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Governor

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Lieutenant Governor

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DEC 30 2010

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guahan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 428-30 (COR) "AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY", which I signed into law on December 30, 2010 as Public Law 30-223.

Sinseru yan Magâhet,

FELIX P. CAMACHO  
I Maga'lâhen Guahan  
Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 428-30 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY," was on the 22<sup>nd</sup> day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



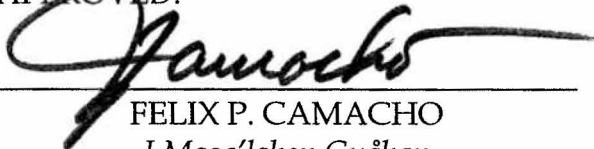
Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at  
\_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 12/30/2010

Public Law No. 30-223

*I MINA'TRENTA NA LIHESLATURAN GUAHAN*  
**2010 (SECOND) Regular Session**

**Bill No. 428-30 (COR)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

F. B. Aguon, Jr.

T. C. Ada

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V. Anthony Ada

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND REENACT CHAPTER 89 OF  
TITLE 9 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE GUAM SEX OFFENDER  
REGISTRY.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Guam's Sex Offender Registry statute is in need of changes in order to  
4 strengthen its provisions and close certain gaps within the law. *I Liheslatura*  
5 further finds that the Supreme Court of the United States has determined that *due*  
6 *process* rights (**Connecticut Dept. of Public Safety v. John Doe, et al., 538 U.S.**  
7 **1 (2003)**) and the *ex post facto* clause in the U.S. Constitution (**Delbert W. Smith**

1 **and Bruce M. Botelho v. John Doe I, et al., 538 U.S. 84 (2003)** are not violated  
2 by requiring those already convicted of criminal sexual conduct *or* of a crime  
3 against a victim who is a minor before the enactment of Sex Offender Registry  
4 laws, to register with the Guam Sex Offender Registry. *I Liheslatura* also finds  
5 that the crime of criminal sexual conduct and crimes committed against children  
6 are serious problems on our island, and persons convicted of these crimes may be a  
7 danger to the people of our community. *I Liheslatura* further finds that in order to  
8 protect our community, most particularly our children, from sex offenses,  
9 especially violent sex offenses, the Guam Sex Offender Registry Law must be  
10 strengthened.

11 It is the intent of *I Liheslatura* to update the Guam Sex Offender Registry  
12 requirements and notification program and to require *all* those convicted of  
13 criminal sexual conduct *or* of a crime against a victim who is a minor, to register  
14 with the Guam Sex Offender Registry in order to increase the awareness of our  
15 community and our nation about dangerous individuals released into the  
16 community. *I Liheslatura* hopes that such awareness will assist in the prevention  
17 of future sex offenses and alert the community of such dangers.

18 In an attempt to bring Guam's Sex Offender Registry and Notification  
19 System into substantial compliance with the Federal Mandates of Title I of Public  
20 Law 109-248, of the Adam Walsh Act, the Sex Offender Registration Notification  
21 Act (SORNA), and in light of the review and recommendations provided by the  
22 Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and  
23 Tracking of the United States Department of Justice (SMART Office) relating to  
24 Guam's SORNA compliance packet concluding that Guam has not yet  
25 substantially implemented SORNA, it is the intent of *I Liheslaturan Guåhan* that in



1 order for Guam to substantially implement SORNA, these amendments of Guam’s  
2 current Sex Offender Registry and Notification System are necessary.

3 **Section 2.** Chapter 89 of Title 9 of the Guam Code Annotated, as amended  
4 by Public Law 29-30, is hereby *amended* to read as follows:

5 **“CHAPTER 89**

6 **CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY**

7 **§ 89.01. Definitions.** As used in this Chapter:

- 8 (a) *Minor* means a person below the age of eighteen (18) years.
- 9 (b) *Criminal offense against a victim who is a minor* means any criminal  
10 offense that consists of any of the following:
- 11 (1)felony kidnapping, felonious restraint, felony child stealing, and  
12 custodial interference, as defined and punished in Chapter 22 of Title  
13 9 of the Guam Code Annotated, *Kidnapping, and Related Offenses*,  
14 when the victim is a minor;
- 15 (2)promoting prostitution, abetting prostitution, compelling prostitution,  
16 as defined and punished in Article 1 of Chapter 28 of Title 9 of the  
17 Guam Code Annotated, *Prostitution*, when the individual committing  
18 *or* engaging in prostitution is a minor;
- 19 (3)participation in obscenity, use of one's own child in obscene acts,  
20 indecent exposure, photography of minors' sexual acts, as defined and  
21 punished in Article 2 of Chapter 28 of Title 9 of the Guam Code  
22 Annotated, *Obscenity and Related Offenses*, when a minor is  
23 employed *or* used;
- 24 (4)criminal sexual conduct, as defined and punished in Chapter 25 of  
25 Title 9 of the Guam Code Annotated, *Sexual Offenses*, when the  
26 victim of the crime is a minor; or

- 1 (5) any attempt to commit, solicitation to commit, *or* conspiracy to  
2 commit the crimes stated in paragraphs (1) to (4) of this Subsection  
3 (b), in violation of Chapter 13 of Title 9 of the Guam Code Annotated
- 4 (c) *Criminal sexual conduct* refers to violations defined and punished  
5 under Chapter 25 of Title 9 of the Guam Code Annotated, *Sexual*  
6 *Offenses*, and any violations of similar federal laws *or* laws of other  
7 states, territories *or* tribes.
- 8 (d) *Sex Offense*. The term “sex offense” as used in this Chapter includes  
9 those offenses contained in 42 United States Code (U.S.C.) §16911(5)  
10 and also includes the following offenses:
- 11 (1) *Sexually violent offenses*. A sexually violent offense is defined  
12 as any criminal offense which includes the following:
- 13 (A) criminal sexual conduct involving sexual penetration *or*  
14 sexual contact where the actor causes personal injury to the  
15 victim and either of the following circumstances exists:
- 16 (i) force *or* coercion is used to accomplish the sexual  
17 penetration *or* sexual contact; or
- 18 (ii) the actor knows *or* has reason to know that the  
19 victim is mentally defective, mentally incapacitated *or*  
20 physically helpless.
- 21 (B) criminal sexual conduct involving sexual penetration *or*  
22 sexual contact where the actor is aided *or* abetted by one (1)  
23 *or* more other persons and either of the following  
24 circumstances exists:
- 25 (i) force *or* coercion is used to accomplish the sexual  
26 penetration *or* sexual contact; or

1 (ii) the actor knows *or* has reason to know that the  
2 victim is mentally defective, mentally incapacitated *or*  
3 physically helpless.

4 (C) criminal sexual conduct involving sexual penetration *or*  
5 sexual contact where the actor is armed with a weapon *or*  
6 any article used *or* fashioned in a manner to lead the victim  
7 to reasonably believe it to be a weapon;

8 (D) criminal sexual conduct involving sexual penetration *or*  
9 sexual contact which occurs under circumstances involving  
10 the commission of another felony; or

11 (E) criminal sexual conduct involving a victim under  
12 fourteen (14) years of age.

13 (2) *Guam Offenses.*

14 (A) any convictions under local laws relating to Title 9 GCA  
15 §16.30;

16 (B) any convictions under local laws relating to Title 9 GCA  
17 §22.20, wherein the victim of such crime is a minor;

18 (C) any convictions under local laws relating to Title 9 GCA  
19 §22.30;

20 (D) any convictions under local laws relating to Title 9 GCA  
21 §22.40, wherein the victim of such crime is a minor;

22 (E) any convictions under local laws relating to Title 9 GCA  
23 §22.50, wherein the victim of such crime is a minor;

24 (F) any convictions under local laws relating to Title 9 GCA  
25 §25.15;

- 1 (G) any convictions under local laws relating to Title 9 GCA  
2 §25.20;
- 3 (H) any convictions under local laws relating to Title 9 GCA  
4 §25.25;
- 5 (I) any convictions under local laws relating to Title 9 GCA  
6 §25.30;
- 7 (J) any convictions under local laws relating to Title 9 GCA  
8 §25.35;
- 9 (K) any convictions under local laws relating to Title 9 GCA  
10 §28.20, wherein the victim of such crime is a minor
- 11 (L) any convictions under local laws relating to Title 9 GCA  
12 §28.25, wherein the victim of such crime is a minor
- 13 (M) any convictions under local laws relating to Title 9 GCA  
14 §28.30; wherein the victim of such crime is a minor
- 15 (N) any convictions under local laws relating to 9 G.C.A.  
16 §28.49;
- 17 (O) any convictions under local laws relating to Title 9 GCA  
18 §28.50;
- 19 (P) any convictions under local laws relating to Title 9 GCA  
20 §28.51;
- 21 (Q) any convictions under local laws relating to Title 9 GCA  
22 §28.52, wherein the victim of such crime is a minor;
- 23 (R) any convictions under local laws relating to Title 9 GCA  
24 §28.65;
- 25 (S) any convictions under local laws relating to Title 9 GCA  
26 §28.80, wherein the victim of such crime is a minor;

1 (T) any convictions under local laws relating to Title 9 GCA  
2 §31.15;

3 (U) any convictions under local laws relating to Title 9 GCA  
4 §70.35;

5 (V) any convictions under local laws relating to Title 9 GCA  
6 §89.01(b)(1); or

7 (W) any convictions under local laws relating to Title 9 GCA  
8 §89.01(b)(3); and any other offenses under Guam law  
9 relating to a criminal offense wherein there is an element  
10 involving:

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

13 (ii) non-parental kidnapping of a minor; non-parental  
14 false imprisonment of a minor;

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

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

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

18 (vi) video voyeurism of a minor;

19 (vii) possession, production, or distribution of child  
20 pornography;

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

22 (ix) use of the internet to engage a minor in criminal  
23 sexual conduct.

24 (3) *Convictions from Other Jurisdictions.* Any conviction for any  
25 sex offense committed in any jurisdiction that is comparable to any sex offense as  
26 defined in 42 U.S.C. §16911(5) or §89.01(b), (c), or (d) of this Chapter. In

1 addition, any conviction for any sex offense committed in any jurisdiction that  
2 involves:

- 3 (A) any type or degree of genital, oral, or anal penetration;
- 4 (B) any sexual touching of or sexual contact with a person's  
5 body, either directly or through the clothing;
- 6 (C) kidnapping of a minor;
- 7 (D) false imprisonment of a minor;
- 8 (E) solicitation to engage a minor in sexual conduct  
9 understood broadly to include any direction, request,  
10 enticement, persuasion, or encouragement of a minor to  
11 engage in sexual conduct;
- 12 (F) use of a minor in a sexual performance;
- 13 (G) solicitation of a minor to practice prostitution;
- 14 (H) possession, production, or distribution of child  
15 pornography;
- 16 (I) criminal sexual conduct that involves physical contact with  
17 a minor or the use of the internet to facilitate or attempt such  
18 conduct. This includes offenses whose elements involve the  
19 use of other persons in prostitution, such as pandering,  
20 procuring, or pimping in cases where the victim was a minor  
21 at the time of the offense; or
- 22 (J) any conduct that by its nature is a sex offense against a  
23 minor.

24 (4) *Federal Offenses*. A conviction for any of the following, and any  
25 other offense hereafter included in the definition of "sex offense" at  
26 42 U.S.C. §16911(5):

- 1 (A) 18 U.S.C. §1591;
- 2 (B) 18 U.S.C. §1801;
- 3 (C) 18 U.S.C. §2241;
- 4 (D) 18 U.S.C. §2242;
- 5 (E) 18 U.S.C. §2243;
- 6 (F) 18 U.S.C. §2244;
- 7 (G) 18 U.S.C. §2245;
- 8 (H) 18 U.S.C. §2251;
- 9 (I) 18 U.S.C. §2251A;
- 10 (J) 18 U.S.C. §2252;
- 11 (K) 18 U.S.C. §2252A;
- 12 (L) 18 U.S.C. §2252B;
- 13 (M) 18 U.S.C. §2252C;
- 14 (N) 18 U.S.C. §2260;
- 15 (O) 18 U.S.C. §2421;
- 16 (P) 18 U.S.C. §2422;
- 17 (Q) 18 U.S.C. §2423;
- 18 (R) 18 U.S.C. §2424; or
- 19 (S) 18 U.S.C. §2425.

20 (5) *Military Offenses.* Any military offense, as specified by the  
21 Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law  
22 105-119 (Title 10 U.S.C. §951 note) or listed under 10 U.S.C.  
23 §920, that is similar or comparable to any sex offense as defined in  
24 §16911(5) or outlined in §89.01(b), (c) or (d) of this Chapter.

25 (6) *Foreign Offenses.* Any foreign convictions wherein the  
26 registrant was convicted of any of the sex offenses specified in

1 §89.01(b), (c) or (d) of this Chapter, or any other similar laws of  
2 any foreign country. A foreign conviction is *not* a sex offense for  
3 the purposes of this Chapter, *unless* it was either: (1) obtained  
4 under the laws of Canada, the United Kingdom, Australia, New  
5 Zealand; or (2) under the laws of any foreign country when the  
6 United States State Department in its Country Reports on Human  
7 Rights Practices has concluded that an independent judiciary  
8 generally or vigorously enforced the right to a fair trial in that  
9 country during the year in which the conviction occurred.

10 (7) *Juvenile Offenses or Adjudications.* Any conviction of a sex  
11 offense as defined in §89.01(g)(2).

12 (8) *Exemptions to Registry Requirements.* An offense involving  
13 consensual sexual conduct is *not* a sex offense for the purposes of  
14 this Chapter *if* the victim was an adult, *unless* the adult was under  
15 the custodial authority of the offender at the time of the offense, or  
16 if the victim was *at least* thirteen (13) years old, and the offender  
17 was *not* more than four (4) years older than the victim.

18 (e) The terms *sexual penetration* and *sexual contact* have the same  
19 meaning as *sexual penetration* and *sexual contact* in Chapter 25 of Title 9  
20 of the Guam Code Annotated

21 (f) The term *sex offender* refers to persons convicted of a sex offense as  
22 defined in §89.01(d).

23 (g) *Conviction.*

24 (1) *Adult Conviction.* The term *conviction* refers to each separate  
25 charge to which the offender either voluntarily pleads guilty and  
26 such guilty plea has been accepted by the Court, whether in a



1 single hearing *or* in separate hearings, *or* is found guilty by a trier  
2 of fact, whether the charges are contained in one (1) indictment, *or*  
3 separate indictments. This term includes convictions based on  
4 pleas of *nolo contendere* and guilty pleas entered pursuant to *North*  
5 *Carolina v. Alford*, 400 U.S. 25 (1970). An adult sex offender is  
6 “convicted” for the purposes of this Chapter if the sex offender has  
7 been subjected to penal consequences based on the conviction,  
8 however the conviction may be styled.

9 (2) Juvenile Conviction. A juvenile offender is “convicted” for  
10 the purposes of this Chapter if the juvenile offender is either:

11 (A) prosecuted and found guilty as an adult for any sex  
12 offense, including those juveniles convicted through the  
13 certification process in Title 19, Guam Code Annotated,  
14 §5106; or

15 (B) is adjudicated delinquent as a juvenile for a sex offense,  
16 but only if the juvenile is at least fourteen (14) years of age  
17 or younger at the time of the offense, and the sex offense  
18 adjudicated was one that is comparable to or more severe  
19 than the federal crime of “*aggravated sexual abuse*” (as  
20 described in either (a) and (b) of Section 2241 of Title 18 of  
21 the U.S.C.), or was an attempt or conspiracy to commit such  
22 an offense, which is noted in Title 9 GCA § 25.15  
23 Subsections (a) (4) (i) or (ii), (a)(5), (a)(6), and (a)(7); and  
24 Title 9 GCA § 25.20 (a)(4) (i) or (ii), (a)(5), (a)(6), and  
25 (a)(7).

1           (3) *Foreign Conviction.* A foreign conviction is one obtained  
2           outside of the United States.

3           (h) *Intimate Parts.* For the purposes of this Chapter, the term *intimate*  
4           *parts* is defined to include the primary genital area, groin, inner thigh,  
5           buttock or breast of a human being.

6           (i) The terms *employed* and *carries on a vocation* include employment  
7           that is full-time *or* part-time for a period of time exceeding fourteen (14)  
8           days, *or* an aggregate period of time exceeding thirty (30) days during  
9           any calendar year, whether financially compensated, on a volunteer basis  
10          *or* for the purpose of government *or* educational benefit.

11          (j) *Employee.* The term *employee* when used in this Chapter includes,  
12          but is *not* limited to, an individual who is self-employed or works for any  
13          other entity, regardless of compensation. Volunteers of any agency or  
14          organization are included with the definition of employee for registration  
15          purposes.

16          (k) The term *student* when used in this Chapter, and when referring to any  
17          sex offender who is required to register under this Act, means an  
18          individual who is enrolled in or attends either a private or public  
19          education institution, including a secondary school, trade or professional  
20          school, or an institution of higher education, including those who are  
21          currently enrolled in the school or institution, but are performing  
22          internship, externships or apprentices at an agency or organization under  
23          the supervision of a school program.

24          (l) The term *institution of higher education* means post secondary school.

25          (m) The term *law enforcement agency* means any so designated agency on  
26          Guam, including, but *not limited to*, the Guam Police Department, the

1 Jose D. Leon Guerrero Commercial Port Police, the Parole Services  
2 Division of the Department of Corrections, the Judiciary of Guam,  
3 Probation Division, the U.S. Probation Office, the U.S. Marshal Service,  
4 the Conservation Office of the Department of Agriculture, the A. B. Won  
5 Pat International Airport Authority Police, the Office of the Attorney  
6 General – Prosecution and Family Divisions, the Judiciary of Guam  
7 Marshals Division, the Air Force Office of Special Investigations, the  
8 Naval Criminal Investigation Section, the Coast Guard Criminal  
9 Investigation Section, the United States Army Criminal Investigation  
10 Division, and other criminal investigators of the United States  
11 Government. As Guam does *not* have a recognized law enforcement  
12 Campus Police in Guam’s institutions of higher education, the Guam  
13 Police Department is the recognized law enforcement agency with  
14 jurisdiction over Guam’s institutions of higher education.

15 (n) The term *court* means the Superior Court of Guam, Judiciary of  
16 Guam, District Court of Guam, or Island Court of Guam.

17 (o) The term *community* refers to the entire territorial boundaries of  
18 Guam.

19 (p) The term *registrant* refers to persons required to register under this  
20 Chapter, and is used interchangeably throughout this Chapter with the  
21 word “sex offender”.

22 (q) The term *change in enrollment or employment status* means the  
23 commencement *or* termination of enrollment *or* employment *or* a change  
24 in location of enrollment *or* employment.

25 (r) The term *resides* means, with respect to an individual, the location of  
26 the individual’s home *or* any other place where the individual habitually

1 lives or sleeps regardless of whether there is no fixed home or address in  
2 the jurisdiction, so long as the individual lived in the jurisdiction for at  
3 least thirty (30) days.

4 (s) For the purposes of this Chapter, a “resident” includes any individual  
5 who either resides within Guam or who otherwise owns any real property  
6 within Guam in fee or trust regardless of its location on Guam, who is  
7 employed within Guam or employed by a corporation or organization  
8 whose primary business address is on Guam, or who is a student or  
9 attends an educational program within Guam, or who files their yearly  
10 income taxes on Guam.

11 (t) The term *jurisdiction* refers to any of the following:

- 12 (1) a State;
- 13 (2) the District of Columbia;
- 14 (3) the Commonwealth of Puerto Rico;
- 15 (4) Guam;
- 16 (5) American Samoa;
- 17 (6) the Commonwealth of the Northern Mariana Islands;
- 18 (7) the United States Virgin Islands; and
- 19 (8) to the extent provided and subject to the requirements of 42  
20 U.S.C. §16927, a federally recognized Indian tribe.

21 (u) *Immediate*. The term *immediate* or *immediately* when used in this  
22 Chapter means within three (3) working days.

23 (v) *Imprisonment*. The term *imprisonment* or *imprisoned* refers to  
24 incarceration pursuant to a conviction regardless of the nature of the  
25 institution in which the offender serves the sentence. Sex Offenders  
26 under “house arrest” following any conviction for any offense are

1 required to register pursuant to the provisions of this Chapter during the  
2 period of “house arrest”.

3 (w) *Electronic Monitoring Device (EMD)*. The term *Electronic*  
4 *Monitoring Device (EMD)* is a device that monitors the location of the  
5 person wearing it through radio frequency, a Global Positioning Satellite  
6 (GPS) network or other means of wireless networking, communication *or*  
7 data transmission. Said devices may be *active* or *passive*. An *active*  
8 *Electronic Monitoring Device* transmits location data on a real-time  
9 current basis to a central monitoring station. A *passive Electronic*  
10 *Monitoring Device* collects location data for a specified period of time  
11 for subsequent upload to a centralized monitoring system.

12 (x) *Sex Offender*. The term *sex offender* refers to any person convicted of  
13 an offense listed in §89.01(b), (c) or (d).

14 **§ 89.02. Classification of Offenders.**

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

18 (1) *A Sexually Violent Offense* as defined in §89.01(d)(1);

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

21 (A) Title 9 GCA §16.30;

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

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

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

3 (E) Title 9 GCA §25.15, except for a conviction under  
4 §25.15(2);

5 (F) Title 9 GCA §25.20, except for a conviction under  
6 §25.20(2);

7 (G) Title 9 GCA §25.25;

8 (H) Title 9 GCA §28.49;

9 (I) Title 9 GCA §28.51;

10 (J) Title 9 GCA §31.15; or

11 (K) Title 9 GCA §70.35.

12 (3) *Federal Offenses*: Any conviction under the following statutes  
13 and all of their subsections:

14 (A) 18 U.S.C. §2241;

15 (B) 18 U.S.C. §2242; or

16 (C) 18 U.S.C. §2244.

17 (4) *Military Offenses*. Any offense specified by the Secretary of  
18 Defense under Section 115(a)(8)(c)(i) of Public Law 105-119  
19 (codified at 10 U.S.C. §951 note) or any other conviction of an  
20 offense under 10 U.S.C. §920 that is similar or comparable to those  
21 offenses outlined in §89.02(a)(1), (2), (3) or (5).

22 (5) *Other Offenses*. Any offense in any jurisdiction or foreign  
23 country which involves:

24 (A) non-parental kidnapping of a minor;

25 (B) a sexual act with another by force or threats;

1 (C) a sexual act with another who has been rendered  
2 unconscious or involuntarily drugged, or who is otherwise  
3 incapable of appraising the nature of the conduct or declining  
4 to participate; or

5 (D) sexual contact with a minor fourteen (14) years of age or  
6 younger, including offenses that cover sexual touching of or  
7 contact with the intimate parts of the body, either directly or  
8 through the clothing; or

9 (E) is similar or comparable to those offenses outlined in  
10 §89.02(a)(1) or (2).

11 (6) *Recidivism.* Any sex offense that is punishable by more than  
12 one (1) year in prison where the offender has at least one (1) prior  
13 conviction for an offense listed in §89.02(b), or has previously  
14 become a Level Two Offender.

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

19 (1) *Guam Offenses*

20 (A) Generally. Any conviction for:

21 (i) criminal sexual conduct involving two (2) *or* more  
22 victims;

23 (ii) two (2) *or* more separate criminal sexual conduct  
24 offenses;

25 (iii) a criminal offense against a victim who is a minor,  
26 involving two (2) *or* more minors;

1 (iv) two (2) *or* more separate criminal offenses against  
2 a victim who is a minor; or

3 (v) one (1) *or* more separate criminal sexual conduct  
4 offense and one (1) *or* more separate criminal offense  
5 against a victim who is a minor.

6 (B) Specific Offenses: Any conviction under the following  
7 statutes and all of their subsections:

8 (i) Title 9 GCA §28.20, wherein the victim of such  
9 crime is a minor;

10 (ii) Title 9 GCA §28.25, wherein the victim of such  
11 crime is a minor;

12 (iii) Title 9 GCA §28.30, wherein the victim of such  
13 crime is a minor;

14 (iv) Title 9 GCA §28.52, wherein the victim of such  
15 crime is a minor; or

16 (v) Title 9 ... §28.80, wherein the victim of such crime  
17 is a minor.

18 (2) *Federal Offenses:* Any conviction under the following statutes  
19 and all of their subsections:

20 (A) 18 U.S.C. §1591;

21 (B) 18 U.S.C. §2243;

22 (C) 18 U.S.C. §2244;

23 (D) 18 U.S.C. §2251;

24 (E) 18 U.S.C. §2251A;

25 (F) 18 U.S.C. §2252 (production or distribution of child  
26 pornography);



1 (G) 18 U.S.C. §2252A (production or distribution of child  
2 pornography);

3 (H) 18 U.S.C. §2260;

4 (I) 18 U.S.C. §2421;

5 (J) 18 U.S.C. §2422(b); or

6 (K) 18 U.S.C. §2423(a).

7 (3) *Military Offenses*: Any offense specified by the Secretary of  
8 Defense under Section 115(a)(8) (c)(i) of Public Law 105-119  
9 (codified at 10 U.S.C. §951 note) or any other conviction of an  
10 offense under 10 U.S.C. §920 that is similar or comparable to those  
11 offenses outlined in §89.02(b)(1), (2), (4).

12 (4) *Other Offenses*. Any offense in any jurisdiction or foreign  
13 country which involves:

14 (A) the use of minors in prostitution, including solicitation;

15 (B) enticing a minor to engage in criminal sexual activity;

16 (C) sexual contact with a minor fourteen (14) years of age or  
17 younger, whether directly or indirectly through the clothing,  
18 that involves the intimate parts of the body;

19 (D) the use of a minor in a sexual performance;

20 (E) the production or distribution of child pornography; or

21 (F) is similar or comparable to those offenses outlined in  
22 §89.02(b)(1).

23 (5) *Recidivism*. Unless otherwise covered under §89.02(a)(6), any  
24 sex offense that is *not* the first sex offense for which an offender  
25 has been convicted and that is punishable by more than one (1)  
26 year imprisonment.

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

6 (1) *Guam Offenses.* Any conviction under the following statutes  
7 and all of their subsections:

8 (A) Title 9 G.C.A. §22.30;

9 (B) Title 9 G.C.A. §25.15(2);

10 (C) Title 9 G.C.A. §25.20(2);

11 (D) Title 9 G.C.A. §25.25;

12 (E) Title 9 G.C.A. §25.30;

13 (F) Title 9 G.C.A. §25.35;

14 (G) Title 9 G.C.A. §28.50;

15 (H) Title 9 G.C.A. §28.65;

16 (I) Title 9 G.C.A. §89.01(b)(1);

17 (J) Title 9 G.C.A. §89.01(b)(3);

18 (K) any criminal sexual conduct offense not otherwise listed  
19 in §89.02 (a), (b) or (c); or

20 (L) any criminal offense against a victim who is a minor not  
21 otherwise listed in §89.02 (a), (b) or (c).

22 (2) *Federal Offenses.* Any conviction under the following statutes  
23 and all of their subsections:

24 (A) 18 U.S.C. §1801;

25 (B) 18 U.S.C. §2252 (receipt or possession of child  
26 pornography);

1 (C) 18 U.S.C. §2252A (receipt or possession of child  
2 pornography);

3 (D) 18 U.S.C. §2252B;

4 (E) 18 U.S.C. §2252C;

5 (F) 18 U.S.C. §2422(a);

6 (G) 18 U.S.C. §2423(b);

7 (H) 18 U.S.C. §2423(c);

8 (I) 18 U.S.C. §2424; or

9 (J) 18 U.S.C. §2425;

10 (3) *Military Offenses.* Any offense specified by the Secretary of  
11 Defense under Section 115(a)(8)(c)(i) of Public Law 105-119  
12 (codified at 10 U.S.C. §951 note) or any other conviction of an  
13 offense under 10 U.S.C. §920 that is similar or comparable to those  
14 offenses outlined in §89.02(c)(1), (2), (4).

15 (4) *Other Offenses.* Any offense in any jurisdiction or foreign  
16 country which involves:

17 (A) false imprisonment of a minor;

18 (B) video voyeurism of a minor;

19 (C) possession or receipt of child pornography; or

20 (D) is similar or comparable to those offenses outlined in  
21 §89.02(c)(1).

22 **§ 89.03. Registration; Duty to Register.**

23 (a) *Persons Required to Register on Guam.* The following persons *shall*  
24 have the absolute duty to register on Guam at the Judiciary of Guam,  
25 Probation Division, pursuant to this Chapter:

1 (1) *Residents.* Any person who resides on Guam that has  
2 been or is hereafter convicted of a sex offense; and

3 (2) *Non-Residents.* Any person who is a non-resident who is  
4 on Guam for the purpose of being employed or as a student and  
5 has been or is hereafter convicted of a sex offense.

6 (b) *Registration Requirements; Information to be Registered.*

7 (1) *Registrants required to provide information.* All persons  
8 required to register *shall* provide all of the information detailed  
9 in this Section to the Judiciary of Guam, Probation Division,  
10 and the Judiciary of Guam, Probation Division, *shall* obtain all  
11 of the information detailed in this Section from any person  
12 required to register with Guam in accordance with this Chapter,  
13 and *shall* implement any relevant policies and procedures  
14 necessary to effectuate the intent of this code.

15 (2) *Digitized Format.* To the greatest extent possible, all  
16 information obtained under this code *shall* be maintained by the  
17 Judiciary of Guam, Probation Division, in a digitized format.

18 (3) *Sex Offender Registry Management System.* There is  
19 hereby established a Sex Offender Registry, which the Judiciary  
20 of Guam, Probation Division, *shall* maintain and operate  
21 pursuant to the provisions of this Chapter, as amended. The sex  
22 offender registry *shall* be maintained in an electronic database  
23 by the Judiciary of Guam, Probation Division, and *shall* be in a  
24 form capable of electronic transmission. This sex offender  
25 registry may also be maintained in any other form in addition to  
26 the electronic database described above.

1 (4) *Provided by the Offender.* The following information  
2 must be registered and updated by any sex offender required to  
3 register under this Chapter at the Judiciary of Guam, Probation  
4 Division, or at the designated agency assigned to manage the  
5 Sex Offender Registry Management System:

6 (A) *Name, Date of Birth, Social Security Number.* All  
7 primary and given names, alias(es), nicknames, and  
8 pseudonyms to include ethnic and tribal names (regardless  
9 of the context in which they are used, actual date of birth  
10 and any purported dates of birth, and actual social security  
11 number and any purported social security numbers used, if  
12 any, and any other identifying factors;

13 (B) *Residential and Physical Address.*

14 (i) Current physical address and mailing address, or if  
15 the person is incarcerated, the address of the residence  
16 where the person will be residing immediately upon  
17 release and the mailing address the person plans to use  
18 immediately upon release;

19 (ii) If a registrant does *not* have a fixed or definite  
20 address, then a specific name, description and the  
21 location of the place or places where the registrant  
22 habitually lives, to include, but *not* be limited to,  
23 information of a certain part of the city or village that  
24 is the registrant's habitual locale, a park or spot on the  
25 street where the registrant stations himself/herself  
26 during the day or sleeps at night, any shelters or

1 temporary homeless shelters which the registrant  
2 circulates, or places of public buildings, restaurants,  
3 libraries, or other establishments that the registrant  
4 frequents;

5 (iii) physical address and mailing address of any  
6 anticipated future residence or any residence of  
7 temporary lodging, wherein the offender leaves the  
8 current residence for seven (7) days or more,  
9 including any land line telephone numbers of the  
10 anticipated future residence or temporary lodging,  
11 pagers or cellular/mobile numbers that the offender  
12 has access to or anticipates in having access to;

13 (C) *Employment Information.* Employer name, employer's  
14 telephone numbers, physical address and mailing address of  
15 current and/or anticipated employment, and if applicable,  
16 transient/day labor information. If the employment requires  
17 registrant to travel to different locales, then the registrant  
18 shall provide the specific names and addresses of the other  
19 locales;

20 (D) *Photograph.* A current photograph (paper records);

21 (E) *School Information.* Name and address of any place  
22 where the sex offender is a student or will be a student,  
23 including the name and address of any secondary school,  
24 institution of higher education, trade school or professional  
25 school (public or privately owned), and enrollment status;

1 (F) *Phone Numbers.* Any land line telephone numbers,  
2 pagers, cellular/mobile numbers, or any other designations  
3 used by the offender for purposes of routing or self-  
4 identification in telephonic communications, that the  
5 offender has access to or anticipates having access to;

6 (G) *Vehicle Information.* The license plate number and  
7 description of any vehicle, which includes all land vehicles,  
8 aircrafts, or watercrafts, whether owned or operated for  
9 work or personal use, to include a description of the vehicle,  
10 its permanent or frequent location;

11 (H) *Internet Identifiers.* Internet identifiers and all  
12 designations used by sex offenders for purposes of routing  
13 or self-identification in Internet communications or postings,  
14 including email addresses, instant messaging addresses or  
15 any other designation used in internet communication;

16 (I) *Driver's License and Identification Card.* A photocopy  
17 of all valid driver's licenses or identification cards, if any,  
18 issued to the offender by any and all jurisdictions;

19 (J) *Passport and Immigration Documents.* A photocopy of  
20 all passport and immigrations documents, if any, issued to  
21 the offender by any and all countries and jurisdictions;

22 (K) *Professional Licensing Information.* Professional  
23 Licensing Information, to include all licensing in which the  
24 registrant has obtained or had previously obtained which  
25 authorizes the registrant to engage in an occupation or carry  
26 out a trade or business. This includes any information as to

1 the name, place of employment and contact information as  
2 required in this Section, as well as any organization or  
3 business wherein the professional license was obtained and  
4 to which the registrant is affiliated or has some financial  
5 stake in;

6 (L) *International Travel.* Any intended travel plans or  
7 arrangements that the sex offender has, whether such travel  
8 is to an international jurisdiction or within the United States  
9 or its territories. The Offender *shall* provide such travel  
10 plans or arrangements at least twenty-one (21) days in  
11 advance of such travel. Information provided by the sex  
12 offender *shall* include the destination and any other  
13 information requested by the Judiciary of Guam, Probation  
14 Office or the designated Guam agency in charge of  
15 managing the Sex Offender Registry; and

16 (M) *Miscellaneous.* Any other information as may be  
17 deemed appropriate by the Judiciary of Guam, Probation  
18 Office or the designated Guam agency in charge of  
19 managing the Sex Offender Registry.

