

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

February 6, 2012

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina' Trentai Unu na Liheslaturan Guåhan*  
155 Hesler Place  
Hagatna, Guam 96932

31-11-1323  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 2/7/12  
Time 4:19 PM  
Received by [Signature]

Dear Madam Speaker,

Transmitted herewith please find the following Bills, which I signed into law on February 3, 2012:

1. **SUBSTITUTE BILL NO. 99-31 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, *INTER ALIOS*, TO SUBMIT TO DNA PROFILING,"** signed into law as **Public Law No. 31-171**;
2. **BILL NO. 296-31 (LS), "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER,"** signed into law as **Public Law No. 31-172**; and
3. **BILL NO. 382-31 (COR), "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM; AND TO CITE THIS ACT AS THE 'GUAM FORESTRY LEGACY ACT OF 2012'"**, signed into law as **Public Law No. 31-173**;

In signing these bills into law, I support the purpose and intent of each piece of legislation, which is designed to protect the health, safety and welfare of the residents of Guam by creating a minimum standard by law as to who may serve as a Department of Corrections officer, or making internet access to unwitting Guam residents more difficult for convicted sex offenders, or protecting the scarce resources of our environment. However, while each of these new laws requires additional output and resources from the implementing or enforcing agencies or departments, **no additional appropriations are included in the statute that would enable the agencies to carry out such enforcement or implementation.** For example, **Bill No. 99-31** recognizes that additional appropriations are needed in order for GPD to administer the program, but only provides that GPD's budgeting options "may include (1) federal grants; (2) appropriations by *I Liheslatura*; and (3) to the extent possible under public law and/or Parole Board practices, fees assessed to parolees and/or registered sex offenders." There is, however, no indication or support for the assumption that these "options" will be sufficient to cover the cost of administering the program.

1323

Unfortunately, unfunded legislative mandates seem to be the rule and not the exception and this lends itself to a situation where, once again, I am forced to prioritize funding one aspect of health, safety and welfare to the detriment of another. In the worst case scenario, the result of such imbalance is a lawsuit like far too many lawsuits plaguing the government, such as the landfill receivership, the mental health federal management team fiasco, law enforcement personnel seeking incremental payments, and the recent individual taxpayer lawsuit in the federal court.

Because of the significance of the legislation proposed by *I Mina' Trentai Unu Na Liheslaturan Guâhan* in these Bills delivered for my action, I cannot, in good conscience, refuse to acknowledge their importance by refusing to sign them into law. However, because I also recognize that the goal of the new laws is to afford additional protections to our community, I am now tasked with trying to identify funding to carry out these programs – no easy feat given the carcass that is the General Fund.

I, therefore, beseech the good senators of *I Mina' Trentai Unu Na Liheslaturan Guâhan* to include an appropriation in all bills which call for the expenditure of funds for the effective implementation of the programs which are statutorily imposed upon the executive branch. You hold the purse strings of this government and, consequently, it is your obligation to ensure that I have the financial resources to carry out these mandates so our people are not saddled by yet another lawsuit to command this government to provide them with the programs or entitlements that this legislature determined was their statutory right.

*Senseramente,*



**EDDIE BAZA CALVO**

Attachment: copy of Bills

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2012 (SECOND) Regular Session**

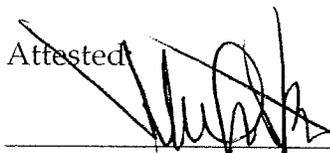
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 99-31 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING"**, was on the 20<sup>th</sup> day of January, 2012, duly and regularly passed.

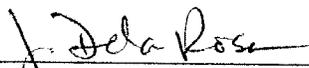


Judith T. Won Pat, Ed.D.  
Speaker

Attested

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23<sup>rd</sup> day of Jan., 2012, at 12:45 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: FEB 03 2012

Public Law No. 31-171



1           § 120.301. **Title.** This Article may be cited as the “DNA Profiling  
2 Act”.

