







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
157-35 (COR)	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 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.						

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

Bill No. 157-85(COR)

Introduced by:

Amanda L. Shelton 
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AN ACT TO *ADD* A NEW § 89.16 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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Liheslatura* finds that the sex offender registry was established by Public Law 25-75 in 1999 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 protect existing victims, to deter recidivism among offenders, and to prevent future sexual offenses.

In 1994, the United States Congress passed the Wetterling Act, which mandates that all 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

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1 2006 which established national standards for sex offender registration and the list
2 of information that should be made available to the public. A study published in
3 the *Journal of Law and Economics*, finds registration reduces the number of sex
4 offenses by about 13%. As such *I Liheslatura* finds sex offender registries to be a
5 vital tool in informing the public and preventing further victimization.

6 *I Liheslatura* finds that survivors of sexual assault whose perpetrators are
7 under appeal have found that their perpetrators have not had to register with the sex
8 offender registry and have gone on to jobs around a similar demographic of women
9 as the survivors, which potentially puts a new group of women at risk. Therefore it
10 is the intent of *I Liheslatura* to close this loophole and ensure that sex offenders are
11 registered even while undergoing appeal.

12 **Section 2.** There is hereby *added* a new § 89.16 to Chapter 89 of Title 9, Guam
13 Code Annotated, to read as follows:

14 **“§ 89.16. Cases Under Appeal**

15 a) Convicted Sex Offenders whose cases are under appeal shall remain
16 required to register as a sex offender, in accordance with their level of offense
17 and § 89.03 of this chapter, unless acquitted of all violations listed in § 89.01
18 (b), (c), and (d).”

19 b) Notwithstanding any other provision of law, no judge shall be
20 allowed to waive the requirement of any defendant to register as a sex
21 offender, including when the defendant’s case is under appeal.

22 **Section 3.** This Act *shall* become effective upon enactment.
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