20 (5) *Provided by Guam.* The Judiciary of Guam, Probation  
21 Office, or the designated agency that manages Guam's Sex  
22 Offender Registry in which the sex offender registers *shall*  
23 ensure that the following information is included in the Guam  
24 Sex Offender Registry for that sex offender:

25 (A) *Physical Description.* A physical description of the  
26 offender, to include a written general physical description of



1 the offender and any distinguishing physical characteristics  
2 or marks such as birthmarks, scars, moles, and tattoos, and  
3 its location on the offender. A photograph of any such  
4 distinguishing physical characteristics or marks should be  
5 included if possible, but is *not* required;

6 (B) *Photograph*. A current photograph of the offender  
7 (digitized form);

8 (C) *Driver's License and Identification Card*. A photocopy  
9 of all valid driver's licenses or identification cards, if any,  
10 issued to the offender by any and all jurisdictions (digitized  
11 form);

12 (D) *Passport and Immigration Documents*. A photocopy of  
13 all passport and immigration documents, if any, issued to the  
14 offender by any and all countries and jurisdictions (digitized  
15 form);

16 (E) *Criminal History*. Criminal history, including the date  
17 of all arrests and convictions, the status of parole, probation,  
18 or supervised release, registration status, all relevant  
19 information related to the underlying crime which triggered  
20 the registration requirements of this Chapter, any sex  
21 offender registration status, and any outstanding arrest  
22 warrants;

23 (F) *Treatment Documentation*. Documentation of any  
24 treatment that the sex offender has completed, is currently  
25 undergoing, or wherein the sex offender has been ordered to

1 attend and complete by any court on Guam, as defined under  
2 §89.01(n);

3 (G) *Fingerprints and Palm Prints.* Fingerprints and palm  
4 prints;

5 (H) *DNA Sample.* A DNA sample of the offender;

6 (I) *Text of Registration of Offense.* The text of the provision  
7 of law defining the criminal offense for which the sex  
8 offender is registered;

9 (J) *Notice and Acknowledgement Form of Registration*  
10 *Requirements.* All sex offenders will sign and acknowledge  
11 a notice and acknowledgement form which *shall* provide  
12 information regarding the registration requirements and  
13 duties of sex offenders. The sex offender will be required to  
14 sign an acknowledgement that the information of the  
15 registration requirements have been provided upon their  
16 initial registration, and an original, photocopy, or electronic  
17 copy of the offender's notice form signed *shall* be made  
18 available on Guam's sex offender registry; and

19 (K) *Miscellaneous.* Any other information as may be  
20 deemed appropriate by the Judiciary of Guam, Probation  
21 Division, or the designated Guam agency in charge of  
22 managing the Sex Offender Registry.

23 (6) *Exemptions.*

24 (A) *Federally Protected Witnesses.* Where the person  
25 required to register is a Federally protected witness, the  
26 person *shall not* be required to provide a photograph,

1 alias(es), and original name, place of offense, date of birth,  
2 social security number or prior residence.

3 (B) *Pardoned Convict or Conviction Reversed Upon Appeal.*

4 The duty to register under this Chapter *shall not* be  
5 applicable to any sex offender whose conviction was  
6 reversed upon appeal, or who was pardoned by *I*  
7 *Maga'lahaen Guåhan*, or who has been pardoned by the  
8 designated agency or individual of any jurisdiction as  
9 defined in this code.

10 (c) *Biological Samples.*

11 (1) Every person convicted in court of a criminal sexual  
12 conduct offense, or of a criminal offense against a victim who is  
13 a minor, *shall* provide a biological sample to the Guam Police  
14 Department for DNA profile information typing upon  
15 conviction.

16 (2) Every person who was convicted in court of a criminal  
17 sexual conduct offense or of a criminal offense against a victim  
18 who is a minor and is incarcerated on the effective date of this  
19 law *shall* provide a biological sample for DNA profile  
20 information *no later than* ninety (90) calendar days after the  
21 effective date of this law.

22 (3) Every person who was convicted in court of a criminal  
23 sexual conduct offense or of a criminal offense against a victim  
24 who is a minor and is released on parole or probation *shall*  
25 provide a biological sample for DNA profile information to the  
26 Guam Police Department at the time of that person's initial

1 registration or within thirty (30) working days of initial  
2 registration.

3 (4) Every person required to register pursuant to §89.03(a)  
4 *shall* provide a biological sample to the Guam Police  
5 Department for DNA profile information at the time of that  
6 person's initial registration on Guam or within thirty (30)  
7 working days upon conviction.

8 (5) Intentional or knowing failure to provide a biological  
9 sample *shall* have the same penalty as a failure to provide initial  
10 registration information, which is a felony of the third degree as  
11 noted under §89.05(f).

12 (6) All biological samples for DNA profile information  
13 typing that is provided to the Guam Police Department pursuant  
14 to this Subsection *shall* be submitted for analysis and entry of  
15 the resulting DNA profile into the Combined DNA Index  
16 System (CODIS).

17 (d) *Registration Requirements for Persons Required to Register Pursuant*  
18 *to §89.03(a); Initial Registration; Penalty.*

19 (1) *Registry Requirements for Sex Offenders, In General.*

20 All persons required to register must register, and keep the  
21 registration current, in each jurisdiction where the offender  
22 resides, where the offender is an employee, and where the  
23 offender is a student.

24 (2) *Initial Registration, In General.* All sex offenders *shall*  
25 initially register:

1 (A) before completing a sentence of imprisonment with  
2 respect to the offense giving rise to the registration  
3 requirements, if the person is so incarcerated on or after the  
4 date of the enactment of this statute. Intentional or knowing  
5 failure to provide this information shall result in the delay of  
6 that person's release;

7 (B) *no later than* three (3) working days after being  
8 sentenced for that offense, if the sex offender is not  
9 sentenced to a term of imprisonment, if the person is  
10 sentenced on or after the date of the enactment of this  
11 statute;

12 (C) *no later than* the date the person is scheduled to be  
13 placed on probation. Intentional or knowing failure to  
14 provide this information by that date *shall* result in the  
15 revocation of the person's probation and *shall* make that  
16 person ineligible for probation;

17 (D) *no later than* three (3) working days after arrival on  
18 Guam;

19 (E) if the registrant is on probation in another jurisdiction  
20 and that registrant's probation is to be transferred to Guam,  
21 then the Judiciary of Guam, Probation Division, may obtain  
22 the necessary information from the office of probation or  
23 parole of the jurisdiction from where the registrant came;  
24 said registrant is required to verify the registered  
25 information as required by this Chapter *no later than* three  
26 (3) calendar days after the person's arrival on Guam.

1 (3) *Where a Person Identified as a Person Required to*  
2 *Register is on Supervised Parole or Probation at the Time of*  
3 *the Passage of This Law and Is Not Currently Registered.*

4 Initial registration information must be provided to the  
5 Judiciary of Guam, Probation Division, Sex Offender Registry  
6 Management Office *no later than* ninety (90) calendar days  
7 after the effective date of this law. Intentional or knowing  
8 failure to register pursuant to this Subsection is a felony of the  
9 third degree, as noted under §89.05(a).

10 (4) *Where a Person Required to Register is No Longer*  
11 *Under the Supervision of Either Probation or Parole at the*  
12 *Time of the Passage of This Law and Is Not Currently*

13 *Registered.* Sex offenders required to register pursuant to this  
14 Chapter who fall within this category type *shall* have the  
15 absolute duty to report to and register with the Judiciary of  
16 Guam, Probation Division, Sex Offender Registry Management  
17 Office. Intentional or knowing failure to register pursuant to  
18 this Subsection is a felony of the third degree, as noted under  
19 §89.05(a).

20 (5) *Conviction Jurisdiction.* Any person who has been or is  
21 convicted on Guam that is required to register under this  
22 Chapter, but does *not* plan to reside in Guam, be employed on  
23 Guam, or register or enroll in a school on Guam, and upon  
24 release will reside in another jurisdiction, be employed or will  
25 be registering or enrolling in a school in another jurisdiction,  
26 *shall* still be required to register initially in Guam, and upon

1 relocating to the other jurisdiction, the registrant *shall* be  
2 required to make an in-person registration appearance within  
3 three (3) working days of commencing residence or  
4 employment in that jurisdiction.

5 (6) *Incarceration Jurisdiction.* Any person who has been  
6 convicted in another jurisdiction, other than in Guam, but the  
7 person will be released from custody of the conviction  
8 jurisdiction and released to the custody of Guam and  
9 incarcerated on Guam, such registrant, prior to the registrant  
10 being released from incarceration on Guam, *shall* be required  
11 to initially register in-person on Guam.

12 (e) *Registration Requirements; Frequency, Verification, Duration, and*  
13 *Reduction.*

14 (1) A registrant must verify their registration in person with  
15 the Judiciary of Guam, Probation Division, in the manner  
16 specified in this Section. At each in-person verification the sex  
17 offender *shall*:

18 (A) permit the Judiciary of Guam, Probation Division, to  
19 take a photograph of the offender, and

20 (B) review existing information for accuracy and update, as  
21 necessary, any changes to existing registration information.

22 (2) *Level One Offender.* A person who is a Level One  
23 Offender *shall* verify the following registered information  
24 ninety (90) calendar days from the date of initial registration;  
25 and *shall* appear in person once every ninety (90) calendar days  
26 thereafter to verify and update their registration information for

1 the rest of their lives. *If* the ninetieth (90<sup>th</sup>) day falls on a  
2 weekend *or* holiday, the registrant *shall* appear on the following  
3 working day.

4 (3) *Level Two Offender.* A person who is a Level Two  
5 Offender *shall* verify the following registered information one  
6 hundred eighty (180) calendar days from the date of initial  
7 registration; and *shall* appear in person once every one hundred  
8 eighty (180) calendar days thereafter to verify and update their  
9 registration information for the rest of their lives. *If* the one  
10 hundred eightieth (180<sup>th</sup>) day falls on a weekend *or* holiday, the  
11 registrant *shall* appear on the following working day.

12 (4) *Level Three Offender.* A person who is a Level Three  
13 Offender *shall* verify the following registered information one  
14 (1) year from the date of the registrant's initial registration; and  
15 *shall* appear in person once every year thereafter to verify and  
16 update their registration information for fifteen (15) years. *If*  
17 the date the registrant is to verify falls on a weekend *or* holiday,  
18 the registrant *shall* appear on the following working day.

19 (5) If any new information or change in information is  
20 obtained at an in-person verification, the Judiciary of Guam,  
21 Probation Division, *shall* immediately notify:

22 (A) all other jurisdictions in which the sex offender is  
23 required to register of the information or change in  
24 information;

25 (B) the Guam Police Department; and



1 (C) any other appropriate governmental agency as  
2 determined by the Judiciary of Guam, Probation Division.

3 (f) *Keeping the Registration Current.* A sex offender who is a resident of  
4 Guam *shall*:

5 (1) *no later than* three (3) working days after each change of  
6 name, residence, employment, student status, or termination of  
7 residence, appear in person at the Judiciary of Guam, Probation  
8 Division, and inform the Judiciary of Guam, Probation Division  
9 of all changes in the information required for that sex offender  
10 in the sex offender registry. *If* a registrant anticipates moving  
11 from Guam, that registrant *shall* register in person his intended  
12 place of residence with the Judiciary of Guam, Probation  
13 Division, *no later than* three (3) calendar days before his  
14 departure from Guam; and

15 (2) *no later than* three (3) working days after each change in  
16 temporary lodging information, vehicle information, internet  
17 identifiers, or telephone numbers, immediately notify the  
18 Judiciary of Guam, Probation Division, and inform the  
19 Judiciary of Guam, Probation Division, of all changes in the  
20 information required for that sex offender in the sex offender  
21 registry.

22 (3) The Judiciary of Guam, Probation Division, *shall*  
23 immediately provide the updated information, via electronic  
24 forwarding, to:

25 (A) all other jurisdictions in which the sex offender is  
26 required to register;

1 (B) the Guam Police Department; and

2 (C) any other appropriate governmental agency as  
3 determined by the Judiciary of Guam, Probation Division.

4 (g) *Registration Requirement; Guam Residents Who are Employed, Carry*  
5 *on a Vocation, or are Students in Another Jurisdiction.* A person  
6 who is required to register on Guam and who is employed, carries on  
7 a vocation, *or* is a student in another jurisdiction *shall* also register in  
8 that other jurisdiction pursuant to the registration requirements of that  
9 jurisdiction.

10 (h) *Registration Requirement; Sex offenders Who Move to Another*  
11 *Jurisdiction.* When a sex offender who is required to register on Guam  
12 anticipates moving to another jurisdiction, that registrant *shall* report  
13 the change of address to the Judiciary of Guam, Probation Division,  
14 pursuant to the requirements of this Chapter, *and* comply with any  
15 registration requirement of the new jurisdiction.

16 **§ 89.04. Duration of Registration.**

17 A registrant *shall* continue to comply with this Chapter, *except* during  
18 ensuing periods of incarceration, for the following period of time:

19 (a) *Lifetime; Level One and Level Two Offenders.* A Level One  
20 Offender or Level Two Offender must comply with this  
21 Chapter for the length of that person's life.

22 (b) *Fifteen (15) Years; Level Three Offenders.* A Level Three  
23 Offender must comply with this Chapter for a period of fifteen  
24 (15) years from the date of that person's initial registration.

25 (c) *Where Conviction Reversed, Vacated or Set Aside or Where*  
26 *Registrant Pardoned.* Notwithstanding subsections (a) and (b)

1 of this Section, where the underlying conviction is reversed,  
2 vacated *or* set aside, *or if* the person is pardoned of the crime  
3 which triggered the registration requirement of this Chapter,  
4 registration is *no longer* required.

5 (d) *Tolling of Registration Requirement.* If a registrant is re-  
6 incarcerated for violations of release conditions imposed in the  
7 same crime, *or* for the commission of another crime, *or* the  
8 registrant is civilly committed, *or* if the registrant leaves to a  
9 foreign country and informs the Judiciary of Guam, Probation  
10 Division, then the period of registration is tolled and remains  
11 tolled until the registrant's subsequent release *or* arrival in  
12 another jurisdiction. Thereafter, the registrant *shall*  
13 recommence and continue registering for the remaining period  
14 of time the registrant is required to register.

15 **§ 89.05. Penalties.**

16 (a) *Initial Registration.* Intentional *or* knowing failure to provide initial  
17 registration information *shall* delay the registrant's release *if* the registrant  
18 is to be released, *or* make the registrant ineligible for probation *if* the  
19 registrant is to be placed on probation. Intentional *or* knowing failure to  
20 provide initial registration information is a felony of the third degree.

21 (b) *Verification.* The failure to verify registered information is a felony  
22 of the third degree. A second *or* subsequent failure to so register is a  
23 felony of the second degree. Failure of a probationer *or* parolee to so  
24 register may result in sanctions pursuant to Title 8 GCA §80.66 and Title  
25 9 GCA §80.82, *respectively*.

1 (c) *Address Changes.* A registrant's failure to register the registrant's  
2 new physical and mailing address within three (3) calendar days of any  
3 change of physical and mailing address is a felony of the third degree. A  
4 second *or* subsequent failure to so register is a felony of the second  
5 degree. Failure of a registrant who is a probationer *or* parolee to so  
6 register may result in sanctions pursuant to Title 9 GCA §80.66 and Title  
7 9 GCA §80.82, respectively.

8 (d) *False Information.* Intentionally and knowingly providing false  
9 information during initial registration *or* subsequent verification is a  
10 felony of the second degree.

11 (e) *Enrollment or Employment at an Institution of Higher Education.* A  
12 registrant's failure to update enrollment *or* employment at an institution  
13 of higher education *or* termination of such enrollment *or* employment at  
14 an institution of higher education with the Judiciary of Guam, Probation  
15 Division, within three (3) calendar days of any change would constitute a  
16 failure to register *or* keep such registration current and is a felony of the  
17 third degree.

18 (f) *Failure to Provide Biological Sample.* Intentional *or* knowing failure  
19 to provide biological samples for DNA profile information to the Guam  
20 Police Department pursuant to this Chapter is a felony of the third  
21 degree.

22 **§ 89.06. Failure to Appear for Registration, Absconding and Failure to**  
23 **Register.**

24 (a) *Failure to Appear.* In the event a sex offender fails to register on Guam as  
25 required by this Chapter, then the Judiciary of Guam, Probation Division, or  
26 designee *shall* immediately inform the jurisdiction that provided notification

1 that the sex offender was to commence residency, employment, or school  
2 enrollment on Guam, and that the sex offender failed to appear for  
3 registration.

4 (b) *Absconded Sex Offenders*. If the Judiciary of Guam, Probation Division, or  
5 its designee receives information that a sex offender has absconded, then the  
6 Judiciary of Guam, Probation Division, shall make an effort to determine if  
7 the sex offender has actually absconded.

8 (1) In the event that *no* determination can be made, the Judiciary  
9 of Guam or designee *shall* ensure that the Guam Police  
10 Department and other local law enforcement agencies are  
11 notified so that a proper investigation may be conducted.

12 (2) *If* the information indicating the possible absconding came  
13 through notice from another jurisdiction or federal authorities, the  
14 other jurisdiction or the federal authorities *shall* be informed that  
15 the sex offender failed to appear and register.

16 (3) *If* an absconded sex offender cannot be located by the Guam  
17 Police Department after the matter had been forwarded for  
18 investigation, then the Guam Police Department *shall* inform the  
19 Judiciary of Guam, Probation Division, and the Judiciary of  
20 Guam, Probation Division, *shall* take the forthcoming steps:

21 (A) update the registry to reflect the sex offender has  
22 absconded or is otherwise *not* capable of being located;

23 (B) notify the U.S. Marshals;

24 (C) *if* all legal requirements are met to obtain a federal  
25 warrant of arrest, then the U.S. Marshals Service or the  
26 Federal Bureau of Investigations may be contacted in an

1 attempt to obtain a federal warrant for the sex offender's  
2 arrest;

3 (D) update the National Sex Offender Registry (NSOR) to  
4 reflect the sex offender's status as an absconder, or is  
5 otherwise *not* capable of being located; and

6 (E) enter the sex offender into the National Crime  
7 Information Center Wanted Persons File.

8 (c) *Failure to Register.* In the event a sex offender who is required to register  
9 due to their employment or school attendance status fails to do so or otherwise  
10 violate a registration requirement of this Chapter, then the Judiciary of Guam,  
11 Probation Division, shall take all appropriate follow-up measures including  
12 those outlined in the above Section. The Judiciary of Guam, Probation  
13 Division, shall first make an effort to determine if the sex offender is actually  
14 employed or attending or enrolled in school within its jurisdiction.

15 **§ 89.07. Duties of the Department of Corrections and the Parole Services**  
16 **and Probation Division of the Judiciary of Guam; Initial Registration.**

17 *If* a registrant is placed on parole *or* placed on probation, or prior to the  
18 registrant being released from incarceration, the Department of Corrections, the  
19 Parole Services Division, *or* the Judiciary of Guam, Probation Division, shall:

20 (a) inform the registrant of the duty to register;

21 (b) ensure that the sex offender completes his/her initial registration pursuant to  
22 this Chapter;

23 (c) require the registrant to read and sign a form stating that the registrant's  
24 duty to register under this Chapter has been explained;

25 (d) forward information described in (c) above to the Judiciary of Guam,  
26 Probation Division, within three (3) calendar days after receipt thereof; and

1 (e) ensure any registration information is promptly made available to the  
2 Judiciary of Guam, Probation Division.

3 **§ 89.08. Duties of the Guam Police Department.**

4 The Guam Police Department *shall*:

5 (a) inform all persons required to register under this Chapter of their duty to  
6 register;

7 (b) require any person required to register under this Chapter who has not yet  
8 provided his *or* her initial registration information to read and sign a form  
9 stating the registrant's duty to register under this Chapter has been  
10 explained;

11 (c) forward information described in (b) above to the Judiciary of Guam,  
12 Probation Division, within three (3) calendar days after receipt thereof;

13 (d) collect a biological sample for DNA profile information from the offender as  
14 required in this Chapter, and submit the sample to the Federal Bureau of  
15 Investigation within twenty-four (24) hours of collection and to any local  
16 entity that may be Guam's central repository for DNA;

17 (e) collect and keep records of fingerprints and palm prints from the registrant  
18 and also distribute cards containing such prints to the Judiciary of Guam,  
19 Probation Division, to submit such fingerprints and palm prints to the  
20 Federal Bureau of Investigation within twenty-four (24) hours of collection  
21 and to any local entity that may be Guam's central repository for fingerprints  
22 or palm prints.

23 **§ 89.09. Duties of the Judiciary of Guam.**

24 (a) *Repository*. The Judiciary of Guam *shall* be the central repository for all  
25 registration information gathered pursuant to this Chapter, in addition to all  
26 criminal history records information.

1 (b) *Sole Source of Submission of Information to the Federal Bureau of*  
2 *Investigation (FBI) and the National Crime Information Center (NCIC).*

3 The Judiciary of Guam, Probation Division, shall enter all registration  
4 information into the NCIC system and National Sex Offender Registry  
5 (NSOR) *no later than* three (3) working days after receipt of such  
6 information. The Judiciary of Guam, Probation Division, shall forward the  
7 fingerprints and palm prints to the FBI for inclusion in the appropriate  
8 databases.

9 (c) *Notification of Local Law Enforcement Agencies Regarding Changes of*  
10 *Address; Relocation from Guam.* Upon receipt of information that the

11 registrant is anticipated to relocate from Guam to another jurisdiction, the  
12 Judiciary of Guam, Probation Division, *shall* immediately notify the  
13 jurisdiction to which the registrant is relocating and *shall* transmit the  
14 address of the registrant's anticipated residence to the FBI *no later than*  
15 three (3) working days of receipt of such information.

16 (d) *Notification of FBI Regarding Changes of Address.* Upon receipt of  
17 information that the registrant is *or* has changed residence within Guam, *or*  
18 is anticipated to relocate from Guam to another state, territory *or* tribe, the  
19 Judiciary of Guam, Probation Division, *shall* transmit the new address to the  
20 FBI *no later than* three (3) working days after receipt of such information.

21 (e) *Release of Information.* The Judiciary of Guam, Probation Division, shall  
22 ensure that all of the registrant's information that is required to be released  
23 under this Chapter is properly and timely released.

24 (f) *Fees.* The Judiciary of Guam, Probation Division, is authorized to collect  
25 reasonable registration fees from registrants. Such fees *shall* be used for the  
26 maintenance and support of the sex offender registration and notification



1 program. One hundred percent (100%) of the fee paid by the registrant *shall*  
2 be given to the Judiciary of Guam, Probation Division.

3 **§ 89.10. Duties of the Judiciary of Guam in Managing the Sex Offender**  
4 **Registry.**

5 The Judiciary of Guam *shall*:

- 6 (a) supervise, upkeep, and maintain the Crimes Against Minors and Sex  
7 Offender Registry;
- 8 (b) inform the registrant of his/her registration duties under this Chapter;
- 9 (c) ensure that any person required to register under this Chapter has read  
10 and signed a form stating that the registrant's duty to register under this  
11 Chapter has been explained;
- 12 (d) receive and obtain initial registration and registration verification  
13 information from all persons required to register under this Chapter, and  
14 enter such information into the Sex Offender Registry database;
- 15 (e) supervise the release of verified information, as required in this  
16 Chapter;
- 17 (f) perform all other duties necessary to ensure the proper maintenance of  
18 the Sex Offender Registry and to ensure that all registrants comply with  
19 their registration duties as set out in this Chapter; and
- 20 (g) publish, every year, a notification in any publication of general  
21 circulation informing all persons required to register pursuant to this  
22 Chapter of their duty of register. Such notification *shall* include, but is  
23 *not limited to*, the following:
- 24 (1) the provision requiring the duty to register;
- 25 (2) the provision stating the information that is required to be  
26 registered;

1 (3) the physical address of location in which persons required to  
2 register must report to;

3 (4) the provisions stating the penalties for failure to register; and

4 (5) the contact information and name of the person from whom  
5 persons required to register can receive further information regarding  
6 registration requirements.

7 (h) *Local Appropriations to Fund Sex Offender Registry. I Liheslaturan*  
8 *Guahan* shall hereby appropriate a reasonable amount from the General  
9 Fund as part of the budget of the respective agency who is assigned to  
10 implement, maintain, and operate the Sex Offender Registry. Such  
11 budget shall be used by the respective agency for the implementation,  
12 maintenance, and support of the Sex Offender Registration and  
13 Notification Program.

14 **§ 89.11. Notification.**

15 (a) *Public Sex Offender Registry Website.* There is hereby established a  
16 public sex offender registry website, which the Judiciary of Guam,  
17 Probation Division, shall maintain and operate pursuant to the provisions  
18 of this Chapter, as amended.

19 (b) *Functionality.* The Judiciary of Guam, Probation Division, *shall,*  
20 within the Public Sex Offender Registry Website, provide for:

21 (1) a searchable database of all Sex Offenders that *shall* have the  
22 capability of conducting searches by (A) name, (B) county, city and/or  
23 town, and (C) zip code and/or geographic radius;

24 (2) a mechanism to allow visitors to subscribe, through an electronic  
25 mail (e-mail) address, to notification of any updates *or* changes made  
26 to the Sex Offender Registry;

1 (3) links, to the extent practicable, to sex offender safety and  
2 education resources;  
3 (4) instructions on how to seek correction of information that an  
4 individual contends is erroneous; and  
5 (5) a warning that information on the site should *not* be used to  
6 unlawfully injure, harass, *or* commit a crime against any individual  
7 named in the registry *or* residing *or* working at any reported address,  
8 and such warning *shall* note that any such action could result in civil  
9 *or* criminal penalties.

10 (c) *Dru Sjodin National Sex Offender Public Website*. The Judiciary of  
11 Guam, Probation Division, *shall* include in the design of its website all  
12 field search capabilities needed for full participation in the Dru Sjodin  
13 National Sex Offender Public Website, and *shall* participate in that  
14 website as provided by the Attorney General of the United States.

15 (d) *Information on the Public Sex Offender Registry Website*. The  
16 following information *shall* be made available to the public on the sex  
17 offender registry website:

- 18 (1) notice that an offender is in violation of their registration  
19 requirements or cannot be located if the sex offender has absconded;  
20 (2) all sex offenses for which the sex offender has been convicted,  
21 which should include the text of the registration offense;  
22 (3) the sex offense(s), including the text of the registration offense, for  
23 which the sex offender is currently registered;  
24 (4) the address of the sex offender's employer;  
25 (5) the name of the sex offender including all aliases, nicknames,  
26 pseudonyms, and tribal or ethnic names;

1 (6) a current photograph of the sex offender;

2 (7) a physical description of the sex offender;

3 (8) the residential address, and if relevant, a description of a habitual  
4 residence of the sex offender;

5 (9) all addresses of schools in which the sex offender attends or is  
6 enrolled in; and

7 (10) the sex offender's vehicle license plate number, along with a  
8 description of the vehicle;

9 (e) *Prohibited Information.* The following information *shall not* be  
10 available to the public on the sex offender registry website:

11 (1) any arrest that did *not* result in conviction;

12 (2) the sex offender's social security number;

13 (3) any travel and immigration documents;

14 (4) the identity of the victim; and

15 (5) any Internet Identifiers.

16 (f) *Victims.* The identity of the victim *or* any information that may  
17 identify the victim is strictly prohibited under this Chapter.

18 (g) *Re-incarceration.* In the event that a registrant is re-incarcerated for  
19 any reason, the information that the registrant is re-incarcerated, and the  
20 reason(s) for such re-incarceration, *shall* be released to the community.

21 (h) *Method of Release of Information.* The Judiciary of Guam, Probation  
22 Division, shall maintain the Public Sex Offender Registry Website and it  
23 *shall* be updated immediately after a registrant registers, *or* updates  
24 registered information. The community *shall* have access to the Sex  
25 Offender Registry Web Page. The Judiciary of Guam, Probation  
26 Division, *shall* transmit a notice of any updates to registration

1 information concerning any sex offender to the Guam Department of  
2 Education, the Guam Community College, the University of Guam, the  
3 Department of Administration, the Department of Labor & Agency for  
4 Human Resources Development, the Department of Public Health &  
5 Social Services, the Department of Youth Affairs, the Child Protective  
6 Services Agency, the Office of the Attorney General, all public and  
7 private schools, day care centers, victim shelters and victim advocates,  
8 within three (3) calendar days with the information in which such  
9 registration information can be found. The Judiciary of Guam, Probation  
10 Division, may transmit such information and fulfill the requirement of  
11 this Section by use of an email notification system described in §89.10(j),  
12 below. The Judiciary of Guam, Probation Division, may transmit any  
13 information concerning all sex offenders directly to the media for  
14 dissemination.

15 (i) *Law Enforcement Notification.* Whenever a sex offender registers or  
16 updates his or her information with Guam, the Judiciary of Guam,  
17 Probation Division, *shall*:

18 (1) immediately notify the FBI or other federal agency as designated  
19 by the Attorney General in order that the information may be updated  
20 on the National Sex Offender Registry (NSOR), or other relevant  
21 database;

22 (2) immediately notify any agency, department, or program with  
23 Guam responsible for criminal investigation, prosecution of child  
24 welfare, or sex offender supervision functions, which will include the  
25 Guam Police Department, Child Protective Services, Office of the  
26 Attorney General, and the Judiciary of Guam, Probation Division;

1 (3) immediately notify any and all other registration jurisdictions  
2 where the sex offender is registered due to the sex offender's  
3 residency, school enrollment or employment;

4 (j) *Community Notification.* The Judiciary of Guam, Probation Division,  
5 *shall* ensure there is an automated community notification process in  
6 place that ensures the following:

7 (1) that upon a sex offender's registration or update of information  
8 with Guam, Guam's public sex offender registry website is  
9 immediately updated within (3) working days;

10 (2) that Guam's public sex offender's registry has a function that  
11 enables the general public to request email notices that will notify the  
12 person requesting such information when a sex offender commences  
13 residence, employment or school enrollment on Guam, within a  
14 specified zip code, or within a certain geographic radius. This email  
15 notice *shall* include the sex offender's identity so that the public can  
16 access the public registry for the new information.

17 (k) *Verification of Names on Sex Offender Registry.* Entities within the  
18 government of Guam may request the Judiciary of Guam, Probation  
19 Division, to verify the identities of individuals registered on the Sex  
20 Offender Registry for the purposes of employment.

21 (l) *Notice of Change.* The Judiciary of Guam, Probation Division, shall,  
22 upon the passage of this Act, provide for education to the community  
23 through a notice to the public of changes made by this Chapter requiring  
24 all convicted sex offenders to register with the Sex Offender Registry.  
25 Such education may include sending of information to local schools,  
26 notice in a publication of general circulation, notices to various local

1 media entities, and actively promoting safety through and awareness of  
2 the Guam Sex Offender Registry.

3 **§ 89.12. Immunity for Good Faith Conduct.** Law enforcement agencies,  
4 their employees and government of Guam officials *shall* be immune from any civil  
5 *or* criminal liability for good faith conduct under this Chapter, *unless* it is shown  
6 that the agency, employee, government official *or* board member acted with gross  
7 negligence *or* in bad faith.

8 **§89.13. Electronic Monitoring of Sex Offenders.**

9 (a) The Superior Court may order that a sex offender wear an  
10 *electronic monitoring device*, as defined by § 89.01 (w) of this Chapter, for  
11 any portion of *or* all of the duration of his probation, as a condition of his  
12 probation. The offender *shall* pay for the purchase *or* lease of the electronic  
13 monitoring device, provided that the Court may order that the cost or a  
14 portion thereof be paid by the Court.

15 (b) If a sex offender is released on parole from incarceration, the  
16 Territorial Parole Board *may* require, as a condition of his parole, that the  
17 offender wear an *electronic monitoring device* as defined by § 89.01(w) of  
18 this Chapter, for any portion of *or* all of the duration of his parole. The  
19 offender *shall* pay for the purchase *or* lease of the electronic monitoring  
20 device, provided that the Parole Board may direct that the cost or a portion  
21 thereof be paid by the Parole Office.

22 (c) The Supreme Court of Guam *shall* enact rules and regulations,  
23 pursuant to the Administrative Adjudication Law, to effectuate Subsections  
24 (a) and (b) herein. Said rules *shall* include a means of determining EMD  
25 costs and assessing the offenders therefor.

1           (d) Any person(s) who disables *or* attempts to disable *or* otherwise  
2 render wholly *or* partially unusable, an electronic monitoring device defined  
3 in § 89.01(w) of this Chapter, while being used by an “offender” as defined  
4 by §89.02 of this Chapter, commits a third degree felony. The penalty for  
5 such felony *shall* be re-incarceration for the remainder of the original  
6 sentence, inclusive of any probationary period, *and* an additional sentence of  
7 confinement of *not less than* one (1) year and *no more than* five (5) years.  
8 Such additional sentence *shall* run subsequent to the original sentence.”



6

# I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 12/22/10

## VOTING SHEET

Bill No. 428-30(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr. III		*			
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T. III		*			

TOTAL

11    3    \_\_\_\_\_    \_\_\_\_\_    1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

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**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

November 15, 2010

Honorable Judith T. Won Pat  
Speaker  
I Mina' Trenta na Liheslaturan Guåhan  
155 Hesler Place  
Hagatña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report - Bill No. 428-30 (COR).**

**Dear Speaker Won Pat:**

Transmitted herewith is the **Committee Report** on Transmitted herewith for your consideration is the Committee Report on Bill No. 428-20 (COR AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY"; introduced by Senator Adolpho B. Palacios, Sr., and Frank B. Aguon, Jr., and referred to the Committee on Economic Development, Health & Human Services, and Judiciary. Bill No. 428-30 (COR) was publicly heard on October 19, 2010.

Committee votes are as follows:

<u>4</u>	TO PASS
_____	NOT TO PASS
_____	ABSTAIN
<u>3</u>	TO REPORT OUT ONLY
_____	TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.

Attachment

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11-23-10



**SENATOR FRANK B. AGUON, JR.**  
Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(Thirtieth Guam Legislature)



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**COMMITTEE  
REPORT  
ON**

**BILL NO. 428-30 (COR)**

(by Senator Adolpho B. Palacios, Sr., and Frank B. Aguon, Jr.)

“AN ACT TO REPEAL AND REENACT CHAPTER 89 OF  
TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE  
TO THE GUAM SEX OFFENDER REGISTRY.”



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

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November 15, 2010

**MEMORANDUM**

**To: ALL MEMBERS**

Committee on Economic Development, Health & Human Services, and  
Judiciary

**From: SENATOR FRANK B. AGUON, JR.**  
Committee Chairperson

**Subject: Committee Report on Bill No. 428-30 (COR).**

Transmitted herewith for your consideration is the Committee Report on **BILL NO. 428-30 (COR)**; "AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY"; Introduced by Senator Adolpho B. Palacios, Sr., and Frank B. Aguon, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Bill No.428-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 428-30 (COR)
- Notices of Public Hearing (1<sup>st</sup> and 2<sup>nd</sup>)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'åse'!*

Attachment

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
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## COMMITTEE VOTING SHEET

**Bill No. 428-30 (COR); “AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY,”** sponsored by Adolpho B. Palacios, Sr., and Frank B. Aguon, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman	 11/23/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
ADOLPHO B. PALACIOS, SR. Vice Chairman	 11/23/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
BENJAMIN J.F. CRUZ Vice Speaker				<input checked="" type="checkbox"/>		
TINA ROSE MUÑA BARNES Legislative Secretary				<input checked="" type="checkbox"/> 11/22/10		
THOMAS C. ADA						
JUDITH P. GUTHERTZ		<input checked="" type="checkbox"/> 11/23/10	<input type="checkbox"/>			
RORY J. RESPICIO		<input checked="" type="checkbox"/> 11/24/10	<input type="checkbox"/>			
FRANK F. BLAS, JR.				<input checked="" type="checkbox"/>		
TELO TAITAGUE				<input checked="" type="checkbox"/>		
RAY TENORIO						



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
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**COMMITTEE REPORT DIGEST**

**Bill No. 428-30 (COR),**

**I. OVERVIEW:** The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing on September 14, 2010. The Hearing convened at 09:00 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 428-30 (COR)** — “AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY.,” sponsored by Adolpho B. Palacios, Sr., and Frank B. Aguon, Jr.

**Public Notice Requirements**

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on September 07, 2010 (5-Day Notice), and again on September 10, 2010 (48-Hour Notice). Notices were published in the Marianas Variety on September 07, 2010, and in the Marianas Variety on September 10, 2010.