3           § 120.302. **DNA Testing Requirements.**

4           (a) Any person convicted of any of the following offenses *shall*  
5 submit to deoxyribonucleic acid (DNA) testing for law enforcement  
6 identification purposes:

7                   (1) A violation of Chapters 25 and/or 25.01 of Title 9 Guam  
8 Code Annotated; and/or

9                   (2) A violation of Chapter 13 of Title 9, Guam Code  
10 Annotated, committed in conjunction with or an attempt to commit a  
11 violation of Chapters 25 and/or 25.01 of Title 9, Guam Code  
12 Annotated; and/or

13                   (3) A violation of Chapter 22 of Title 9, Guam Code  
14 Annotated, committed in conjunction with or an attempt to commit a  
15 violation of Chapters 25 and/or 25.01 of Title 9, Guam Code  
16 Annotated; and/or

17                   (4) A violation of Chapter 30 of Title 9, Guam Code  
18 Annotated, committed in conjunction with or an attempt to commit a  
19 violation of Chapters 25 and/or 25.01 of Title 9, Guam Code  
20 Annotated.

21           (b) Persons who are convicted of any of the offenses listed in  
22 Subsection (a) above *after* the effective date of this Article *shall* submit to  
23 DNA testing within three (3) days of such conviction. Persons who have  
24 been convicted of any of the offenses listed in Subsection (a) above *prior* to  
25 the effective date of this Article *shall* submit to DNA testing within ninety  
26 (90) days if they are not inmates of the Department of Corrections, or prior

1 to their release from detention at the Department of Corrections if they are  
2 an inmate of the Department of Corrections.

3 **§ 120.303. Mandated Central Criminal Records Repository for**  
4 **DNA Sampling.** Reports from tests performed pursuant to §120.302 *shall*  
5 be maintained by the central criminal records repository of the Criminal  
6 Records Division of the Guam Police Department.

7 **§ 120.304. Reporting to CODIS.** All biological samples for DNA  
8 profile information typing that is provided to the Guam Police Department  
9 pursuant to the Guam Sex Offender Registry or this Chapter *shall* be  
10 submitted for analysis and entry of the resulting DNA profile into the  
11 Combined DNA Index System (CODIS), and nothing within this Article  
12 shall prevent the dissemination, sharing, or referencing of any DNA tests'  
13 results collected pursuant to the provisions of this Article for inclusion in  
14 the Federal Bureau of Investigation's (FBI's) Combined DNA Index System  
15 (CODIS).

16 **§ 120.305. Operations and Budget.**

17 (a) The Guam Police Department (GPD) *shall* determine the  
18 optimum operational requirements for administration of the program  
19 authorized by this Article. Such options that GPD may consider include,  
20 but *not* necessarily be limited to:

21 (1) procuring the services of a third-party  
22 laboratory(s) to process DNA samples; or

23 (2) procuring the equipment and hiring the personnel  
24 necessary to process DNA samples at a GPD facility.

25 (b) Budgeting options that GPD may consider include, but *not*  
26 necessarily be limited to:

- 1                   (1) federal grants;  
2                   (2) appropriations by *I Liheslatura*; and  
3                   (3) to the extent possible under public law and/or Parole  
4 Board practices, fees assessed to parolees and/or registered sex  
5 offenders.

6                   (c) Nothing herein is construed as to limit the authority of judges  
7 to require payment, by the defendant, for the cost of DNA testing as a  
8 condition of sentencing.”

9 **Section 2.** A new Subsection (aa) is *added* to §89.01 of Chapter 89 of Title 9,  
10 Guam Code Annotated, to read as follows:

11                   “(aa) DNA. *DNA* means deoxyribonucleic acid.”

