<table>
<thead>
<tr>
<th>BILL NO.</th>
<th>SPONSOR</th>
<th>TITLE</th>
<th>DATE INTRODUCED</th>
<th>DATE REFERRED</th>
<th>CMTE REFERRED</th>
<th>PUBLIC HEARING DATE</th>
<th>DATE COMMITTEE REPORT FILED</th>
<th>FISCAL NOTES</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>173-35 (COR)</td>
<td>Therese M. Terlaje</td>
<td>AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE Annotated, Relative to Establishing a Standardized Risk Assessment and System of Treatment Programs for Criminal Sexual Conduct Offenders, Which Shall be Known as the &quot;Criminal Sexual Conduct Assessment and Rehabilitation Act&quot;.</td>
<td>6/26/19 10:21 a.m.</td>
<td>10/14/19</td>
<td>Committee on Health, Tourism, Historic Preservation, Land, and Justice</td>
<td>11/7/19 2:00 p.m.</td>
<td>1/16/20 4:33 p.m.</td>
<td>As amended by the Committee on Health, Tourism, Historic Preservation, Land, and Justice</td>
<td>7/26/19</td>
</tr>
</tbody>
</table>

**BILL STATUS**

<table>
<thead>
<tr>
<th>SESSION DATE</th>
<th>TITLE</th>
<th>DATE PASSED</th>
<th>TRANSMITTED</th>
<th>DUE DATE</th>
<th>PUBLIC LAW NO.</th>
<th>DATE SIGNED</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/27/20</td>
<td>AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE Annotated, Relative to Establishing a Standardized Risk Assessment and System of Treatment Programs for Criminal Sexual Conduct Offenders, Which Shall be Known as the &quot;Criminal Sexual Conduct Assessment and Rehabilitation Act&quot;.</td>
<td>2/4/20</td>
<td>2/4/20</td>
<td>2/15/20</td>
<td>35-71</td>
<td>2/13/20</td>
<td>Received: 2/13/20 Mess and Comm. Doc. No. 35GL-20-1542.</td>
</tr>
</tbody>
</table>
HAND-DELIVERED

February 13, 2020

HONORABLE TINA ROSE MUÑA BARNES, Speaker
I Mina 'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Substitute Bill No. 173-35 (COR) – “An Act to Add a New Chapter 93 to Title 9, Guam Code Annotated, Relative to Establishing a Standardized Risk Assessment and System of Treatment Programs for Criminal Sexual Conduct Offenders, which shall be Known as the ‘Criminal Sexual Conduct Assessment and Rehabilitation Act’”

Dear Madame Speaker:

Cooperation and collaboration for the purpose of ensuring a community safe from criminal sexual conduct -- that is what Bill 173, “An Act to Add a New chapter 93 to Title 9, Guam Code Annotated, Relative to Establishing a Standardized Risk Assessment and System of Treatment Programs for Criminal Sexual Conduct Offenders, which Shall be Known as the ‘Criminal Sexual Conduct Assessment and Rehabilitation Act,’” proposes and what is now Public Law No. 35-71 mandates.

The government of Guam, through the Superior Court, the Parole Board, the Police Department, and the Guam Behavioral Health and Wellness Center will work to develop a standardized procedure for measuring the risk of criminal sexual conduct recidivism and for identifying potential for rehabilitation. Unfortunately, criminal sexual conduct occurs in our community. This law is a step toward confronting and addressing this problem and working to prevent repeat criminal sexual conduct offenses in the future.

Senseremente,

JOSHUA F. TENORIO
Åkto Maga 'lahen Guahan
Acting Governor of Guam

Enclosure(s): Substitute Bill No. 173-35 (COR) nka Public Law No. 35-71
cc via email: Maga’hågan Guåhan
Compiler of Laws
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN

This is to certify that Substitute Bill No. 173-35 (COR), "AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE 'CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT,'" was on the 4th day of February 2020, 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 4th day of Feb., 2020, at 4:01 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 2-13-20

Public Law No. 35-71
AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A STANDARDIZED RISK ASSESSMENT AND SYSTEM OF TREATMENT PROGRAMS FOR CRIMINAL SEXUAL CONDUCT OFFENDERS, WHICH SHALL BE KNOWN AS THE “CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 93 is hereby added to Title 9, Guam Code Annotated to read:
"CHAPTER 93
CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT

§ 93.10. Short Title.