**Senators Present**

Senator Frank B. Aguon, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Speaker Judith T. Won Pat	Ex-officio Committee Member
Senator Tina R. Muna-Barnes	Committee Member

The public hearing was Called-to-Order at 09:00 A.M.

**II. SUMMARY OF TESTIMONY & DISCUSSION.**

**CHAIRMAN FRANK B. AGUON, Jr.:** Called to order the Public Hearing on Bill No. 428-30 (COR). Chairman Aguon, the Co-sponsor of Bill No. 428-30 (COR), explained that the Bill

Ladies & Gentlemen, we going to take up/proceed to Bill No. 428-30 (COR) which is relative to the Guam Sex Offender Registry and the sponsors of this legislation, Sen. Palacios is here. If I can invite the following individuals: Mr. Basil Malan, and Carol Sanchez. Is there anyone else that would like to join us this morning and provide testimony? Then, by all means...you are welcome to join us. Please take your seats. Okay, ladies & gentlemen, I would like to recognize the sponsor of this Bill 428-30, Senator Palacios, to provide some comments, so we can proceed with the testimony.

**SENATOR ALDOPHO B. PALACIOS, Sr.:** Thank you very much, Mr. Chairman.

Mr. Chairman, this Bill is the work of a group of scholars and experts in the field of Sex Offender Registry. The Atty. General, now US Attorney is, actually, was heading the group... and there had been major consultations with experts in the same field, with the Federal Agencies...and so this is the finished product that they had worked on and I believe that the last meeting, the final committee marked-up meeting, with the group including the former Atty. General was in your office...and... essentially this bill, Mr. Chairman,...will upgrade the current Law on Sex Offender Registry...by incorporating Federal Statutes. I understand that there are references and they have an upgrade in the federal statutes... so that it can be harmonized. The local statute can be harmonized with the federal statutes. It expands information about the Sex Offender for the Registry.... sharing the information with all the jurisdiction, streamlining the modification process of changes in the information, for example... resident, employment, and all the status of offender, and actually the responsibility to update those information with reference to the offender... rest with the offender...and it also increased the penalty...for violations.

As Chairman of Public Safety, of course, have been kept/apprised of the Bill... and there was a continuing commitment by the Criminal Justice Officials...This is a comprehensive Statute. It would put us in compliance...I understand,... it would, of course, strengthen our current law .by incorporating many of the current federal statutes..and the experts are here...to testify and provide information...and the work that they were into it..and how this updated bill on the Sex Offender Registry...wouldn't be, of course,...our systems here... for the administration of this program...so that with this, Mr. Chairman,...I turn... this to you....

**CHAIRMAN:** Thank you very much, Sen. Palacios.....Mr. Malan..

**Mr. Basil O'Mallan, Assistant Attorney General, Office of the Attorney General:** Thank you, Sen. Aguon...This time I like to yield to Ms. Carol Hinkle Sanchez, first,.. from the Office of the Attorney General.

**CHAIRMAN:** Carol, you can just identify yourself for the record. And then, proceed.

**Ms Carol H. Sanchez, Deputy Attorney General, Office of the Attorney General:** Thank you Mr. Senators...My name is Carol Hinkle Sanchez..I am a Deputy Atty. General..with the Family Division at the Office of the Atty. General... and I am going to speak on behalf of the work that has been done...with respect to this legislation. As Senator Palacios has mentioned, we have worked on this piece of legislation for sometime already in making amendments. It's nothing new to be Senators...because actually it was formerly enacted...as a Sex Offender Registry and the only thing we are doing today is we are amending the Higher Legislation that we have in effect...so we can meet the federal mandates that are all provided .The process that had occurred previously is that the senators had enacted the Sex Offender Registry. And what happened was the Sex Offender Registry..was sent over to the Federal Office, the smart office, ...under the office of the Justice Programs which oversees the Sex Offender Registry. And they reviewed the Statutes to determine...whether or not our Statutes was federally compliant with the Federal mandates. And so when they reviewed the Statutes...they had sent it back..indicating at this point in time we were moving towards compliance. However, we were not compliant... and then they made recommendations to our team which... were not only the office of Attorney General. We work closely with...BBMR as well as the Judiciary of Guam. In looking at the recommendations that were set forth by this Smart Office, with that set, we used the recommendations as well as their guidance in looking at the final guidelines to implementing SONA and utilize that to redraft the current legislation that we had...which now we have the

amended legislation to modify it. This legislation went back...and forth several times. Our office worked closely with the Federal Counterparts. We do have a policy, a Senior Policy Adviser that works out of this Smart Office. Actually, each jurisdiction has assigned its Policy Adviser who works closely with the jurisdictions. In doing the legislation and so we worked closely with our Policy Adviser in drafting this legislation...and It's been tasked back and forth...multiple times...I think in a matter of 2 months a lot... it was back & forth for like a 2-month period. And, so, we finally got this piece drafted towards that today...At this point,.. just based on the review of our Policy Adviser, with this legislation being passed, as is, in its current format, with no changes, Guam would be in compliant?...

Once and the process again is...of course it has to go through the Legislature...it has to become a Law...and once it is a law , we would send it to the Smart Office for their review...and for their Okay...whether or not... we're complying or not. And the important part to getting compliant ...or ..it's called substantial implementation... is you know, with..we had the deadline of July of this year, However, because...a lot of states are working towards trying to get compliance and there were just so many changes happening ..with bits and pieces of the legislation...they allowed us an extension.. of a year...but the only promise,..we don't want to wait that long...because we want this legislation to be... in effect. Because...a part of being substantially in compliance...Is not just a piece of legislation, but, it's actually the system working. And, I can assure, that, the Judiciary of Guam has implemented these processes ...in place. They are already doing what is already in this legislation because we've all attended these same conferences...we all worked together to ensure that, you know, our process is in place. And so, this piece of legislation will only be put us in substantial implementation with our Federal Mandates.

The positive thing that for Guam is currently there are only about six (6) jurisdictions... At this time that are actually substantially in compliance. That would make Guam, the seventh (7<sup>th</sup>). There are no territories at this time that are in compliance. There are 2 Indian tribes and 4 states. So, we would be pretty high-up... if this legislation was to pass...with respect to being in compliance. Another thing,... is, you know, the issue of Federal Money..If we're not in compliance by the extended deadline..what happen is ... it compromises...the programmed money that are judiciary... in Guam and some other local enforcement agencies do receive.

A lot of states, and the question may be, you know, why is there not so many states that have..are in compliance? It is really difficult..because this legislation...you know, there were pieces of legislation that a lot of states... had challenged ...such as this Juvenile Registry and retroactivity. So, these states, and I give you example...that they gave us in the last symposium.....is Las Vegas. Las Vegas actually is, their legislation is actually...ready to be in compliance. The only difficulty is their legislature..is not... ready..is not enacted... because there are... our current Supreme Court...our State Supreme Court challenges..that they're..waiting decision there on..It doesn't mean that the Smart Office isn't going to work with us on these changes...They will...And as our US Supreme Court makes decision and of course, we would come back to the senators...And ask for amendments based on those decisions.

Another positive or another change that....or big significant change that has been made..it's not even changes and in our last... in the legislation..we are trying to amend . We didn't include the restrictions o the Juvenile Adjudication..so basically juvenile retreated , the same way as adults in the old legislation. Which under our Federal Mandates..that's not required...

The Juvenile adjudication, they are only specific, limited situation where juveniles would be..would be required to register...which where they commit severe, sexual assault crimes...



And so, you know, we've incorporated that... into the new legislation... And you know, there are other examples I can give... You know, this really legislation... coz, is not..is more..as a notification system for communities...we face child exploitation issues..we face serious crimes in the internet these days... And this is what the legislation is all about..It is a notification system...that's a national data base....and that's intended to for the community...for the protection of our youth..for the protection of our community..and as we spoke...during the public media, you know, we actually had a sex offender in Guam, that had fled to Guam..and was being brought back...thru the US courts..

So you know, those are the examples as to why this, you know, the implementation of this, you know, is important..It's an effective community notification system... that is tailored to protect our children...especially our children and our community. And so...the example I was want to give in this is that part of the changes...we didn't just make changes...because we want to make changes...we used the Federal Mandates....everything in this came out of the Federal Guidelines...the final sworn-in guidelines...which was used to create the current legislation...where that's before you guys..today..

Changes were made, you know, to the benefit of the sex offender for their confidentiality and protection. We deleted the requirement that...you know, that their E-mail address be posted on line because it is in violations of the Kids Act. So those are the things we have incorporated into this legislation to...ensure that we meet the Federal mandates..And so basically..I am opened to any question, you may have, but, I hope that I kinda clear it up, that we're here today, because... it's not that we're asking to implement something new we've gone, before this legislation in the past... implemented in the Sex Offender Registry. You have heard both sides at that time. It's not about implementing something we don't already have. We have it in place right now...We want to just make sure that we're Federally compliant...and that we become in substantial implementation because we don't want to compromise the Federal Grants. And we want to ensure that we have a good system and a working system that is recognized nationally so that we can be linked to our National Deputies.

**CHAIRMAN:** Thank you very much Ms. Sanchez...Mr O'Mallan.

**Mr. Basil O'Mallan:** Thank you, Chairman Aguon. My name is Basil O Malan. I am an employee, an Attorney with the Office of the Atty. General, mostly the Head of the Family Violation Sex Crime Unit. And thank you, for this opportunity to address this very important legislation. And I thank Sen. Palacios for introducing it longer...And of course, you, Mr. Chairman. The reason that I want...to start off....and I'm more of knots and bolts...kind of guy.

The problem we have ,with sex offenders..what..we've noticed in the business is... sex offenders especially have a high rate of Recidivism. They just kept on offending. That's why Guam..and the Federal Offices,... all the jurisdiction realize,..there's a need to tract and keep close observation of these individuals..that's why..the original process in the program of the Sex Offender Registry was implemented.

What we have observed over the years,...with the current statutes , is the law, which was sound at that time, was implemented.. Sex Offenders have found ways to slip thru the cracks, find the loopholes to avoid registering, and the bigger problem which was the one of most concerns to myself and outside the office of the Atty. General, are people who were allowed to come in to Guam and avoid registering here, because the statute or whatever provisions today...were registered and in fact were registered in their home state...might not apply on Guam.

That's why the office had figured it out, we have to figure it out to keep tract...of all sex offenders regardless...where they go, because it's very important for the protection of the public, especially the children. And that's why the Federal Offices requested changes, they mandated changes and they had them all checked...and we have been working closely.Especially I commend Ms. Hinkle Sanchez for her tireless efforts in preparing this legislation with Sen. Palacios to make sure and we try to tighten this up measure. There's no way we gonna eliminate all the loopholes, and the cracks in the system. It's just physically impossible...when all people..whose whole goal is to find a way around the system. But, this is in substantial compliance...with the Federal Office and they look at very carefully.. And both Ms. Hinkle Sanchez and myself have met especially with the Federal Authorities who overview this Sex Offender Registry...

We've also worked closely with the Judiciary which is the Actual Account Clearing House...Whether the Registry is maintained, and they're doing excellent job...with the current Legislation. But, we need a new legislation..as provided in this Bill to tighten up the law...make us compliant with the Federal Govt Mandates. Just to address briefly ..something is missing.. Ms. Sanchez has raised about..why some states are very apologizing..they're dragging their feet...in implementing the changes?

I look at two (2) things; One (1)...some of them have already been challenged...legally, because there is a retroactive provision...Is that they are going to slow it down. We like to take the approach of...let's tighten it up...we'll wait for the challenge... and we'll address the challenge at a time..There's no sense speculating...with what someone might do...let's go forward..what we might do... let's wait for the challenge...and there's going to be one..More of what I've seen with a lot of other jurisdictions is... they're dealing with a larger land mass. Than, of course, what Guam has..And it's much more difficult for them to implement...a comprehensive Sex offender Registry. For example..like a State of Texas where we have every little/small county in far remote areas. Their response for reporting into one sanctuary agency..That's something in their hesitation where they're looking at, in dealing with the Federal Agencies involved in this.

There is a ten (10) percent penalty in your Burne Grant if you don't implement this in a timely manner. Some states are saying, "we're willing to take the laws. it's gonna cost us more money to implement this Statewide..We'll take the laws. We don't have that problem.We're very fortunate. With our Land mass here, it is very manageable...and that's why, I feel that I fully support the legislation as proposed and I urged passage. Thank you.

**CHAIRMAN:** Thank you very much, Mr Malan..and I certainly appreciate the statements that were made this morning in terms of trying to update legislation that would certainly reflect...the existing condition. You mentioned the extraction of the email addresses...where it is not necessary..not deemed necessary...you also mentioned the inclusion of the juvenile adjudication rather than just lumping juveniles as well adults in one particular category. At least we view them from different perspectives and segregate them. Im sorry, I certainly appreciate you, the two of you highlight the differences between the existing provisions and what we are about really to adopt.  
Senator Palacios..

**SENATOR PALACIOS:** Thank you, Mr. Chairman. Maybe Ms. Sanchez..probably can give us examples of how..the improvement of Notification process, we would like to know..the people of Guam would like to know that..what additional processes..were included here... so that the notification would... is enhanced and become more timely...and more effective..after all

notification is actually a very essential element in... you know, making is good, that the pertinent thing now in the community is a registered sex offender or not..

So maybe you can just give us 3 examples..so an improved notification process..

**Ms. Carol Sanchez:** Sure, Mr. Senator. Some of the Notifications, there are time frames actually, with respect to, when they have to register and it's based on whether or not see the registration There's some who have already served their sentence, but, we'll be required to register...so of course,... those people have a certain time frame and I believe that it's maybe like 90 days, but, then it's in here.. and it depends. And for the most part, those sets are like sentence, they have 3 days upon...their sentence to register.... with the Probation Office..And there's such time frames for them to register...and then it also sets..penalties for failure to register...So you know, there here are time frames set for everything that's required by them to register...or lets say If they're going to change address or they change any information. That is required to be in the registry. They're supposed to immediately notify Probation Office.... who is managing... or .. Judiciary of Guam...who is managing the Sex Offender Registry..immediate within three (3) working days..so, you know, there's ..there are there are critical time frames...for them. The immediacy is .because we don't want them getting lost.We had sex offenders who are considered absconded ..they say they are going to go to another jurisdiction..for work or school..and then they reported to their...Sex Offender Registry Mgt Office..but then when they leave....they don't actually go to where they've reported, and so they got lost.

So, this reporting requirements are meant ...because ....what's going to happen is if they say they're going to...Guam and Guam doesn't get them within a - day period...then what happens is Guam..has to contact the jurisdictions that notify them, so there's a notification system within the FBI...(we're in the FBI Data Base )....that will flag us, to let us know...that this person is coming to our jurisdiction..So they have 3 days when...upon arriving to register....And if they failed to., then .our jurisdiction we'll then notify...the other jurisdiction

**SENATOR PALACIOS:** How would you know that they...fail to register...I mean....Will you be notified in advance.... Of such individuals are arriving in Guam....?

**Ms. Carol Sanchez:** Yes, the system that the FBI,... and again this Smart Office....is working with the FBI...and NCIS ,the data base that they use, those things will automatically flag....

**SENATOR PALACIOS:** So there's an active monitoring system...in our country... that actually share this information,...as these people would travel?..

**Carol Sanchez:** Yes, and actually this system is linked to anyone who... is under the Sex Offender Registry Program...And they actually ...they also have as...you know, other data base that will allow to access into,...that we can search upon these people. So,...the system is meant to track as well....as what he (Mr. Malan) mentioned..

**SENATOR PALACIOS:** As Mr. O'Mallan, has indicated...that 7 jurisdictions actually...did not apply for this....so..did not, not this kind...not because the program is not good...but, because it's going to cost them more...to implement this... than the 10% that they will suffer.. had they not implemented this....

and I think ...I want to ask...clearly ..of what cost...because this... it is going to cost them a little... to do this...because there will be additional effort...in the enforcement and the monitoring...but, comparing that with the 10% potential loss for not implementing the federal

statue...not in compliance with the federal statute, Guam will still realize a net gain. Won't you think so?

**Carol Sanchez:** Yes, they will because.. what happens..is the one that are in compliance...the 10% cut goes into the big pot....

**SENATOR PALACIOS:** Yes, I understand, but what I'm saying.... That's good point, but what I'm saying is...that Guam...it's not hard... to be being...in compliance..

**Carol Sanchez:** It's not hard. We are..

**SENATOR PALACIOS:** Because it's not...we've isolated here...and so we have only one jurisdiction....I mean just one interesting.

**Carol Sanchez:** But this Legislation is... actually what I have mentioned...the Judiciary is actually currently carrying forth what is in here..

We meet with them...we've gone to the same Symposium .and the changes that are made, are things that they currently do. It's not formally written here..but its something that needs to be ...but it's currently carried out.... by the Judiciary of Guam...and they work closely with us....and so you know, ..its .been really...and .we've been a good team actually.

**SENATOR PALACIOS:** Is there a point that the people of Guam...know..that it's not because, it's not a bad...it's not a good program... that loaded with a lot of jurisdiction just like Texas you and California you say.. probably...it's not in compliance...but it is because the work.....that is provided in this administration..

In the program....it is going to cost more than 10% ....so they rather suffer the 10%...and they still ... they have the 90% of that.....and we're lucky that...it's easy for us to administer...this..

**Carol Sanchez:** Yes, that's correct...

**Mr. O'Mallan:** As,...like Ms. Hinkle Sanchez, said, you know , that...the Judiciary... and I speak highly of the group...that deals with the registry...and they are here this morning...are very good about recognizing...what needs to be done.... to provide...the best registry we can provide...for all the people on Guam...and they are already trying to work on it and implementing some of these...and but, some of them of course are ..their hands are still tied until the statue is changed.....That's why...it's necessary for them....(to enact a Law)...

**SENATOR PALACIOS:** Sir, how coordinated is, of course, the Sex Offender Registry and The Guam Police Dept, as they arrest people?.....because the court will eventually know, they keep the registry, they meet in the registry...the Judiciary I mean....,so they will know...as the Sex Offender comes close....and know this history...will come about...., but , at...the initial point.... with the Guam Police Dept..how is that coordinated...?

**Carol Sanchez:** I know that the samplings are done. The DNA sampling portion is being done by GPD...That's my understanding...I know that ...they are...

**Mr. O'Mallan:** If I could, Mr. Senator...

**SENATOR TINA MUNA-BARNES:** Is this automated?

**Carol Sanchez:** It's automated...Yes...Yes.

**SENATOR PALACIOS:** Okay...

**Carol Sanchez:** There's a process that the FBI requires for... to be entered into....its system...

**SENATOR PALACIOS:** Anybody monitoring the work, product of the Guam Police Dept with respect to compliance with that...?

**Carol Sanchez:** I'm not certain . I know that what happens as he (Mr. Malan) mentioned...as the Judiciary is a good team...and .they...understand.....what's is required. And so, .they are probably...ensuring that GPD is doing what is needed to ensure that...you know, our DNA...sampling is placed into the admitted Dot ways...

**SEBATOR PALACIOS:** Thank you Mr. Chairman..

**CHAIRMAN:** Thank you.

**Carol Sanchez:** I just want to point out one more thing, Senator... That...It's ..Jurisdictions actually do have sex offender registry..and it's just that They are not compliant and so a lot of them are linked to or have access to our sworn-in web-sites..So they're still linked to it and they receive information, but.. their legislation just doesn't meet....the substantial implementation or compliance part....because there are certain things, they are not.... at this point, that they are not capable..of placing into this legislation...because of the legal challenges...

**CHAIRMAN:** Thank you. And we going to go ahead and allow Ms. Leon Guerrero. Please identify yourself for the record and then proceed.

**Ms. Miki Leon Guerrero, Chief Planner, Bureau of Statistics & PLans:** Good morning. Senators. My name is Miki Leon Guerrero, and I'm the Chief Planner with the Bureau of Statistics and Plans. The Bureaus has been very actively involved over the years...since the very beginning with Sex Offender Registry. I am here only to answer any question you might have with regards to the Funding of the Legislation and what the Financial Impact might be on the territory...or on the Island, I'm sorry. since we've looked at this over the years and we have some sense...for what the cost might be.Just a way, you know, Guam receives approximately...One (1) Million dollars a year under the Adway- Burnt Memorial Justice Assistance Grant.

Without enacting this legislation, we will lose roughly \$100,000 a year... that, of that amount ...So, by enacting that...that allows and we also are able to receive other grants that. The court has been in particular receiving funds...to help with the Sex Offender Registry.

So, a lot of money that has been going back in ...with years of considerable amount....of our Federal dollars coming through our Burnt Grant over the years...to help automate the court system, to help ensure Guam Police Dept has in the connection with, we've been working with the Crime Lab. With our Burnt dollars as well as...what are covered with a lot of dollars...So we pretty much...with a exception...of the court..dedicating some personnel to it, this effort has been, our Sex Offender Registry , has been pretty much supportive... with Federal Grant Funding rather than the local funding.

So this enables funds to continue...to come in. So, and we've been working with staff personnel, been working with the Atty. Gen. Office, with the court..to help with this Legislation...at least to ensure its review..and the Bureau does support it of a rift..and ..and I'm not personally the audience into the ins- and the outs the legislation..that's why without the Atty. General's Office to take the lead then but...I feel ..at least I could answer some of the questions, what would be the financial impact be?...

**CHAIRMAN:** Thank you very much, Ms. Leon Guerrero for that statement. I think that...were not for, in particular business of losing out on funding and financing opportunities. So, I think , one thing in terms of the compliance requirement and the time line ..it was highlighted earlier, that at least, there's been an extension...at that time line to be able to be in compliance...so it gives us a little bit of window opportunity, to make sure that and we update the existing legislation and we don't incur any penalties as a result...Sen Barnes..

**SENATOR MUNA-BARNES:** Si yu'os..ma'ase Mr. Chair. I just want to say for the record that..I don't really have any problems with this..and I appreciate the efforts that the Atty. General's Office..and you, folks, are working closely with the other government stakeholders to see this bill come into full fruition. I have just a couple of questions and one is;

Based on the level of offenders and the life time of the offenders that would be on the Registry..., maybe there's an item, may be a split..and i know..Mr. Malan who's into Felony cases and then,..that would be one if that's noted in...I mean, what is ...is it a life time thing...Is there a degree of offenders in ...Would it be like...15, 20, 30 years,,50 years to that effect...? And the other one, ... was the impending, or may be two more, or the impending cases that some of the states..have a complacency of not moving on the legislation because they're waiting for the Supreme Court Decision...or the 9th Circuit Decision to this matter...Is this, that or are those, can those cases be noted and what are they that would probably affect Guam ...?

And then the third is...Juvenile and you know, once a juvenile is considered....between the childhood and ..up to 18 and 18<sup>th</sup> is considered adult...but, in some cases 16<sup>th</sup> here on Guam..you can be declared an an adult..depending on the degree of the crime committed..especially when it comes to this nature...and once that person turns into 18, does it all carryover and I think you briefly spoke about that....

And I want to get a reiteration for that... to make sure that.... at least when that...you usually... one turns 18..usually ..you life...you're white clean... and I want to make sure.

**Carol Sanchez:** I'll answer some on the ones, but I gonna differ...on some of them also. about .but with respect to the levels...basically again the Smart office..it is based on the degree of the offense. So of course, you know, based on the level...Levels 1 Offenders adnd level- 2 offenders.. are the higher degree of offenses...A lot of it, like you know... is first degrees offense, child pornography..define under that are,...these are actually tiered through the Federal guidelines, and so, what we did..was.....we've got many crimes on Guam...that were comparable to the Federal Offenses...and tiered them ...based on what was under the Federal Mandates...

So the Smart Office, are the policy advisers, Ron McPearson did assist us in the tiering. He was kind of, confusing, because ....normally Level 1...they call it Tier 1...is vice versa with Level 1 on Guam. So actually our level 1 offenders is actually Tear 3 in the States. But, because we use the terminology Level 1 in the previous...legislation. We want to keep it consistent ...we don't want to try it... to go up to the previous legislation...so we just used what we had

and worked out of it...so it's a backward thing..So our Level 1 are actually the higher offenders..the higher offended crimes..

and Level 2 is the Tear 2. So, we based it, on how the Federal categorized their tearing system...and a look at Guam Laws...with respect to comparisons...and tiered it based on ...how it was tiered under the Federal Guidelines..So that's how our tiering Systems are developed. So, we basically..., the federal statute mandated us to tier it, categorize any offenses...comparable to these federal crimes...into these categories..and that's all what we did.

With respect to the years...for Level 1 offenders and Level 2 offenders,..because they are..first and second degree felony crimes..they are...they are going to be in the Registry for Life. And, they're ..it's a little more strict with respect to reporting...Level 1 offenders report every 90 days...and Level 2 offenders report every 180 calendar days. Level 3 offenders which is...the less severe crimes...and they are under the registry for 15 years. And these are all federally mandated terms...so that 's what we used.... to determine our federal tearing system.....our tiering system....as well as our offender at the time that they are going to be in our registry..

With respect to the juvenile adjudication...basically,... as I mentioned..that...Any juvenile offender who commits, what they determine, I want to look for the definition " as a severe sexual aggravated assault" and basically...just generally speaking... I don't have it in front of me ...but, its more of a rape case. It's more of..where our case...where our juvenile commits an offense...to another... using weapon..or you know whether they are in capacity...where the other one, let's put it, incapacitated by them or incompetent,...So those crimes..if you look at our general crimes, we've charged that in our juvenile division...most of the offenses are.....don't follow them under that category..

Luckily they don't follow them under the their category. What I've seen in one or two in my three years....To mind within 2 years...that would be considered... required to...register. But for the most part. Our juvenile offenders on Guam are generally..it's because of the age that makes it a crime. But there, it's not the force.....you know, .but..it doesn't follow ...within the requirements... of them meeting to Register.

Just as you know, there has been a ... supplemental guidelines and I know, we bothered to send them to Senator Palacios..

there has been a supplemental proposed guidelines...that was submitted by the Smart Office to address these issues...and one of issues that did come up...was trying to exempt juveniles..from the Registry.

And we're still awaiting...we're still awaiting the determination by you know, our administration, meaning, President Obama's administration with respect to whether or not they are going to exempt juveniles. And when they do, we'll be glad to come before the senators...and request an amendment to go ahead and exempt the juveniles. But at this time, we want to remain in compliant..So we left it at, you know,...to juveniles who are adjudicated for very severe and serious aggravated sexual assault crimes and I can only say that.... the crimes committed in our juvenile community at this point, do not fall within that scope.

**SENATOR MUNA-BARNES:** Well, if the, if the decision from Pres. Obama or United States, as US Laws...supersedes Guam's Law..say that...Couldn't there be a provision added to this, without violating the compliance of this legislation, saying that... in the event that Supreme Court Decision comes down, then Guam will comply accordingly.. so that you don't have to comeback here? Could that be added without violating this because earlier you said that...if I

guess,..if we don't do it like this.. and we don't make any major changes...we might not be in compliant..right?

**Carol Sanchez:** Right.

**SENATOR MUNA-BARNES:** And so...I am just wanting to make sure that if a decision is made based on the pending cases that Guam..I guess... work, you know, adjust accordingly to alleviate..the process of having to do that...And maybe during that time period... falsely put..a...defender or on what have you...

I mean I'm just looking, protecting the rights...because ...that due process being afforded...to those that may fall in that criterion...especially with minors..

**Carol Sanchez:** At this present time, though, and we had that discussion... at this present time...it's required that they register ..if they are...if they commit those severe aggravated assault crimes. And the only source we added on it... had we not added it on, they would be treated like adults. In the previous legislation...there wasn't any ....section that distinguish between adult offenders or juvenile offenders. And that's a big problem because now, everything with the juveniles who commits a crime...I mean..a CSC.or you know ... child pornography...or pornography...would be subjected to it..because it didn't have..it didn't have.. the section that explains the juvenile offenders are not..cannot be treated like adults...The only requirements of juveniles who have sex adjudication that need to register...you know, it's specifies...them in this .....so I think you know we're...and us keeping it there...we're and the laws, changing Federally. it's not gonna..it's not gonna compromise because....they set the bottom cap...and we can go higher up...

So, you know, if the legislature say...we want the juveniles to register...especially if their charged as adults. You know, at least that provisions are in here. So you know, they set the bottom cap..and we can go higher...so them changing it to exempt juveniles, is not going to compromise the current legislation...or us, ....being in compliance...And we're are still in compliance....we have just higher standards..

**SENATOR MUNA-BARNES:** Than theirs?

**Carol Sanches:** Yes, than theirs.

**SENATOR MUNA-BARNES:** Thank you.

**CHAIRMAN:** Thank you, Sen Barnes.. Any comments, questions, Senators, if not...? Speaker Won Pat, I'm sorry, please proceed.

**SPEAKER WON PAT:** Thank you very much, Mr. Chairman. When I was reading the Bill and I came across page 22, where you're going to require that all sex offenders register., and one of the information that if it's a minor, then it says that School information then.. must be provided as to where the child is...say a students or what school, institution, higher ed, or trade schools and all that.

Is there anything in the Burne Funding that can be used to conduct an awareness type of a program, maybe even it's a part of play by the rules...Where children are actually told of this..because... some of them may think... as they're innocent ..in their act...maybe they've seen it outside or at home...and now, they're here in school or...only now they're to be marked..branded for the rest of their lives..



So is there any kind of Funding that would be used to address those?

**Ms Leon Guerrero:** I think there are several grants out there, that they are used for the education of their children...we have Stop Violence against Women, we have Stop program... I think that makes funds available for educational efforts.

And there's also Project Safe Neighborhood..that money also goes out with their educational process..so they're getting out there into the community..Under Edward Burne, we do fund Healing Hearts, and there's a Community Education Component that we have been funding over the years of Healing Hearts. They go out into the schools and to the community to educate people, especially about the Crimes Violence Against Women and Children.

So those are areas that we've been funding. Something here...that's very specific to this. No ,we don't have anything..that's specific..Under Burne, we would not be able to...direct dollars towards something so specific..But I can say, we have been targeting dollars to the Healing Hearts and its education component..as well as their friends, its Science Components...working over victims. So, we've been trying to provide resources that way.

**Mr. Basil Malan:** If I could add, Madam Speaker, although there's no specific funding that I am aware of for providing these various sources you're just mentioning. I will say that the office of the Atty. General is very active in doing public outreaches, I know, Ms. Hinkle Sanchez, has gone out there and talked to various groups. I personally make it a point to go to as many schools as I can, if they let me come in..I go into what whatever students I can talk to ..quite simply, there's no special funding for that..I have enough works, anything I can do to try to reduce that...that's why, I take it a personal effort or I make it a personal effort...to speak to students and this gonna come out..in the next Bill about Sexting, to make them aware as much as possible that what they do...has very dire consequences.... where it's going to draft down to what Ms. Hinkle Sanchez was talking about juvenile offenders. A lot of the kids out there...don't know that, you know..if you're a junior in school and you start of a relationship with a freshmen in school...that's a violation of the law...because normally a freshmen will be about 13 yrs of age and that and that's total ,..there's no excuse for someone who is 16 and getting involve in the sexual relationship with someone who is 13 and although the 16 year old will think. "Oh,.I am fine and I'm good...You know I am a student here..in school..and you're the freshman..and you know, we're in love.."Unfortunately, the laws are very clear on that...If there's any penetration involve, that's a first degree criminal sexual conduct offense, that's a first degree felony..and there's no "However"...and it's quite drastic..We try to find ways to work with that..and in our charging documents...But that's a first degree felony and that's automatic certification as an adult. And there's very little rigor room for that...and that's why I address students at school just to make them aware of this "That you're junior..or you just say, You're 16..and even you're freshman..it doesn't matter"..And if you're 16 and the other party is 13, that's a first degree felony..And that's why we make it a very conservative effort to do..our outreaches as many schools as we can..and just address to the public..and make them aware of that fact...

**SPEAKER WON PAT:** Thank you. Also, in several section you were talking it to,. there's a discussion on the Military Offenses...Can... can ...Is it offenses, of course, specified by the Secretary of National Defense and/or a conviction?..Now, you know, when we first heard of the Military Build-up and the primary outcry by the women in Okinawa..was you know.. Crimes against Women and Young Girls and because they are in foreign country...and I assume, they enter the base...then, their foreign courts aren't able them to try them and convict them.In cases like these, though, that somehow...there is

I mean, I guess..there's just only be a conviction..and how then, will this be applicable to some of the service members then who may have been either convicted there and ,,but..would they then or is their a record on that...or how do you access that information?

**Carol Sanchez:** There actually is.....and the statutes is clear. It's not only military conviction there...but we do have Burne convictions. Burne conviction, of course, if it's held in their kind court of law..and

its jurisdictions, especially foreign jurisdictions.. have different type of ways...their court systems or their judicial systems run, but, if it's handled in a manner that meets the standard of SONA, then, they're required to register as well. And so the federal convictions, we noted it here,...and as I mentioned it's comparable to and the reason we didn't pinpoint it, is because the military convictions have their own type of categorization of crimes and so if it's comparable to any level of offense that would be where they would be categorized...and the military conviction would be comparable to the Federal Offense. that would be a Level 1. So, you know, it's basically, they would be mandated to report to the court and once they report..they would be categorized to that level or to whatever..or to Tier 1..

Based on the crime they committed.....

**SPEAKER WON PAT:** You're just going to leave it to them to base their report, for themselves to register. You want to be able to access any information elsewhere. I mean outside, of course, the United States and the territories?...

**Carol Sanchez:** The military, it's mandatory and we've been working also with the military personnel. Aside from our local counterparts, it's also the US Marshalls Office that we actually have discussions with, and the FBI Office, and also Military counterparts. I believe that our audience is getting attuned with the requirements...and so, they know that they're mandated to report...under the Registry

**SPEAKER WON PAT:** But on...well, I then read the whole thing of course..but...

**Mr.Basil O. Malan:** If I could read, Senator, you know the interesting one in the work I've done, especially working with the Military in this area..They take a very strong position, if one of their members commit any of the acts..we've discussed in hereThat person is no longer to remain in the military...where it gets a little tricky here..And that's why we're trying to work with the military...and their dependents..Where, you know, the military member is no longer allowed to remain in the active duty service...Because he goes to serve his sentence and then he will be dishonorably discharged. The tricky one is , the dependent of a military member..

and that I could not.. honestly I cannot tell you of ..my understanding is..We're working with Ms. Hinkle Sanchez and with the Federal Offices...that's all in composed in the legislation...because that's one of the things we want to cover,...and make sure that the known was slipping into their loopholes as people move from jurisdictions to jurisdictions..regardless of their status..

**SPEAKER WON PAT:** On page 8, where you have foreign offenses and these are those convicted of sex offenses and other similar laws of other foreign countries and it states specifically like Canada, the United Kingdom, Australia, New Zealand..But, we've heard of many minors being used in this sex industry and yet, we cannot know of these countries are... how then are we able to or your office is, able then to tract these individuals to ensure that they do register when they come to Guam? Because they don't have similar laws some of this are actually trying to promote this?

How are we going to protect the community? I mean.. you would think as you know...because or which countries they are...or a kind of a red flag would come up for those particular countries where there are these sex trades or happenings on primarily young girls, minors?

**Carol Sanchez:** Generally, if they perform those sex of crimes and it's Interstate I would think that, you know, that the jurisdictions like Guam or the US ..where it's occurring, would be the one charging out the case. The US District Atty. General Office would be, you know, the one charging this Interstate crimes.

