

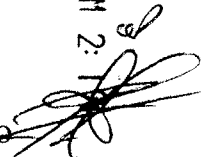
**I MINA TRENTA NA LIHESLATURAN GUÅHAN**  
**2008 (SECOND) Regular Session**

Bill No. 162(COR)

Introduced by:

Ray Tenorio

2009 JUN 19 PM 2:16



**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF  
8GCA RELATIVE TO THE CREATION OF AN ONLINE  
WARRANT REPOSITORY.**

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

**Section 1.** A new Article 2 is hereby added to Chapter 20 of 8GCA to read:

**Article 2**

**Online Warrant Repository**

**§20.70. Online Warrant Repository**

The Attorney General shall designate, with the approval of the Presiding Judge of the Superior Court, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the Superior Court. The Attorney General shall notify the Superior Court of the location of the arrest Online Warrant Repository for arrest warrants in the jurisdiction covered by that court. All attested copies of arrest warrants issued by Superior Court must be directed to the arrest Online Warrant Repository designated for the Superior Court, except as otherwise provided by this Chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter. Unless expressly designated as confidential

1 by the Attorney General, all information in the arrest Online Warrant Repository shall be  
2 public information.

3  
4 **§20.75. Online Warrant Repository: Information To Be Posted On The**  
5 **Internet.**

6 The Attorney General shall, in accordance with the Administrative Adjudication  
7 Act (5GCA: Chapter 9), shall adopt rules and standards for posting of public  
8 information contained in the arrest Online Warrant Repository on the internet.

9  
10 **§20.80. Criteria For Selection Of Arrest Online Warrant Repository**

11 The Attorney General shall select an agency that meets the following minimum  
12 characteristics to act as an arrest Online Warrant Repository.

13  
14 **1. Communications capability.** The agency must have a Twenty-four-hour  
15 (24-hour) dispatch and communication capability and must connect to the  
16 Guam Police Department's telecommunications and radio operations system

17  
18 **2. Verification.** The agency must have the capability and willingness to  
19 verify records as requested and perform the mandated verification of  
20 National Crime Information Center warrants.

21  
22 **3. Monitor management.** The agency must have the capability and  
23 willingness to properly monitor the management of warrants, including:

24 A. Immediately notifying the originating agency of an arrest on a warrant  
25 that the originating agency obtained;

1 B. Cooperating with any investigative agency that may hold a warrant for up  
2 to five (5) days after its issuance; and

3 C. Immediately and properly entering and deleting warrant information in  
4 the pertinent data base as required.  
5

6 **4. Warrant management.** The agency must have the capability and  
7 willingness to accept the burden and responsibility of warrant management  
8 as a full and equal element of its sworn public duty.  
9

10 **5. Review by the Attorney General.** The agency must have the capability  
11 and willingness to accept regular monitoring and review of its warrant files  
12 and procedures by the Attorney General or the Attorney General's designee  
13 and by the court or the Superior Court's designee, pursuant to standards  
14 adopted by the Attorney General. The Attorney General shall regularly  
15 review the arrest Online Warrant Repository's record of performance with a  
16 representative of the Superior Court.  
17

18 **6. Structured plan.** The agency must develop a structured warrants  
19 management plan designed to maximize the execution of outstanding arrest  
20 warrants.  
21

## 22 **§20.85. Standards by Attorney General**

23 The Attorney General, in accordance with the Administrative Adjudication Act  
24 (5GCA: Chapter 9), shall adopt standards for the operation of arrest warrant

1 repositories. These standards must include or provide for, but are not limited to,  
2 the following.

3 **1. Copies forwarded to repository.** Except as otherwise provided, all  
4 attested copies of arrest warrants must be forwarded to the appropriate arrest  
5 Online Warrant Repository.

6 **2. Limited physical possession by investigating agency.** The  
7 investigating law enforcement agency must have the opportunity to  
8 physically possess the attested copy of an investigative arrest warrant for the  
9 express purpose of execution of the warrant for a period of seventy-two (72)  
10 hours, after which time the attested copy of the warrant must be forwarded  
11 to the appropriate arrest Online Warrant Repository. For purposes of this  
12 subsection and subsection 3, an "investigative arrest warrant" means a  
13 warrant for the arrest of a person charged with a criminal offense as  
14 distinguished from a bench warrant for failure to appear or pay a fine.

15 **3. Extended possession by agency.** The Attorney General or designees may  
16 permit a law enforcement agency to possess the attested copy of an  
17 investigative arrest warrant for a period not to exceed five (5) days for the  
18 express purpose of execution of the warrant if the Attorney General  
19 determines that the likelihood of warrant execution will be substantially  
20 increased by permitting a law enforcement agency to possess the warrant  
21 prior to forwarding it to the appropriate arrest Online Warrant Repository.  
22 The investigating agency may seek, and the Attorney General or designees  
23 may grant to the investigating agency, permission to possess the warrant for  
24 a further period of up to five (5) days if the likelihood of warrant execution  
25 will be further increased.

1       **4. Content of warrant.** A warrant must contain available information  
2       concerning the identity and location of the subject, including, but not  
3       limited to, photographs of the subject, the subject's name and last known  
4       address identified by town, county and geographic codes, the subject's date  
5       of birth and any distinguishing physical characteristics that will aid in the  
6       location of the subject and the execution of the warrant.

7       **5. Computer entry.** Upon receipt by the arrest Online Warrant Repository,  
8       an arrest warrant must be promptly entered in the Guam's wanted and  
9       missing persons computer data base.

10       **6. National Crime Information Center.** A warrant may not be entered in  
11       the National Crime Information Center data base without authorization from  
12       the Attorney General or designees, except that the Department of  
13       Corrections may enter warrants for violations of parole or probation or for  
14       escape.

15       **7. Storage.** Except as otherwise permitted under this chapter, an original  
16       warrant must be stored at the issuing court and an attested copy must be  
17       stored at the appropriate arrest Online Warrant Repository.

18       **8. Validation by court.** A procedure must be established whereby the  
19       courts shall validate arrest warrants.

20       **9. Removal from data base.** When arrest warrants are executed, cancelled  
21       or recalled, they must be immediately removed from the computer data base  
22       by the appropriate arrest Online Warrant Repository and the issuing court.

23       **10. Guam Police data base.** The Guam Police Department is responsible  
24       for maintaining a computerized data base, including computer entry  
25       standards, and administering the warrants data base, including printing and

1 mailing geographical code lists to police agencies and printing and mailing  
2 repository validation lists.

3 **11. Periodic listing of warrants.** Each arrest Online Warrant Repository  
4 must periodically generate lists of all warrants stored at that location,  
5 including warrants entered on the Guam's wanted and missing persons data  
6 base, and provide them to the originating agencies and the issuing courts.

7 **12. Telecommunications system.** A procedure governing the entry of  
8 warrants through the Guam Police telecommunications system must be  
9 established to require entry when the established criteria are met.

10  
11 **§20.90. Limitations of the Online Warrant Repository.** The Online Warrant  
12 Repository created by this Chapter shall *not* replace, take the place of, or be used  
13 in lieu of the official Warrant Repository maintained and administered by the  
14 Superior Court of Guam.

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16 **§20.95. Severability.** If any provision of this Article or its application to any  
17 person or circumstance is found to be invalid or contrary to law, such invalidity  
18 shall *not* affect other provisions or applications of this Article which can be given  
19 effect without the invalid provisions or application, and to this end the provisions  
20 of this Article are severable.