

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
<b>157-35 (COR)</b> As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice; and further amended on the Floor	Amanda L. Shelton Tina Rose Muña Barnes Telena Cruz Nelson Joe S. San Agustin James C. Moylan Louise B. Muña	AN ACT TO ADD A NEW § 89.16 AND AMEND § 89.01 (g) (1) TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS, WHOSE CASES ARE UNDER APPEAL, TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AT THE JUDICIARY OF GUAM, PROBATION DIVISION, AS A SEX OFFENDER	6/6/19 2:42 p.m.	6/21/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/24/19 9:00 a.m.	11/7/19 4:41 p.m.	Request: 6/21/19 Waiver: 6/28/19	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	11/12/19	AN ACT TO ADD A NEW § 89.16 AND AMEND § 89.01(g)(1) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS WHOSE CASES ARE UNDER APPEAL TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AS SEX OFFENDERS WITH THE JUDICIARY OF GUAM PROBATION DIVISION.	11/18/19	11/18/19	11/29/19	35-51	11/25/19	Received: 11/25/19 Mess and Comm. Doc. No. 35GL-19-1257.	



LOURDES A. LEON GUERRERO  
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO  
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

November 25, 2019

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96932

356L-19-1257  
Speaker Tina Rose Muña Barnes

NOV 25 2019

Time 4:06 ( )AM ( )PM

Received By: Alan

**Re: Bill No. 157-35 (COR) – An Act to Add a New § 89.16 and Amend § 89.01(g)(1) of Chapter 89, Title 9, Guam Code Annotated, Relative to Requiring Convicted Sexual Offenders Whose Cases are Under Appeal to Retain Their Absolute Duty to Register as Sex Offenders with the Judiciary of Guam Probation Division**

Dear Madame Speaker:

The requirement for those convicted of sex offenses to register as sex offenders is not something new to Guam. In fact, Guam became one of the first jurisdictions to implement the Sex Offender Registration and Notification Act (“SORNA”) when we enacted Public Law 25-75 at the turn of this century. Since then, all branches of our government have worked diligently to ensure that our local sex offender registration law remained compliant as the federal laws changed.

I am grateful of this Legislature for correcting a “loophole” allowing convicted sex offenders to remain unregistered while they were seeking an appeal. Language introduced by Bill No. 428-30 created the ambiguity by requiring registration only when “the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.”

Bill No. 157-35, which I have now signed into law as **Public Law No. 35-51**, corrects that ambiguity and clarifies Guam’s position towards sex offender registration. There is no doubt that

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2019 NOV 25 PM 4:32

1257

To: Speaker Tina Rose Muña Barnes  
Fr: Governor of Guam  
Date: November 25, 2019  
Re: Bill No. 157-35 (COR)

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our community demands sex offender registration the instant offenders are convicted and sentenced by the court.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

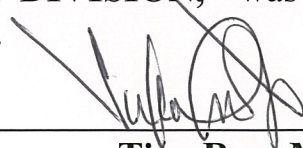
Enclosure(s): Bill No. 157-35 (COR) *nka Public Law 35-51*

cc via email: *Sigundo Maga'låhen Guåhan*  
Compiler of Laws

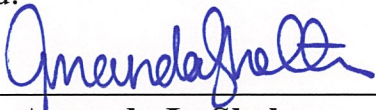
***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*** Jessica Cruz  
**2019 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***

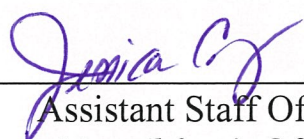
This is to certify that **Bill No. 157-35 (COR), "AN ACT TO ADD A NEW § 89.16 AND AMEND § 89.01(g)(1) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS WHOSE CASES ARE UNDER APPEAL TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AS SEX OFFENDERS WITH THE JUDICIARY OF GUAM PROBATION DIVISION,"** was on the 18<sup>th</sup> day of November 2019, duly and regularly passed.