6

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN 2012 (SECOND) Regular Session

Date: 1/20/12

## VOTING SHEET

SBill No. 99-31(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	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14    0    0    0    1

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirty-First  
Guam Legislature

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muña Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajerou  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources
- Member, Committee on  
Education and Public Libraries
- Member, Committee on Guam  
Military Buildup and Homeland  
Security
- Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

July 6, 2011

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'Trentai Unu na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

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

**RE :**        **Committee Report – Bill No. 99-31 (COR) as Substituted.**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 99-31 (COR) - "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING,"** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>  9  </u>	TO PASS
<u>  0  </u>	NOT TO PASS
<u>  1  </u>	TO REPORT OUT ONLY
<u>  0  </u>	ABSTAIN
<u>  0  </u>	INACTIVE FILE

Sincerely,

  
**ADOLPHO B. PALACIOS, MPA, BS/CJA**  
Chairman

Attachments

2011 JUL 19 AM 9:06  




**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

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

*Chairman*

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**COMMITTEE REPORT**

**ON**

**BILL NO. 99-31 (COR)**

**As Substituted by the**

**Committee on Public Safety, Law Enforcement & Judiciary**

**AN ACT TO ADD A NEW ARTICLE 3 TO  
CHAPTER 120 OF 8GCA RELATIVE TO  
REQUIRING CONVICTED SEX OFFENDERS,  
INTER ALIOS, TO SUBMIT TO DNA  
PROFILING.**



Thirty-First  
Guam Legislature

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muna-Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajerou  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources
- Member, Committee on  
Education and Public Libraries
- Member, Committee on Guam  
Military Buildup and Homeland  
Security
- Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

July 1, 2011

**MEMORANDUM**

**TO: ALL MEMBERS**  
Committee on Public Safety, Law Enforcement, & Judiciary

**FROM: Senator Adolpho B. Palacios, Sr.**   
Committee Chairman

**SUBJECT: Committee Report on Bill No. 99-31 (COR) as Substituted.**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 99-31 (COR) as Substituted- "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING,"** sponsored by Senator V. Anthony "Tony" Ada.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 99-31 (COR) as Substituted
- Copy of Bill No. 99-31 (COR) as Introduced
- Public Hearing Sign-in Sheet(s)
- Copies of testimony submitted and supporting documents
- Fiscal Note on Bill No. 99-31 (COR)
- Copy of COR Referral of Bill No. 99-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

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 contact this office.

*Si Yu'os ma'åse!*



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**VOTING SHEET ON:**

**Bill No. 99-31 (COR) as Substituted- "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING." - sponsored by Senator V. Anthony "Tony" Ada.**

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		7/1/11 ✓				
Thomas C. Ada Vice Chairman		7/1/11 ✓				
Tina R. Muña-Barnes Member		7/1/11 ✓				
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member		7/5/11 ✓				
Dennis G. Rodriguez, Jr. Member						
Judith T. Won Pat, Ed.D. Member		7/5/11 ✓				
V. Anthony Ada Member		7/1/11 ✓				
Christopher M. Duenas Member		7/5/11 ✓				
Mana Silva Taijeron Member		7/5/11 ✓				
Aline A. Yamashita, Ph.D. Member				7/1/11 ✓		



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**COMMITTEE REPORT DIGEST**

**Bill No. 99-31 (COR) – “An act to add a new Article 3 to Chapter 120 of 8GCA relative to requiring convicted sex offenders, inter alios, to submit to DNA profiling.” – Senator V. Anthony “Tony” Ada.**

**I. OVERVIEW**

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on April 4, 2011 at 9:10 a.m. in *I Liheslatura’s* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 99-31 (COR) - “An act to add a new Article 3 to Chapter 120 of 8GCA relative to requiring convicted sex offenders, inter alios, to submit to DNA profiling,” sponsored by Senator V. Anthony “Tony” Ada.

**Public Hearing Requirements**

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on March 28, 2011 (5-day Notice) and on March 31, 2011 (48-Hour notice), pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

**Senators Present**

Senator Adolpho B. Palacios, Sr.	Chairman
Senator V. Anthony “Tony” Ada	Member
Senator Mana Silva Taijeron	Member
Senator Christopher M. Duenas	Member

**Individual(s) Registered for oral or written testimony:**

Jose A. San Agustin, Director, Department of Corrections, provided testimony in support of the Bill.

Carol Hinkle-Sanchez, Deputy Attorney General, Family Division, Office of the Attorney General, provided written testimony on the Bill.

Fred E. Bordallo, Jr., Chief, Guam Police Department, provided written testimony in support of the Bill.