**Mr. Malan:** The problem , we run into, Madam Speaker, is, if a Foreign Country, and I recognize the countries that are probably in your mind are not specifically listed here. If the United States does not have some kind of recognition and I don't want to use the word- Treaty or of their Protocol....between United States and Foreign country, you know we have., we're bound to that..How we gonna tract someone who comes in...from a country not specifically listed.I cannot answer that, I am sorry...

**Carol Sanchez:** I think, its, and I gonna point it out..There is the Or. There are 2 fronts..One to be Foreign...The second part leaves that open and I believe that as we continue to move towards getting compliance, with the rest of the jurisdictions and maybe their plan to look out to this other jurisdictions, to get them to be a part of this system..because it says or under the laws of any foreign country or when the United States...you know, Department and its country , reports...and so I think, you know,...as we move towards and we see that these are elevated into certain areas, and maybe there's something that...where we can talk to themabout...and see whether or not they can work out with some type of understanding with the other jurisdictions or foreign jurisdiction. I know its going to leave that open..those sections No 2...

**Mr. Basil Malan:** Right. You know that if I could add..The irony is..my understanding in talking to the people from the Federal Office..is. it's not so much, in most of the countries...have..most of the foreign countries...have some kind of agreements with the United States under Human Rights Practices where it is stated here in the Bill.

The concern is more with the countries that have gender specific offenses that are targeted to, you know..and they made it appear to make it a crime... a woman to commit a crime but it's not a crime or the mechanism is the same...and we want to make sure that... those kind of gender specifics, I call them biased laws... do not come in into this provision. And that's why, they mention that here...and they want to make sure that...it's a fair law..it's a fair law that has been implemented in the country..

**SPEAKER. WON PAT:** One last question, is that because of the impending military build-up...there's going to be a need to bring in 20,000 laborers. And in our discussion, in the Legislature, we were talking about..what are we going to do at least..health wise..is to try to screen of these individuals..., you know, for communicable diseases..have you considered a recommendation as well that may be... even a screening if release...screening again for any sex crime, before anyone of these workers, should come on island.?

**Mr. Basil Malan:** Behind this scene, that would come under the Immigration.

**CHAIRMAN:** If I can add to that the discussion, I know, you mentioned about, Health Care Screening..as a matter of fact..there was dialogue that was initiated last week..between public health officials as well as the Committee and the Office..and we're working on the Legislation

that would address the health component to ensure that these individuals are or who would come in this island with any communicable diseases...or anything to that effect ..and it would originate that their side of their origination or their homeland and then to be reassessed... so to speak,... once they enter Guam. So the health care component is addressed...but I don't know that if reached.... we're not discussing the component about sexual CSC.

**Mr. Basil Malan:** I have not particularly done any immigration law...in many..many years.. But I know at one time...and I assume that the laws are still there. When anyone applies to any kind of visa to come in to the United States..and Guam..there's a criminal check or a crime check to make sure...that they do not bring any record..and I'm going to assume that they're still a part of the immigration requirements..

**SPEAKER WON PAT:** Thank you..

**CHAIRMAN:** Thank you very much Madam Speaker. Senators.

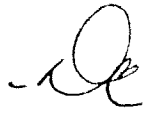
**CHAIRMAN:** There being no further questions by Senators, **Chairman Aguon declared the Bill as having been duly heard, and adjourned the public hearing on Bill No. 428-30 (COR).** However, written testimony would continue to be accepted for a period of ten (10) days, and pending the completion and closure of the Committee Report.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Economic Development, Health and Human Services, and Judiciary, finds that the passage of Bill No. 428-30 (COR), is in the public interest in that it provides a proven means of tracking and monitoring sex offenders in our community.

No substantive or technical amendments were made to Bill No. 428-30 (COR).


The Committee on Economic Development, Health & Human Services, and Judiciary, hereby reports out **Bill No. 428-30 (COR)**, with the recommendation to PASS.

2010 JUN 22 PM 3:49 

I MINA'TRENTA NA LIHESLATURAN GUAHAN  
2010 (SECOND) Regular Session

Bill No. 428-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr.  
Frank B. Agnon, Jr. 

AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9  
OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM  
SEX OFFENDER REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Guam's Sex Offender Registry statute is in need of changes in order to strengthen its provisions and close certain gaps within the law. *I Liheslatura* further finds that the Supreme Court of the United States has determined that *due process* rights (Connecticut Dept. of Public Safety v. John Doe, et al., 538 U.S. 1 (2003)) and the *ex post facto* clause in the U.S. Constitution (Delbert W. Smith and Bruce M. Botelho v. John Doe I, et al., 538 U.S. 84 (2003)) are not violated by requiring those already convicted of criminal sexual conduct *or* of a crime against a victim who is a minor before the enactment of Sex Offender Registry laws, to register with the Guam Sex Offender Registry. *I Liheslatura* also finds that the crime of criminal sexual conduct and crimes committed against children are serious problems on our island, and persons convicted of these crimes may be a danger to the people of our community. *I Liheslatura* further finds that in order to protect our community, most particularly our children from sex offenses, especially violent sex offenses, the Guam Sex Offender Registry Law must be strengthened.

It is the intent of *I Liheslatura* to update the Guam Sex Offender Registry requirements and notification program and to require *all* those convicted of criminal sexual conduct *or* of a crime against a victim who is a minor, to register with the Guam Sex Offender

1 Registry in order to increase the awareness of our community and our nation about  
2 dangerous individuals released into the community. *I Liheslatura* hopes that such  
3 awareness will assist in the prevention of future sex offenses and alert the community of  
4 such dangers.

5 In an attempt to bring Guam's Sex Offender Registry and Notification System into  
6 substantial compliance with the Federal Mandates of Title I of Public Law 109-248, of the  
7 Adam Walsh Act, Sex Offender Registration Notification Act (SORNA), and in light of  
8 the review and recommendations provided by the Office of Sex Offender Sentencing,  
9 Monitoring, Apprehending, Registering and Tracking in United States Department of  
10 Justice (SMART Office) relating to Guam's SORNA compliance packet concluding that  
11 Guam has not yet substantially implemented SORNA, it is the intent of *I Liheslatura*  
12 *Guahan* that in order for Guam to substantially implement SORNA these amendments of  
13 Guam's current Sex Offender Registry and Notification System are necessary.

14 **Section 2.** Chapter 89 of Title 9 (as amended by Public Law 29-30) of the Guam  
15 Code Annotated (G.C.A.) is hereby *amended* to read as follows:

16  
17  
18 **“CHAPTER 89**

19 **CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY**

20 **§ 89.01. Definitions.** As used in this Chapter:

21 (a) *Minor* means a person below the age of eighteen (18) years.

22 (b) *Criminal offense against a victim who is a minor* means any criminal offense  
23 that consists of any of the following:

24 (1) felony kidnapping, felonious restraint, felony child stealing, and custodial  
25 interference, as defined and punished in Chapter 22 of Title 9 of the G.C.A,  
26 *Kidnapping, and Related Offenses*, when the victim is a minor;

1 (2) promoting prostitution, abetting prostitution, compelling prostitution, as  
2 defined and punished in Article 1 of Chapter 28 of Title 9 of the G.C.A.,  
3 *Prostitution*, when the individual committing *or* engaging in prostitution is a  
4 minor;

5 (3) participation in obscenity, use of one's own child in obscene acts, indecent  
6 exposure, photography of minors' sexual acts, as defined and punished in  
7 Article 2 of Chapter 28 of Title 9 of the G.C.A., *Obscenity and Related*  
8 *Offenses*, when a minor is employed *or* used;

9 (4) criminal sexual conduct, as defined and punished in Chapter 25 of Title 9 of  
10 the G.C.A., *Sexual Offenses*, when the victim of the crime is a minor; or

11 (5) any attempt to commit, solicitation to commit, *or* conspiracy to commit the  
12 crimes stated in paragraphs (1) to (4) of this subsection (b), in violation of  
13 Chapter 13 of Title 9 of the G.C.A.

14 (c) *Criminal sexual conduct* refers to violations defined and punished under  
15 Chapter 25 of Title 9 of the G.C.A., *Sexual Offenses*, and any violations of  
16 similar federal laws *or* laws of other states, territories *or* tribes.

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

20 (1) *Sexually violent offenses*. A sexually violent offense is defined as any  
21 criminal offense which includes the following:

22 (A) criminal sexual conduct involving sexual penetration *or* sexual  
23 contact where the actor causes personal injury to the victim and  
24 either of the following circumstances exists:

25 1. force *or* coercion is used to accomplish the sexual  
26 penetration *or* sexual contact; or

1                   2.     the actor knows *or* has reason to know that the victim is  
2                   mentally defective, mentally incapacitated *or* physically  
3                   helpless.

4                   (B) criminal sexual conduct involving sexual penetration *or* sexual  
5                   contact where the actor is aided *or* abetted by one (1) *or* more  
6                   other persons and either of the following circumstances exists:

7                   1.     force *or* coercion is used to accomplish the sexual  
8                   penetration *or* sexual contact; or

9                   2.     the actor knows *or* has reason to know that the victim is  
10                  mentally defective, mentally incapacitated *or* physically  
11                  helpless.

12                  (C) criminal sexual conduct involving sexual penetration *or* sexual  
13                  contact where the actor is armed with a weapon *or* any article  
14                  used *or* fashioned in a manner to lead the victim to reasonably  
15                  believe it to be a weapon;

16                  (D) criminal sexual conduct involving sexual penetration *or* sexual  
17                  contact which occurs under circumstances involving the  
18                  commission of another felony; or

19                  (E) criminal sexual conduct involving a victim under fourteen (14)  
20                  years of age.

21                  (2) *Guam Offenses.*

22                  (A) any convictions under local laws relating to 9 G.C.A. §16.30;

23                  (B) any convictions under local laws relating to 9 G.C.A. §22.20,  
24                  wherein the victim of such crime is a minor;

25                  (C) any convictions under local laws relating to 9 G.C.A. §22.30;



- 1 (D) any convictions under local laws relating to 9 G.C.A. §22.40,  
2 wherein the victim of such crime is a minor;
- 3 (E) any convictions under local laws relating to 9 G.C.A. §22.50,  
4 wherein the victim of such crime is a minor;
- 5 (F) any convictions under local laws relating to 9 G.C.A. §25.15;
- 6 (G) any convictions under local laws relating to 9 G.C.A. §25.20;
- 7 (H) any convictions under local laws relating to 9 G.C.A. §25.25;
- 8 (I) any convictions under local laws relating to 9 G.C.A. §25.30;
- 9 (J) any convictions under local laws relating to 9 G.C.A. §25.35;
- 10 (K) any convictions under local laws relating to 9 G.C.A. §28.20  
11 wherein the victim of such crime is a minor
- 12 (L) any convictions under local laws relating to 9 G.C.A. §28.25  
13 wherein the victim of such crime is a minor
- 14 (M) any convictions under local laws relating to 9 G.C.A. §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 9 G.C.A. §28.50;
- 18 (P) any convictions under local laws relating to 9 G.C.A. §28.51;
- 19 (Q) any convictions under local laws relating to 9 G.C.A. §28.52,  
20 wherein the victim of such crime is a minor;
- 21 (R) any convictions under local laws relating to 9 G.C.A. §28.65;
- 22 (S) any convictions under local laws relating to 9 G.C.A. §28.80,  
23 wherein the victim of such crime is a minor;
- 24 (T) any convictions under local laws relating to 9 G.C.A. §31.15;
- 25 (U) any convictions under local laws relating to 9 G.C.A. §70.35;

1 (V) any convictions under local laws relating to 9 G.C.A.  
2 §89.01(b)(1); or

3 (W) any convictions under local laws relating to 9 G.C.A.  
4 §89.01(b)(3); and any other offenses under Guam law relating to a  
5 criminal offense wherein there is an element involving:

- 6 1. a sexual act or sexual contact with another, regardless  
7 of the age of the victim;
- 8 2. non-parental kidnapping of a minor; non-parental false  
9 imprisonment of a minor;
- 10 3. solicitation to engage a minor in sexual conduct;
- 11 4. use of a minor in a sexual performance;
- 12 5. solicitation of a minor to practice prostitution;
- 13 6. video voyeurism of a minor;
- 14 7. possession, production, or distribution of child  
15 pornography;
- 16 8. criminal sexual conduct involving a minor; or
- 17 9. use of the internet to engage a minor in criminal sexual  
18 conduct.

19 (3) *Convictions from Other Jurisdictions.* Any conviction for any sex  
20 offense committed in any jurisdiction that is comparable to any sex offense as defined in  
21 42 U.S.C. §16911(5) or §89.01(b), (c), or (d) of this code. In addition, any conviction for  
22 any sex offense committed in any jurisdiction that involves:

- 23 (A) Any type or degree of genital, oral, or anal penetration;
- 24 (B) Any sexual touching of or sexual contact with a person's body,  
25 either directly or through the clothing;
- 26 (C) Kidnapping of a minor;

- 1 (D) False imprisonment of a minor;
- 2 (E) Solicitation to engage a minor in sexual conduct understood
- 3 broadly to include any direction, request, enticement, persuasion,
- 4 or encouragement of a minor to engage in sexual conduct;
- 5 (F) Use of a minor in a sexual performance;
- 6 (G) Solicitation of a minor to practice prostitution;
- 7 (H) Possession, production, or distribution of child pornography;
- 8 (I) Criminal sexual conduct that involves physical contact with a minor
- 9 or the use of the internet to facilitate or attempt such conduct. This
- 10 includes offenses whose elements involve the use of other persons
- 11 in prostitution, such as pandering, procuring, or pimping in cases
- 12 where the victim was a minor at the time of the offense; or
- 13 (J) Any conduct that by its nature is a sex offense against a minor.

14 (4) *Federal Offenses*. A conviction for any of the following, and any other

15 offense hereafter included in the definition of “sex offense” at 42 U.S.C.

16 §16911(5):

- 17 (A) 18 U.S.C. §1591;
- 18 (B) 18 U.S.C. §1801;
- 19 (C) 18 U.S.C. §2241;
- 20 (D) 18 U.S.C. §2242;
- 21 (E) 18 U.S.C. §2243;
- 22 (F) 18 U.S.C. §2244;
- 23 (G) 18 U.S.C. §2245;
- 24 (H) 18 U.S.C. §2251;
- 25 (I) 18 U.S.C. §2251A;
- 26 (J) 18 U.S.C. §2252;

- 1 (K) 18 U.S.C. §2252A;
- 2 (L) 18 U.S.C. §2252B;
- 3 (M) 18 U.S.C. §2252C;
- 4 (N) 18 U.S.C. §2260;
- 5 (O) 18 U.S.C. §2421;
- 6 (P) 18 U.S.C. §2422;
- 7 (Q) 18 U.S.C. §2423;
- 8 (R) 18 U.S.C. §2424; or
- 9 (S) 18 U.S.C. §2425.

10 (5) *Military Offenses*. Any military offense as specified by the Secretary of  
11 Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (Title 10  
12 U.S.C. §951 note) or listed under 10 U.S.C. §920 that is similar or  
13 comparable to any sex offense as defined in §16911(5) or outlined in  
14 §89.01(b), (c) or (d) of this code.

15 (6) *Foreign Offenses*. Any foreign convictions wherein the registrant was  
16 convicted of any of the sex offenses specified in §89.01(b), (c) or (d) of  
17 this code or any other similar laws of any foreign country. A foreign  
18 conviction is not a sex offense for the purposes of this code unless it was  
19 either: (1) obtained under the laws of Canada, the United Kingdom,  
20 Australia, New Zealand; or (2) under the laws of any foreign country  
21 when the United States State Department in its Country Reports on  
22 Human Rights Practices has concluded that an independent judiciary  
23 generally or vigorously enforced the right to a fair trial in that country  
24 during the year in which the conviction occurred.

25 (7) *Juvenile Offenses or Adjudications*. Any conviction of a sex offense as  
26 defined in §89.01(g)(2).

1 (8) *Exemptions to Registry Requirements.* An offense involving consensual  
2 sexual conduct is not a sex offense for the purpose of this code if the  
3 victim was an adult, unless the adult was under the custodial authority of  
4 the offender at the time of the offense, or if the victim was at least 13  
5 years old and the offender was not more than four (4) years older than  
6 the victim.

7 (e) The terms *sexual penetration* and *sexual contact* have the same meaning as  
8 *sexual penetration* and *sexual contact* in Chapter 25 of Title 9 of the G.C.A.

9 (f) The term *sex offender* refers to persons convicted of a sex offense as defined in  
10 §89.01(d).

11 (g) *Conviction.*

12 (1) Adult Conviction. The term *conviction* refers to each separate charge to  
13 which the offender either voluntarily pleads guilty and such guilty plea  
14 has been accepted by the Court, whether in a single hearing *or* in  
15 separate hearings, *or* is found guilty by a trier of fact, whether the  
16 charges are contained in one (1) indictment, *or* separate indictments.  
17 This term includes convictions based on pleas of *nolo contendere* and  
18 guilty pleas entered pursuant to *North Carolina v. Alford*, 400 U.S. 25  
19 (1970). An adult sex offender is “convicted” for the purposes of this  
20 code if the sex offender has been subjected to penal consequences based  
21 on the conviction, however the conviction may be styled.

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

24 (A) Prosecuted and found guilty as an adult for any sex offense,  
25 including those juveniles convicted through the certification  
26 process in 19 G.C.A. §5106; or

1 (B) Is adjudicated delinquent as a juvenile for a sex offense, but only  
2 if the juvenile is at least 14 years of age or older at the time of the  
3 offense, and the sex offense adjudicated was one that is  
4 comparable to or more severe than the federal crime of  
5 “*aggravated sexual abuse*” (as described in either (a) and (b) of  
6 section 2241 of Title 18 of the U.S.C.), or was an attempt or  
7 conspiracy to commit such an offense, which is noted in 9 G.C.A.  
8 § 25.15 subsections (a) (4) (i) or (ii), (a)(5), (a)(6), and (a)(7); and  
9 9 G.C.A. § 25.20 (a)(4) (i) or (ii), (a)(5), (a)(6), and (a)(7).

10 (3) *Foreign Conviction.* A foreign conviction is one obtained outside of the  
11 United States.

12 (h) *Intimate Parts.* For purposes of this code, the term “intimate parts” is defined to  
13 include the primary genital area, groin, inner thigh, buttock or breast of a human  
14 being.

15 (i) The terms *employed* and *carries on a vocation* include employment that is full-  
16 time *or* part-time for a period of time exceeding fourteen (14) days, *or* an  
17 aggregate period of time exceeding thirty (30) days during any calendar year,  
18 whether financially compensated, on a volunteer basis *or* for the purpose of  
19 government *or* educational benefit.

20 (j) *Employee.* The term “employee” when used in this code includes, but is not  
21 limited to, an individual who is self-employed or works for any other entity,  
22 regardless of compensation. Volunteers of any agency or organization are  
23 included with the definition of employee for registration purposes.

24 (k) The term “*student*” when used in this code, and when referring to any sex  
25 offender who is required to register under this act, who is enrolled in or attends  
26 either a private or public education institution, including a secondary school,

1 trade or professional school, or an institution of higher education, including  
2 those who are currently enrolled in the school or institution, but are performing  
3 internship, externships or apprentices at an agency or organization under the  
4 supervision of a school program.

5 (l) The term *institution of higher education* means post secondary school.

6 (m) The term *law enforcement agency* means any so designated agency on Guam,  
7 including, but *not limited to*, the Guam Police Department, the Jose D. Leon  
8 Guerrero Commercial Port Police, the Parole Services Division of the  
9 Department of Corrections, the Judiciary of Guam, Probation Division, the U.S.  
10 Probation Office, the U.S. Marshal's Service, the Conservation Office of the  
11 Department of Agriculture, the A. B. Won Pat International Airport Authority  
12 Police, the Office of the Attorney General – Prosecution and Family Divisions,  
13 the Judiciary of Guam Marshals Division, the Air Force Office of Special  
14 Investigations, the Naval Criminal Investigation Section, the Coast Guard  
15 Criminal Investigation Section, the United States Army Criminal Investigation  
16 Division, and other criminal investigators of the United States Government. As  
17 Guam does not have recognized law enforcement Campus Police in Guam's  
18 institution of higher education, the Guam Police Department is the recognized  
19 law enforcement agency with jurisdiction over Guam's institution of higher  
20 education.

21 (n) The term *court* means the Superior Court of Guam, Judiciary of Guam, District  
22 Court of Guam, or Island Court of Guam.

23 (o) The term *community* refers to the entire territorial boundaries of Guam.

24 (p) The term *registrant* refers to persons required to register under this code and is  
25 used interchangeably throughout this code with the word "sex offender".

- 1 (q) The term *change in enrollment or employment status* means the commencement  
2 or termination of enrollment or employment or a change in location of  
3 enrollment or employment.
- 4 (r) The term *resides* means, with respect to an individual, the location of the  
5 individual's home or any other place where the individual habitually lives or  
6 sleeps regardless of whether there is no fixed home or address in the  
7 jurisdiction, so long as the individual lived in the jurisdiction for at least 30  
8 days.
- 9 (s) For the purposes of this code, a "resident" includes any individual who either  
10 resides within Guam or who otherwise owns any real property within Guam in  
11 fee or trust regardless of its location on Guam, who is employed within Guam  
12 or employed by a corporation or organization whose primary business address is  
13 on Guam, or who is a student or attends an educational program within Guam,  
14 or who files their yearly income taxes on Guam.
- 15 (t) The term *jurisdiction* refers to any of the following:
- 16 (1) A State
  - 17 (2) The District of Columbia
  - 18 (3) The Commonwealth of Puerto Rico
  - 19 (4) Guam
  - 20 (5) American Samoa
  - 21 (6) The Northern Mariana Islands
  - 22 (7) The United States Virgin Islands
  - 23 (8) To the extent provided and subject to the requirements of 42 U.S.C.  
24 §16927, a federally recognized Indian tribe.
- 25 (u) *Immediate*. The term *immediate* or *immediately* when used in this code means  
26 within three (3) working days.



1 (v) *Imprisonment*. The term *imprisonment* or *imprisoned* refers to incarceration  
2 pursuant to a conviction regardless of the nature of the institution in which the  
3 offender serves the sentence. Sex Offenders under “house arrest” following any  
4 conviction for any offense are required to register pursuant to the provisions of  
5 this code during the period of “house arrest”.

6 (w) *This Code*. The term *this code* refers to the sex offender registration and  
7 community notification system established in Chapter 89 of the G.C.A.

8 (x) *Sex Offender*. The term *sex offender* refers to any person convicted of an  
9 offense listed in 89.01(b), (c) or (d).

10 **§ 89.02. Classification of Offenders.**

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

14 (1) A *Sexually Violent Offense* as defined in §89.01(d)(1);

15 (2) *Guam Offenses*: Any conviction under the following statutes and all of  
16 their subsections:

17 i. 9 G.C.A. §16.30;

18 ii. 9 G.C.A. §22.20, wherein the victim of such crime is a minor;

19 iii. 9 G.C.A. §22.40, wherein the victim of such crime is a minor;

20 iv. 9 G.C.A. §22.50, wherein the victim of such crime is a minor;

21 v. 9 G.C.A. §25.15, except for a conviction under §25.15(2);

22 vi. 9 G.C.A. §25.20, except for a conviction under §25.20(2);

23 vii. 9 G.C.A. §25.25;

24 viii. 9 G.C.A. §28.49;

25 ix. 9 G.C.A. §28.51;

26 x. 9 G.C.A. §31.15; or

1 xi. 9 G.C.A. §70.35.

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

4 i. 18 U.S.C. §2241;

5 ii. 18 U.S.C. §2242; or

6 iii. 18 U.S.C. §2244.

7 (4) *Military Offenses*. Any offense specified by the Secretary of Defense  
8 under section 115(a)(8)(c)(i) of Public Law 105-119 (codified at 10  
9 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C.  
10 §920 that is similar or comparable to those offenses outlined in  
11 §89.02(a)(1), (2), (3) or (5).

12 (5) *Other Offenses*. Any offense in any jurisdiction or foreign country  
13 which involves:

14 i. non-parental kidnapping of a minor;

15 ii. a sexual act with another by force or threats;

16 iii. a sexual act with another who has been rendered unconscious or  
17 involuntarily drugged, or who is otherwise incapable of appraising  
18 the nature of the conduct or declining to participate; or

19 iv. sexual contact with a minor under 14 years of age or younger,  
20 including offenses that cover sexual touching of or contact with  
21 the intimate parts of the body, either directly or through the  
22 clothing; or

23 v. is similar or comparable to those offenses outlined in §89.02(a)(1)  
24 or (2).

1 (6) *Recidivism.* Any sex offense that is punishable by more than one year in  
2 prison where the offender has at least one prior conviction for an offense  
3 listed in §89.02(b), or has previously become a Level Two Offender.

4 (b) *Level Two Offender.* Any person *not* otherwise classified as a Level One  
5 Offender who is convicted of any of the following offenses, including a  
6 conviction for an attempt or conspiracy to commit any of the following  
7 offenses, shall be considered a Level Two Offender:

8 (1) *Guam Offenses*

9 i. Generally. Any conviction for:

- 10 1. criminal sexual conduct involving two (2) *or* more  
11 victims;
- 12 2. two (2) *or* more separate criminal sexual conduct  
13 offenses;
- 14 3. a criminal offense against a victim who is a minor,  
15 involving two (2) *or* more minors;
- 16 4. two (2) *or* more separate criminal offenses against a  
17 victim who is a minor; or
- 18 5. one (1) *or* more separate criminal sexual conduct  
19 offense and one (1) *or* more separate criminal offense  
20 against a victim who is a minor.

21 ii. Specific Offenses: Any conviction under the following  
22 statutes and all of their subsections:

- 23 1. 9 G.C.A. §28.20, wherein the victim of such crime is a  
24 minor;
- 25 2. 9 G.C.A. §28.25, wherein the victim of such crime is a  
26 minor;

1                               3.     9 G.C.A. §28.30, wherein the victim of such crime is a  
2    minor;

3                               4.     9 G.C.A. §28.52, wherein the victim of such crime is a  
4    minor; or

5                               5.     9 G.C.A. §28.80, wherein the victim of such crime is a  
6    minor.

7           (2) *Federal Offenses:*     Any conviction under the following statutes and  
8    all of their subsections:

9                               i.    18 U.S.C. §1591;

10                              ii.   18 U.S.C. §2243;

11                              iii.  18 U.S.C. §2244;

12                              iv.  18 U.S.C. §2251;

13                              v.   18 U.S.C. §2251A;

14                              vi.  18 U.S.C. §2252 (production or distribution of child  
15    pornography);

16                              vii. 18 U.S.C. §2252A (production or distribution of child  
17    pornography);

18                              viii. 18 U.S.C. §2260;

19                              ix.  18 U.S.C. §2421;

20                              x.   18 U.S.C. §2422(b); or

21                              xi.  18 U.S.C. §2423(a).

22           (3) *Military Offenses:*     Any offense specified by the Secretary of  
23    Defense under section 115(a)(8)( c)(i) of Public Law 105-119 (codified  
24    at 10 U.S.C. §951 note) or any other conviction of an offense under 10  
25    U.S.C. §920 that is similar or comparable to those offenses outlined in  
26    §89.02(b)(1), (2), (4).

1 (4) *Other Offenses*. Any offense in any jurisdiction or foreign country  
2 which involves:

- 3 i. the use of minors in prostitution, including solicitation;
- 4 ii. enticing a minor to engage in criminal sexual activity;
- 5 iii. sexual contact with a minor 14 years of age or older, whether  
6 directly or indirectly through the clothing, that involves the  
7 intimate parts of the body;
- 8 iv. The use of a minor in a sexual performance;
- 9 v. The production or distribution of child pornography; or
- 10 vi. is similar or comparable to those offenses outlined in  
11 §89.02(b)(1).

12 (5) *Recidivism*. Unless otherwise covered under §89.02(a)(6), any sex  
13 offense that is not the first sex offense for which an offender has been  
14 convicted and that is punishable by more than one year imprisonment.

15 (c) *Level Three Offender*. Any person *not* otherwise classified as a Level One  
16 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  
18 the following offenses, shall be considered a Level Three Offender.

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

- 21 i. 9 G.C.A. §22.30;
- 22 ii. 9 G.C.A. §25.15(2);
- 23 iii. 9 G.C.A. §25.20(2);
- 24 iv. 9 G.C.A. §25.25;
- 25 v. 9 G.C.A. §25.30;
- 26 vi. 9 G.C.A. §25.35;

1                   vii. 9 G.C.A. §28.50;

2                   viii. 9 G.C.A. §28.65;

3                   ix. 9 G.C.A. §89.01(b)(1);

4                   x. 9 G.C.A. §89.01(b)(3);

5                   xi. Any criminal sexual conduct offense not otherwise listed in  
6                   §89.02 (a), (b) or (c); or

7                   xii. Any criminal offense against a victim who is a minor not  
8                   otherwise listed in §89.02 (a), (b) or (c).

9                   (2) *Federal Offenses*. Any conviction under the following statutes and all of  
10                   their subsections:

11                   i. 18 U.S.C. §1801;

12                   ii. 18 U.S.C. §2252 (receipt or possession of child pornography);

13                   iii. 18 U.S.C. §2252A (receipt or possession of child pornography);

14                   iv. 18 U.S.C. §2252B;

15                   v. 18 U.S.C. §2252C;

16                   vi. 18 U.S.C. §2422(a);

17                   vii. 18 U.S.C. §2423(b);

18                   viii. 18 U.S.C. §2423(c);

19                   ix. 18 U.S.C. §2424; or

20                   x. 18 U.S.C. §2425;

21                   (3) *Military Offenses*. Any offense specified by the Secretary of Defense  
22                   under section 115(a)(8)( c)(i) of Public Law 105-119 (codified at 10  
23                   U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C.  
24                   §920 that is similar or comparable to those offenses outlined in  
25                   §89.02(c)(1), (2), (4).

1 (4) *Other Offenses.* Any offense in any jurisdiction or foreign country  
2 which involves:

- 3 i. false imprisonment of a minor;
- 4 ii. video voyeurism of a minor;
- 5 iii. possession or receipt of child pornography; or
- 6 iv. is similar or comparable to those offenses outlined in  
7 §89.02(c)(1).

8 **§ 89.03. Registration; Duty to Register.**

9 (a) *Persons Required to Register on Guam.* The following persons shall have  
10 the absolute duty to register on Guam at the Judiciary of Guam, Probation  
11 Division, register pursuant to this code:

12 (1) *Residents.* Any person who resides on Guam that has been or is  
13 hereafter convicted of a sex offense; and

14 (2) *Non-Residents.* Any person who is a non-resident who is on  
15 Guam for the purpose of being employed or as a student and has been  
16 or is hereafter convicted of a sex offense.

17 (b) *Registration Requirements; Information to be Registered.*

18 (1) *Registrants required to provide information.* All persons required  
19 to register shall provide all of the information detailed in this section  
20 to the Judiciary of Guam, Probation Division, and the Judiciary of  
21 Guam, Probation Division, shall obtain all of the information detailed  
22 in this section from any person required to register with Guam in  
23 accordance with this code and shall implement any relevant policies  
24 and procedures necessary to effectuate the intent of this code.

1 (2) *Digitized Format.* To the greatest extent possible, all information  
2 obtained under this code shall be maintained by the Judiciary of  
3 Guam, Probation Division, in a digitized format.

4 (3) *Sex Offender Registry Management System.* There is hereby  
5 established a Sex Offender Registry, which the Judiciary of Guam,  
6 Probation Division, shall maintain and operate pursuant to the  
7 provisions of this code, as amended. The sex offender registry shall  
8 be maintained in an electronic database by the Judiciary of Guam,  
9 Probation Division, and shall be in a form capable of electronic  
10 transmission. This sex offender registry may also be maintained in  
11 any other form in addition to the electronic database described above.

12 (4) *Provided by the Offender.* The following information must be  
13 registered and updated by any sex offender required to register under  
14 this code at the Judiciary of Guam, Probation Division, or at the  
15 designated agency assigned to manage the Sex Offender Registry  
16 Management System:

17 a. *Name, Date of Birth, Social Security Number.* All primary and  
18 given names, alias(es), nicknames, and pseudonyms to include  
19 ethnic and tribal names (regardless of the context in which  
20 they are used, actual date of birth and any purported dates of  
21 birth, and actual social security number and any purported  
22 social security numbers used, if any, and any other identifying  
23 factors;

24 b. *Residential and Physical Address.*



- 1 i. Current physical address and mailing address, or if the  
2 person is incarcerated, the address of the residence  
3 where the person will be residing immediately upon  
4 release and the mailing address the person plans to use  
5 immediately upon release;
- 6 ii. If a registrant does not have a fixed or definite address,  
7 then a specific name, description and the location of the  
8 place or places where the registrant habitually lives to  
9 include, but not limited to, information of a certain part  
10 of the city or village that is the registrant's habitual  
11 locale, a park or spot on the street where the registrant  
12 stations himself/herself during the day or sleeps at  
13 night, any shelters or temporary homeless shelters  
14 which the registrant circulates, or places of public  
15 buildings, restaurants, libraries, or other establishments  
16 that the registrant frequents;
- 17 iii. physical address and mailing address of any anticipated  
18 future residence or any residence of temporary lodging,  
19 wherein the offender leaves the current residence for  
20 seven days or more, including any land line telephone  
21 numbers of the anticipated future residence or  
22 temporary lodging, pagers or cellular/mobile numbers  
23 that the offender has access to or anticipates in having  
24 access to;

25 c. *Employment Information.* Employer name, employer's  
26 telephone numbers, physical address and mailing address of

1 current and/or anticipated employment, and if applicable,  
2 transient/day labor information. If the employment requires  
3 registrant to travel to different locales, then the registrant shall  
4 provide the specific names and addresses of the other locales;

5 d. *Photograph.* current photograph (paper records);

6 e. *School Information.* Name and address of any place where the  
7 sex offender is a student or will be a student, including the  
8 name and address of any secondary school, institution of  
9 higher education, trade school or professional school (public  
10 or privately owned), and enrollment status;

11 f. *Phone Numbers.* Any land line telephone numbers, pagers,  
12 cellular/mobile numbers, or any other designations used by the  
13 offender for purposes of routing or self-identification in  
14 telephonic communications, that the offender has access to or  
15 anticipates having access to;

16 g. *Vehicle Information.* The license plate number and description  
17 of any vehicle, which includes all land vehicles, aircrafts, or  
18 watercrafts, whether owned or operated for work or personal  
19 use, to include a description of the vehicle, its permanent or  
20 frequent location;

21 h. *Internet Identifiers.* Internet identifiers and all designations  
22 used by sex offenders for purposes of routing or self-  
23 identification in Internet communications or postings,  
24 including email addresses, instant messaging addresses or any  
25 other designation used in internet communication;

- 1 i. *Driver's License and Identification Card.* A photocopy of all  
2 valid driver's licenses or identification cards, if any, issued to  
3 the offender by any and all jurisdictions;
- 4 j. *Passport and Immigration Documents.* A photocopy of all  
5 passport and immigrations documents, if any, issued to the  
6 offender by any and all countries and jurisdictions;
- 7 k. *Professional Licensing Information.* Professional Licensing  
8 Information, to include all licensing in which the registrant has  
9 obtained or had previously obtained which authorizes the  
10 registrant to engage in an occupation or carry out a trade or  
11 business. This includes any information as to the name, place  
12 of employment and contact information as required in this  
13 section, as well as any organization or business wherein the  
14 professional license was obtained and to which the registrant  
15 is affiliated or has some financial stake in;
- 16 l. *International Travel.* Any intended travel plans or  
17 arrangements that the sex offender has, whether such travel is  
18 to an international jurisdiction or within the United States or  
19 its territories. The Offender shall provide such travel plans or  
20 arrangements at least 21 days in advance of such travel.  
21 Information provided by the sex offender shall include the  
22 destination and any other information requested by the  
23 Judiciary of Guam, Probation Office or the designated Guam  
24 agency in charge of managing the Sex Offender Registry; and
- 25 m. *Miscellaneous.* Any other information as may be deemed  
26 appropriate by the Judiciary of Guam, Probation Office or the

1 designated Guam agency in charge of managing the Sex  
2 Offender Registry.