§ 93.11. Legislative Declaration.


§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual Conduct Offenders.

§ 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing Based Upon Assessment Required.


§ 93.50. Report to the Legislature.

§ 93.10. Short Title.

This Act may be cited as the "Criminal Sexual Conduct Assessment and Rehabilitation Act."

§ 93.11. Legislative Declaration.

The Legislature hereby declares that criminal sexual conduct and repeat offenses are a major problem within the criminal justice system of Guam. The Legislature hereby resolves to curtail the risk of further harm from persons accused or convicted of criminal sexual conduct through the implementation of standardized procedures for the assessment of those individuals for dangerousness and risk for recidivism. The courts should assess the dangerousness and risk of recidivism before release on probation, pre-sentence or parole. Persons convicted of criminal sexual conduct felonies who do not complete treatment and rehabilitation as recommended by a court, the Parole Board, or a Department of Corrections official based on the assessment should not be eligible for early release.

The Legislature finds that psycho-physiological testing is essential in the assessment of sex offenders. Physiologic test results should only be used in
conjunction with a thorough psychiatric evaluation, comprehensive sexual history, and clinical expertise. Because effective control and treatment of deviant sexual behaviors depend on identification and understanding of the underlying dysfunction, assessment techniques that provide insight into the etiology of a behavior are critical to reducing sexual predator crimes. More accurate and reliable assessment techniques may improve treatment outcomes and decrease the rate of sexual victimization and may provide more reliable means.


(a) The Superior Court of Guam, the Department of Corrections, the Guam Parole Board, the Guam Police Department, and the Guam Behavioral Health and Wellness Center (the Assessment Team) shall cooperate to develop and implement the following:

(1) A standardized procedure for the assessment of individuals accused or convicted of sexual offenses for dangerousness and risk for recidivism. The assessment may include the use of physiological testing, in conjunction with a thorough psychiatric evaluation, comprehensive sexual history, and clinical expertise or such other test of the offender as deemed appropriate by the Assessment Team. The assessment procedure developed pursuant to this Section shall recommend treatment or rehabilitation that is appropriate to the needs of the particular offender and which is aimed at reducing dangerousness and risk of recidivism or shall indicate whether no treatment or rehabilitation is known or predictable that will reduce dangerousness or risk of recidivism.

(2) A system of programs for treatment and rehabilitation of individuals convicted of criminal sexual conduct offenses which can be
utilized by offenders who are placed on probation, incarcerated at the
Department of Corrections, placed on parole, or placed in community
corrections, or released on probation or parole, or discharged from prison.
(b) The procedures for treatment and rehabilitation required to be
developed by Subsection (a) of this Section shall be implemented only to the extent
monies are available; provided that, in all cases, persons referred or ordered to
receive treatment or rehabilitation shall do so at their own expense, unless such
person is determined to be indigent.
(c) The Superior Court of Guam, the Department of Corrections, the Guam
Parole Board, the Guam Police Department, and the Guam Behavioral Health and
Wellness Center shall cooperate to develop a schedule of fees sufficient to cover the
costs of assessment, testing, and treatment as required by this Section. All persons
referred or ordered to receive assessment, testing, or treatment shall be made to pay
for such, in accordance with the fee schedule, except in such cases where the person
is determined to be indigent, at which point the government of Guam may provide
access to government funded or government contracted service providers, if
available.
§ 93.30. Assessment Required for Convicted Felons and Criminal
Sexual Conduct Offenders.
(a) A person convicted of a criminal sexual conduct felony committed on
or after the effective date of this Act who is to be considered for probation, pre-
sentence release, sentencing, or parole shall be required, as part of the pre-sentence
or probation investigation, to submit to an assessment developed pursuant to §
93.20(a)(1). The court shall order such person to comply with the recommendations
of such assessment as a condition of probation, pre-sentence release, or parole, and
as part of the sentence, at the person’s own expense, unless such person is indigent,
at which point the government of Guam may provide access to government funded
or government contracted service providers, if available.