**II. SUMMARY OF TESTIMONIES**

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at 9:10 a.m., read the title of the bill and deferred to the author, Senator V. Anthony Ada, to summarize its contents.

Senator V.A. Ada stated that the Bill allows for the DNA profiling of sex offenders. He noted that sex offenders have high rates of recidivism and that DNA profiling has been used to solve thousands of crimes across the nation.

Chairman Palacios noted the absence of representation from the Office of the Attorney General or the Unified Judiciary of Guam and cited the need for a mark-up meeting to include legal input. The Chairman then called Director Jose San Agustin to testify on the Bill.

Director San Agustin supports the Bill. He stated that DNA profiling will improve law enforcement. He also believes that limiting the availability of social networking sites for sex offenders will help reduce risks to the community. He further stated that the registration of e-mail addresses with the court and prevention of the use of aliases when a sex offender gets an e-mail address is an essential component for the regulation of sex offenders' use of the internet.

Senator Mana Silva Taijeron asked about the protocols for social networking by inmates while they are incarcerated. Director San Agustin stated that they are supposed to only use internet for educational purposes, not for social networking. Senator Taijeron suggests that they be educated about the law prior to their release. Director San Agustin agreed that there should be a program to address this.

Senator Christopher M. Duenas thanked Director San Agustin for participating and commended the author for putting the proposal forward.

Senator V.A. Ada said that the Bill takes into account the changes that were made to the Sex Offender Registry.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 99-31(COR) is duly heard. The Chairman concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 9:30 a.m.

### III. WRITTEN TESTIMONIES

**Carol Hinkle-Sanchez, Deputy Attorney General, Family Division, Office of the Attorney General.** *(Summary follows.)*

**Fred E. Bordallo, Jr., Chief, Guam Police Department.** *(Summary follows.)*

**Carol Hinkle-Sanchez, Deputy Attorney General, Office of the Attorney General.** Carol Hinkle-Sanchez provided legal testimony on the Bill. A number of specific

proposals for amendment were provided, including a suggestion that Section 2 in the bill as introduced is not necessary. (*See attached written testimony.*)

**Fred E. Bordallo, Jr., Chief, Guam Police Department.** Chief Fred E. Bordallo, Jr., supports the Bill. He stated that the draft substitute of the Bill is a positive move that could help make crimes more solvable. He stated that the logistics and the costs involved in implementing the law would become an issue. The Chief stated that there does not appear to be a major legal problem with the substitute, but reiterated that the costs to the Department are the most significant challenges. (*See attached written testimony.*)

No further written testimony received within the ten (10) day period after the public hearing.

#### **IV. FINDINGS AND RECOMMENDATIONS**

##### **Findings**

##### **Mark-up Meeting, Tuesday, April 12, 2011**

##### **Participants:**

Senator Adolpho B. Palacios, Sr., Chairman  
Edward Lee, Office of Senator V. Anthony Ada  
Pete Leon Guerrero, Office of Senator V. Anthony Ada  
Ann Keith, Legal Advisor, Judiciary of Guam  
Ruben Payumo, Sex Offender Registry, Judiciary of Guam  
Marie Reyes, Sex Offender Registry, Judiciary of Guam  
Joseph Leon Guerrero, Chief Deputy Marshal  
Peter Avilla, Deputy Marshal

Basil O'Mallen, Deputy Attorney General, Office of the Attorney General

Chairman Adolpho B. Palacios, Sr., convened the mark-up meeting at 2:02 p.m., he then explained the purpose of the meeting and his understanding of the Bill's implications.

Deputy Attorney General Basil O'Mallen asked about the violation for family violence implicated by Bill 99 and Mr. Edward Lee stated that it is intended to be in conjunction with a sex crime.

Ruben Payumo clarified about DNA profiling, that GPD collects the DNA samples at DOC after the registration of a sex offender. Legal Advisor Ann Keith stated that DNA is not submitted to CODIS, but to the sex offender database.