3 (5) *Provided by Guam.* The Judiciary of Guam, Probation Office, or  
4 the designated agency that manages Guam's Sex Offender Registry in  
5 which the sex offender registers shall ensure that the following  
6 information is included in the Guam Sex Offender Registry for that  
7 sex offender:

8 a. *Physical Description.* a physical description of the offender,  
9 to include a written general physical description of the  
10 offender and any distinguishing physical characteristics or  
11 marks such as birthmarks, scars, moles, and tattoos, and its  
12 location on the offender. A photograph of any such  
13 distinguishing physical characteristics or marks should be  
14 included if possible, but is not required;

15 b. *Photograph.* current photograph of the offender (digitized  
16 form);

17 c. *Driver's License and Identification Card.* A photocopy of all  
18 valid driver's licenses or identification cards, if any, issued to  
19 the offender by any and all jurisdictions (digitized form);

20 d. *Passport and Immigration Documents.* A photocopy of all  
21 passport and immigration documents, if any, issued to the  
22 offender by any and all countries and jurisdictions (digitized  
23 form);

24 e. *Criminal History.* Criminal history, including the date of all  
25 arrests and convictions, the status of parole, probation, or

1 supervised release, registration status, all relevant information  
2 related to the underlying crime which triggered the registration  
3 requirements of this code, any sex offender registration status,  
4 and any outstanding arrest warrants;

5 f. *Treatment Documentation.* Documentation of any treatment,  
6 that the sex offender has completed, is currently undergoing,  
7 or wherein the sex offender has been ordered to attend and  
8 complete by any court on Guam, as defined under §89.01(n);

9 g. *Fingerprints and Palm Prints.* Fingerprints and palm prints;

10 h. *DNA Sample.* DNA sample of the offender;

11 i. *Text of Registration of Offense.* The text of the provision of  
12 law defining the criminal offense for which the sex offender is  
13 registered;

14 j. *Notice and Acknowledgement Form of Registration*  
15 *Requirements.* All sex offenders will sign and acknowledge a  
16 notice and acknowledgement form which shall provide  
17 information regarding the registration requirements and duties  
18 of sex offenders. The sex offender will be required to sign an  
19 acknowledgement that the information of the registration  
20 requirements have been provided upon their initial  
21 registration, and an original, photocopy, or electronic copy of  
22 the offender's notice form signed shall be made available on  
23 Guam's sex offender registry; and

24 k. *Miscellaneous.* Any other information as may be deemed  
25 appropriate by the Judiciary of Guam, Probation Division, or

1 the designated Guam agency in charge of managing the Sex  
2 Offender Registry.

3 (6) *Exemptions.*

4 a. *Federally Protected Witnesses.* Where the person required to  
5 register is a Federally protected witness, the person shall not  
6 be required to provide a photograph, alias(es), and original  
7 name, place of offense, date of birth, social security number or  
8 prior residence.

9 b. *Pardoned Convict or Conviction Reversed Upon Appeal.* The  
10 duty to register under this code shall not be applicable to any  
11 sex offender whose conviction was reversed upon appeal, or  
12 who was pardoned by I Maga'láhen Guåhan or who has been  
13 pardoned by the designated agency or individual of any  
14 jurisdiction as defined in this code.

15 (c) *Biological Samples.*

16 (1) Every person convicted in court of a criminal sexual conduct  
17 offense, or of a criminal offense against a victim who is a minor, shall  
18 provide a biological sample to the Guam Police Department for DNA  
19 profile information typing upon conviction.

20 (2) Every person who was convicted in court of a criminal sexual  
21 conduct offense or of a criminal offense against a victim who is a  
22 minor and is incarcerated on the effective date of this law shall  
23 provide a biological sample for DNA profile information no later  
24 than ninety (90) calendar days after the effective date of this law.

1 (3) Every person who was convicted in court of a criminal sexual  
2 conduct offense or of a criminal offense against a victim who is a  
3 minor and is released on parole or probation shall provide a  
4 biological sample for DNA profile information to the Guam Police  
5 Department at the time of that person's initial registration or within  
6 thirty (30) working days of initial registration.

7 (4) Every person required to register pursuant to §89.03 (i) and (ii)  
8 shall provide a biological sample to the Guam Police Department for  
9 DNA profile information at the time of that person's initial  
10 registration on Guam or within thirty (30) working days upon  
11 conviction.

12 (5) Intentional or knowing failure to provide a biological sample shall  
13 have the same penalty as a failure to provide initial registration  
14 information, which is a felony of the third degree as noted under  
15 §89.05(f).

16 (6) All biological samples for DNA profile information typing that is  
17 provided to the Guam Police Department pursuant to this subsection  
18 shall be submitted for analysis and entry of the resulting DNA profile  
19 into the Combined DNA Index System (CODIS).

20 (d) *Registration Requirements for Persons Required to Register Pursuant to*  
21 *§89.03(a); Initial Registration; Penalty.*

22 (1) *Registry Requirements for Sex Offenders, In General.* All  
23 persons required to register must register, and keep the registration  
24 current, in each jurisdiction where the offender resides, where the  
25 offender is an employee, and where the offender is a student.

1 (2) *Initial Registration, In General.* All sex offenders shall initially  
2 register:

- 3 a. Before completing a sentence of imprisonment with respect to  
4 the offense giving rise to the registration requirements, if the  
5 person is so incarcerated on or after the date of the enactment  
6 of this statute. Intentional or knowing failure to provide this  
7 information shall result in the delay of that person's release;
- 8 b. Not later than three (3) working days after being sentenced for  
9 that offense, if the sex offender is not sentenced to a term of  
10 imprisonment, if the person is sentenced on or after the date of  
11 the enactment of this statute;
- 12 c. Not later than the date the person is scheduled to be placed on  
13 probation. Intentional or knowing failure to provide this  
14 information by that date shall result in the revocation of the  
15 person's probation and shall make that person ineligible for  
16 probation;
- 17 d. Not later than three (3) working days after arrival on Guam;
- 18 e. If the registrant is on probation in another jurisdiction and that  
19 registrant's probation is to be transferred to Guam, then the  
20 Judiciary of Guam, Probation Division, may obtain the  
21 necessary information from the office of probation or parole of  
22 the jurisdiction from where the registrant came; said registrant  
23 is required to verify the registered information as required by  
24 this code *no later than* three (3) calendar days after the  
25 person's arrival on Guam.



1 (3) *Where a Person Identified as a Person Required to Register is on*  
2 *Supervised Parole or Probation at the Time of the Passage of This*  
3 *Law and Is Not Currently Registered.* Initial registration information  
4 must be provided to the Judiciary of Guam, Probation Division, Sex  
5 Offender Registry Management Office no later than ninety (90)  
6 calendar days after the effective date of this law. Intentional or  
7 knowing failure to register pursuant to this Subsection is a felony of  
8 the third degree, as noted under §89.05(a).

9 (4) *Where a Person Required to Register is No Longer Under the*  
10 *Supervision of Either Probation or Parole at the Time of the Passage*  
11 *of This Law and Is Not Currently Registered.* Sex offenders required  
12 to register pursuant to this code who fall within this category type  
13 shall have the absolute duty to report to and register with the  
14 Judiciary of Guam, Probation Division, Sex Offender Registry  
15 Management Office. Intentional or knowing failure to register  
16 pursuant to this subsection is a felony of the third degree, as noted  
17 under §89.05(a).

18 (5) *Conviction Jurisdiction.* Any person who has been or is convicted  
19 on Guam that is required to register under this code, but does not plan  
20 to reside in Guam, be employed on Guam, or register or enroll in a  
21 school on Guam, and upon release will reside in another jurisdiction,  
22 be employed or will be registering or enrolling in a school in another  
23 jurisdiction, shall still be required to register initially in Guam, and  
24 upon relocating to the other jurisdiction, the registrant shall be  
25 required to make an in-person registration appearance within three (3)

1 working days of commencing residence or employment in that  
2 jurisdiction.

3 (6) *Incarceration Jurisdiction.* Any person who has been convicted  
4 in another jurisdiction, other than in Guam, but the person will be  
5 released from custody of the conviction jurisdiction and released to  
6 the custody of Guam and incarcerated on Guam, such registrant, prior  
7 to the registrant being released from incarceration on Guam, shall be  
8 required to initially register in-person on Guam.

9 (e) *Registration Requirements; Frequency, Verification, Duration, and Reduction.*

10 (1) A registrant must verify their registration in person with the  
11 Judiciary of Guam, Probation Division, in the manner specified in  
12 this section. At each in-person verification the sex offender shall:

13 a. permit the Judiciary of Guam, Probation Division, to take a  
14 photograph of the offender, and

15 b. review existing information for accuracy and update, as  
16 necessary, any changes to existing registration information.

17 (2) *Level One Offender.* A person who is a level one offender shall  
18 verify the following registered information ninety (90) calendar days  
19 from the date of initial registration; and shall appear in person once  
20 every ninety (90) calendar days thereafter to verify and update their  
21 registration information for the rest of their lives. *If* the ninetieth  
22 (90<sup>th</sup>) day falls on a weekend *or* holiday, the registrant shall appear  
23 on the following working day.

24 (3) *Level Two Offender.* A person who is a level two offender shall  
25 verify the following registered information one hundred eighty (180)

1 calendar days from the date of initial registration; and shall appear in  
2 person once every one hundred eighty (180) calendar days thereafter  
3 to verify and update their registration information for the rest of their  
4 lives. *If* the one hundred eightieth (180<sup>th</sup>) day falls on a weekend *or*  
5 holiday, the registrant *shall* appear on the following working day.

6 (4) *Level Three Offender.* A person who is a level three offender  
7 *shall* verify the following registered information one (1) year from  
8 the date of the registrant's initial registration; and shall appear in  
9 person once every year thereafter to verify and update their  
10 registration information for fifteen (15) years. *If* the date the  
11 registrant is to verify falls on a weekend *or* holiday, the registrant  
12 *shall* appear on the following working day.

13 (5) If any new information or change in information is obtained at an  
14 in-person verification, the Judiciary of Guam, Probation Division,  
15 shall immediately notify:

- 16 a. All other jurisdictions in which the sex offender is required to  
17 register of the information or change in information; and
- 18 b. The Guam Police Department;
- 19 c. Any other appropriate governmental agency as determined by  
20 the Judiciary of Guam, Probation Division.

21 (f) *Keeping The Registration Current.* A sex offender who is a resident of  
22 Guam shall:

- 23 (1) not later than three (3) working days after each change of name,  
24 residence, employment, student status, or termination of residence,  
25 appear in person at the Judiciary of Guam, Probation Division, and

1 inform the Judiciary of Guam, Probation Division of all changes in  
2 the information required for that sex offender in the sex offender  
3 registry. *If* a registrant anticipates moving from Guam, that registrant  
4 *shall* register in person his intended place of residence with the  
5 Judiciary of Guam, Probation Division, *no later than* three (3)  
6 calendar days before his departure from Guam; and

7 (2) not later than three (3) working days after each change in  
8 temporary lodging information, vehicle information, internet  
9 identifiers, or telephone numbers, immediately notify the Judiciary of  
10 Guam, Probation Division, and inform the Judiciary of Guam,  
11 Probation Division, of all changes in the information required for  
12 that sex offender in the sex offender registry.

13 (3) The Judiciary of Guam, Probation Division, shall immediately  
14 provide the updated information via electronic forwarding to:

- 15 a. All other jurisdictions in which the sex offender is required to  
16 register;
- 17 b. The Guam Police Department; and
- 18 c. Any other appropriate governmental agency as determined by  
19 the Judiciary of Guam, Probation Division.

20 (g) *Registration Requirement; Guam Residents Who are Employed, Carry on a*  
21 *Vocation, or are Students in Another Jurisdiction.* A person who is  
22 required to register on Guam and who is employed, carries on a vocation, or  
23 is a student in another jurisdiction *shall* also register in that other jurisdiction  
24 pursuant to the registration requirements of that jurisdiction.

1 (h) *Registration Requirement; Sex offenders Who Move to Another Jurisdiction.*

2 When a sex offender who is required to register on Guam anticipates  
3 moving to another jurisdiction, that registrant *shall* report the change of  
4 address to the Judiciary of Guam, Probation Division, pursuant to the  
5 requirements of this code, *and* comply with any registration requirement of  
6 the new jurisdiction.

7 **§ 89.04. Duration of Registration**

8 A registrant *shall* continue to comply with this code, *except* during ensuing periods of  
9 incarceration, for the following period of time:

10 (a) *Lifetime; Level One and Level Two Offenders.* A Level One  
11 Offender or Level Two Offender must comply with this code for the  
12 length of that person's life.

13 (b) *Fifteen (15) Years; Level Three Offenders.* A Level Three  
14 Offender must comply with this code for a period of fifteen (15)  
15 years from the date of that person's initial registration.

16 (c) *Where Conviction Reversed, Vacated or Set Aside or Where*  
17 *Registrant Pardoned.* Notwithstanding subsections (a) and (b) of  
18 this section, where the underlying conviction is reversed, vacated *or*  
19 set aside, *or if* the person is pardoned of the crime which triggered the  
20 registration requirement of this code, registration is no longer  
21 required.

22 (d) *Tolling of Registration Requirement.* *If* a registrant is re-  
23 incarcerated for violations of release conditions imposed in the same  
24 crime, *or* for the commission of another crime, *or* the registrant is  
25 civilly committed, *or* if the registrant leaves to a foreign country and

1 informs the Judiciary of Guam, Probation Division, then the period of  
2 registration is tolled and remains tolled until the registrant's  
3 subsequent release *or* arrival in another jurisdiction. Thereafter, the  
4 registrant *shall* recommence and continue registering for the  
5 remaining period of time the registrant is required to register.

6 § 89.05. Penalties.

7 (a) *Initial Registration.* Intentional *or* knowing failure to provide initial  
8 registration information *shall* delay the registrant's release *if* the registrant is to  
9 be released, *or* make the registrant ineligible for probation *if* the registrant is to  
10 be placed on probation. Intentional *or* knowing failure to provide initial  
11 registration information is a felony of the third degree.

12 (b) *Verification.* The failure to verify registered information is a felony of the third  
13 degree. A second *or* subsequent failure to so register is a felony of the second  
14 degree. Failure of a probationer *or* parolee to so register may result in sanctions  
15 pursuant to Title 8 GCA §80.66 and Title 9 GCA §80.82, *respectively*.

16 (c) *Address Changes.* A registrant's failure to register the registrant's new physical  
17 and mailing address within three (3) calendar days of any change of physical  
18 and mailing address is a felony of the third degree. A second *or* subsequent  
19 failure to so register is a felony of the second degree. Failure of a registrant  
20 who is a probationer *or* parolee to so register may result in sanctions pursuant to  
21 Title 9 GCA §80.66 and Title 9 GCA §80.82, *respectively*.

22 (d) *False Information.* Intentionally and knowingly providing false information  
23 during initial registration *or* subsequent verification is a felony of the second  
24 degree.

1 (e) *Enrollment or Employment at an Institution of Higher Education.* A registrant's  
2 failure to update enrollment *or* employment at an institution of higher education  
3 *or* termination of such enrollment *or* employment at an institution of higher  
4 education with the Judiciary of Guam, Probation Division, within three (3)  
5 calendar days of any change would constitute a failure to register *or* keep such  
6 registration current and is a felony of the third degree.

7 (f) *Failure to Provide Biological Sample.* Intentional *or* knowing failure to  
8 provide biological samples for DNA profile information to the Guam Police  
9 Department pursuant to this code is a felony of the third degree.

10 **§ 89.06. Failure to Appear for Registration, Absconding and Failure to Register**

11  
12 (a) *Failure to Appear.* In the event a sex offender fails to register on Guam as required  
13 by this code, then the Judiciary of Guam, Probation Division, or designee shall  
14 immediately inform the jurisdiction that provided notification that the sex offender  
15 was to commence residency, employment, or school enrollment on Guam, and that  
16 the sex offender failed to appear for registration.

17 (b) *Absconded Sex Offenders.* If the Judiciary of Guam, Probation Division, or its  
18 designee receives information that a sex offender has absconded, then the Judiciary  
19 of Guam, Probation Division, shall make an effort to determine if the sex offender  
20 has actually absconded.

21 i. In the event that no determination can be made, the Judiciary of  
22 Guam or designee shall ensure that the Guam Police Department and  
23 other local law enforcement agencies are notified so that a proper  
24 investigation may be conducted.

25 ii. If the information indicating the possible absconding came through  
26 notice from another jurisdiction or federal authorities, the other

1 jurisdiction or the federal authorities shall be informed that the sex  
2 offender failed to appear and register.

3 iii. If an absconded sex offender cannot be located by the Guam Police  
4 Department after the matter had been forwarded for investigation,  
5 then the Guam Police Department shall inform the Judiciary of  
6 Guam, Probation Division, and the Judiciary of Guam, Probation  
7 Division, shall take the forthcoming steps:

8 1. Update the registry to reflect the sex offender has absconded  
9 or is otherwise not capable of being located;

10 2. Notify the U.S. Marshals;

11 3. If all legal requirements are met to obtain a federal warrant of  
12 arrest, then the U.S. Marshals Service or the Federal Bureau of  
13 Investigations may be contacted in an attempt to obtain a  
14 federal warrant for the sex offender's arrest;

15 4. Update the National Sex Offender Registry (NSOR) to reflect  
16 the sex offender's status as an absconder, or is otherwise not  
17 capable of being located; and

18 5. Enter the sex offender into the National Crime Information  
19 Center Wanted Persons File.

20 iv. *Failure to Register.* In the event a sex offender who is required to  
21 register due to their employment or school attendance status fails to  
22 do so or otherwise violates a registration requirement of this code,  
23 then the Judiciary of Guam, Probation Division, shall take all  
24 appropriate follow-up measures including those outlined in the above  
25 section. The Judiciary of Guam, Probation Division, shall first make



1 an effort to determine if the sex offender is actually employed or  
2 attending or enrolled in school within its jurisdiction.

3  
4 **§ 89.07. Duties of the Department of Corrections and the Parole Services and**  
5 **Probation Division, of the Judiciary of Guam; Initial Registration.**

6 *If a registrant is placed on parole or placed on probation, or prior to the registrant being*  
7 *released from incarceration, the Department of Corrections, the Parole Services Division,*  
8 *or the Judiciary of Guam, Probation Division, shall:*

9 (a) inform the registrant of the duty to register;

10 (b) ensure that the sex offender completes his/her initial registration pursuant to this  
11 code;

12 (c) require the registrant to read and sign a form stating that the registrant's duty to  
13 register under this code has been explained;

14 (d) forward information described in (c) above to the Judiciary of Guam, Probation  
15 Division, within three (3) calendar days after receipt thereof;

16 (e) ensure any registration information is promptly made available to the Judiciary of  
17 Guam, Probation Division; and

18 **§ 89.08. Duties of the Guam Police Department.**

19  
20 The Guam Police Department *shall:*

21  
22 (a) inform all persons required to register under this code of their duty to register;

23 (b) require any person required to register under this code who has not yet provided his  
24 *or her* initial registration information to read and sign a form stating the registrant's  
25 duty to register under this code has been explained;

1 (c) forward information described in (b) above to the Judiciary of Guam, Probation  
2 Division, within three (3) calendar days after receipt thereof;

3 (d) collect a biological sample for DNA profile information from the offender as  
4 required in this code and submit the sample to the Federal Bureau of Investigation  
5 within twenty-four (24) hours of collection and to any local entity that may be  
6 Guam's central repository for DNA;

7 (e) collect and keep records of fingerprints and palm prints from the registrant and also  
8 distribute cards containing such prints to the Judiciary of Guam, Probation  
9 Division, to submit such fingerprints and palm prints to the Federal Bureau of  
10 Investigation within twenty-four (24) hours of collection and to any local entity that  
11 may be Guam's central repository for fingerprints or palm prints.

12 **§ 89.09. Duties of the Judiciary of Guam.**

13  
14 (a) *Repository.* The Judiciary of Guam *shall* be the central repository for all  
15 registration information gathered pursuant to this code, in addition to all criminal  
16 history records information.

17 (b) *Sole Source of Submission of Information to the Federal Bureau of*  
18 *Investigation (FBI) and the National Crime Information Center (NCIC).* The  
19 Judiciary of Guam, Probation Division, *shall* enter all registration information into  
20 the NCIC system and National Sex Offender Registry (NSOR) *no later than* three  
21 (3) working days after receipt of such information. The Judiciary of Guam,  
22 Probation Division, *shall* forward the fingerprints and palm prints to the FBI for  
23 inclusion in the appropriate databases.

24 (c) *Notification of Local Law Enforcement Agencies Regarding Changes of Address;*  
25 *Relocation from Guam.* Upon receipt of information that the registrant is  
26 anticipated to relocate from Guam to another jurisdiction, the Judiciary of Guam,

1 Probation Division, *shall* immediately notify the jurisdiction to which the  
2 registrant is relocating and *shall* transmit the address of the registrant's anticipated  
3 residence to the FBI *no later than* three (3) working days of receipt of such  
4 information.

5 (d) *Notification of FBI Regarding Changes of Address.* Upon receipt of information  
6 that the registrant is *or* has changed residence within Guam, *or* is anticipated to  
7 relocate from Guam to another state, territory *or* tribe, the Judiciary of Guam,  
8 Probation Division, *shall* transmit the new address to the FBI *no later than* three  
9 (3) working days after receipt of such information.

10 (e) *Release of Information.* The Judiciary of Guam, Probation Division, *shall* ensure  
11 that all of the registrant's information that is required to be released under this code  
12 is properly and timely released.

13 (f) *Fees.* The Judiciary of Guam, Probation Division, is authorized to collect  
14 reasonable registration fees from registrants. Such fees *shall* be used for the  
15 maintenance and support of the sex offender registration and notification program.  
16 One hundred percent (100%) of the fee paid by the registrant *shall* be given to the  
17 Judiciary of Guam, Probation Division.

18 **§ 89.10 Duties of the Judiciary of Guam in managing the Sex Offender Registry**

19 The Judiciary of Guam *shall*:

20 (a) supervise, upkeep, and maintain the Crimes Against Minors and Sex Offender  
21 Registry;

22 (b) inform the registrant of his/her registration duties under this code;

23 (c) ensure that any person required to register under this code has read and signed a  
24 form stating that the registrant's duty to register under this code has been  
25 explained;

- 1 (d) receive and obtain initial registration and registration verification information  
2 from all persons required to register under this code, and enter such information  
3 into the Sex Offender Registry database;
- 4 (e) supervise the release of verified information, as required in this code;
- 5 (f) perform all other duties necessary to ensure the proper maintenance of the Sex  
6 Offender Registry and to ensure that all registrants comply with their  
7 registration duties as set out in this code; and
- 8 (g) publish, every year, a notification in any publication of general circulation  
9 informing all persons required to register pursuant to this code of their duty of  
10 register. Such notification *shall* include, but is *not limited to*, the following:
- 11 a. the provision requiring the duty to register;
- 12 b. the provision stating the information that is required to be registered;
- 13 c. the physical address of location in which persons required to register  
14 must report to;
- 15 d. the provisions stating the penalties for failure to register; and
- 16 e. the contact information and name of the person from whom persons  
17 required to register can receive further information regarding registration  
18 requirements.
- 19 (h) *Local Appropriations to Fund Sex Offender Registry. I Liheslaturan Guahan*  
20 shall hereby appropriate a reasonable amount from the General Fund as part of  
21 the budget of the respective agency who is assigned to implement, maintain,  
22 and operate the Sex Offender Registry. Such budget shall be used by the  
23 respective agency for the implementation, maintenance, and support of the Sex  
24 Offender Registration and Notification Program.

1    **§ 89.11 Notification**

2           (a) *Public Sex Offender Registry Website.* There is hereby established a public sex  
3           offender registry website, which the Judiciary of Guam, Probation Division,  
4           shall maintain and operate pursuant to the provisions of this code, as amended.

5           (b) *Functionality.* The Judiciary of Guam, Probation Division, *shall*, within the  
6           Public Sex Offender Registry Website, provide for:

7                 a. a searchable database of all Sex Offenders that shall have the capability  
8                 of conducting searches by (a) name, (b) county, city and/or town, and (c)  
9                 zip code and/or geographic radius;

10                b. a mechanism to allow visitors to subscribe, through an electronic mail (e-  
11                mail) address, to notification of any updates *or* changes made to the Sex  
12                Offender Registry;

13                c. links, to the extent practicable, to sex offender safety and education  
14                resources;

15                d. instructions on how to seek correction of information that an individual  
16                contends is erroneous; and

17                e. a warning that information on the site should not be used to unlawfully  
18                injure, harass, *or* commit a crime against any individual named in the  
19                registry *or* residing *or* working at any reported address, and such  
20                warning *shall* note that any such action could result in civil *or* criminal  
21                penalties.

22           (c) *Dru Sjodin National Sex Offender Public Website.* The Judiciary of Guam,  
23           Probation Division, shall include in the design of its website all field search  
24           capabilities needed for full participation in the Dru Sjodin National Sex

1 Offender Public Website and shall participate in that website as provided by the  
2 Attorney General of the United States.

3 (d) *Information on the Public Sex Offender Registry Website.* The following  
4 information shall be made available to the public on the sex offender registry  
5 website:

- 6 a. Notice that an offender is in violation of their registration requirements  
7 or cannot be located if the sex offender has absconded;
- 8 b. All sex offenses for which the sex offender has been convicted, which  
9 should include the text of the registration offense;
- 10 c. The sex offense(s), including the text of the registration offense, for  
11 which the sex offender is currently registered;
- 12 d. The address of the sex offender's employer;
- 13 e. The name of the sex offender including all aliases, nicknames,  
14 pseudonyms, and tribal or ethnic names;
- 15 f. A current photograph of the sex offender;
- 16 g. A physical description of the sex offender;
- 17 h. The residential address, and if relevant, a description of a habitual  
18 residence of the sex offender;
- 19 i. All addresses of schools in which the sex offender attends or is enrolled  
20 in; and
- 21 j. The sex offender's vehicle license plate number along with a description  
22 of the vehicle;

23 (e) *Prohibited Information.* The following information shall not be available to the  
24 public on the sex offender registry website:

- 1 a. Any arrest that did not result in conviction;
- 2 b. The sex offender's social security number;
- 3 c. Any travel and immigration documents;
- 4 d. The identity of the victim; and
- 5 e. Any Internet Identifiers.

6 (f) *Victims.* The identity of the victim *or* any information that may identify the  
7 victim is strictly prohibited under this code.

8 (g) *Re-incarceration.* In the event that a registrant is re-incarcerated for any reason,  
9 the information that the registrant is re-incarcerated, and the reason(s) for such  
10 re-incarceration, *shall* be released to the community.

11 (h) *Method of Release of Information.* The Judiciary of Guam, Probation  
12 Division, *shall* maintain the Public Sex Offender Registry Website and it *shall*  
13 be updated immediately after a registrant registers, *or* updates registered  
14 information. The community *shall* have access to the Sex Offender Registry  
15 Web Page. The Judiciary of Guam, Probation Division, *shall* transmit a notice  
16 of any updates to registration information concerning any sex offender to the  
17 Guam Public School System, the Guam Community College, the University of  
18 Guam, the Department of Administration, the Department of Labor & Agency  
19 for Human Resource Development, the Department of Public Health & Social  
20 Services, the Department of Youth Affairs, Child Protective Services Agency,  
21 the Office of the Attorney General, all public and private schools, day care  
22 centers, victim shelters and victim advocates, within three (3) calendar days  
23 with the information in which such registration information can be found. The  
24 Judiciary of Guam, Probation Division, may transmit such information and  
25 fulfill the requirement of this section by use of an email notification system

1 described in §89.10(j), below. The Judiciary of Guam, Probation Division,  
2 may transmit any information concerning all sex offenders directly to the media  
3 for dissemination.

4 (i) *Law Enforcement Notification.* Whenever a sex offender registers or updates  
5 his or her information with Guam, the Judiciary of Guam, Probation Division,  
6 shall:

7 a. Immediately notify the FBI or other federal agency as designated by the  
8 Attorney General in order that the information may be updated on the  
9 National Sex Offender Registry (NSOR) or other relevant database;

10 b. Immediately notify any agency, department, or program with Guam  
11 responsible for criminal investigation, prosecution of child welfare, or  
12 sex offender supervision functions, which will include the Guam Police  
13 Department, Child Protective Services, Office of the Attorney General,  
14 and the Judiciary of Guam, Probation Division;

15 c. Immediately notify any and all other registration jurisdictions where the  
16 sex offender is registered due to the sex offender's residency, school  
17 enrollment or employment;

18 (j) *Community Notification.* The Judiciary of Guam, Probation Division, shall  
19 ensure there is an automated community notification process in place that  
20 ensures the following:

21 a. Upon a sex offender's registration or update of information with Guam,  
22 Guam's public sex offender registry website is immediately updated  
23 within (3) working days;

24 b. Guam's public sex offender's registry has a function that enables the  
25 general public to request email notices that will notify the person



1            requesting such information when a sex offender commences residence,  
2            employment or school enrollment on Guam, within a specified zip code,  
3            or within a certain geographic radius. This email notice shall include the  
4            sex offender's identity so that the public can access the public registry  
5            for the new information.

6            (k) *Verification of Names on Sex Offender Registry.* Entities within the government  
7            of Guam may request the Judiciary of Guam, Probation Division, to verify the  
8            identities of individuals registered on the Sex Offender Registry for the  
9            purposes of employment.

10           (l) *Notice of Change.* The Judiciary of Guam, Probation Division, *shall*, upon  
11           passage of this code, provide for education to the community through a notice  
12           to the public of changes made by this code requiring all convicted sex offenders  
13           to register with the Sex Offender Registry. Such education may include,  
14           sending of information to local schools, notice in a publication of general  
15           circulation, notices to various local media entities, and actively promoting  
16           safety through and awareness of the Guam Sex Offender Registry.

17           **§ 89.11 Immunity for Good Faith Conduct.** Law enforcement agencies, their  
18           employees and government of Guam officials *shall* be immune from any civil *or* criminal  
19           liability for good faith conduct under this code, *unless* it is shown that the agency,  
20           employee, government official *or* board member acted with gross negligence *or* in bad  
21           faith.



**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature*

**PUBLIC HEARING DATE / TIME:** Tuesday, September 14, 2010, 9:00am

**AGENDA ITEM: BILL NO. 428-30 (COR) – A.B. PALACIOS, SR.**

AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY.

NAME (PRINT)	SIGNATURE	AGENCY OR ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT #
✓ Basil O'Malley	<i>[Signature]</i>	AGO	✓		✓		
✓ Carol Hunkle Sanchez	<i>[Signature]</i>	ABO	✓		✓		
<del>_____</del>							
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**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY**  
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AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY.

NAME (PRINT)	SIGNATURE	AGENCY OR ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT #
Mackie Leon Guerrero		BSF					



**COMMITTEE ON RULES**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR  
RORY J.  
RESPICIO  
CHAIRPERSON**

**SENATOR  
Judith P. Guthertz  
VICE  
CHAIRPERSON**

**MAJORITY  
MEMBERS:  
Judith T. Won Pat  
SPEAKER**

**Benjamin J. F. Cruz  
VICE SPEAKER**

**Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY**

**Thomas C. Ada  
SENATOR**

**Frank B. Aguon, Jr.  
SENATOR**

**Adolpho B. Palacios, Sr.  
SENATOR**

**Vicente C. Pangelinan  
SENATOR**

**MINORITY  
MEMBERS:**

**Frank F. Blas, Jr.  
SENATOR**

**James V. Espaldon  
SENATOR**

June 21, 2010

**VIA FACSIMILE**  
(671) 472-2825

**Ms. Bertha Duenas**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes – Bills No. 428-30 (COR)  
and 429-30(COR)**

*Hafa Adai* Ms. Duenas:

Transmitted herewith is a listing of *I Mina' Trenta na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

  
Rory J. Respicio

*Attachment*

2010 JUN 23 AM 10:51

*I Mina'Trenta Na Liheslaturan Guåhan*

**Bill Log Sheet**

**June 22, 2010**

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B428-30 (COR)	A. B. Palacios, Sr.	An act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.	6/22/10 3:49 p.m.						

**RECEIVED**  
6-22-10

*Pep Paglia*

MESSAGE CONFIRMATION

JUN-23-2010 10:27 AM WED

FAX NUMBER : 4772240  
NAME : GNF

NAME/NUMBER : 4722825  
PAGE : 3  
START TIME : JUN-23-2010 10:27AM WED  
ELAPSED TIME : 00' 24"  
MODE : STD ECM  
RESULTS : [ O.K ]



COMMITTEE ON RULES

*I Mina Trenta na Libeslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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Thomas C. Ada  
SENATOR

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SENATOR

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SENATOR

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SENATOR

MINORITY  
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Frank F. Blas, Jr.  
SENATOR

James V. Espaldon  
SENATOR

June 21, 2010

VIA FACSIMILE  
(671) 472-2825

Ms. Bertha Duenas  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes - Bills No. 428-30 (COR)  
and 429-30(COR)

Hafa Adai Ms. Duenas:

Transmitted herewith is a listing of *I Mina Trenta na Libeslaturan Guåhan*'s most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachment

*Rec'd 6/23/10  
by Galea*



**COMMITTEE ON RULES**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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SENATOR**

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SENATOR**

**Vicente C. Pangelinan  
SENATOR**

**MINORITY  
MEMBERS:**

**Frank F. Blas, Jr.  
SENATOR**

**James V. Espaldon  
SENATOR**

June 23, 2010

**MEMORANDUM**

**To: Pat Santos**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

**Subject: Referral of Bills No. 428-30(COR) through 430-30(COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 428-30(COR) through 430-30(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

*Si Yu'os Ma'åse'!*

(1) Attachment

2010 JUN 24 AM 8:51

*I Mina'Trenta Na Liheslaturan Guåhan*

**Bill Log Sheet**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b>
B428-30 (COR)	A. B. Palacios	An act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.	6/22/10 3:49 p.m.	6/23/10	Committee on Economic Development, Health and Human Services, and Judiciary			
B429-30 (COR)	T. C. Ada	An act to amend §26404 of Chapter 26, Title 11 Guam Code Annotated to eliminate the tax exemption on liquid fuels transshipped through Guam, and to create an environmental risk mitigation fund.	6/22/10 4:45 p.m.	6/23/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B430-30 (COR)	J. T. Won Pat, Ed.D, v. c. pangelinan, T. R. Muna Barnes	An act to appropriate the sum of One Hundred Forty-One Thousand Dollars from the General Fund for FY 2011 to the Guam Election Commission to pay for prior year's obligation.	6/23/10 11:00 a.m.	6/23/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			





**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

September 03, 2010

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MEMORANDUM**

**TO: Honorable Senators/Committee Members**  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM: SENATOR FRANK B. AGUON, JR.**  
*Chairman*

**SUBJECT: FIRST NOTICE – NOTICE OF PUBLIC HEARING**  
**Tuesday, September 14, 2010 – 9:00 am**

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, September 14, 2010, 9:00 am** in the Guam Legislature's Public Hearing Room.