  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**


Attested:

  
\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 18<sup>th</sup> day of NOV.,  
2019, at 6:01 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
*I Maga'hågan Guåhan*

Date: 11/25/2019

Public Law No. 35-51

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

**Bill No. 157-35 (COR)**

As amended by the Committee on Health,  
Tourism, Historic Preservation, Land and  
Justice; and further amended on the Floor.

Introduced by:

Amanda L. Shelton  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Joe S. San Agustin  
James C. Moylan  
Louise B. Muña  
Therese M. Terlaje  
Régine Biscoe Lee  
Jose "Pedo" Terlaje  
William M. Castro  
Kelly Marsh (Taitano), PhD  
Sabina Flores Perez  
Clynton E. Ridgell  
Telo T. Taitague  
Mary Camacho Torres

**AN ACT TO *ADD* A NEW § 89.16 AND *AMEND* § 89.01(g)(1) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS WHOSE CASES ARE UNDER APPEAL TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AS SEX OFFENDERS WITH THE JUDICIARY OF GUAM PROBATION DIVISION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the sex offender registry was established by the enactment of Public Law 25-75

1 in 1999 (codified at 9 GCA Chapter 89) with the intent to protect the members of  
2 our island community from sexual offenders by monitoring those offenders and  
3 making their information accessible to the public. This information includes the  
4 name, date of birth, list of offenses, home address, work address, physical  
5 description, headshot, and known vehicles of the offender. This database is vital to  
6 protecting existing victims, deterring recidivism among offenders, and preventing  
7 future sexual offenses.

8 In 1994, the United States Congress passed the Wetterling Act, which  
9 mandates that all fifty (50) states maintain a sex offender registry. After many  
10 amendments and other federal legislation aiming to improve sex offender  
11 registration laws, Congress passed the Sex Offender Registration and Notification  
12 Act (SORNA) in 2006 which established national standards for sex offender  
13 registration and the list of information that should be made available to the public.  
14 A study published in the *Journal of Law and Economics*, found that registration  
15 reduces the number of sex offenses by about thirteen percent (13%). As such *I*  
16 *Liheslaturan Guåhan* finds that sex offender registries are a vital tool used for  
17 informing the public and preventing further victimization.

18 *I Liheslaturan Guåhan* further finds that survivors of sexual assault have  
19 become aware that their perpetrators' cases are under appeal but such perpetrators  
20 have not had to register with the sex offender registry and have gone on to jobs that  
21 include working around a similar demographic of women as the survivors, which  
22 potentially puts a new group of women at risk.

23 Therefore, it is the intent of *I Liheslaturan Guåhan* to close this loophole and  
24 ensure that sex offenders are registered with the sex offender registry even while  
25 such cases are on appeal.

26 **Section 2.** A new § 89.16 is hereby *added* to Chapter 89, Title 9, Guam  
27 Code Annotated, to read as follows:

1                   **“§ 89.16. Cases Under Appeal.**

2                   The trial judge may not stay any judgement of conviction as it relates  
3                   to the registration requirements contained in this Chapter.”

4                   **Section 3.** § 89.01(g)(1) of Chapter 89, Title 9, Guam Code Annotated, is  
5 hereby *amended* to read as follows:

6                   “(1) Adult Conviction. The term conviction refers to each separate  
7 charge to which the offender either voluntarily pleads guilty and such guilty  
8 plea has been accepted by the Court, whether in a single hearing or in separate  
9 hearings, or is found guilty by a trier of fact, whether the charges are contained  
10 in one (1) indictment, or separate indictments. This term includes convictions  
11 based on pleas of nolo contendere and guilty pleas entered pursuant to *North*  
12 *Carolina v. Alford*, 400 U.S. 25 (1970). An adult sex offender is “convicted”  
13 for the purposes of this Chapter if the sex offender has been sentenced by the  
14 court.”