 (b) **Fees.** The Court is authorized to collect
15 reasonable registration fees from registrants. Such fees shall be
16 used for the maintenance and support of the sex offender
17 registration and notification program. Fifty percent (50%) of
18 the fee paid by the registrant shall be given to the Court and the
19 remaining fifty percent (50%) shall go to the Guam Police
20 Department.

21 **Section 89.10. Notification.**

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

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

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

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

9 (4) Level Three Offender, Misdemeanor
10 Conviction: no notification.

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

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

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

6 **Section 3. Severability.** *If* any provision of this Law or its
7 application to any person or circumstance is found to be invalid or contrary
8 to law, such invalidity shall *not* affect other provisions or applications of this
9 Law, which can be given, effect without the invalid provisions or
10 application, and to this end the provisions of this Law are severable.

I MINA' BENEFIT OCHO NA LIHESLATORIAN GUAHAN
 2005 (FIRST) Regular Session

Date: 11-11-05

VOTING SHEET

Bill No. 86 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENCE</u>
AGUON, Frank B., Jr.					
BROWN, Joanne M.S.	✓				EA
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

[Signature]
 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

P.L. 28-77



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

May 23, 2005

The Honorable Mark Forbes
 Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

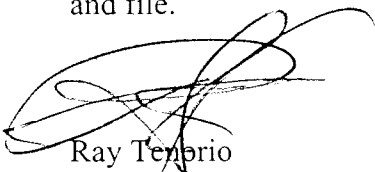
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **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"** now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>3</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.


 Ray Tenorio





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

May 05, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – 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 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.”

Transmitted, herewith, for your information and action is the report on Bill No. 86(LS) from the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 86(LS)
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Fiscal Note Waiver
7. Notice of Public Hearing

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.


RAY TENORIO





Office of
SENATOR RAY TENORIO
 MAJORITY LEADER
 CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

VOTING RECORD

BILL NO. 86(LS): An act to amend Chapter 89 to Title 9 of the Guam Code Annotated, to require sex offender 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.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	✓				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	19/05 ✓				
 JESSE A. LUJAN, Member			✓		
 ANTONIO R. UNPINGCO, Member					
 FRANK B. AGUON, Member					
 BENJAMIN J. CRUZ, Member			✓		
 ADOLPHO PALACIOS, Member	✓				
 JUDI WON PAT, Member			✓		
 RORY J. RESPICIO, Member	✓				
 Mark Forbes, Ex-Officio	✓				



I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on April 12, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Included in the public hearing was Bill No. 86(LS). Public notice was printed in the Pacific Daily News on April 6 and 7, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator B.J. Cruz, Member
3. Senator Adolpho Palacios, Member

II. SUMMARY OF TESTIMONY

Anthony Sanchez, Acting Director, Bureau of Statistics & Plans, presented oral and written (see attached) testimony in support of Bill No. 86(LS). Mr. Sanchez stated that the passage of Bill No. 86(LS) will allow Guam to be in compliance to the amendment made to the Jacob Wetterling Act and continue eligibility status to federal funds under the Byrne Formula Grant Program.

Machelle Craig-Leon Guerrero, Bureau of Statistics & Plans, submitted oral testimony in support of Bill No. 86(LS). Ms. Leon Guerrero stated that Bill No. 86(LS) will be a benefit to the community by helping the campus of higher education become a little safer by making them aware of sex offenders.

Senator Ray Tenorio asked Mr. Sanchez to clarify his statement regarding court clearances. Mr. Sanchez replied that an amendment be made to the bill that would require the sex offender, as opposed to the entire student body, to provide a court clearance when enrolling as a student.

III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that sex offenders pose a high risk of re-offending after being released from incarceration. The Committee also finds that protecting the public from sex offenders is a primary governmental interest. The release of certain information about sex offenders to public agencies and the general public will assist in protecting the public safety. To help further protect the general public from sex offenders U.S. Congress has enacted the Campus Sex Crimes Prevention Act (CSCPA) as an amendment to the Jacob Wetterling Act. The purpose of the CSCPA is to guarantee that, when a convicted sex

1900 3 17
offender enrolls or begins employment at a college or university, members of the campus community will have the information they need to protect themselves.

In addition, the U.S. Congress has stipulated that any States that fail to comply with the Wetterling Act's requirements are subject to a mandatory 10% reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which is administered by the Bureau of Justice Assistance of the Department of Justice.

The Committee further finds that approximately \$273,000.00 of federal funds committed to the government of Guam under the Byrne Formula Grant Program is being sequestered for non compliance to the CSCPA amendments. Bill No. 86(LS) will allow Guam's Sex Offender Registry to come into compliance with the CSCPA amendments and, thereby, will restore the sequestered federal funds.

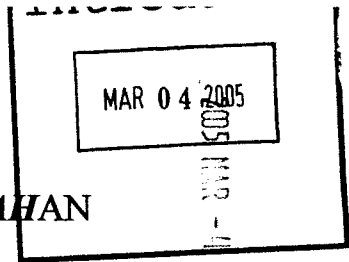
IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out 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" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

Attachments

1. Bill No. 86(LS)
2. Written Testimony
 - a. Anthony Sanchez
3. Witness Sign-in Sheet
4. Fiscal Note Waiver
5. Public Hearing Notice





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

Bill No. 86 (LS)
Introduced by:

Ray Tenorio

[Handwritten Signature]
MAR 2 05

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 Guahan*.

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);