Please see the attached Agenda for the public hearing. Should you have any questions, please contact Mr. Ron Teehan from my office.

*Un dangkulo' na Si Yu'os Ma'ase'.*

Attachment

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

## FIRST NOTICE OF PUBLIC HEARING P.H. NOTICES X

from: Frances Lizama <lizama.frances@gmail.com> [View details: 12:58 PM \(3 hours ago\)](#) [Reply](#)

to: "SPKR WON PAT, Judi" <speaker@judiwonpat.com>,  
 "VICE SPKR CRUZ, Benjamin J F." <senadotbjcruz@gmail.com>,  
 "SEN ADA, Thomas C." <tom@senatorade.org>,  
 "SEN BLAS, Frank F., Jr." <frankblasjr@gmail.com>,  
 "SEN ESPALDON, James V." <senator@espaldon.com>,  
 "SEN ESPALDON, James V." <senjm@ta.net>,  
 "SEN GUTHERTZ, Judith P." <judguthertz@pticom.com>,  
 "SEN MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,  
 "SEN PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,  
 "SEN PANGELINAN, Ben" <senbenp@guam.net>,  
 "SEN RESPLICIO, Rory J." <roryforguam@gmail.com>,  
 "SEN ADA, Tony" <senatorTonyada@guamlegislature.org>,  
 "SEN TAITAGUE, Telo" <senatorTelo@gmail.com>,  
 "SEN CALVO, Eddie J.B." <senecalvo@gmail.com>,  
 "SEN TENORIO, Ray" <ray@raytenorio.com>

cc: "CAMACHO, Jimmy" <jcamacho@senatorade.org>,  
 "GILLHAM, Juliette" <office@senatorade.org>,  
 "LUHR, Cyrus" <cyrus@senatorade.org>,  
 "SANTOS, Nicole" <nsantos@senatorade.org>,  
 "SUNGA, Jay" <ajsunga@senatorade.org>,  
 "ATALIG, Louise A." <louise\_atalig@yahoo.com>,  
 "CASTRO, James P." <jamespcastro@gmail.com>,  
 "FEJERAN, Mary C." <maryfejeran@gmail.com>,  
 "SAYAMA, Mark" <saysama01@yahoo.com>,  
 "ALONSO, Maya" <maya@guamlegislature.org>,  
 "BLAS, Jon" <jonnetwork2010@gmail.com>,  
 "CRUZ, Jose Jr." <josecruzjr17@yahoo.com>,  
 "LG, Peter" <peterlg@gmail.com>,  
 "LIDIA, Mike" <mike.lidia9@gmail.com>,  
 "MATANANE, Tammy" <tmatanane@yahoo.com>,  
 "ODOCA, Chns" <oodoca@gmail.com>,  
 "DUENAS, Mona" <mona.duenas@gmail.com>,  
 "ROBERTO, Phil" <roberto.phil@gmail.com>,  
 "MUNA, Rose" <ramuna@yahoo.com>,  
 "TUPAZ, Robert" <rob.tupaz@gmail.com>,  
 "WYTTENBACH-SANTOS, Richard" <doc.wytenbachsantos@gmail.com>,  
 rikeke05@gmail.com,  
 "BAUTISTA, Ana" <anaaleah@yahoo.com>,  
 "BRECHT, Chelsea Muna" <cmunabrecht@guamlegislature.org>,  
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 "McDONALD, Elaine" <andrasgndma@yahoo.com>,  
 "BURGOS, Fried" <fburgos@gmail.com>,  
 "CEPEDA, Patrick" <patrickcepeda@hotmail.com>,  
 "CRUZ, Priscilla" <pjcruz@yahoo.com>,  
 "DIAZ, Jonathan" <jonbdiaz@gmail.com>,  
 "CIPOLLONE, Lea" <cipo@guamlegislature.org>,  
 "HILLS, Denick" <denickhills@live.com>,  
 "OKADA, Angelica" <ackada@guamlegislature.org>,  
 "MENDIOLA, Stephanie" <sem@guamlegislature.org>,  
 "OKADA, Tina" <tineokada@gmail.com>,  
 "PHILLIPS, Bill R." <billrps@guamlegislature.org>,  
 "TAJALLE, Elaine V." <elainevll@gmail.com>,  
 "BLAS, Roland" <roland@judiwonpat.com>,  
 "DEFENSOR, Sahara" <sahara@judiwonpat.com>,  
 "DUARTE, Mark" <mark@judiwonpat.com>,  
 "TORRES, Frank B." <fbtomes@judiwonpat.com>,  
 "LEE, Edward G." <teddyta2\_222@yahoo.com>,  
 "PEREZ, Mike" <mjperez48@yahoo.com>,  
 "GOGUE, Elaine" <eggogue@hotmail.com>,  
 "UNPINGCO, Joy" <joyunpingco@gmail.com>,  
 "CEPEDA, Mermee" <mermee@raytenorio.com>,  
 "EVARISTO, Jessica" <jessica@raytenorio.com>,  
 "LG, Phillip" <phil@raytenorio.com>,  
 "LG, Joe - Sgt-at-Arms" <jolemelo2008@yahoo.com>,  
 "PAK, Yong - MIS" <yong@guamlegislature.org>,  
 "QUITUGUA, Tony - Protocol/Reproduction" <tq@guamlegislature.org>,  
 "UNSIOG, Tom - Protocol/AV" <tunsiog@guamlegislature.org>,  
 "LG, Joe - Sgt-at-Arms" <sgtarms@guamlegislature.org>,  
 "MEW, Elvy" <emew@guamlegislature.org>,  
 "PEREZ, Daniel" <dperez@guamlegislature.org>,  
 "PEREZ, Rennee" <rennee@guamlegislature.org>,  
 "SANTOS, Pat" <psantos@guamlegislature.org>,  
 "TERLAJE, Flo" <fterlaje@guamlegislature.org>,  
 "TERLAJE, Therese" <tterlaje@guam.net>

date: Fri, Sep 3, 2010 at 12:58 PM  
 subject: FIRST NOTICE OF PUBLIC HEARING  
 mailed-by: gmail.com

Hafa Adel to All.  
 Please see attached First Notice of Public Hearing from Senator Frank B. Aguon, Jr. Please see memo for details.

*Un dangkulo' ne Si Yu'os Ma'ase', and have a great day.*

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671 969 1495/6  
 Fax: 671 969 1497



# SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina' Trenta Na Liheslaturan Guåhan*  
(Thirtieth Guam Legislature)



## PRESS RELEASE

FOR IMMEDIATE RELEASE

September 06, 2010

### NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, Public Law 24-109, relative to notice for public meetings, let this serve as **5-days Notice** for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

**DATE: TUESDAY, SEPTEMBER 14, 2010**  
**TIME: 9:00 am**  
**PLACE: Guam Legislature's Public Hearing Room**

Please see attached Agenda for the listing of Bills which will be heard on this day.

Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

#### MEDIA DISTRIBUTION: (fax, email or hand delivery)

KUAM TV/Radio	637-9870 •	K-Stereo / KISH	477-6411 •
News Talk K57 / Power98	477-3982 •	KPRG News	734-2958 •
PDN	477-3079 •	KGTF	734-3476 •
PNC News	477-0793 •	Adventist Radio	565-2983 •
Marianas Variety	648-2007 •	Harvest Radio	477-7136 •
Marianas Media / Guam News Center	478-6402 •	Joy 92FM	477-4678 •
Hit Radio 100	472-7663 •		

#####

NOTE: Blocked calls are not displayed on this report.  
For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Sep 2	5:01PM	Received	4723510 6714723589	0:25	2	OK
Sep 2	5:48PM	Received	4723510 6714723589	0:19	1	OK
Sep 2	9:20PM	Received	4723510 6714723589	0:20	1	OK
Sep 3	12:40PM	Fax Sent	6482007	0:37	0	Error 387
Sep 3	1:14PM	Fax Sent	6379870	1:32	2	OK
Sep 3	1:16PM	Fax Sent	4773982	0:00	0	Cancel
Sep 3	4:04PM	Fax Sent	7345910	0:11	0	Cancel
Sep 3	4:05PM	Fax Sent	7345910	1:04	2	OK
Sep 3	4:07PM	Fax Sent	4724036	1:00	2	OK
Sep 5	8:07PM	Received	6717873885	0:45	0	No fax
Sep 7	8:57AM	Received	6714724036	0:33	1	OK
Sep 7	9:11AM	Fax Sent	6379870 - KUAM TV/RADIO	1:27	2	OK
Sep 7	9:13AM	Fax Sent	4773982#4773079#4770	1:21	1	Error 350
Sep 7	9:15AM	Fax Sent	4773982	1:21	1	Error 350
Sep 7	9:18AM	Fax Sent	4773079 - PDN	1:13	2	OK
Sep 7	9:21AM	Fax Sent	4770793 - PNC NEWS	1:00	2	Error 405
Sep 7	9:29AM	Fax Sent	6482007 - MARIANAS VARIETY	1:03	2	OK
Sep 7	9:31AM	Fax Sent	4786402 - MARMEDIA / GNC	1:15	2	OK
Sep 7	9:34AM	Fax Sent	4727663 - HIT RADIO 100	0:50	2	OK
Sep 7	9:36AM	Fax Sent	4776411 - K-STEREO / KISH	1:31	2	OK
Sep 7	9:38AM	Fax Sent	7342958 - KPRG NEWS	0:50	2	OK
Sep 7	9:40AM	Fax Sent	7343476 - KGTF	1:04	2	OK
Sep 7	9:42AM	Fax Sent	5652983	1:23	1	Error 350
Sep 7	9:45AM	Fax Sent	4777136 - HARVEST RADIO	0:52	2	OK
Sep 7	9:48AM	Fax Sent	4774678 - JOY 92FM	0:51	2	OK
Sep 7	9:51AM	Fax Sent	4773982	1:20	1	Error 350
Sep 7	9:56AM	Fax Sent	4770793	0:57	2	OK
Sep 7	9:59AM	Fax Sent	5652983	1:29	1	Error 350
Sep 7	10:01AM	Fax Sent	4773982 - K-57 / POWER 98	0:50	2	OK
Sep 7	10:04AM	Fax Sent	5652983 - ADVENTIST RADIO	1:06	2	OK

## Coast Guard responds to vessel grounding

(USCG) – The Coast Guard is investigating the grounding of a tour submarine in the Western Shoals of Apra Harbor, Monday.

Coast Guard Sector Guam was notified at 8 a.m. that the Atlanta V submarine had run aground.

A 25-foot response boat crew was launched and arrived at approximately 8:16 a.m. No pollution was observed as a result of the grounding.



At 9:30 a.m. an investigator and a marine inspector arrived to evaluate the structural integrity of the hull and damage to the reef on which it is grounded. No damage has been reported on the hull.

The submarine was freed from the reef at approximately 4:37 p.m. and will be evaluated for damage.

No people were onboard the submarine at the time and no injuries have been reported.

## SBA encourages public to plan for disasters

(U.S. SBA) – In conjunction with the five-year anniversary of the devastating Gulf Coast storms of 2005, the U.S. Small Business Administration is encouraging business owners, homeowners and others to create their own disaster preparedness plan during National Preparedness Month this September.

"There is a tendency to think that a large-scale disaster is not going to happen 'where I live,'" SBA Administrator Karen Mills said. "The reality is that storms, floods, earthquakes, fires and man-made disasters can strike anytime and anywhere. Planning ahead for your own post-disaster recovery is a good step toward protecting your family, your business and your community."

SBA, along with many state, local government and private sector coalition partners are participating in this September's National Preparedness Month.

To prepare for disasters, SBA offers the following tips:

- ▶ Develop a solid emergency response plan. Find evacuation routes from the home or business and establish meeting places. Make sure everyone understands the plan beforehand. Keep emergency phone numbers handy. Business owners should designate a contact person to communicate with other employees, customers and vendors. Homeowners, renters and business owners should ask an out-of-state friend, colleague or family

member to be a "post-disaster" point of contact, supporting the flow of information about short-term relocations, recovery, additional sources of assistance, etc.

▶ Make sure you have adequate insurance coverage. Disaster preparedness begins with having adequate insurance coverage – at least enough to rebuild your home or business. Homeowners and business owners should review their policies to see what is or isn't covered. Companies should consider business interruption insurance, which helps cover operating costs during the post-disaster shutdown period. Flood insurance is essential. To find out more about the National Flood Insurance Program, visit the Web site at [www.floodsmart.gov](http://www.floodsmart.gov).

▶ Copy important records. It's a good idea to back up vital records and information saved on computer hard drives, and store that information at a distant offsite location in fire-proof safe deposit boxes. You should have copies/back ups of important documents ready to take with you if you have to evacuate.

▶ Create a "Disaster Survival Kit." The kit should include a flashlight, a portable radio, extra batteries, first-aid supplies, non-perishable food, bottled water, a basic tool kit, plastic sheeting

and garbage bags, cash, and a digital camera to take pictures of the property damage after the storm.

More preparedness tips for businesses, homeowners and renters are available on the SBA's website at [www.sba.gov](http://www.sba.gov).

The Institute for Business and Home Safety ([www.disastersafety.org](http://www.disastersafety.org)) also has information on protecting your home or business. Additional information on developing an emergency plan is available at the federal government's preparedness website [www.ready.gov](http://www.ready.gov).

When disaster strikes, the SBA makes low-interest loans to homeowners, renters and non-farm businesses of all sizes. Homeowners may borrow up to \$200,000 to repair or replace damaged real estate. Individuals may borrow up to \$40,000 to cover losses to personal property.

Non-farm businesses and non-profit organizations of any size may apply for up to \$2 million to repair or replace disaster damaged business assets and real property. Small businesses that suffered economic losses as a direct result of the declared disaster may apply for a working capital loan up to \$2 million, even if the property was not physically damaged.

To learn more about the SBA's disaster assistance program, visit the website at [www.sba.gov/disasterassistance](http://www.sba.gov/disasterassistance).



## Community Calendar

### PUBLIC NOTICE

The Guam Historic Preservation Review Board meeting has been rescheduled for Friday, Sept. 24, at 3:30 p.m. in the Department of Parks and Recreation conference room located at 490 Chalan Palasyo, Agaña Heights, Guam. Call 475-6288.

The Archbishop of Agaña will be celebrating the Feast of Dulce Nombre De Maria from Sept. 3 to 11. The Novena will be said at 6 p.m., followed by the Mass. On Sept. 11, the Novena will be said at 4:30 p.m., followed by the Mass and Procession. Motorists are asked to use caution around Chalan Santo Papa, Archbishop F.C. Flores St. and West O'Brien Drive.

The Guam Parole Board regular scheduled hearing will be on Thursday, Sept. 30, at 8 a.m. in the Parole Services Division located on the fifth floor, suite 505, of the DNA Building in Hagåtña. For more info, call 473-7001.

The Guam Parole Review Board regular scheduled hearing will take place on Thursday, Sept. 30, at 3 p.m. in the Parole Services Division located on the fifth floor, suite 505, of the DNA Building in Hagåtña. Note that the start time for the Parole Review Board hearing may change depending on the length of the Parole Board hearing agenda.

The Department of Parks and Recreation is seeking public comments on the nominations of the following sites to the National and Guam Register of Historical Places: Adacoo Quarry Site, Jinapsan Outdoor Oven, Yigo; Cruz Outdoor Oven, Barrigada; Wan Pat Outdoor Oven, Sinajana; Flores Outdoor Oven, Agaña Heights; Guan Outdoor Oven, Piti; Baza Outdoor Oven, Yona; Choco Outdoor Oven, Agat; Paulino Outdoor Oven, Inarajan. Oral and written comments will be accepted until 5 p.m. Thursday, Sept. 23. For info, call 475-6288.

## GAIN PETS OF THE WEEK

### GAIN

**GAIN**  
Chastity is a sweet little girl. She's between five and six months old. She'd like a home where she will be treated like one of the family. She doesn't mind going outside for a few hours a day but, she doesn't want to be tied up to a stake 24 hours a day, seven days a week...she needs to be part of your family.



### GAIN



Silver, what a beautiful cat! He's been declawed and neutered. He's in a pensive mood in this photo. He's trying to figure out why he's been put in "jail". He's a loving and snuggly cat and he's got a lot of purrs to give to the right person.

Come to the GAIN Animal Shelter in Yigo or call 653-4246.

**SENATOR FRANK B. AGUON, JR., Chairman**  
COMMITTEE ON ECONOMIC DEVELOPMENT  
HEALTH & HUMAN SERVICES, AND JUDICIARY  
I Mina Treña Na Liheslaturan Guahan • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagåtña, Guam 96910.  
Tel: (671) 969-1485 • Fax: (671) 969-1487 • Email: [aguonfrank@guam.net](mailto:aguonfrank@guam.net)

### NOTICE OF PUBLIC HEARING

TUESDAY, SEPTEMBER 14, 2010, 9:00AM  
LIHESLATURAN GUAHAN PUBLIC HEARING ROOM

- BILL NO. 428-30 (COR)** - An Act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.
  - BILL NO. 436-30 (COR)** - An Act to amend §§ 19.69, 19.70 and 61.20 of Title 9, Guam Code Annotated; to add new §§ 61.20.1, 28.90, 29.100 and 28.101 to Title 9, Guam Code Annotated; and to amend § 312.1 of Title 17, Guam Code Annotated; relative to hooliganism, cyberbullying, and sexting.
  - BILL NO. 446-30 (LLS)** - An Act authorizing the funding for the construction of the University of Guam Student Services Center and the Annex Building for the School of Engineering.
  - BILL NO. 448-30 (LS)** - An Act to repeal and re-enact §33111 to Chapter 33 of 7GCA relative to mechanics' liens.
  - BILL NO. 455-30 (COR)** - An Act to establish the Administrative Rules and Regulations of the Department of Public Health & Social Services relative to Child Care Centers and Group Child Care Homes, under Article 1 of Chapter 1, Division 1, Title 26, Guam Administrative Rules and Regulations, and in conformance with Article 4 - Child Welfare Services Act, Chapter 4, Title 10, Guam Code Annotated.
- To view full text of bills, visit [www.guamlegislature.com](http://www.guamlegislature.com). If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to OFFICE OF SEN. FRANK B. AGUON, JR., 238 ARCHBISHOP F.C. FLORES ST., DNA BLDG., STE 701A, HAGATNA, GU 96910, email: [aguonfrank@gmail.com](mailto:aguonfrank@gmail.com), or fax to 969-1487. Individuals requiring special accommodations/services, or for more information, please contact Ron Teehan at 969-1485A.



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

September 09, 2010

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MEMORANDUM**

**TO:** Honorable Senators/Committee Members  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM:** SENATOR ADOLPHO B. PALACIOS, SR.   
*Acting Chairman*

**SUBJECT:** SECOND NOTICE – NOTICE OF PUBLIC HEARING  
**Tuesday, September 14, 2010, 9:00 am**

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, September 14, 2010, 9:00 a.m.** in the Guam Legislature's Public Hearing.

Please see the attached agenda for the public hearing. Should you have any questions, please contact Mr. Ron Teehan from Sen. Aguon's office.

*Un dangkulo' na Si Yu'os Ma'ase'.*

Attachment

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

## SECOND NOTICE - Public Hrg P.H. NOTICES X

from Frances Lizama <flizama.frances@gmail.com>  
 to "SEN. ADA, Thomas C." <tom@senatorada.org>  
 "SEN. ADA, Tony" <senatortonyada@guamlegislature.org>  
 "SEN. BLAS, Frank F., Jr." <frank.blasjr@gmail.com>  
 "SEN. CALVO, Eddie J B" <senecalvo@gmail.com>  
 "SEN. ESPALDON, James V." <senator@espaldon.com>  
 "SEN. GUTHERTZ, Judith P." <judiguthertz@pticom.com>  
 "SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>  
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 "SEN. TAITAGUE, Tejo" <senatortejo@gmail.com>  
 "SEN. TENORIO, Ray" <ray@raytenorio.com>  
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 "CRUZ, Jose Jr." <josecruzjr17@yahoo.com>  
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 "PEREZ, Daniel" <dperez@guamlegislature.org>  
 "PEREZ, Rennee" <rennae@guamlegislature.org>  
 "SANTOS, Pat" <psantos@guamlegislature.org>  
 "TERLAJE, Flo" <fterlaje@guamlegislature.org>  
 "TERLAJE, Therese" <tterlaje@guam.net>

date Thu, Sep 9, 2010 at 2:38 PM  
 subject SECOND NOTICE - Public Hrg  
 mailed-by gmail.com

Hope Adei to All.

Please find attached the Second Notice of Public Hearing and Agenda from Sen. Adolpho B. Palacios, Sr., Acting Chairman

See attachment for details.

**Un dangkulo'na Si Yu'os Me'esse', and have a great day.**

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671 969 1495/6  
 Fax: 671 969 1497

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# SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina' Trenta Na Liheslaturan Guåhan*  
(Thirtieth Guam Legislature)



## PRESS RELEASE

FOR IMMEDIATE RELEASE

September 09, 2010

### NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, Public Law 24-109, relative to notice for public meetings, let this serve as **48-Hours Notice** for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

**DATE: TUESDAY, SEPTEMBER 14, 2010**

**TIME: 9:00 am**

**PLACE: Guam Legislature's Public Hearing Room**

Please see attached Agenda for the listing of Bills which will be heard on this day.

Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

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Marianas Media / Guam News Center	478-6402	Joy 92FM	477-4678
Hit Radio 100	472-7663		

#####



**SECOND NOTICE - Public Hearing** Inbox X

from **Frances Lizama** <lizama.frances@gmail.com> [hide detail:](#)  
to gerry@mvguam.com,  
john@marianasmedia.com,  
"AGUON, Mindy - KUAM" <671mindy@gmail.com>,  
"ARROYO, Patti - K57" <parroyo@k57.com>,  
"ARTERO, Sonya - KUAM" <sonya@kuam.com>,  
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"WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>

date Thu, Sep 9, 2010 at 2:44 PM  
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Hafa Adai to All:


Please find attached Second Notice of Public Hearing and Agenda from Sen. Adolpho B. Palacios, Sr., Acting Chairman. See Notice for details.

***Un dangkulo' na Si Yu'os Ma'ase', and have a great day.***

--

FRANCES S. LIZAMA  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St.  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497

**2 attachments** — [Download all attachments](#)

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Sep 7	9:38AM	Fax Sent	7342958	0:50	2	OK
Sep 7	9:40AM	Fax Sent	7343476	1:04	2	OK
Sep 7	9:42AM	Fax Sent	5652983	1:23	1	Error 350
Sep 7	9:45AM	Fax Sent	4777136	0:52	2	OK
Sep 7	9:48AM	Fax Sent	4774678	0:51	2	OK
Sep 7	9:51AM	Fax Sent	4773982	1:20	1	Error 350
Sep 7	9:56AM	Fax Sent	4770793	0:57	2	OK
Sep 7	9:59AM	Fax Sent	5652983	1:29	1	Error 350
Sep 7	10:01AM	Fax Sent	4773982	0:50	2	OK
Sep 7	10:04AM	Fax Sent	5652983	1:06	2	OK
Sep 7	12:57PM	Received	+6713006548 6713006500	0:46	0	Error 252
Sep 7	1:00PM	Received	+6713006548 6713006500	1:19	1	OK
Sep 9	7:09AM	Received	6490145 6716490145	0:34	1	OK
Sep 9	7:58AM	Received	6490145 6716490145	0:28	1	OK
Sep 9	2:52PM	Fax Sent	6379870	1:55	2	Error 405
Sep 9	2:55PM	Fax Sent	4773982 - K-57 / POWER 98	0:50	2	OK
Sep 9	2:57PM	Fax Sent	4773079 - PDN	1:21	2	OK
Sep 9	2:59PM	Fax Sent	4770793 - PNC NEWS	0:49	2	OK
Sep 9	3:00PM	Fax Sent	4786402 - MARMEDIA / GNC	1:21	2	OK
Sep 9	3:02PM	Fax Sent	4727663 - HIT RADIO 100	0:49	2	OK
Sep 9	3:03PM	Fax Sent	4776411 - K-STEREO / KISH	1:16	2	OK
Sep 9	3:05PM	Fax Sent	7342958 - KPRG NEWS	0:50	2	OK
Sep 9	3:06PM	Fax Sent	7343476 - KGTF	0:55	2	OK
Sep 9	3:08PM	Fax Sent	5652983 - ADVENTIST RADIO	2:15	2	OK
Sep 9	3:10PM	Fax Sent	4777136 - HARVEST RADIO	0:55	2	OK
Sep 9	3:12PM	Fax Sent	4774678 - JOY 92FM	0:50	2	OK
Sep 9	3:13PM	Fax Sent	6379870 - KUAM TV/RADIO	1:16	2	OK
Sep 9	3:15PM	Fax Sent	6482007 - MARIANAS VARIETY	1:09	2	OK

## Fidel Castro says communism doesn't work

**HAVANA (AP)** — Cuba's communist economic model has come in for criticism from an unlikely source: Fidel Castro.

The revolutionary leader told a visiting American journalist and a U.S.-Cuba policy expert that the island's state-dominated system is in need of change, a rare comment on domestic affairs from a man who has taken pains to steer clear of local issues since illness forced him to step down as president four years ago.

The fact that things are not working efficiently on this cash-strapped Caribbean island is hardly news. Fidel's brother Raul, the country's president, has said the same thing repeatedly. But the blunt assessment by the father of Cuba's 1959 revolution is sure to raise eyebrows.

Jeffrey Goldberg, a national correspondent for The Atlantic magazine, asked Castro if Cuba's economic system was still worth exporting to other countries, and Castro replied: "The Cuban model doesn't even work for us anymore," Goldberg wrote Wednesday in a post on his Atlantic blog.

The Cuban government had no immediate comment on Goldberg's account.

Julia Sweig, a Cuba expert at the Washington-based Council on Foreign Relations who accompanied Goldberg on the trip, confirmed the Cuban leader's comment, which he made at a private lunch last week.

She told The Associated Press she took the remark to be in line with Raul Castro's call for gradual but widespread reform.

"It sounded consistent with the general consensus in the



◀ Cuba's leader Fidel Castro drinks water while delivering a speech to students outside Havana's University in Havana, Cuba. Castro dusted off his military fatigues for the first time since stepping down as president four years ago, a symbolic act in a Communist country where little signals often carry enormous significance. AP

Cuba says much of its suffering is caused by the 48-year-old U.S. trade embargo. The economy has also been slammed by the global economic downturn, a drop in nickel prices and the fallout from three devastating hurricanes that hit in quick succession in 2008. Corruption and inefficiency have exacerbated problems.

country now, up to and including his brother's position," Sweig said.

In general, she said she found the 84-year-old Castro to be "relaxed, witty, conversational and quite accessible."

"He has a new lease on life, and he is taking advantage of it," Sweig said.

Castro stepped down temporarily in July 2006 due to a serious illness that nearly killed him.

He resigned permanently two years later, but remains head of the Communist Party. After staying almost entirely out of the spotlight for four years, he re-emerged in July and now speaks frequently about international affairs. He has been warning for weeks of the threat of a nuclear war over Iran.

But the ex-president has said very little about Cuba and its politics, perhaps to limit the

perception he is stepping on his brother's toes.

Goldberg, who traveled to Cuba at Castro's invitation last week to discuss a recent Atlantic article he wrote about Iran's nuclear program, also reported on Tuesday that Castro questioned his own actions during the 1962 Cuban Missile Crisis, including his recommendation to Soviet leaders that they use nuclear weapons against the United States.

Even after the fall of the Soviet Union, Cuba has clung to its communist system.

The state controls well over 90 percent of the economy, paying workers salaries of about \$20 a month in return for free health care and education, and nearly free transportation and housing. At least a portion of every citizen's food needs are sold to them through ration books at heavily subsidized prices.

## Karzai to limit foreign role

**WASHINGTON (Reuters)** — Afghan President Hamid Karzai intends to impose rules restricting international involvement in anti-corruption investigations. The Washington Post reported on Thursday.

Under the proposed rules, U.S. and other foreign law enforcement specialists in two anti-corruption organizations in the Interior Ministry would have no direct involvement in investigations, the report said.

"The management will be Afghan, and the decision-makers will be Afghan, and the investigators will be Afghan," Karzai's chief of staff, Mohammad

Umer Daudzai, told the newspaper in a telephone interview on Wednesday.

Foreign advisers, most of whom work for the U.S. Justice Department, will be limited to "training and coaching, but not decision-making," Daudzai was

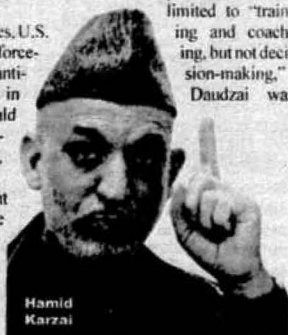
quoted as saying.

The planned changes have alarmed U.S. officials in Kabul and Washington and prompted efforts to try to persuade Karzai and his advisers to soften the restrictions, the report said.

"What he's proposing would effectively neuter these two bodies," a U.S. official involved in Afghanistan policy told the newspaper.

Karzai's advisers think that U.S. officials have de facto control over the key anti-corruption groups, the Post said.

"There is suspicion that the international partners have a decision-making role," Daudzai said. But U.S. officials insist that the Afghan leaders are in complete control, the report said.



Hamid Karzai

The Honorable **FELIX P. CANACHO** Governor

The Honorable **MICHAEL W. CRAIG, M.D.** Lt. Governor

### INVITATION FOR BID PURCHASE & DELIVERY OF LUGGAGE CARTS [RE-BID]

BID NO. GIAA-001-FY10

PRE-BID CONFERENCE <b>10:00 am - Sept. 15, 2010</b> GIAA Conf. Rm.	SUBMISSION DEADLINE <b>2:00 pm - Sept. 22, 2010</b> GIAA Executive Office
--	---

Bids are being accepted from interested and qualified individuals/firms in a bid award process for the above project. Bid documents may be obtained between 8:00 am - 5:00 pm Monday through Friday, excluding holiday. A non-refundable fee of Twenty-Five U.S. Dollars (\$25.00) will be charged for each printed packet or Ten U.S. Dollars (\$10.00) for an electronic file (pdf) on cd, payable in cash or certified/cashier's check payable to GIAA. Bids must be accompanied by a bid security in the amount of 15% of the total bid price in the form of a bid bond or certified/cashier's check payable to GIAA. All prospective bidders are encouraged to attend the pre-bid conference. The GIAA reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all non-conforming or conditional bids. Upon submission deadline, all bids will be publicly opened and read aloud. For additional information, contact the GIAA Procurement Office at (671) 446-0300-02 during the hours stated above.

BY: **HARY C. TORRES**  
Executive Manager/Acting

**A.E. WON PAT**  
Procurement Officer

FID: Box 9176, Tamuning, GU 96911  
Tel: (671) 648-8200 Fax: (671) 446-0400

**SENATOR FRANK B. AGUON, JR., Chairman**  
COMMITTEE ON ECONOMIC DEVELOPMENT  
HEALTH & HUMAN SERVICES, AND JUDICIARY

1 Mina Trenta No. Liheslaturan Guahan • 30th Guam Legislature  
239 Archbishop P.C. Flores St., DINA Bldg., Ste. 701A, Hagåtña, Guam 96910.  
Tel: (671) 969-1495 • Fax: (671) 969-1497 • Email: agun@guamlegis.gov

### NOTICE OF PUBLIC HEARING

TUESDAY, SEPTEMBER 14, 2010, 9:00AM  
LIHESLATURAN GUAHAN PUBLIC HEARING ROOM

- BILL NO. 428-30 (COR)** - An Act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.
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  - BILL NO. 448-30 (LS)** - An Act to repeal and re-enact §31111 to Chapter 33 of TGCA relative to mechanics' liens.
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- To view full text of bills, visit [www.guamlegislature.com](http://www.guamlegislature.com). If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to **OFFICE OF SEN. FRANK B. AGUON, JR., 238 ARCHBISHOP P.C. FLORES ST., DINA BLDG., STE 701A, HAGATNA, GU 96910**, email [agun@guamlegis.gov](mailto:agun@guamlegis.gov), or fax to 969-1497. Individuals requiring special accommodations/services, or for more information, please contact Ron Teehan at 969-1496/8.
- THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

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**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

September 03, 2010

**HONORABLE ROBERT J. TORRES**

Chief Justice  
Supreme Court of Guam  
120 West O'Brien Drive  
Hagatna, Guam 96910

**SUBJECT: NOTICE OF PUBLIC HEARING - Tuesday, September 14, 2010, 9:00 am**

Dear Chief Justice Torres:

*Buenas yan Hafa Adai!*

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Tuesday, September 14, 2010 at 9am** in the Legislature's Public Hearing Room.

On the agenda are the following bills:

**BILL NO. 428-30 (COR)** – An Act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.

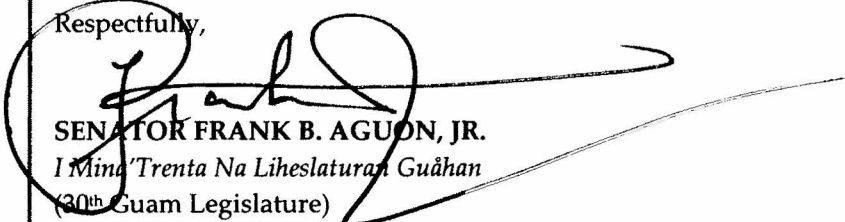
**BILL NO. 436-30 (COR)** – An Act to *amend* §§ 19.69, 19.70 and 61.20 of Title 9, Guam Code Annotated; to add new §§ 61.20.1, 28.90, 29.100 and 28.101 to Title 9, Guam Code Annotated; and to *amend* § 3112.1 of Title 17, Guam Code Annotated; relative to bullying, cyberbullying, and sexting.

To obtain a copy of the bills for your purview, please visit the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com).

I invite your participation and/or your representative(s) as you deem necessary. Written testimonies may be delivered to my office, faxed to 969-1497, or emailed to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) no later than Monday, September 12, 2010. Should you have any questions or comments, you may contact Mr. Ron Teehan from my office.

*Un Dangkulo' na Si Yu'os Ma'ase'.*

Respectfully,

  
SENATOR FRANK B. AGUON, JR.  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(30th Guam Legislature)

**NOTICE OF PUBLIC HEARING** [Inbox](#) X [P.H. NOTICES](#) X

from **Frances Lizama** <lizama.frances@gmail.com>  
 to **"SHINOHARA, Dionne"** <dshinohara@guamsupremecourt.com>  
 date **Fri, Sep 3, 2010 at 4:01 PM**  
 subject **NOTICE OF PUBLIC HEARING**  
 mailed-by **gmail.com**

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Hafa Adai Dionne:

Please see attached Notice of Public Hearing from Sen. Frank B. Aguon, Jr. to the Chief Justice.  
 Please confirm receipt of this Notice via email to [lizama.frances@gmail.com](mailto:lizama.frances@gmail.com).