Chief Deputy Marshal Joseph Leon Guerrero stated that there is a backlog of DNA that has yet to be processed by the FBI and Ms. Keith stated that GPD lacks the capacity to do DNA testing, independently. Mr. Payumo stated that GPD collects DNA then sends the specimens off-island to be tested by the FBI.

Mr. Lee said that in the states, it is standard to test sex offenders and Mr. O'Mallen stated that it already occurs on Guam.

Ms. Keith stated that Guam is among the few jurisdictions that is compliant with the Adam Walsh Child Protection and Safety Act.

Mr. O'Mallen followed up saying that currently all DNA samples get tested by the FBI, but that it takes very long because there is a backlog.

Mr. Lee asked how many sex crimes are investigated per month and Mr. O'Mallen estimated that there are about ten (10). Mr. Lee said that Bill 99 can strengthen enforcement. Mr. O'Mallen stated that what gives him the most hope about the bill is that it shows a commitment to provide more funding. Mr. Lee responded that the capacity should be built up to use DNA as a tool of local law enforcement. Mr. O'Mallen stated that Ms. Hinkle-Sanchez would like to send comments and suggested amendments to the Bill.

Ms. Keith brought up that DNA testing is available on island at UOG, but that it is not for forensic testing. Mr. Lee stated that a primary concern is that DNA evidence is handled properly. Chief Deputy Marshal Leon Guerrero discussed cheek swabs and how they are handled.

Chairman Palacios proceeded to Bill 101 and explained its intent, as he understands it. Mr. Lee asked if there are occasional searches of sex offenders' computers and devices which can have access to the internet.

There was a discussion regarding who would enforce and conduct searches. From the discussion, it was clear that the law would be enforced by parole officers when a sex offender is on parole, but that generally the Guam Police Department would be the primary enforcement agency. Mr. Lee explained that the bill is largely preventative, as it would restrict the use of internet by sex offenders.

A discussion followed on social networking sites and whether there could be difficulty enforcing it. Mr. Lee pointed out that it would not totally ban the use of social networking sites, but only those which do not have a policy on the use of the site by sex

offenders, like Myspace, whereas Facebook would be allowable because of their policies.

There was a discussion of computer forensics, including a recent case where an offender used the wireless connection of their neighbor.

There was a discussion about the public relations of the Judiciary, the Sex Offender Registry and the Office of the Attorney General as they relate to raising awareness of their programs. After the discussion, the meeting concluded.

### **Substitute Bill 99-31 (COR)**

Substitute Bill No. 99-31 (COR) has undergone significant changes from Bill 99-31 (COR) as introduced. Each section of the Bill has been modified from its original version to some degree.

Section 1 enacted a new Article 3 in Chapter 120 of Title 8, Guam Code Annotated. The title of Section 120.303 was amended from "Notice to victim or victim representative" to "Mandated Central Criminal Records Repository for DNA Sampling", since the subject is the DNA repository. Section 120.304 was amended to reflect language used in the Sex Offender Registry to ensure consistency. Other amendments to Section 1 are focused on style or grammar.

Carol Hinkle Sanchez from the Office of the Attorney General pointed out that Section 2 were unnecessary for technical reasons, so the prior Section 2 is struck and Section 3 is renamed Section 2. Section 3 would have added an item (t) to Section 89.01 of Chapter 89 of Title 9, Guam Code Annotated, but that item already existed with different content, thus it is now item (y) that is added to that section. To match the style of the section, a title was added to the item.

### **Recommendations**

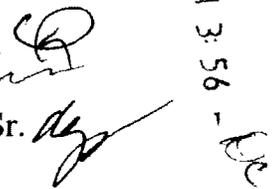
The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 99-31 (COR), as Substituted by the Committee, with the recommendation TO PASS.**

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

Bill No. 99-31 (COR)

Introduced by:

V. Anthony Ada  
R. J. Respicio  
A. B. Palacios, Sr.



2011 MAR -1 PM 3:56 - 

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120  
OF 8GCA RELATIVE TO REQUIRING CONVICTED  
SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA  
PROFILING.**

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

2 **Section 1.** A new Article 3 is *added* to Chapter 120 of 8GCA to read as follows:

3 **Article 3**  
4 **DNA Profiling Act**

5 **§120.301. Title.** This Article may be cited as the DNA Profiling Act.

