

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

Bill No. 99-31 (COR)

Introduced by:

V. Anthony Ada  
R. J. Respicio  
A. B. Palacios, Sr.

2011 MAR - 1 PM 3:56 -

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120  
OF 8GCA RELATIVE TO REQUIRING CONVICTED  
SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA  
PROFILING.**

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

2 **Section 1.** A new Article 3 is *added* to Chapter 120 of 8GCA to read as follows:

3 **Article 3**  
4 **DNA Profiling Act**

5 **§120.301. Title.** This Article may be cited as the DNA Profiling Act.

6  
7 **§120.302. DNA testing requirements.**

8 (A) Any person who is convicted of any of the following offenses shall submit  
9 to deoxyribonucleic acid (DNA) testing for law enforcement identification  
10 purposes:

11 (1) A violation of Chapters 25 and/or 25.01 of 9GCA; and/or

1 (2) A violation of Chapter 13 of 9GCA committed in conjunction with or  
2 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA;  
3 and/ or

4 (3) A violation of Chapter 22 of 9GCA committed in conjunction with or  
5 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA,  
6 and/ or

7 (4) A violation of Chapter 30 of 9GCA committed in conjunction with or  
8 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA.

9  
10 (B) Persons who are convicted after the effective date of this Article to any of  
11 the offenses listed in Subsection (A) shall submit to DNA testing within three  
12 (3) days of such conviction prior to the effective date of this Article shall submit  
13 to DNA testing prior to and as a condition of eligibility for probation or parole.

14  
15 **§120.303. Notice to victim or victim representative.**

16 Reports from tests performed pursuant to §120.302 shall be maintained by the central  
17 criminal records repository of criminal records division of the Guam Police  
18 Department.

19 **§120.304. Reporting to CODIS.** Nothing herein this Article shall prevent the  
20 dissemination, sharing or referencing of any DNA (deoxyribonucleic acid) tests results  
21 collected pursuant to the provision of this Article for inclusion in the Federal Bureau of  
22 Investigation's (FBI's) Combined DNA Index System (CODIS).

1 **§120.305. Operations and Budget.** (a) The Guam Police Department (GPD) shall  
2 determine the optimum operational and budgetary requirements for program  
3 authorized by this Article. Such options that GPD may consider include, but not  
4 necessarily be limited to, are:

5 (1) Procuring the services of a third-party laboratory(s) to process DNA  
6 samples.

7 (2) Procuring the equipment and hiring the personnel necessary to process DNA  
8 samples at a GPD facility.

9 (b) Budgeting options that GPD may consider include, but not necessarily be limited  
10 to, are:

11 (1) Federal Grants

12 (2) Appropriations by I Liheslatura, and

13 (3) To the extent possible under Public Law and/or Parole Board practices, fees  
14 assessed to parolees and/or registered sex offenders.

15 (c) Nothing herein is construed as to limit the authority of judges to require payment,  
16 by the defendant, for the cost of DNA testing as a condition of sentencing.

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18 **Section 2.** A new Item (6) is *added* to Section 89.03(c) if Chapter 89 of 9GCA to read  
19 as follows:

20 “(6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph  
21 for those individuals who have submitted DNA samples pursuant to the provisions of  
22 Article 3 of Chapter 120 of 8GCA.”

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2 **Section 3.** A new Item (t) is *added* to Section 89.01 of Chapter 89 of 9GCA to read as

3 follows:

4 “(t) *DNA* means deoxyribonucleic acid.”