

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 99-33(COR)

Introduced by:

Brant T. McCreadie
V. A. ADA CR

**AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 80 OF
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A HORMONE OR ANTI-ANDROGEN
PILOT TREATMENT PROGRAM FOR PERSONS
CONVICTED OF SEX CRIMES**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. This act shall be known and may be cited as the “Chemical
Castration for Sex Offenders Act.”

Section 2. A *new* Article 7 of Chapter 80, Title 9, Guam Code Annotated is
added to read as follows:

“Article 7

**Hormone Or Anti-Androgen Pilot Treatment Program for
Convicted Sex Offenders.**

§ 80.100. Definitions.

§ 80.101. Hormone or Anti-Androgen Pilot Treatment Program –
Establishment, Eligibility.

§ 80.102. Rules.

§ 80.103. Costs.

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1 § 80.104. Use of hormone or antiandrogen treatment program with
2 persons not included in pilot program; Referrals to the program.

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4 **§ 80.100. Definitions.** As used in this Article,

5 (a) “Sex crime” means an offense under 9 GCA §§ 25.15, 25.20, or
6 25.25.

7 (b) “Parole Board” means the Territorial Parole Board established
8 pursuant to 9 GCA, Chapter 85.

9 **§80.101. Hormone or Anti-Androgen Pilot Treatment Program –**
10 **Establishment, Eligibility.**

11 (a) The Department of Corrections shall establish a pilot treatment
12 program for persons convicted of a sex crime who are eligible for, or
13 sentenced to, parole or post-prison supervision. The purpose of the program
14 is to reduce the risk of reoffending after release on parole or post-prison
15 supervision by providing each year certain persons, convicted of sex crimes
16 who are deemed medically appropriate for the program, with hormone or
17 antiandrogen, such as medroxyprogesterone acetate, treatment.

18 (b) Under the program, the Department of Corrections shall:

19 (1) Screen persons convicted of sex crimes who are eligible for
20 release within six months on parole or post-prison supervision to
21 determine their suitability for hormone or antiandrogen treatment
22 upon release;

23 (2) Refer persons found most likely to benefit from hormone or
24 antiandrogen treatment to a competent physician for medical
25 evaluation; and

26 (3) Refer those persons, unless medically contraindicated after
27 the evaluation by a competent physician, to a community physician to

1 begin hormone or antiandrogen treatment one week prior to release on
2 parole or post-prison supervision.

3 (c) The Parole Board shall require as a condition of parole or post-
4 prison supervision hormone or antiandrogen treatment during all or a portion
5 of parole or post-prison supervision hormone or antiandrogen treatment
6 during all or a portion of parole or post-prison supervision of persons
7 required to participate in the hormone or antiandrogen treatment program
8 described in subsection (b) of this section.

9 (d) A person required to undergo a treatment program under
10 subsection (b) of this section violates a condition of parole or post-prison
11 supervision and is subject to sanctions if the person:

12 (1) Fails to cooperate in the treatment program required under
13 Subsection (b) of this section; or

14 (2) Takes any steroid or other chemical to counteract the
15 treatment required under subsection (b) of this section.

16 (e) If a person voluntarily undergoes a permanent surgical alternative
17 to treatment under subsection (b) of this section, he or she shall not be
18 subject to hormone or antiandrogen treatment under this section. All costs
19 of such permanent surgical alternative shall be paid by the person
20 undergoing such procedure.

21 (f) Any physician who acts in good faith under this section in the
22 administration of hormone or antiandrogen treatment or the evaluation of
23 persons for hormone or antiandrogen treatment shall be immune from civil
24 or criminal liability in connection with such treatment or evaluation.

25 **§80.102. Rules.**

26 (a) The Department of Corrections shall adopt rules to implement and
27 enforce the program of hormone or antiandrogen, such as

1 medroxyprogesterone acetate, treatment under 9 GCA § 80.101. Rules
2 adopted under this subsection shall include, but not be limited to:

3 (1) A requirement that the offender be informed of the effect of
4 the treatment program, including any side effects that may result from
5 the treatment program;

6 (2) A requirement that the offender acknowledge receipt of the
7 information the department is required to present to the offender under
8 paragraph (1) of this subsection;

9 (3) Procedures to monitor compliance with the treatment
10 program; and

11 (4) Procedures to test for attempts to counteract the treatment
12 program that may include chemical testing of the offender's blood and
13 urine.

14 (b) The Department of Corrections may contract, pursuant to the
15 requirements of Guam law, with community physicians, laboratories, or
16 other medical service provider to administer the program of hormone or
17 antiandrogen treatment under 9 GCA 80.101 or to monitor compliance with
18 the treatment program.

19 **§80.103. Costs.**

20 A person required to undergo a program of hormone or antiandrogen,
21 such as medoxyprogesterone acetate, treatment under 9 GCA § 80.101 shall
22 pay or reimburse all costs of the program directly to the department, agency,
23 or organization administering the treatment program.

24 **§80.104. Use of hormone or antiandrogen treatment program**
25 **with persons not included in pilot program; Referrals to the program.**

26 Nothing in 9 GCA § 80.101 or § 80.102 prohibits the Parole Board
27 from requiring hormone or antindrogen treatment for a person whom the

1 Department of Corrections did not screen or evaluate as described in 9 GCA
2 § 80.101, or from referring to the Department of Corrections for screening,
3 evaluation or treatment as provided for under 9 GCA § 80.101 persons
4 convicted of sex crimes.”

5 **Section 3. Effective Date.** The provisions of this act shall become effective
6 upon enactment.