6  
7 **§120.302. DNA testing requirements.**

8 (A) Any person who is convicted of any of the following offenses shall submit  
9 to deoxyribonucleic acid (DNA) testing for law enforcement identification  
10 purposes:

11 (1) A violation of Chapters 25 and/or 25.01 of 9GCA; and/or

1 (2) A violation of Chapter 13 of 9GCA committed in conjunction with or  
2 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA;  
3 and/ or

4 (3) A violation of Chapter 22 of 9GCA committed in conjunction with or  
5 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA,  
6 and/ or

7 (4) A violation of Chapter 30 of 9GCA committed in conjunction with or  
8 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA.

9  
10 (B) Persons who are convicted after the effective date of this Article to any of  
11 the offenses listed in Subsection (A) shall submit to DNA testing within three  
12 (3) days of such conviction prior to the effective date of this Article shall submit  
13 to DNA testing prior to and as a condition of eligibility for probation or parole.

14  
15 **§120.303. Notice to victim or victim representative.**

16 Reports from tests performed pursuant to §120.302 shall be maintained by the central  
17 criminal records repository of criminal records division of the Guam Police  
18 Department.

19 **§120.304. Reporting to CODIS.** Nothing herein this Article shall prevent the  
20 dissemination, sharing or referencing of any DNA (deoxyribonucleic acid) tests results  
21 collected pursuant to the provision of this Article for inclusion in the Federal Bureau of  
22 Investigation's (FBI's) Combined DNA Index System (CODIS).

1    **§120.305. Operations and Budget.** (a) The Guam Police Department (GPD) shall  
2    determine the optimum operational and budgetary requirements for program  
3    authorized by this Article. Such options that GPD may consider include, but not  
4    necessarily be limited to, are:

5           (1) Procuring the services of a third-party laboratory(s) to process DNA  
6           samples.

7           (2) Procuring the equipment and hiring the personnel necessary to process DNA  
8           samples at a GPD facility.

9    (b) Budgeting options that GPD may consider include, but not necessarily be limited  
10   to, are:

11           (1) Federal Grants

12           (2) Appropriations by I Liheslatura, and

13           (3) To the extent possible under Public Law and/or Parole Board practices, fees  
14           assessed to parolees and/or registered sex offenders.

15   (c) Nothing herein is construed as to limit the authority of judges to require payment,  
16   by the defendant, for the cost of DNA testing as a condition of sentencing.

17

18   **Section 2.** A new Item (6) is *added* to Section 89.03(c) if Chapter 89 of 9GCA to read  
19   as follows:

20   “(6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph  
21   for those individuals who have submitted DNA samples pursuant to the provisions of  
22   Article 3 of Chapter 120 of 8GCA.”

1

2 **Section 3.** A new Item (t) is *added* to Section 89.01 of Chapter 89 of 9GCA to read as  
3 follows:

4 “(t) *DNA* means deoxyribonucleic acid.”

**I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) Regular Session**

**Bill No. 99-31 (COR)**

As Substituted by the Committee on Public Safety,  
Law Enforcement and Judiciary

**Introduced by:**

V. Anthony Ada  
R. J. Respicio  
A. B. Palacios, Sr.

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120  
OF 8GCA RELATIVE TO REQUIRING CONVICTED  
SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA  
PROFILING.**

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

**2 Section 1.** A new Article 3 is *added* to Chapter 120 of 8GCA to read as follows:

**3 Article 3**  
**4 DNA Profiling Act**

**5 §120.301. Title.** This Article may be cited as the ‘DNA Profiling Act’.

**6 §120.302. DNA testing requirements.**

**7 (a)~~(A)~~** Any person ~~who is~~ convicted of any of the following offenses shall  
**8 submit to deoxyribonucleic acid (DNA) testing for law enforcement**  
**9 identification purposes:**

**10 (1)** A violation of Chapters 25 and/or 25.01 of 9GCA; and/or

**11 (2)** A violation of Chapter 13 of 9GCA committed in conjunction with or  
**12 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA;**  
**13 and/ or**

**14 (3)** A violation of Chapter 22 of 9GCA committed in conjunction with or  
**15 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA,**  
**16 and/ or**

1 (4) A violation of Chapter 30 of 9GCA committed in conjunction with or  
2 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA.