*Un dangkulo' na Si Yu'os Ma'ase', and have a great day.*

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

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from **Dionne LG Shinohara** <dshinohara@guamsupremecourt.com>  
 to **Frances Lizama** <lizama.frances@gmail.com>  
 date **Fri, Sep 3, 2010 at 4:26 PM**  
 subject **RE: NOTICE OF PUBLIC HEARING**

[hide details](#) 4:26 PM (0 minutes ago)[Reply](#)

Hi Frances,

This is to confirm receipt of the Notice of Public Hearing. I have passed on memo to Chief Justice Torres and scheduled it on calendar. Thank you

Dionne L.G. Shinohara  
 Chambers of the Honorable Robert J. Torres  
 Chief Justice of Guam | Guam Supreme Court  
 300 Guam Judicial Center  
 120 West O'Brien Drive Hagåtña, Guam 96910  
 P: 671.475.3150/450 | F: 671.475.3337  
 E: [dshinohara@guamsupremecourt.com](mailto:dshinohara@guamsupremecourt.com)

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**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

September 03, 2010

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
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**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MR. JOHN M. WEISENBERGER, AG**  
Office of the Attorney General  
287 West O'Brien Drive  
Hagatna, Guam 96910

**SUBJECT: NOTICE OF PUBLIC HEARING**  
Tuesday, September 14, 2010, 9:00 am

Dear Mr. Weisenberger:

*Buenas yan Hafa Adai!*

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Tuesday, September 14, 2010 at 9am** in the Legislature's Public Hearing Room.

On the agenda are the following:

**BILL NO. 428-30 (COR)** – An Act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.

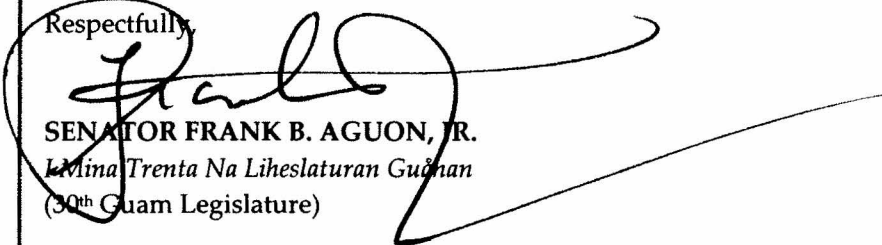
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To obtain a copy of the bills for your purview, please visit the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com).

I invite your participation and/or your representative(s) as you deem necessary. Written testimonies may be delivered to my office, faxed to 969-1497, or emailed to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) no later than Monday, September 12, 2010. Should you have any questions or comments, you may contact Mr. Ron Teehan from my office.

*Un Dangkulo' na Si Yu'os Ma'ase'.*

Respectfully,

  
**SENATOR FRANK B. AGUON, JR.**  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(30th Guam Legislature)

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from **Frances Lizama** <lizama.frances@gmail.com>  
 to **"BORJA, Tab - AG's Ofc"** <tborja@guamattorneygeneral.com>  
 date **Fri, Sep 3, 2010 at 4:03 PM**  
 subject **NOTICE OF PUBLIC HEARING**  
 mailed-by **gmail.com**

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Hafa Adai Tab:

Please find attached Notice of Public Hearing from Sen. Frank B. Aguon, Jr. to the AG. I would appreciate if you could forward this Notice to the AG. Please confirm receipt of this notice via email to [lizama.frances@gmail.com](mailto:lizama.frances@gmail.com).

***Un dangkulo' na Si Yu'os Ma'ase', and have a great day.***

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

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from **Tab Borja** <tborja@guamattorneygeneral.com>  
 to **Frances Lizama** <lizama.frances@gmail.com>  
 date **Fri, Sep 3, 2010 at 4:23 PM**  
 subject **RE: NOTICE OF PUBLIC HEARING**

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Hi Frances! Forwarded it to Zerlyn Palomo, AG's legal assistant. Have a good weekend! tab





**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

September 03, 2010

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

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SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MR. FRANK ISHIZAKI**  
Acting Chief of Police  
Guam Police Department  
Central Avenue, Bldg 223  
Tiyán, Guam 96912

**SUBJECT: NOTICE OF PUBLIC HEARING - Tuesday, September 14, 2010, 9:00 am**

Dear Mr. Ishizaki:

*Buenas yan Hafa Adai!*

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Tuesday, September 14, 2010 at 9am** in the Legislature's Public Hearing Room.

On the agenda are the following bills:

**BILL NO. 428-30 (COR)** – An Act to repeal and reenact Chapter 89 of Title 9 of the Guam Code Annotated, relative to the Guam Sex Offender Registry.

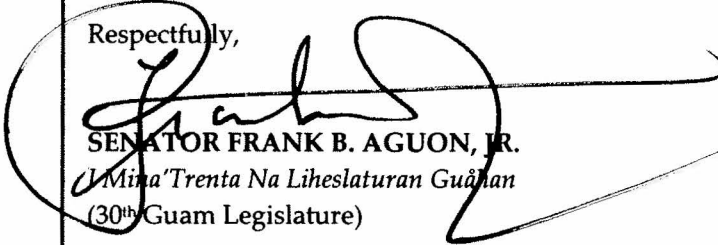
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*Un Dangkulo' na Si Yu'os Ma'ase'.*

Respectfully,

  
SENATOR FRANK B. AGUON, JR.  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(30th Guam Legislature)





**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina'Trenta Na Liheslaturan Guahan*  
(Thirtieth Guam Legislature)



# FACSIMILE COVERSHEET

**DATE:** 03 SEPTEMBER 2010

**TO:** MR. FRANK ISHIZAKI  
Acting Chief of Police  
Guam Police Department

9/07/10  
8:55 a.m. [Signature]

**FAX NO.:** 472-4036

**FROM:** FRANCES LIZAMA [Signature]

**PHONE NO.:** 969-1495/6

**FAX NO.:** 969-1497

**SUBJECT:** NOTICE OF PUBLIC HEARING

**# OF PGS:** 2 (including this coversheet)

Please confirm receipt of fax by return fax of this coversheet with acknowledgement receipt to 969-1497. Your cooperation is greatly appreciated.

*Un dangkulo' na Si Yu'os Ma'ase', and have a great day.*

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Log for  
Sen. Frank B. Aguon, Jr.  
(671) 969-1497  
Sep 03 2010 4:09PM

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**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(Thirtieth Guam Legislature)



---


# FACSIMILE COVERSHEET

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**DATE:** 03 SEPTEMBER 2010

**TO:** MR. FRANK ISHIZAKI  
Acting Chief of Police  
Guam Police Department

**FAX NO.:** 472-4036

**FROM:** FRANCES LIZAMA 

**PHONE NO.:** 969-1495/6

**FAX NO.:** 969-1497

**SUBJECT:** NOTICE OF PUBLIC HEARING

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**SENATOR FRANK B. AGUON, JR., *Chairman***  
**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

---

## **AGENDA**

**TUESDAY, SEPTEMBER 14, 2010, 9:00 AM**  
**LIHESLATURAN GUÅHAN PUBLIC HEARING ROOM**

**BILL NO. 428-30 (COR)**

AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY.

**BILL NO. 436-30 (COR)**

AN ACT TO AMEND §§ 19.69, 19.70, AND 61.20 OF TITLE 9, GUAM CODE ANNOTATED; TO ADD NEW §§ 61.20.1, 28.90, 29.100, AND 28.101 TO TITLE 9, GUAM CODE ANNOTATED; AND TO AMEND § 3112.1 OF TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO BULLYING, CYBERBULLYING, AND SEXTING.

**BILL NO. 446-30 (LS)**


AN ACT AUTHORIZING THE FUNDING FOR THE CONSTRUCTION OF THE UNIVERSITY OF GUAM STUDENT SERVICES CENTER AND THE ANNEX BUILDING FOR THE SCHOOL OF ENGINEERING.

**BILL NO. 448-30 (LS)**

AN ACT TO REPEAL AND RE-ENACT §33111 TO CHAPTER 33 OF 7GCA RELATIVE TO MECHANICS' LIENS.

**BILL NO. 455-30 (COR)**

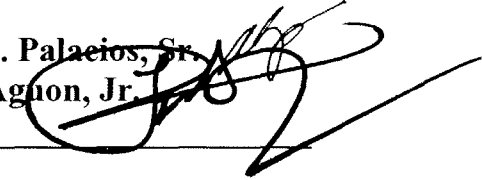
AN ACT TO ESTABLISH THE ADMINISTRATIVE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES RELATIVE TO CHILD CARE CENTERS AND GROUP CHILD CARE HOMES, UNDER ARTICLE 1 OF CHAPTER 1, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND IN CONFORMANCE WITH ARTICLE 4 – CHILD WELFARE SERVICES ACT, CHAPTER 4, TITLE 10, GUAM CODE ANNOTATED.

2010 JUN 22 PM 3:49 

I MINA'TRENTA NA LIHESLATURAN GUAHAN  
2010 (SECOND) Regular Session

Bill No. 428-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr.  
Frank B. Agnon, Jr. 

AN ACT TO REPEAL AND REENACT CHAPTER 89 OF TITLE 9  
OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM  
SEX OFFENDER REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Guam's Sex Offender Registry statute is in need of changes in order to strengthen its provisions and close certain gaps within the law. *I Liheslatura* further finds that the Supreme Court of the United States has determined that *due process* rights (Connecticut Dept. of Public Safety v. John Doe, et al., 538 U.S. 1 (2003)) and the *ex post facto* clause in the U.S. Constitution (Delbert W. Smith and Bruce M. Botelho v. John Doe I, et al., 538 U.S. 84 (2003)) are not violated by requiring those already convicted of criminal sexual conduct *or* of a crime against a victim who is a minor before the enactment of Sex Offender Registry laws, to register with the Guam Sex Offender Registry. *I Liheslatura* also finds that the crime of criminal sexual conduct and crimes committed against children are serious problems on our island, and persons convicted of these crimes may be a danger to the people of our community. *I Liheslatura* further finds that in order to protect our community, most particularly our children from sex offenses, especially violent sex offenses, the Guam Sex Offender Registry Law must be strengthened.

It is the intent of *I Liheslatura* to update the Guam Sex Offender Registry requirements and notification program and to require *all* those convicted of criminal sexual conduct *or* of a crime against a victim who is a minor, to register with the Guam Sex Offender

1 Registry in order to increase the awareness of our community and our nation about  
2 dangerous individuals released into the community. *I Liheslatura* hopes that such  
3 awareness will assist in the prevention of future sex offenses and alert the community of  
4 such dangers.

5 In an attempt to bring Guam’s Sex Offender Registry and Notification System into  
6 substantial compliance with the Federal Mandates of Title I of Public Law 109-248, of the  
7 Adam Walsh Act, Sex Offender Registration Notification Act (SORNA), and in light of  
8 the review and recommendations provided by the Office of Sex Offender Sentencing,  
9 Monitoring, Apprehending, Registering and Tracking in United States Department of  
10 Justice (SMART Office) relating to Guam’s SORNA compliance packet concluding that  
11 Guam has not yet substantially implemented SORNA, it is the intent of *I Liheslatura*  
12 *Guahan* that in order for Guam to substantially implement SORNA these amendments of  
13 Guam’s current Sex Offender Registry and Notification System are necessary.

14 **Section 2.** Chapter 89 of Title 9 (as amended by Public Law 29-30) of the Guam  
15 Code Annotated (G.C.A.) is hereby *amended* to read as follows:

16  
17

18 **“CHAPTER 89**

19 **CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY**

20 **§ 89.01. Definitions.** As used in this Chapter:

- 21 (a) *Minor* means a person below the age of eighteen (18) years.
- 22 (b) *Criminal offense against a victim who is a minor* means any criminal offense  
23 that consists of any of the following:
  - 24 (1) felony kidnapping, felonious restraint, felony child stealing, and custodial  
25 interference, as defined and punished in Chapter 22 of Title 9 of the G.C.A.,  
26 *Kidnapping, and Related Offenses*, when the victim is a minor;

1 (2) promoting prostitution, abetting prostitution, compelling prostitution, as  
2 defined and punished in Article 1 of Chapter 28 of Title 9 of the G.C.A.,  
3 *Prostitution*, when the individual committing *or* engaging in prostitution is a  
4 minor;

5 (3) participation in obscenity, use of one's own child in obscene acts, indecent  
6 exposure, photography of minors' sexual acts, as defined and punished in  
7 Article 2 of Chapter 28 of Title 9 of the G.C.A., *Obscenity and Related*  
8 *Offenses*, when a minor is employed *or* used;

9 (4) criminal sexual conduct, as defined and punished in Chapter 25 of Title 9 of  
10 the G.C.A., *Sexual Offenses*, when the victim of the crime is a minor; or

11 (5) any attempt to commit, solicitation to commit, *or* conspiracy to commit the  
12 crimes stated in paragraphs (1) to (4) of this subsection (b), in violation of  
13 Chapter 13 of Title 9 of the G.C.A.

14 (c) *Criminal sexual conduct* refers to violations defined and punished under  
15 Chapter 25 of Title 9 of the G.C.A., *Sexual Offenses*, and any violations of  
16 similar federal laws *or* laws of other states, territories *or* tribes.

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

20 (1) *Sexually violent offenses*. A sexually violent offense is defined as any  
21 criminal offense which includes the following:

22 (A) criminal sexual conduct involving sexual penetration *or* sexual  
23 contact where the actor causes personal injury to the victim and  
24 either of the following circumstances exists:

25 1. force *or* coercion is used to accomplish the sexual  
26 penetration *or* sexual contact; or

1                   2.     the actor knows *or* has reason to know that the victim is  
2                   mentally defective, mentally incapacitated *or* physically  
3                   helpless.

4                   (B) criminal sexual conduct involving sexual penetration *or* sexual  
5                   contact where the actor is aided *or* abetted by one (1) *or* more  
6                   other persons and either of the following circumstances exists:

7                   1.     force *or* coercion is used to accomplish the sexual  
8                   penetration *or* sexual contact; or

9                   2.     the actor knows *or* has reason to know that the victim is  
10                  mentally defective, mentally incapacitated *or* physically  
11                  helpless.

12                  (C) criminal sexual conduct involving sexual penetration *or* sexual  
13                  contact where the actor is armed with a weapon *or* any article  
14                  used *or* fashioned in a manner to lead the victim to reasonably  
15                  believe it to be a weapon;

16                  (D) criminal sexual conduct involving sexual penetration *or* sexual  
17                  contact which occurs under circumstances involving the  
18                  commission of another felony; or

19                  (E) criminal sexual conduct involving a victim under fourteen (14)  
20                  years of age.

21                  (2) *Guam Offenses.*

22                  (A) any convictions under local laws relating to 9 G.C.A. §16.30;

23                  (B) any convictions under local laws relating to 9 G.C.A. §22.20,  
24                  wherein the victim of such crime is a minor;

25                  (C) any convictions under local laws relating to 9 G.C.A. §22.30;



- 1 (D) any convictions under local laws relating to 9 G.C.A. §22.40,  
2 wherein the victim of such crime is a minor;
- 3 (E) any convictions under local laws relating to 9 G.C.A. §22.50,  
4 wherein the victim of such crime is a minor;
- 5 (F) any convictions under local laws relating to 9 G.C.A. §25.15;
- 6 (G) any convictions under local laws relating to 9 G.C.A. §25.20;
- 7 (H) any convictions under local laws relating to 9 G.C.A. §25.25;
- 8 (I) any convictions under local laws relating to 9 G.C.A. §25.30;
- 9 (J) any convictions under local laws relating to 9 G.C.A. §25.35;
- 10 (K) any convictions under local laws relating to 9 G.C.A. §28.20  
11 wherein the victim of such crime is a minor
- 12 (L) any convictions under local laws relating to 9 G.C.A. §28.25  
13 wherein the victim of such crime is a minor
- 14 (M) any convictions under local laws relating to 9 G.C.A. §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 9 G.C.A. §28.50;
- 18 (P) any convictions under local laws relating to 9 G.C.A. §28.51;
- 19 (Q) any convictions under local laws relating to 9 G.C.A. §28.52,  
20 wherein the victim of such crime is a minor;
- 21 (R) any convictions under local laws relating to 9 G.C.A. §28.65;
- 22 (S) any convictions under local laws relating to 9 G.C.A. §28.80,  
23 wherein the victim of such crime is a minor;
- 24 (T) any convictions under local laws relating to 9 G.C.A. §31.15;
- 25 (U) any convictions under local laws relating to 9 G.C.A. §70.35;

1 (V) any convictions under local laws relating to 9 G.C.A.  
2 §89.01(b)(1); or

3 (W) any convictions under local laws relating to 9 G.C.A.  
4 §89.01(b)(3); and any other offenses under Guam law relating to a  
5 criminal offense wherein there is an element involving:

- 6 1. a sexual act or sexual contact with another, regardless  
7 of the age of the victim;
- 8 2. non-parental kidnapping of a minor; non-parental false  
9 imprisonment of a minor;
- 10 3. solicitation to engage a minor in sexual conduct;
- 11 4. use of a minor in a sexual performance;
- 12 5. solicitation of a minor to practice prostitution;
- 13 6. video voyeurism of a minor;
- 14 7. possession, production, or distribution of child  
15 pornography;
- 16 8. criminal sexual conduct involving a minor; or
- 17 9. use of the internet to engage a minor in criminal sexual  
18 conduct.

19 (3) *Convictions from Other Jurisdictions.* Any conviction for any sex  
20 offense committed in any jurisdiction that is comparable to any sex offense as defined in  
21 42 U.S.C. §16911(5) or §89.01(b), (c), or (d) of this code. In addition, any conviction for  
22 any sex offense committed in any jurisdiction that involves:

- 23 (A) Any type or degree of genital, oral, or anal penetration;
- 24 (B) Any sexual touching of or sexual contact with a person's body,  
25 either directly or through the clothing;
- 26 (C) Kidnapping of a minor;

- 1 (D) False imprisonment of a minor;
- 2 (E) Solicitation to engage a minor in sexual conduct understood
- 3 broadly to include any direction, request, enticement, persuasion,
- 4 or encouragement of a minor to engage in sexual conduct;
- 5 (F) Use of a minor in a sexual performance;
- 6 (G) Solicitation of a minor to practice prostitution;
- 7 (H) Possession, production, or distribution of child pornography;
- 8 (I) Criminal sexual conduct that involves physical contact with a minor
- 9 or the use of the internet to facilitate or attempt such conduct. This
- 10 includes offenses whose elements involve the use of other persons
- 11 in prostitution, such as pandering, procuring, or pimping in cases
- 12 where the victim was a minor at the time of the offense; or
- 13 (J) Any conduct that by its nature is a sex offense against a minor.

14 (4) *Federal Offenses.* A conviction for any of the following, and any other

15 offense hereafter included in the definition of “sex offense” at 42 U.S.C.

16 §16911(5):

- 17 (A) 18 U.S.C. §1591;
- 18 (B) 18 U.S.C. §1801;
- 19 (C) 18 U.S.C. §2241;
- 20 (D) 18 U.S.C. §2242;
- 21 (E) 18 U.S.C. §2243;
- 22 (F) 18 U.S.C. §2244;
- 23 (G) 18 U.S.C. §2245;
- 24 (H) 18 U.S.C. §2251;
- 25 (I) 18 U.S.C. §2251A;
- 26 (J) 18 U.S.C. §2252;

- 1 (K) 18 U.S.C. §2252A;
- 2 (L) 18 U.S.C. §2252B;
- 3 (M) 18 U.S.C. §2252C;
- 4 (N) 18 U.S.C. §2260;
- 5 (O) 18 U.S.C. §2421;
- 6 (P) 18 U.S.C. §2422;
- 7 (Q) 18 U.S.C. §2423;
- 8 (R) 18 U.S.C. §2424; or
- 9 (S) 18 U.S.C. §2425.

10 (5) *Military Offenses*. Any military offense as specified by the Secretary of  
11 Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (Title 10  
12 U.S.C. §951 note) or listed under 10 U.S.C. §920 that is similar or  
13 comparable to any sex offense as defined in §16911(5) or outlined in  
14 §89.01(b), (c) or (d) of this code.

15 (6) *Foreign Offenses*. Any foreign convictions wherein the registrant was  
16 convicted of any of the sex offenses specified in §89.01(b), (c) or (d) of  
17 this code or any other similar laws of any foreign country. A foreign  
18 conviction is not a sex offense for the purposes of this code unless it was  
19 either: (1) obtained under the laws of Canada, the United Kingdom,  
20 Australia, New Zealand; or (2) under the laws of any foreign country  
21 when the United States State Department in its Country Reports on  
22 Human Rights Practices has concluded that an independent judiciary  
23 generally or vigorously enforced the right to a fair trial in that country  
24 during the year in which the conviction occurred.

25 (7) *Juvenile Offenses or Adjudications*. Any conviction of a sex offense as  
26 defined in §89.01(g)(2).

1 (8) *Exemptions to Registry Requirements.* An offense involving consensual  
2 sexual conduct is not a sex offense for the purpose of this code if the  
3 victim was an adult, unless the adult was under the custodial authority of  
4 the offender at the time of the offense, or if the victim was at least 13  
5 years old and the offender was not more than four (4) years older than  
6 the victim.

7 (e) The terms *sexual penetration* and *sexual contact* have the same meaning as  
8 *sexual penetration* and *sexual contact* in Chapter 25 of Title 9 of the G.C.A.

9 (f) The term *sex offender* refers to persons convicted of a sex offense as defined in  
10 §89.01(d).

11 (g) *Conviction.*

12 (1) Adult Conviction. The term *conviction* refers to each separate charge to  
13 which the offender either voluntarily pleads guilty and such guilty plea  
14 has been accepted by the Court, whether in a single hearing *or* in  
15 separate hearings, *or* is found guilty by a trier of fact, whether the  
16 charges are contained in one (1) indictment, *or* separate indictments.  
17 This term includes convictions based on pleas of *nolo contendere* and  
18 guilty pleas entered pursuant to *North Carolina v. Alford*, 400 U.S. 25  
19 (1970). An adult sex offender is “convicted” for the purposes of this  
20 code if the sex offender has been subjected to penal consequences based  
21 on the conviction, however the conviction may be styled.

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

24 (A) Prosecuted and found guilty as an adult for any sex offense,  
25 including those juveniles convicted through the certification  
26 process in 19 G.C.A. §5106; or

1 (B) Is adjudicated delinquent as a juvenile for a sex offense, but only  
2 if the juvenile is at least 14 years of age or older at the time of the  
3 offense, and the sex offense adjudicated was one that is  
4 comparable to or more severe than the federal crime of  
5 “*aggravated sexual abuse*” (as described in either (a) and (b) of  
6 section 2241 of Title 18 of the U.S.C.), or was an attempt or  
7 conspiracy to commit such an offense, which is noted in 9 G.C.A.  
8 § 25.15 subsections (a) (4) (i) or (ii), (a)(5), (a)(6), and (a)(7); and  
9 9 G.C.A. § 25.20 (a)(4) (i) or (ii), (a)(5), (a)(6), and (a)(7).

10 (3) *Foreign Conviction*. A foreign conviction is one obtained outside of the  
11 United States.

12 (h) *Intimate Parts*. For purposes of this code, the term “intimate parts” is defined to  
13 include the primary genital area, groin, inner thigh, buttock or breast of a human  
14 being.

15 (i) The terms *employed* and *carries on a vocation* include employment that is full-  
16 time *or* part-time for a period of time exceeding fourteen (14) days, *or* an  
17 aggregate period of time exceeding thirty (30) days during any calendar year,  
18 whether financially compensated, on a volunteer basis *or* for the purpose of  
19 government *or* educational benefit.

20 (j) *Employee*. The term “employee” when used in this code includes, but is not  
21 limited to, an individual who is self-employed or works for any other entity,  
22 regardless of compensation. Volunteers of any agency or organization are  
23 included with the definition of employee for registration purposes.

24 (k) The term “*student*” when used in this code, and when referring to any sex  
25 offender who is required to register under this act, who is enrolled in or attends  
26 either a private or public education institution, including a secondary school,

1 trade or professional school, or an institution of higher education, including  
2 those who are currently enrolled in the school or institution, but are performing  
3 internship, externships or apprentices at an agency or organization under the  
4 supervision of a school program.

5 (l) The term *institution of higher education* means post secondary school.

6 (m) The term *law enforcement agency* means any so designated agency on Guam,  
7 including, but *not limited to*, the Guam Police Department, the Jose D. Leon  
8 Guerrero Commercial Port Police, the Parole Services Division of the  
9 Department of Corrections, the Judiciary of Guam, Probation Division, the U.S.  
10 Probation Office, the U.S. Marshal's Service, the Conservation Office of the  
11 Department of Agriculture, the A. B. Won Pat International Airport Authority  
12 Police, the Office of the Attorney General – Prosecution and Family Divisions,  
13 the Judiciary of Guam Marshals Division, the Air Force Office of Special  
14 Investigations, the Naval Criminal Investigation Section, the Coast Guard  
15 Criminal Investigation Section, the United States Army Criminal Investigation  
16 Division, and other criminal investigators of the United States Government. As  
17 Guam does not have recognized law enforcement Campus Police in Guam’s  
18 institution of higher education, the Guam Police Department is the recognized  
19 law enforcement agency with jurisdiction over Guam’s institution of higher  
20 education.

21 (n) The term *court* means the Superior Court of Guam, Judiciary of Guam, District  
22 Court of Guam, or Island Court of Guam.

23 (o) The term *community* refers to the entire territorial boundaries of Guam.

24 (p) The term *registrant* refers to persons required to register under this code and is  
25 used interchangeably throughout this code with the word “sex offender”.

- 1 (q) The term *change in enrollment or employment status* means the commencement  
2 or termination of enrollment or employment or a change in location of  
3 enrollment or employment.
- 4 (r) The term *resides* means, with respect to an individual, the location of the  
5 individual's home or any other place where the individual habitually lives or  
6 sleeps regardless of whether there is no fixed home or address in the  
7 jurisdiction, so long as the individual lived in the jurisdiction for at least 30  
8 days.
- 9 (s) For the purposes of this code, a "resident" includes any individual who either  
10 resides within Guam or who otherwise owns any real property within Guam in  
11 fee or trust regardless of its location on Guam, who is employed within Guam  
12 or employed by a corporation or organization whose primary business address is  
13 on Guam, or who is a student or attends an educational program within Guam,  
14 or who files their yearly income taxes on Guam.
- 15 (t) The term *jurisdiction* refers to any of the following:
- 16 (1) A State
  - 17 (2) The District of Columbia
  - 18 (3) The Commonwealth of Puerto Rico
  - 19 (4) Guam
  - 20 (5) American Samoa
  - 21 (6) The Northern Mariana Islands
  - 22 (7) The United States Virgin Islands
  - 23 (8) To the extent provided and subject to the requirements of 42 U.S.C.  
24 §16927, a federally recognized Indian tribe.
- 25 (u) *Immediate*. The term *immediate* or *immediately* when used in this code means  
26 within three (3) working days.



1 (v) *Imprisonment*. The term *imprisonment* or *imprisoned* refers to incarceration  
2 pursuant to a conviction regardless of the nature of the institution in which the  
3 offender serves the sentence. Sex Offenders under “house arrest” following any  
4 conviction for any offense are required to register pursuant to the provisions of  
5 this code during the period of “house arrest”.

6 (w) *This Code*. The term *this code* refers to the sex offender registration and  
7 community notification system established in Chapter 89 of the G.C.A.

8 (x) *Sex Offender*. The term *sex offender* refers to any person convicted of an  
9 offense listed in 89.01(b), (c) or (d).

## 10 § 89.02. Classification of Offenders.

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

14 (1) A *Sexually Violent Offense* as defined in §89.01(d)(1);

15 (2) *Guam Offenses*: Any conviction under the following statutes and all of  
16 their subsections:

17 i. 9 G.C.A. §16.30;

18 ii. 9 G.C.A. §22.20, wherein the victim of such crime is a minor;

19 iii. 9 G.C.A. §22.40, wherein the victim of such crime is a minor;

20 iv. 9 G.C.A. §22.50, wherein the victim of such crime is a minor;

21 v. 9 G.C.A. §25.15, except for a conviction under §25.15(2);

22 vi. 9 G.C.A. §25.20, except for a conviction under §25.20(2);

23 vii. 9 G.C.A. §25.25;

24 viii. 9 G.C.A. §28.49;

25 ix. 9 G.C.A. §28.51;

26 x. 9 G.C.A. §31.15; or

1 xi. 9 G.C.A. §70.35.

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

4 i. 18 U.S.C. §2241;

5 ii. 18 U.S.C. §2242; or

6 iii. 18 U.S.C. §2244.

7 (4) *Military Offenses*. Any offense specified by the Secretary of Defense  
8 under section 115(a)(8)(c)(i) of Public Law 105-119 (codified at 10  
9 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C.  
10 §920 that is similar or comparable to those offenses outlined in  
11 §89.02(a)(1), (2), (3) or (5).

12 (5) *Other Offenses*. Any offense in any jurisdiction or foreign country  
13 which involves:

14 i. non-parental kidnapping of a minor;

15 ii. a sexual act with another by force or threats;

16 iii. a sexual act with another who has been rendered unconscious or  
17 involuntarily drugged, or who is otherwise incapable of appraising  
18 the nature of the conduct or declining to participate; or

19 iv. sexual contact with a minor under 14 years of age or younger,  
20 including offenses that cover sexual touching of or contact with  
21 the intimate parts of the body, either directly or through the  
22 clothing; or

23 v. is similar or comparable to those offenses outlined in §89.02(a)(1)  
24 or (2).

1 (6) *Recidivism.* Any sex offense that is punishable by more than one year in  
2 prison where the offender has at least one prior conviction for an offense  
3 listed in §89.02(b), or has previously become a Level Two Offender.

4 (b) *Level Two Offender.* Any person *not* otherwise classified as a Level One  
5 Offender who is convicted of any of the following offenses, including a  
6 conviction for an attempt or conspiracy to commit any of the following  
7 offenses, shall be considered a Level Two Offender:

8 (1) *Guam Offenses*

9 i. Generally. Any conviction for:

- 10 1. criminal sexual conduct involving two (2) *or* more  
11 victims;
- 12 2. two (2) *or* more separate criminal sexual conduct  
13 offenses;
- 14 3. a criminal offense against a victim who is a minor,  
15 involving two (2) *or* more minors;
- 16 4. two (2) *or* more separate criminal offenses against a  
17 victim who is a minor; or
- 18 5. one (1) *or* more separate criminal sexual conduct  
19 offense and one (1) *or* more separate criminal offense  
20 against a victim who is a minor.

21 ii. Specific Offenses: Any conviction under the following  
22 statutes and all of their subsections:

- 23 1. 9 G.C.A. §28.20, wherein the victim of such crime is a  
24 minor;
- 25 2. 9 G.C.A. §28.25, wherein the victim of such crime is a  
26 minor;

1                   3.     9 G.C.A. §28.30, wherein the victim of such crime is a  
2                   minor;

3                   4.     9 G.C.A. §28.52, wherein the victim of such crime is a  
4                   minor; or

5                   5.     9 G.C.A. §28.80, wherein the victim of such crime is a  
6                   minor.

7                   (2) *Federal Offenses:*     Any conviction under the following statutes and  
8                   all of their subsections:

9                   i.    18 U.S.C. §1591;

10                  ii.  18 U.S.C. §2243;

11                  iii. 18 U.S.C. §2244;

12                  iv.  18 U.S.C. §2251;

13                  v.   18 U.S.C. §2251A;

14                  vi.  18 U.S.C. §2252 (production or distribution of child  
15                  pornography);

16                  vii. 18 U.S.C. §2252A (production or distribution of child  
17                  pornography);

18                  viii. 18 U.S.C. §2260;

19                  ix.  18 U.S.C. §2421;

20                  x.   18 U.S.C. §2422(b); or

21                  xi.  18 U.S.C. §2423(a).

22                   (3) *Military Offenses:*     Any offense specified by the Secretary of  
23                   Defense under section 115(a)(8)( c)(i) of Public Law 105-119 (codified  
24                   at 10 U.S.C. §951 note) or any other conviction of an offense under 10  
25                   U.S.C. §920 that is similar or comparable to those offenses outlined in  
26                   §89.02(b)(1), (2), (4).

1 (4) *Other Offenses*. Any offense in any jurisdiction or foreign country  
2 which involves:

- 3 i. the use of minors in prostitution, including solicitation;
- 4 ii. enticing a minor to engage in criminal sexual activity;
- 5 iii. sexual contact with a minor 14 years of age or older, whether  
6 directly or indirectly through the clothing, that involves the  
7 intimate parts of the body;
- 8 iv. The use of a minor in a sexual performance;
- 9 v. The production or distribution of child pornography; or
- 10 vi. is similar or comparable to those offenses outlined in  
11 §89.02(b)(1).

12 (5) *Recidivism*. Unless otherwise covered under §89.02(a)(6), any sex  
13 offense that is not the first sex offense for which an offender has been  
14 convicted and that is punishable by more than one year imprisonment.

15 (c) *Level Three Offender*. Any person *not* otherwise classified as a Level One  
16 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  
18 the following offenses, shall be considered a Level Three Offender.

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

- 21 i. 9 G.C.A. §22.30;
- 22 ii. 9 G.C.A. §25.15(2);
- 23 iii. 9 G.C.A. §25.20(2);
- 24 iv. 9 G.C.A. §25.25;
- 25 v. 9 G.C.A. §25.30;
- 26 vi. 9 G.C.A. §25.35;

- vii. 9 G.C.A. §28.50;
- viii. 9 G.C.A. §28.65;
- ix. 9 G.C.A. §89.01(b)(1);
- x. 9 G.C.A. §89.01(b)(3);
- xi. Any criminal sexual conduct offense not otherwise listed in §89.02 (a), (b) or (c); or
- xii. Any criminal offense against a victim who is a minor not otherwise listed in §89.02 (a), (b) or (c).

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

- i. 18 U.S.C. §1801;
- ii. 18 U.S.C. §2252 (receipt or possession of child pornography);
- iii. 18 U.S.C. §2252A (receipt or possession of child pornography);
- iv. 18 U.S.C. §2252B;
- v. 18 U.S.C. §2252C;
- vi. 18 U.S.C. §2422(a);
- vii. 18 U.S.C. §2423(b);
- viii. 18 U.S.C. §2423(c);
- ix. 18 U.S.C. §2424; or
- x. 18 U.S.C. §2425;

(3) *Military Offenses.* Any offense specified by the Secretary of Defense under section 115(a)(8)( c)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) or any other conviction of an offense under 10 U.S.C. §920 that is similar or comparable to those offenses outlined in §89.02(c)(1), (2), (4).

1 (4) *Other Offenses.* Any offense in any jurisdiction or foreign country  
2 which involves:

- 3 i. false imprisonment of a minor;
- 4 ii. video voyeurism of a minor;
- 5 iii. possession or receipt of child pornography; or
- 6 iv. is similar or comparable to those offenses outlined in  
7 §89.02(c)(1).

8 **§ 89.03. Registration; Duty to Register.**

9 (a) *Persons Required to Register on Guam.* The following persons shall have  
10 the absolute duty to register on Guam at the Judiciary of Guam, Probation  
11 Division, register pursuant to this code:

12 (1) *Residents.* Any person who resides on Guam that has been or is  
13 hereafter convicted of a sex offense; and

14 (2) *Non-Residents.* Any person who is a non-resident who is on  
15 Guam for the purpose of being employed or as a student and has been  
16 or is hereafter convicted of a sex offense.

