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<th>BILL NO.</th>
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<tr>
<td>157-35 (COR)</td>
<td>Amanda L. Shelton, Tina Rose Muña Barnes, Telena Cruz Nelson, Aoe J. San Agustin, James C. Moylan, Louise B. Muña</td>
<td>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</td>
<td>6/6/19 2:42 p.m.</td>
<td>6/21/19</td>
<td>Committee on Health, Tourism, Historic Preservation, Land, and Justice</td>
<td>7/24/19 9:00 a.m.</td>
<td>11/7/19 4:41 p.m.</td>
<td>As amended by the Committee on Health, Tourism, Historic Preservation, Land, and Justice; and further amended on the floor</td>
<td>Request: 6/21/19 Waiver: 6/28/19</td>
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<th>SESSION DATE</th>
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<th>DUE DATE</th>
<th>PUBLIC LAW NO.</th>
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<td>11/12/19</td>
<td>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</td>
<td>11/18/19</td>
<td>11/18/19</td>
<td>11/29/19</td>
<td>35-51</td>
<td>11/25/19</td>
<td>Received: 11/25/19 Mess and Comm. Doc. No. 35GL-19-1257.</td>
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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

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

Senseremente,

LOURDES A. LEON GUERRERO
Maga'ågan Gualhan
Governor of Guam

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

cc via email: Sigundo Maga'åhen Gualhan
Compiler of Laws
CERTIFICATION OF PASSAGE OF AN ACT TO IMAGA'HAGAN 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 18th day of November 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by I Maga’hågan Guåhan this 18th day of NOV, 2019, at 16:01 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
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that the sex offender registry was established by the enactment of Public Law 25-75
in 1999 (codified at 9 GCA Chapter 89) with the intent to protect the members of
our island community from sexual offenders by monitoring those offenders and
making their information accessible to the public. This information includes the
name, date of birth, list of offenses, home address, work address, physical
description, headshot, and known vehicles of the offender. This database is vital to
protecting existing victims, deterring recidivism among offenders, and preventing
future sexual offenses.

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

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

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

Section 2. A new § 89.16 is hereby added to Chapter 89, Title 9, Guam
Code Annotated, to read as follows:
§ 89.16. Cases Under Appeal.

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

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

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