3 ~~(b)(B)~~ Persons who are convicted after the effective date of this Article to any of  
4 the offenses listed in Subsection ~~(a)(A)~~ shall submit to DNA testing within three  
5 (3) days of such conviction. Persons who have been convicted prior to the  
6 effective date of this Article shall submit to DNA testing ~~prior to and as a~~  
7 ~~condition of eligibility for probation or parole~~ within ninety (90) days if they are  
8 not inmates of the Department of Corrections or prior to their release from  
9 detention at the Department of Corrections if they are an inmate of the  
10 Department of Corrections.

11 **§120.303. Mandated Central Criminal Records Repository for DNA Sampling.**

12 ~~Notice to victim or victim representative.~~ Reports from tests performed pursuant to  
13 §120.302 shall be maintained by the central criminal records repository of criminal  
14 records division of the Guam Police Department.

15 **§120.304. Reporting to CODIS.** All biological samples for DNA profile information  
16 typing that is provided to the Guam Police Department pursuant to the Guam Sex  
17 Offender Registry or this Chapter shall be submitted for analysis and entry of the  
18 resulting DNA profile into the Combined DNA Index System (CODIS), and ~~Nothing~~  
19 ~~herein~~ within this Article shall prevent the dissemination, sharing or referencing of any  
20 DNA ~~(deoxyribonucleic acid)~~ tests' results collected pursuant to the provision of this  
21 Article for inclusion in the Federal Bureau of Investigation's (FBI's) Combined DNA  
22 Index System (CODIS).

23 **§120.305. Operations and Budget.**

24 (a) The Guam Police Department (GPD) shall determine the optimum  
25 operational ~~and budgetary~~ requirements for administration of the program  
26 authorized by this Article. Such options that GPD may consider include, but not  
27 necessarily be limited to, are:

1 (1) Procuring the services of a third-party laboratory(s) to process DNA  
2 samples.

3 (2) Procuring the equipment and hiring the personnel necessary to process  
4 DNA samples at a GPD facility.

5 (b) Budgeting options that GPD may consider include, but not necessarily be  
6 limited to, are:

7 (1) Federal Grants,

8 (2) Appropriations by *Liheslatura*, and

9 (3) To the extent possible under Public Law and/or Parole Board  
10 practices, fees assessed to parolees and/or registered sex offenders.

11 (c) Nothing herein is construed as to limit the authority of judges to require  
12 payment, by the defendant, for the cost of DNA testing as a condition of  
13 sentencing.”

14 ~~Section 2. A new Item (6) is added to Section 89.03(e) of Chapter 89 of 9GCA to read  
15 as follows:~~

16 ~~“(6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph  
17 for those individuals who have submitted DNA samples pursuant to the provisions of  
18 Article 3 of Chapter 120 of 8GCA.”~~

19 ~~Section 3 2.~~ A new Item ~~(†)~~ (y) is *added* to Section 89.01 ~~of~~ if Chapter 89 of 9GCA to  
20 read as follows:

21 ~~“(†) (y) DNA. DNA means deoxyribonucleic acid.”~~



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina Trentai Uno na Liheslaturan Guahan*

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

Monday, April 4, 2011

Bill No. 99-31 (COR) - AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING. - by Senator V. Anthony Ada

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<i>Josel A. San Agustin</i>	<i>DOC</i>	<i>688-5117</i>		<i>✓</i>	<i>✓</i>	



## Office of the Attorney General

---

May 23<sup>rd</sup>, 2011

**Honorable Senator Anthony Ada**  
Bridge Pointe Bldg., Ste. 202  
140 Aspinall Avenue  
Hagatna, Guam 96910  
(671) 472-9681/2  
(671) 472-9683 (Fax)

**RE: Written Testimony to Bill No. 99-31 (COR) and Bill No. 102-31 (COR)**

Buenas Honorable Senator Ada:

On behalf of the Office of the Attorney General of Guam, I submit this letter as the written testimony and recommendations with respect to the above mentioned bills.