17 (b) *Registration Requirements; Information to be Registered.*

18 (1) *Registrants required to provide information.* All persons required  
19 to register shall provide all of the information detailed in this section  
20 to the Judiciary of Guam, Probation Division, and the Judiciary of  
21 Guam, Probation Division, shall obtain all of the information detailed  
22 in this section from any person required to register with Guam in  
23 accordance with this code and shall implement any relevant policies  
24 and procedures necessary to effectuate the intent of this code.

1 (2) *Digitized Format.* To the greatest extent possible, all information  
2 obtained under this code shall be maintained by the Judiciary of  
3 Guam, Probation Division, in a digitized format.

4 (3) *Sex Offender Registry Management System.* There is hereby  
5 established a Sex Offender Registry, which the Judiciary of Guam,  
6 Probation Division, shall maintain and operate pursuant to the  
7 provisions of this code, as amended. The sex offender registry shall  
8 be maintained in an electronic database by the Judiciary of Guam,  
9 Probation Division, and shall be in a form capable of electronic  
10 transmission. This sex offender registry may also be maintained in  
11 any other form in addition to the electronic database described above.

12 (4) *Provided by the Offender.* The following information must be  
13 registered and updated by any sex offender required to register under  
14 this code at the Judiciary of Guam, Probation Division, or at the  
15 designated agency assigned to manage the Sex Offender Registry  
16 Management System:

17 a. *Name, Date of Birth, Social Security Number.* All primary and  
18 given names, alias(es), nicknames, and pseudonyms to include  
19 ethnic and tribal names (regardless of the context in which  
20 they are used, actual date of birth and any purported dates of  
21 birth, and actual social security number and any purported  
22 social security numbers used, if any, and any other identifying  
23 factors;

24 b. *Residential and Physical Address.*



1 i. Current physical address and mailing address, or if the  
2 person is incarcerated, the address of the residence  
3 where the person will be residing immediately upon  
4 release and the mailing address the person plans to use  
5 immediately upon release;

6 ii. If a registrant does not have a fixed or definite address,  
7 then a specific name, description and the location of the  
8 place or places where the registrant habitually lives to  
9 include, but not limited to, information of a certain part  
10 of the city or village that is the registrant's habitual  
11 locale, a park or spot on the street where the registrant  
12 stations himself/herself during the day or sleeps at  
13 night, any shelters or temporary homeless shelters  
14 which the registrant circulates, or places of public  
15 buildings, restaurants, libraries, or other establishments  
16 that the registrant frequents;

17 iii. physical address and mailing address of any anticipated  
18 future residence or any residence of temporary lodging,  
19 wherein the offender leaves the current residence for  
20 seven days or more, including any land line telephone  
21 numbers of the anticipated future residence or  
22 temporary lodging, pagers or cellular/mobile numbers  
23 that the offender has access to or anticipates in having  
24 access to;

25 c. *Employment Information.* Employer name, employer's  
26 telephone numbers, physical address and mailing address of

1 current and/or anticipated employment, and if applicable,  
2 transient/day labor information. If the employment requires  
3 registrant to travel to different locales, then the registrant shall  
4 provide the specific names and addresses of the other locales;

5 d. *Photograph.* current photograph (paper records);

6 e. *School Information.* Name and address of any place where the  
7 sex offender is a student or will be a student, including the  
8 name and address of any secondary school, institution of  
9 higher education, trade school or professional school (public  
10 or privately owned), and enrollment status;

11 f. *Phone Numbers.* Any land line telephone numbers, pagers,  
12 cellular/mobile numbers, or any other designations used by the  
13 offender for purposes of routing or self-identification in  
14 telephonic communications, that the offender has access to or  
15 anticipates having access to;

16 g. *Vehicle Information.* The license plate number and description  
17 of any vehicle, which includes all land vehicles, aircrafts, or  
18 watercrafts, whether owned or operated for work or personal  
19 use, to include a description of the vehicle, its permanent or  
20 frequent location;

21 h. *Internet Identifiers.* Internet identifiers and all designations  
22 used by sex offenders for purposes of routing or self-  
23 identification in Internet communications or postings,  
24 including email addresses, instant messaging addresses or any  
25 other designation used in internet communication;

- 1 i. *Driver's License and Identification Card.* A photocopy of all  
2 valid driver's licenses or identification cards, if any, issued to  
3 the offender by any and all jurisdictions;
- 4 j. *Passport and Immigration Documents.* A photocopy of all  
5 passport and immigrations documents, if any, issued to the  
6 offender by any and all countries and jurisdictions;
- 7 k. *Professional Licensing Information.* Professional Licensing  
8 Information, to include all licensing in which the registrant has  
9 obtained or had previously obtained which authorizes the  
10 registrant to engage in an occupation or carry out a trade or  
11 business. This includes any information as to the name, place  
12 of employment and contact information as required in this  
13 section, as well as any organization or business wherein the  
14 professional license was obtained and to which the registrant  
15 is affiliated or has some financial stake in;
- 16 l. *International Travel.* Any intended travel plans or  
17 arrangements that the sex offender has, whether such travel is  
18 to an international jurisdiction or within the United States or  
19 its territories. The Offender shall provide such travel plans or  
20 arrangements at least 21 days in advance of such travel.  
21 Information provided by the sex offender shall include the  
22 destination and any other information requested by the  
23 Judiciary of Guam, Probation Office or the designated Guam  
24 agency in charge of managing the Sex Offender Registry; and
- 25 m. *Miscellaneous.* Any other information as may be deemed  
26 appropriate by the Judiciary of Guam, Probation Office or the

1 designated Guam agency in charge of managing the Sex  
2 Offender Registry.

3 (5) *Provided by Guam.* The Judiciary of Guam, Probation Office, or  
4 the designated agency that manages Guam's Sex Offender Registry in  
5 which the sex offender registers shall ensure that the following  
6 information is included in the Guam Sex Offender Registry for that  
7 sex offender:

8 a. *Physical Description.* a physical description of the offender,  
9 to include a written general physical description of the  
10 offender and any distinguishing physical characteristics or  
11 marks such as birthmarks, scars, moles, and tattoos, and its  
12 location on the offender. A photograph of any such  
13 distinguishing physical characteristics or marks should be  
14 included if possible, but is not required;

15 b. *Photograph.* current photograph of the offender (digitized  
16 form);

17 c. *Driver's License and Identification Card.* A photocopy of all  
18 valid driver's licenses or identification cards, if any, issued to  
19 the offender by any and all jurisdictions (digitized form);

20 d. *Passport and Immigration Documents.* A photocopy of all  
21 passport and immigration documents, if any, issued to the  
22 offender by any and all countries and jurisdictions (digitized  
23 form);

24 e. *Criminal History.* Criminal history, including the date of all  
25 arrests and convictions, the status of parole, probation, or

1 supervised release, registration status, all relevant information  
2 related to the underlying crime which triggered the registration  
3 requirements of this code, any sex offender registration status,  
4 and any outstanding arrest warrants;

5 f. *Treatment Documentation.* Documentation of any treatment,  
6 that the sex offender has completed, is currently undergoing,  
7 or wherein the sex offender has been ordered to attend and  
8 complete by any court on Guam, as defined under §89.01(n);

9 g. *Fingerprints and Palm Prints.* Fingerprints and palm prints;

10 h. *DNA Sample.* DNA sample of the offender;

11 i. *Text of Registration of Offense.* The text of the provision of  
12 law defining the criminal offense for which the sex offender is  
13 registered;

14 j. *Notice and Acknowledgement Form of Registration*  
15 *Requirements.* All sex offenders will sign and acknowledge a  
16 notice and acknowledgement form which shall provide  
17 information regarding the registration requirements and duties  
18 of sex offenders. The sex offender will be required to sign an  
19 acknowledgement that the information of the registration  
20 requirements have been provided upon their initial  
21 registration, and an original, photocopy, or electronic copy of  
22 the offender's notice form signed shall be made available on  
23 Guam's sex offender registry; and

24 k. *Miscellaneous.* Any other information as may be deemed  
25 appropriate by the Judiciary of Guam, Probation Division, or

1 the designated Guam agency in charge of managing the Sex  
2 Offender Registry.

3 (6) *Exemptions.*

4 a. *Federally Protected Witnesses.* Where the person required to  
5 register is a Federally protected witness, the person shall not  
6 be required to provide a photograph, alias(es), and original  
7 name, place of offense, date of birth, social security number or  
8 prior residence.

9 b. *Pardoned Convict or Conviction Reversed Upon Appeal.* The  
10 duty to register under this code shall not be applicable to any  
11 sex offender whose conviction was reversed upon appeal, or  
12 who was pardoned by I Maga'láhen Guåhan or who has been  
13 pardoned by the designated agency or individual of any  
14 jurisdiction as defined in this code.

15 (c) *Biological Samples.*

16 (1) Every person convicted in court of a criminal sexual conduct  
17 offense, or of a criminal offense against a victim who is a minor, shall  
18 provide a biological sample to the Guam Police Department for DNA  
19 profile information typing upon conviction.

20 (2) Every person who was convicted in court of a criminal sexual  
21 conduct offense or of a criminal offense against a victim who is a  
22 minor and is incarcerated on the effective date of this law shall  
23 provide a biological sample for DNA profile information no later  
24 than ninety (90) calendar days after the effective date of this law.

1 (3) Every person who was convicted in court of a criminal sexual  
2 conduct offense or of a criminal offense against a victim who is a  
3 minor and is released on parole or probation shall provide a  
4 biological sample for DNA profile information to the Guam Police  
5 Department at the time of that person's initial registration or within  
6 thirty (30) working days of initial registration.

7 (4) Every person required to register pursuant to §89.03 (i) and (ii)  
8 shall provide a biological sample to the Guam Police Department for  
9 DNA profile information at the time of that person's initial  
10 registration on Guam or within thirty (30) working days upon  
11 conviction.

12 (5) Intentional or knowing failure to provide a biological sample shall  
13 have the same penalty as a failure to provide initial registration  
14 information, which is a felony of the third degree as noted under  
15 §89.05(f).

16 (6) All biological samples for DNA profile information typing that is  
17 provided to the Guam Police Department pursuant to this subsection  
18 shall be submitted for analysis and entry of the resulting DNA profile  
19 into the Combined DNA Index System (CODIS).

20 (d) *Registration Requirements for Persons Required to Register Pursuant to*  
21 *§89.03(a); Initial Registration; Penalty.*

22 (1) *Registry Requirements for Sex Offenders, In General.* All  
23 persons required to register must register, and keep the registration  
24 current, in each jurisdiction where the offender resides, where the  
25 offender is an employee, and where the offender is a student.

1 (2) *Initial Registration, In General.* All sex offenders shall initially  
2 register:

- 3 a. Before completing a sentence of imprisonment with respect to  
4 the offense giving rise to the registration requirements, if the  
5 person is so incarcerated on or after the date of the enactment  
6 of this statute. Intentional or knowing failure to provide this  
7 information shall result in the delay of that person's release;
- 8 b. Not later than three (3) working days after being sentenced for  
9 that offense, if the sex offender is not sentenced to a term of  
10 imprisonment, if the person is sentenced on or after the date of  
11 the enactment of this statute;
- 12 c. Not later than the date the person is scheduled to be placed on  
13 probation. Intentional or knowing failure to provide this  
14 information by that date shall result in the revocation of the  
15 person's probation and shall make that person ineligible for  
16 probation;
- 17 d. Not later than three (3) working days after arrival on Guam;
- 18 e. If the registrant is on probation in another jurisdiction and that  
19 registrant's probation is to be transferred to Guam, then the  
20 Judiciary of Guam, Probation Division, may obtain the  
21 necessary information from the office of probation or parole of  
22 the jurisdiction from where the registrant came; said registrant  
23 is required to verify the registered information as required by  
24 this code *no later than* three (3) calendar days after the  
25 person's arrival on Guam.



1 (3) *Where a Person Identified as a Person Required to Register is on*  
2 *Supervised Parole or Probation at the Time of the Passage of This*  
3 *Law and Is Not Currently Registered.* Initial registration information  
4 must be provided to the Judiciary of Guam, Probation Division, Sex  
5 Offender Registry Management Office no later than ninety (90)  
6 calendar days after the effective date of this law. Intentional or  
7 knowing failure to register pursuant to this Subsection is a felony of  
8 the third degree, as noted under §89.05(a).

9 (4) *Where a Person Required to Register is No Longer Under the*  
10 *Supervision of Either Probation or Parole at the Time of the Passage*  
11 *of This Law and Is Not Currently Registered.* Sex offenders required  
12 to register pursuant to this code who fall within this category type  
13 shall have the absolute duty to report to and register with the  
14 Judiciary of Guam, Probation Division, Sex Offender Registry  
15 Management Office. Intentional or knowing failure to register  
16 pursuant to this subsection is a felony of the third degree, as noted  
17 under §89.05(a).

18 (5) *Conviction Jurisdiction.* Any person who has been or is convicted  
19 on Guam that is required to register under this code, but does not plan  
20 to reside in Guam, be employed on Guam, or register or enroll in a  
21 school on Guam, and upon release will reside in another jurisdiction,  
22 be employed or will be registering or enrolling in a school in another  
23 jurisdiction, shall still be required to register initially in Guam, and  
24 upon relocating to the other jurisdiction, the registrant shall be  
25 required to make an in-person registration appearance within three (3)

1 working days of commencing residence or employment in that  
2 jurisdiction.

3 (6) *Incarceration Jurisdiction.* Any person who has been convicted  
4 in another jurisdiction, other than in Guam, but the person will be  
5 released from custody of the conviction jurisdiction and released to  
6 the custody of Guam and incarcerated on Guam, such registrant, prior  
7 to the registrant being released from incarceration on Guam, shall be  
8 required to initially register in-person on Guam.

9 (e) *Registration Requirements; Frequency, Verification, Duration, and Reduction.*

10 (1) A registrant must verify their registration in person with the  
11 Judiciary of Guam, Probation Division, in the manner specified in  
12 this section. At each in-person verification the sex offender shall:

- 13 a. permit the Judiciary of Guam, Probation Division, to take a  
14 photograph of the offender, and  
15 b. review existing information for accuracy and update, as  
16 necessary, any changes to existing registration information.

17 (2) *Level One Offender.* A person who is a level one offender *shall*  
18 verify the following registered information ninety (90) calendar days  
19 from the date of initial registration; and shall appear in person once  
20 every ninety (90) calendar days thereafter to verify and update their  
21 registration information for the rest of their lives. *If* the ninetieth  
22 (90<sup>th</sup>) day falls on a weekend *or* holiday, the registrant *shall* appear  
23 on the following working day.

24 (3) *Level Two Offender.* A person who is a level two offender *shall*  
25 verify the following registered information one hundred eighty (180)

1 calendar days from the date of initial registration; and shall appear in  
2 person once every one hundred eighty (180) calendar days thereafter  
3 to verify and update their registration information for the rest of their  
4 lives. *If* the one hundred eightieth (180<sup>th</sup>) day falls on a weekend *or*  
5 holiday, the registrant *shall* appear on the following working day.

6 (4) *Level Three Offender.* A person who is a level three offender  
7 *shall* verify the following registered information one (1) year from  
8 the date of the registrant's initial registration; and shall appear in  
9 person once every year thereafter to verify and update their  
10 registration information for fifteen (15) years. *If* the date the  
11 registrant is to verify falls on a weekend *or* holiday, the registrant  
12 *shall* appear on the following working day.

13 (5) If any new information or change in information is obtained at an  
14 in-person verification, the Judiciary of Guam, Probation Division,  
15 shall immediately notify:

- 16 a. All other jurisdictions in which the sex offender is required to  
17 register of the information or change in information; and
- 18 b. The Guam Police Department;
- 19 c. Any other appropriate governmental agency as determined by  
20 the Judiciary of Guam, Probation Division.

21 (f) *Keeping The Registration Current.* A sex offender who is a resident of  
22 Guam shall:

- 23 (1) not later than three (3) working days after each change of name,  
24 residence, employment, student status, or termination of residence,  
25 appear in person at the Judiciary of Guam, Probation Division, and

1 inform the Judiciary of Guam, Probation Division of all changes in  
2 the information required for that sex offender in the sex offender  
3 registry. *If* a registrant anticipates moving from Guam, that registrant  
4 *shall* register in person his intended place of residence with the  
5 Judiciary of Guam, Probation Division, *no later than* three (3)  
6 calendar days before his departure from Guam; and

7 (2) not later than three (3) working days after each change in  
8 temporary lodging information, vehicle information, internet  
9 identifiers, or telephone numbers, immediately notify the Judiciary of  
10 Guam, Probation Division, and inform the Judiciary of Guam,  
11 Probation Division, of all changes in the information required for  
12 that sex offender in the sex offender registry.

13 (3) The Judiciary of Guam, Probation Division, shall immediately  
14 provide the updated information via electronic forwarding to:

- 15 a. All other jurisdictions in which the sex offender is required to  
16 register;
- 17 b. The Guam Police Department; and
- 18 c. Any other appropriate governmental agency as determined by  
19 the Judiciary of Guam, Probation Division.

20 (g) *Registration Requirement; Guam Residents Who are Employed, Carry on a*  
21 *Vocation, or are Students in Another Jurisdiction.* A person who is  
22 required to register on Guam and who is employed, carries on a vocation, *or*  
23 is a student in another jurisdiction *shall* also register in that other jurisdiction  
24 pursuant to the registration requirements of that jurisdiction.

1 (h) *Registration Requirement; Sex offenders Who Move to Another Jurisdiction.*

2 When a sex offender who is required to register on Guam anticipates  
3 moving to another jurisdiction, that registrant *shall* report the change of  
4 address to the Judiciary of Guam, Probation Division, pursuant to the  
5 requirements of this code, *and* comply with any registration requirement of  
6 the new jurisdiction.

7 **§ 89.04. Duration of Registration**

8 A registrant *shall* continue to comply with this code, *except* during ensuing periods of  
9 incarceration, for the following period of time:

10 (a) *Lifetime; Level One and Level Two Offenders.* A Level One  
11 Offender or Level Two Offender must comply with this code for the  
12 length of that person's life.

13 (b) *Fifteen (15) Years; Level Three Offenders.* A Level Three  
14 Offender must comply with this code for a period of fifteen (15)  
15 years from the date of that person's initial registration.

16 (c) *Where Conviction Reversed, Vacated or Set Aside or Where*  
17 *Registrant Pardoned.* Notwithstanding subsections (a) and (b) of  
18 this section, where the underlying conviction is reversed, vacated *or*  
19 set aside, *or if* the person is pardoned of the crime which triggered the  
20 registration requirement of this code, registration is no longer  
21 required.

22 (d) *Tolling of Registration Requirement.* *If* a registrant is re-  
23 incarcerated for violations of release conditions imposed in the same  
24 crime, *or* for the commission of another crime, *or* the registrant is  
25 civilly committed, *or* if the registrant leaves to a foreign country and

1 informs the Judiciary of Guam, Probation Division, then the period of  
2 registration is tolled and remains tolled until the registrant's  
3 subsequent release *or* arrival in another jurisdiction. Thereafter, the  
4 registrant *shall* recommence and continue registering for the  
5 remaining period of time the registrant is required to register.

6 § 89.05. Penalties.

7 (a) *Initial Registration.* Intentional *or* knowing failure to provide initial  
8 registration information *shall* delay the registrant's release *if* the registrant is to  
9 be released, *or* make the registrant ineligible for probation *if* the registrant is to  
10 be placed on probation. Intentional *or* knowing failure to provide initial  
11 registration information is a felony of the third degree.

12 (b) *Verification.* The failure to verify registered information is a felony of the third  
13 degree. A second *or* subsequent failure to so register is a felony of the second  
14 degree. Failure of a probationer *or* parolee to so register may result in sanctions  
15 pursuant to Title 8 GCA §80.66 and Title 9 GCA §80.82, *respectively*.

16 (c) *Address Changes.* A registrant's failure to register the registrant's new physical  
17 and mailing address within three (3) calendar days of any change of physical  
18 and mailing address is a felony of the third degree. A second *or* subsequent  
19 failure to so register is a felony of the second degree. Failure of a registrant  
20 who is a probationer *or* parolee to so register may result in sanctions pursuant to  
21 Title 9 GCA §80.66 and Title 9 GCA §80.82, *respectively*.

22 (d) *False Information.* Intentionally and knowingly providing false information  
23 during initial registration *or* subsequent verification is a felony of the second  
24 degree.

1 (e) *Enrollment or Employment at an Institution of Higher Education.* A registrant's  
2 failure to update enrollment *or* employment at an institution of higher education  
3 *or* termination of such enrollment *or* employment at an institution of higher  
4 education with the Judiciary of Guam, Probation Division, within three (3)  
5 calendar days of any change would constitute a failure to register *or* keep such  
6 registration current and is a felony of the third degree.

7 (f) *Failure to Provide Biological Sample.* Intentional *or* knowing failure to  
8 provide biological samples for DNA profile information to the Guam Police  
9 Department pursuant to this code is a felony of the third degree.

10 **§ 89.06. Failure to Appear for Registration, Absconding and Failure to Register**

11  
12 (a) *Failure to Appear.* In the event a sex offender fails to register on Guam as required  
13 by this code, then the Judiciary of Guam, Probation Division, or designee shall  
14 immediately inform the jurisdiction that provided notification that the sex offender  
15 was to commence residency, employment, or school enrollment on Guam, and that  
16 the sex offender failed to appear for registration.

17 (b) *Absconded Sex Offenders.* If the Judiciary of Guam, Probation Division, or its  
18 designee receives information that a sex offender has absconded, then the Judiciary  
19 of Guam, Probation Division, shall make an effort to determine if the sex offender  
20 has actually absconded.

21 i. In the event that no determination can be made, the Judiciary of  
22 Guam or designee shall ensure that the Guam Police Department and  
23 other local law enforcement agencies are notified so that a proper  
24 investigation may be conducted.

25 ii. If the information indicating the possible absconding came through  
26 notice from another jurisdiction or federal authorities, the other

1 jurisdiction or the federal authorities shall be informed that the sex  
2 offender failed to appear and register.

3 iii. If an absconded sex offender cannot be located by the Guam Police  
4 Department after the matter had been forwarded for investigation,  
5 then the Guam Police Department shall inform the Judiciary of  
6 Guam, Probation Division, and the Judiciary of Guam, Probation  
7 Division, shall take the forthcoming steps:

8 1. Update the registry to reflect the sex offender has absconded  
9 or is otherwise not capable of being located;

10 2. Notify the U.S. Marshals;

11 3. If all legal requirements are met to obtain a federal warrant of  
12 arrest, then the U.S. Marshals Service or the Federal Bureau of  
13 Investigations may be contacted in an attempt to obtain a  
14 federal warrant for the sex offender's arrest;

15 4. Update the National Sex Offender Registry (NSOR) to reflect  
16 the sex offender's status as an absconder, or is otherwise not  
17 capable of being located; and

18 5. Enter the sex offender into the National Crime Information  
19 Center Wanted Persons File.

20 iv. *Failure to Register.* In the event a sex offender who is required to  
21 register due to their employment or school attendance status fails to  
22 do so or otherwise violates a registration requirement of this code,  
23 then the Judiciary of Guam, Probation Division, shall take all  
24 appropriate follow-up measures including those outlined in the above  
25 section. The Judiciary of Guam, Probation Division, shall first make



1 an effort to determine if the sex offender is actually employed or  
2 attending or enrolled in school within its jurisdiction.

3  
4 **§ 89.07. Duties of the Department of Corrections and the Parole Services and**  
5 **Probation Division, of the Judiciary of Guam; Initial Registration.**

6 *If a registrant is placed on parole or placed on probation, or prior to the registrant being*  
7 *released from incarceration, the Department of Corrections, the Parole Services Division,*  
8 *or the Judiciary of Guam, Probation Division, shall:*

9 (a) inform the registrant of the duty to register;

10 (b) ensure that the sex offender completes his/her initial registration pursuant to this  
11 code;

12 (c) require the registrant to read and sign a form stating that the registrant's duty to  
13 register under this code has been explained;

14 (d) forward information described in (c) above to the Judiciary of Guam, Probation  
15 Division, within three (3) calendar days after receipt thereof;

16 (e) ensure any registration information is promptly made available to the Judiciary of  
17 Guam, Probation Division; and

18 **§ 89.08. Duties of the Guam Police Department.**

19  
20 The Guam Police Department *shall:*

21  
22 (a) inform all persons required to register under this code of their duty to register;

23 (b) require any person required to register under this code who has not yet provided his  
24 *or her* initial registration information to read and sign a form stating the registrant's  
25 duty to register under this code has been explained;

- 1 (c) forward information described in (b) above to the Judiciary of Guam, Probation  
2 Division, within three (3) calendar days after receipt thereof;
- 3 (d) collect a biological sample for DNA profile information from the offender as  
4 required in this code and submit the sample to the Federal Bureau of Investigation  
5 within twenty-four (24) hours of collection and to any local entity that may be  
6 Guam's central repository for DNA;
- 7 (e) collect and keep records of fingerprints and palm prints from the registrant and also  
8 distribute cards containing such prints to the Judiciary of Guam, Probation  
9 Division, to submit such fingerprints and palm prints to the Federal Bureau of  
10 Investigation within twenty-four (24) hours of collection and to any local entity that  
11 may be Guam's central repository for fingerprints or palm prints.

12 **§ 89.09. Duties of the Judiciary of Guam.**

- 13
- 14 (a) *Repository.* The Judiciary of Guam *shall* be the central repository for all  
15 registration information gathered pursuant to this code, in addition to all criminal  
16 history records information.
- 17 (b) *Sole Source of Submission of Information to the Federal Bureau of*  
18 *Investigation (FBI) and the National Crime Information Center (NCIC).* The  
19 Judiciary of Guam, Probation Division, *shall* enter all registration information into  
20 the NCIC system and National Sex Offender Registry (NSOR) *no later than* three  
21 (3) working days after receipt of such information. The Judiciary of Guam,  
22 Probation Division, *shall* forward the fingerprints and palm prints to the FBI for  
23 inclusion in the appropriate databases.
- 24 (c) *Notification of Local Law Enforcement Agencies Regarding Changes of Address;*  
25 *Relocation from Guam.* Upon receipt of information that the registrant is  
26 anticipated to relocate from Guam to another jurisdiction, the Judiciary of Guam,

1 Probation Division, *shall* immediately notify the jurisdiction to which the  
2 registrant is relocating and *shall* transmit the address of the registrant's anticipated  
3 residence to the FBI *no later than* three (3) working days of receipt of such  
4 information.

5 (d) *Notification of FBI Regarding Changes of Address.* Upon receipt of information  
6 that the registrant is *or* has changed residence within Guam, *or* is anticipated to  
7 relocate from Guam to another state, territory *or* tribe, the Judiciary of Guam,  
8 Probation Division, *shall* transmit the new address to the FBI *no later than* three  
9 (3) working days after receipt of such information.

10 (e) *Release of Information.* The Judiciary of Guam, Probation Division, *shall* ensure  
11 that all of the registrant's information that is required to be released under this code  
12 is properly and timely released.

13 (f) *Fees.* The Judiciary of Guam, Probation Division, is authorized to collect  
14 reasonable registration fees from registrants. Such fees *shall* be used for the  
15 maintenance and support of the sex offender registration and notification program.  
16 One hundred percent (100%) of the fee paid by the registrant *shall* be given to the  
17 Judiciary of Guam, Probation Division.

#### 18 **§ 89.10 Duties of the Judiciary of Guam in managing the Sex Offender Registry**

19 The Judiciary of Guam *shall*:

20 (a) supervise, upkeep, and maintain the Crimes Against Minors and Sex Offender  
21 Registry;

22 (b) inform the registrant of his/her registration duties under this code;

23 (c) ensure that any person required to register under this code has read and signed a  
24 form stating that the registrant's duty to register under this code has been  
25 explained;

- 1 (d) receive and obtain initial registration and registration verification information  
2 from all persons required to register under this code, and enter such information  
3 into the Sex Offender Registry database;
- 4 (e) supervise the release of verified information, as required in this code;
- 5 (f) perform all other duties necessary to ensure the proper maintenance of the Sex  
6 Offender Registry and to ensure that all registrants comply with their  
7 registration duties as set out in this code; and
- 8 (g) publish, every year, a notification in any publication of general circulation  
9 informing all persons required to register pursuant to this code of their duty of  
10 register. Such notification *shall* include, but is *not limited to*, the following:
- 11 a. the provision requiring the duty to register;
- 12 b. the provision stating the information that is required to be registered;
- 13 c. the physical address of location in which persons required to register  
14 must report to;
- 15 d. the provisions stating the penalties for failure to register; and
- 16 e. the contact information and name of the person from whom persons  
17 required to register can receive further information regarding registration  
18 requirements.
- 19 (h) *Local Appropriations to Fund Sex Offender Registry.* *I Liheslaturan Guahan*  
20 shall hereby appropriate a reasonable amount from the General Fund as part of  
21 the budget of the respective agency who is assigned to implement, maintain,  
22 and operate the Sex Offender Registry. Such budget shall be used by the  
23 respective agency for the implementation, maintenance, and support of the Sex  
24 Offender Registration and Notification Program.

1    **§ 89.11 Notification**

2           (a) *Public Sex Offender Registry Website.* There is hereby established a public sex  
3           offender registry website, which the Judiciary of Guam, Probation Division,  
4           shall maintain and operate pursuant to the provisions of this code, as amended.

5           (b) *Functionality.* The Judiciary of Guam, Probation Division, *shall*, within the  
6           Public Sex Offender Registry Website, provide for:

- 7           a. a searchable database of all Sex Offenders that shall have the capability  
8           of conducting searches by (a) name, (b) county, city and/or town, and (c)  
9           zip code and/or geographic radius;
- 10          b. a mechanism to allow visitors to subscribe, through an electronic mail (e-  
11          mail) address, to notification of any updates *or* changes made to the Sex  
12          Offender Registry;
- 13          c. links, to the extent practicable, to sex offender safety and education  
14          resources;
- 15          d. instructions on how to seek correction of information that an individual  
16          contends is erroneous; and
- 17          e. a warning that information on the site should not be used to unlawfully  
18          injure, harass, *or* commit a crime against any individual named in the  
19          registry *or* residing *or* working at any reported address, and such  
20          warning *shall* note that any such action could result in civil *or* criminal  
21          penalties.

22          (c) *Dru Sjodin National Sex Offender Public Website.* The Judiciary of Guam,  
23          Probation Division, shall include in the design of its website all field search  
24          capabilities needed for full participation in the Dru Sjodin National Sex

1 Offender Public Website and shall participate in that website as provided by the  
2 Attorney General of the United States.

3 (d) *Information on the Public Sex Offender Registry Website.* The following  
4 information shall be made available to the public on the sex offender registry  
5 website:

- 6 a. Notice that an offender is in violation of their registration requirements  
7 or cannot be located if the sex offender has absconded;
- 8 b. All sex offenses for which the sex offender has been convicted, which  
9 should include the text of the registration offense;
- 10 c. The sex offense(s), including the text of the registration offense, for  
11 which the sex offender is currently registered;
- 12 d. The address of the sex offender's employer;
- 13 e. The name of the sex offender including all aliases, nicknames,  
14 pseudonyms, and tribal or ethnic names;
- 15 f. A current photograph of the sex offender;
- 16 g. A physical description of the sex offender;
- 17 h. The residential address, and if relevant, a description of a habitual  
18 residence of the sex offender;
- 19 i. All addresses of schools in which the sex offender attends or is enrolled  
20 in; and
- 21 j. The sex offender's vehicle license plate number along with a description  
22 of the vehicle;

23 (e) *Prohibited Information.* The following information shall not be available to the  
24 public on the sex offender registry website:

- a. Any arrest that did not result in conviction;
- b. The sex offender's social security number;
- c. Any travel and immigration documents;
- d. The identity of the victim; and
- e. Any Internet Identifiers.

(f) *Victims.* The identity of the victim *or* any information that may identify the victim is strictly prohibited under this code.

(g) *Re-incarceration.* In the event that a registrant is re-incarcerated for any reason, the information that the registrant is re-incarcerated, and the reason(s) for such re-incarceration, *shall* be released to the community.

(h) *Method of Release of Information.* The Judiciary of Guam, Probation Division, *shall* maintain the Public Sex Offender Registry Website and it *shall* be updated immediately after a registrant registers, *or* updates registered information. The community *shall* have access to the Sex Offender Registry Web Page. The Judiciary of Guam, Probation Division, *shall* transmit a notice of any updates to registration information concerning any sex offender to the Guam Public School System, the Guam Community College, the University of Guam, the Department of Administration, the Department of Labor & Agency for Human Resource Development, the Department of Public Health & Social Services, the Department of Youth Affairs, Child Protective Services Agency, the Office of the Attorney General, all public and private schools, day care centers, victim shelters and victim advocates, within three (3) calendar days with the information in which such registration information can be found. The Judiciary of Guam, Probation Division, may transmit such information and fulfill the requirement of this section by use of an email notification system

1 described in §89.10(j), below. The Judiciary of Guam, Probation Division,  
2 may transmit any information concerning all sex offenders directly to the media  
3 for dissemination.

4 (i) *Law Enforcement Notification.* Whenever a sex offender registers or updates  
5 his or her information with Guam, the Judiciary of Guam, Probation Division,  
6 shall:

7 a. Immediately notify the FBI or other federal agency as designated by the  
8 Attorney General in order that the information may be updated on the  
9 National Sex Offender Registry (NSOR) or other relevant database;

10 b. Immediately notify any agency, department, or program with Guam  
11 responsible for criminal investigation, prosecution of child welfare, or  
12 sex offender supervision functions, which will include the Guam Police  
13 Department, Child Protective Services, Office of the Attorney General,  
14 and the Judiciary of Guam, Probation Division;

15 c. Immediately notify any and all other registration jurisdictions where the  
16 sex offender is registered due to the sex offender's residency, school  
17 enrollment or employment;

18 (j) *Community Notification.* The Judiciary of Guam, Probation Division, shall  
19 ensure there is an automated community notification process in place that  
20 ensures the following:

21 a. Upon a sex offender's registration or update of information with Guam,  
22 Guam's public sex offender registry website is immediately updated  
23 within (3) working days;

24 b. Guam's public sex offender's registry has a function that enables the  
25 general public to request email notices that will notify the person



1            requesting such information when a sex offender commences residence,  
2            employment or school enrollment on Guam, within a specified zip code,  
3            or within a certain geographic radius. This email notice shall include the  
4            sex offender's identity so that the public can access the public registry  
5            for the new information.

6            (k) *Verification of Names on Sex Offender Registry.* Entities within the government  
7            of Guam may request the Judiciary of Guam, Probation Division, to verify the  
8            identities of individuals registered on the Sex Offender Registry for the  
9            purposes of employment.

10           (l) *Notice of Change.* The Judiciary of Guam, Probation Division, *shall*, upon  
11           passage of this code, provide for education to the community through a notice  
12           to the public of changes made by this code requiring all convicted sex offenders  
13           to register with the Sex Offender Registry. Such education may include,  
14           sending of information to local schools, notice in a publication of general  
15           circulation, notices to various local media entities, and actively promoting  
16           safety through and awareness of the Guam Sex Offender Registry.

17           **§ 89.11 Immunity for Good Faith Conduct.** Law enforcement agencies, their  
18           employees and government of Guam officials *shall* be immune from any civil *or* criminal  
19           liability for good faith conduct under this code, *unless* it is shown that the agency,  
20           employee, government official *or* board member acted with gross negligence *or* in bad  
21           faith.