


MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN

2013 (FIRST) Regular Session

Bill No. 202-32 (COR)

Introduced by:

V.C.Pangelinan 

AN ACT TO AMEND §89.01(d)(2); TO AMEND §89.01(g)(2)(B); TO ADD A NEW SUBSECTION (C) TO §89.01(g)(2); TO AMEND §89.02(a)(2); TO AMEND §89.02(a)(3); TO AMEND §89.02(b)(2); TO AMEND §89.02(c)(1) AND TO ADD A NEW SUBSECTION (d) TO §89.02 ALL OF CHAPTER 89, 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY.

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

2 **Section 1. Section 89.01(d)(2) is hereby amended to read as follows:**

3 “§89.01. Definitions

4 (d) *Sex Offense*. The term "sex offense" as used in this Chapter includes
5 those offenses contained in 42 United States Code (U.S.C.) §16911(5)
6 and also includes the following offenses:

7 (2) *Guam Offenses*.

8 (A) any convictions under local laws relating to Title 9 GCA § 16.30;

9 (B) any convictions under local laws relating to Title 9 GCA §22.20,
10 wherein the victim of such crime is a minor;

11 (C) any convictions under local laws relating to Title 9 GCA §22.30;

1 (D) any convictions under local laws relating to Title 9 GCA §22.40,
2 wherein the victim of such crime is a minor;

3 (E) any convictions under local laws relating to Title 9 GCA §22.50,
4 wherein the victim of such crime is a minor;

5 (F) any convictions under local laws relating to Title 9 GCA §25.15;

6 (G) any convictions under local laws relating to Title 9 GCA §25.20;

7 (H) any convictions under local laws relating to Title 9 GCA §25.25;

8 (I) any convictions under local laws relating to Title 9 GCA §25.30;

9 (J) any convictions under local laws relating to Title 9 GCA §25.35;

10 (K) any convictions under local laws relating to Title 9 GCA §28.20,
11 wherein the victim of such crime is a minor;

12 (L) any convictions under local laws relating to Title 9 GCA §28.25,
13 wherein the victim of such crime is a minor;

14 (M) any convictions under local laws relating to Title 9 GCA §28.30,
15 wherein the victim of such crime is a minor;

16 (N) any convictions under local laws relating to 9 G.C.A. §28.49;

17 (O) any convictions under local laws relating to Title 9 GCA §28.50;

18 (P) any convictions under local laws relating to Title 9 GCA §28.51;

19 (Q) any convictions under local laws relating to Title 9 GCA §28.52,
20 wherein the victim of such crime is a minor;

21 (R) any convictions under local laws relating to Title 9 GCA §28.65;

22 (S) any convictions under local laws relating to Title 9 GCA §28.80,
23 wherein the victim of such crime is a minor;

24 (T) any convictions under local laws relating to Title 9 GCA §31.15;

25 (U) any convictions under local laws relating to Title 9 GCA §70.35;

26 (V) any convictions under local laws relating to Title 9 GCA
27 §89.01(b)(l); ~~or~~

1 (W) any convictions under local laws relating to Title 9 GCA
2 §89.01(b)(3); and any other offenses under Guam law relating to a
3 criminal offense wherein there is an element involving:

4 (i) a sexual act or sexual contact with another, regardless of the
5 age of the victim;

6 (ii) non-parental kidnapping of a minor; non-parental false
7 imprisonment of a minor;

8 (iii) solicitation to engage a minor in sexual conduct;

9 (iv) use of a minor in a sexual performance;

10 (v) solicitation of a minor to practice prostitution;

11 (vi) video voyeurism of a minor;

12 (vii) possession, production, or distribution of child
13 pornography;

14 (viii) criminal sexual conduct involving a minor; or

15 (ix) use of the internet to engage a minor in criminal sexual
16 conduct; or

17 (X) any convictions under local laws relating to Title 9 GCA §22.35.”

18 **Section 2. Section 89.01(g)(2)(B) is hereby amended to read as**
19 **follows:**

20 “§89.01. Definitions

21 (g) Conviction.

22 (2) Juvenile Conviction. A juvenile offender is "convicted" for the purposes
23 of this Chapter if the juvenile offender is either:

24 (B) is adjudicated delinquent as a juvenile for a sex offense, but only if the
25 juvenile is at least fourteen (14) years of age ~~or younger~~ at the time of the offense,
26 and the sex offense adjudicated was one that is comparable to or more severe than
27 the federal crime of "aggravated sexual abuse" (as described in either (a) and (b)

1 of Section 2241 of Title 18 of the U.S.C.), or was an attempt or conspiracy to
2 commit such an offense, which is noted in Title 9 GCA § 25.15 Subsections (a) (4)
3 (i) or (ii), (a)(5), (a)(6), and (a)(7); and Title 9 GCA § 25.20 (a)(4) (i) or (ii), (a)(5),
4 (a)(6), and (a)(7).”

5 **Section 3. A new Subsection (C) is hereby added to Section 89.01(g)(2)**
6 **to read as follows:**

7 “§89.01 Definitions.

8 (C) Any juvenile sex offender who meets the definitions under §89.01(g)(2)
9 of this Act shall be required to follow all registration requirements under this Act,
10 and all other SORNA registration requirements shall apply, including public web
11 site disclosure in the Sex Offender Registry.

12 (i) EXEMPTION PERMITTED. The only exception made for this
13 Section is that juvenile sex offenders who are adjudicated in the
14 Family Court, and who meet the definition under §89.01(g)(2)(B),
15 shall be exempted from the public web site disclosure and shall be
16 placed on a private, non-public database, wherein such registration
17 information will only be made available to the National Sex Offender
18 Registry (“NSOR”) to be placed in the national (non-public) databases
19 of sex offender information, to law enforcement and supervision
20 agencies, and to registration authorities in other jurisdiction.”