(b) Each person convicted of a criminal sexual conduct misdemeanor
committed on or after the effective date of this Act shall be required to submit to an
assessment developed pursuant to § 93.20(a)(1). The court shall order such person
to comply with the recommendations of such assessment at the person's own
expense, unless such person is indigent. If such person is sentenced to probation,
such person shall be ordered to comply with the recommendations as a condition of
probation at such person's own expense, unless such person is indigent, at which
point the government of Guam may provide access to government funded or
government contracted service providers, if available.

(c) The assessment required by Subsection (a) of this Section or the
assessment required by Subsection (b) of this Section shall be at the expense of the
person assessed, unless such person is indigent, at which point the government of
Guam may provide access to government funded or government contracted service
providers, if available.

§ 93.35. Sentencing and Parole of Felons: Parole of Felons:
Treatment and Testing Based Upon Assessment Required.

(a) Each person sentenced by the court for a criminal sexual conduct felony
committed on or after the effective date of this Act shall be required, as part of any
sentence, to undergo periodic assessment, treatment, and rehabilitation which is
appropriate to such person based upon the recommendations of the assessment made
pursuant to § 93.30 of this Chapter, or based upon any subsequent recommendations
by the Department of Corrections, the Probation Office, the Parole Board or the
Superior Court of Guam, whichever is appropriate. Any such testing or treatment
shall be at such person's own expense, unless such person is indigent, at which point
the government of Guam may provide access to government funded or government
contracted service providers, if available.

(b) Each person convicted of a criminal sexual conduct felony who is
placed on parole by the Guam Parole Board on or after the effective date of this Act,
shall be required, as a condition of such parole, to undergo periodic testing and
treatment that is appropriate to such person based upon the recommendations of the
assessment made pursuant to § 93.30 of this Chapter, or any assessment or
subsequent reassessment made regarding such person during his or her incarceration
or any period of parole. Any such testing or treatment shall be at such person's own
expense, unless such person is indigent, at which point the government of Guam
may provide access to government funded or government contracted service
providers, if available.


(a) The Superior Court of Guam, the Guam Behavioral Health and
Wellness Center, the Department of Corrections, and the Guam Parole Board shall
cooperate to develop programs for the periodic assessment of criminal sexual
conduct offenders under the jurisdiction of each agency, and programs for the
periodic reassessment of appropriate treatment and rehabilitation made in the initial
assessment required by § 93.30 of this Chapter, or any subsequent reassessment.

(b) The Department of Corrections shall promulgate Disciplinary Rules
and Regulations for those incarcerated criminal sexual conduct offenders who fail to
submit to the assessment, treatment or rehabilitation recommendations. Disciplinary
Rules and Regulations shall promote fairness and consistency in the treatment of
offenders and may include, but shall not be limited to, an increased level of
supervision, the use of electronic monitoring, loss of work credit time granted
pursuant to 9 GCA § 81.10, and referral of the offender to the court to update the

Doc. No. 35GL-20-1542.
sentence to reflect such loss of work credit, or other sanctions designed to prevent
further harm from such offender. Any offender who does not cooperate with
assessments and complete the treatment or rehabilitation program shall not be
eligible for parole.
(c) The Superior Court shall immediately revoke probation or release due
to failure to submit to an assessment, treatment or rehabilitation made a condition of
probation, pre-sentence release or release.
(d) The Guam Parole Board shall immediately revoke parole due to failure
to submit to an assessment, treatment or rehabilitation made a condition of parole.

§ 93.50. Report to the Legislature.

Upon enactment of this Act, the Superior Court of Guam, the Department of
Corrections, the Guam Parole Board, the Guam Police Department, and the Guam
Behavioral Health and Wellness Center shall jointly make and transmit an annual
report to the Speaker of the Guam Legislature regarding the implementation of this
Act; the standardized procedures developed pursuant to this Act; and the results of
the programs created by this Act, including expected and actual effectiveness of the
assessment, treatment, and rehabilitation in reducing levels of dangerousness or risk
of recidivism of criminal sexual conduct offenders while incarcerated and on
release.”