21 **Section 4. Section 89.02 (a)(2) is hereby amended to read as follows:**

22 “§89.02. Classification of Offenders.

23 (a) Level One Offender. Any person convicted of any of the following
24 offenses, including a conviction for an attempt or conspiracy to commit any of the
25 following offenses, *shall* be considered a Level One Offender.

26 (2) Guam Offenses: Any conviction under the following statutes and all of
27 their subsections:

1 ~~(A) Title 9 GCA § 16.30; (aggravated murder)~~

2 (A) Title 9 G.C.A. §22.30;

3 (B) Title 9 GCA §22.20, wherein the victim of such crime is a minor;

4 (C) Title 9 GCA §22.40, wherein the victim of such crime is a minor;

5 (D) Title 9 GCA §22.50, wherein the victim of such crime is a minor,

6 wherein the commission of (or the attempt or conspiracy to commit) a

7 sexual offense;

8 (E) Title 9 GCA §25.15, ~~except for a conviction under §25.15(2);~~

9 (F) Title 9 GCA §25.20, ~~except for a conviction under §25.20(2);~~

10 (G) Title 9 GCA §25.25;

11 (H) Title 9 GCA §28.49;

12 (I) Title 9 GCA §28.51;

13 (J) Title 9 GCA §31.15; or

14 (K) Title 9 GCA §70.35.”

15 **Section 5. Section 89.02(a)(3) is hereby amended to read as follows:**

16 “§89.02. Classification of Offenders.

17 (3) Federal Offenses: Any conviction under the following statutes and all of
18 their subsections:

19 (A) 18 U.S.C. §2241;

20 (B) 18 U.S.C. §2242; ~~or~~

21 (C) 18 U.S.C. §2243; or

22 ~~(C)~~ (D) 18 U.S.C. §2244.”

23 **Section 6. Section 89.02(b)(2) is hereby amended to read as follows:**

24 “§89.02. Classification of Offenders.

25 (2) Federal Offenses: Any conviction under the following statutes and all of
26 their subsections:

27 (A) 18 U.S.C. §1591;

1 ~~(B)~~ 18 U.S.C. §2243;
2 ~~(C)~~ (B) 18 U.S.C. §2244;
3 ~~(D)~~ (C) 18 U.S.C. §2251;
4 ~~(E)~~ (D) 18 U.S.C. §2251A;
5 ~~(F)~~ (E) 18 U.S.C. §2252 (production or distribution of child
6 pornography);
7 ~~(G)~~ (F) 18 U.S.C. §2252A (production or distribution of child
8 pornography);
9 ~~(H)~~ (G) 18 U.S.C. §2260;
10 ~~(I)~~ (H) 18 U.S.C. §2421;
11 ~~(J)~~ (I) 18 U.S.C. §2422(b); or
12 ~~(K)~~ (J) 18 U.S.C. §2423(a).”

13 **Section 7. Section 89.02(c)(1) is hereby amended to read as follows:**

14 “§89.02. Classification of Offenders.

15 (c) Level Three Offender. Any person *not* otherwise classified as a Level
16 One Offender or Level Two Offender, who is convicted of any of the following
17 offenses, including a conviction for an attempt or conspiracy to commit any of the
18 following offenses, shall be considered a Level Three Offender.

19 (1) Guam Offenses. Any conviction under the following statutes
20 and all of their subsections:

21 ~~(A)~~ Title 9 G.C.A. §22.30;
22 ~~(B)~~ Title 9 G.C.A. §25.15(2);
23 ~~(C)~~ Title 9 G.C.A. §25.20(2);
24 ~~(D)~~ Title 9 G.C.A. §25.25;
25 ~~(E)~~ (A) Title 9 G.C.A. §25.30;
26 ~~(F)~~ (B) Title 9 G.C.A. §25.35;
27 ~~(G)~~ (C) Title 9 G.C.A. §28.50;

1 ~~(H)~~(D) Title 9 G.C.A. §28.65;
2 ~~(E)~~ (E) Title 9 G.C.A. §89.01(b)(1);
3 ~~(F)~~ (F) Title 9 G.C.A. §89.01(b)(3);
4 (G) Title 9 G.C.A. §22.35;
5 ~~(K)~~ (H) any criminal sexual conduct offense not otherwise listed
6 in §89.02 (a), (b) or (c); or
7 ~~(L)~~ (I) any criminal offense against a victim who is a minor not
8 otherwise listed in §89.02 (a), (b) or (c).”

9 **Section 8. A new Subsection (d) is hereby added to Section 89.02 to read**
10 **as follows:**

11 “§89.02. Classification of Offenders.

12 (d) Tiering of Juvenile Sex Offenders.

13 (1) Any juvenile sex offender who meets the definition provided for in
14 §89.01(g)(2)(A) of this Act, and is convicted of any sex offense under this Act
15 shall be required to follow the tiering system provided for under §89.02(a), (b) and
16 (c) of this Act, respectively and accordingly to the crimes the juvenile offenders
17 are convicted of.

18 (2) Any juvenile sex offender who meets the definition of
19 §89.01(g)(2)(B), shall be tiered as a Level Offender 1, and shall be required to be
20 on the private, non-public database for lifetime.”

21 **Section 9. Severability.** If any of the provisions of this Act or the
22 application thereof to any person or circumstance is held invalid, such invalidity
23 *shall* not affect any other provision or application of this Act which can be given
24 effect without the invalid provision or application, and to this end the provisions of
25 this Act are severable.