With respect to **Bill No. 102-31**, which pertains to “**AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9 GCA RELATIVE TO THE EMAIL ADDRESSES OF REGISTERED SEX OFFENDERS,**” our office does not object to such legislation, as we are in favor of any legislation intended to provide further protection to our community, however, we wanted to point out that currently, the Guam’s Sex Offender Registry, under Title 9 of the Guam Code Annotated, Chapter 89, already provides a provision that addresses part of this area, particularly, Subsection (b) of this new legislative proposal. Subsection (a) of this proposed legislation is not included in Guam’s Sex Offender Registry, and our office does not oppose the incorporation of this part of the legislation. Subsection (b), however, is currently incorporated under the Guam Sex Offender Registry and can be found under §89.03(b)(4)(H), which requires the following:

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

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

Guam’s Sex Offender Registry further provides that changes in such information be made within three (3) working days versus the ten (10) that is being requested in the proposed legislation. Under §89.03(f)(2), “*Keeping the Registration Current*” it provides that, a sex offender who is a resident of Guam *shall* “no later than three (3) working days after each change

in temporary lodging information, vehicle information, **internet identifiers**, or telephone numbers, immediately notify the Judiciary of Guam, Probation Division, and inform the Judiciary of Guam, Probation Division, of all changes in the information required for that sex offender in the sex offender registry.”

Finally, the proposed legislation only makes it a “petty misdemeanor offense”. For consistency with respect to violations of a sex offender in providing required information pursuant to Guam’s Sex Offender Registry, the penalty for such failure’s or violation of the sex offender under Guam Sex Offender Registry is a “felony of the third degree” for the first offense, and any subsequent will be a “felony of the second degree.” This is found under §89.05, entitled “**Penalties.**” Under subsection (b) of §89.05, “the failure to verify registered information is a felony of the third degree. A second or subsequent failure to so register is a felony of the second degree.”

I would recommend that Subsection (b) of the Bill 102-31 simply be deleted as the Guam Sex Offender Registry already incorporates a similar provision.

With respect to **Bill No. 99-31**, which pertains to “**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8 GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING,**” our office does not object to such legislation, however, we would like clarification on a particular section of this proposed legislation, and we also wanted to point out that currently, Guam’s Sex Offender Registry already has certain provisions that are similar in nature to the provisions in this proposed legislation. It seems as though this proposed legislation is also aimed at ensuring the creation of a funding source to be made available through our local budget for the Guam Police Department should no federal funds be available for the purposes of DNA sampling.

Our office would like clarification of §120.303, entitled “Notice to victim or victim representative.” A review of this section does not indicate what type of notice or rights will be provided to victims or victim representatives, but rather discusses a central registry requirement for these DNA tests. Our office would like clarification as to whether this section should have been titled differently, such as “Mandated Central Criminal Records Repository for DNA Sampling,” or whether it will create some form of rights or notice to victims’ or victim representatives.

As to §120.304 of this proposed legislation, entitled “Reporting to CODIS”, a section mandating this requirement already exists in Guam’s Sex Offender Registry. For consistency, our office recommends that the language in this section mirror that of the Guam Sex Offender Registry. This section should read:

“All biological samples for DNA profile information typing that is provided to the Guam Police Department pursuant to the Guam Sex Offender Registry or this Chapter shall be submitted for analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS), and nothing within this Article shall prevent dissemination, sharing or referencing of any DNA tests results collected pursuant to the provision of this Article for inclusion in the Federal Bureau of Investigation’s CODIS.”

With respect to “**Section 2. A new item (6) is added to Section 89.03(c) of Chapter 89 of 9 GCA to read as follows: (6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph for those individuals who have submitted DNA samples pursuant to the provisions of Article 3 of Chapter 120 of 8 GCA,**” our office believes that this section may not be necessary as the decision to waive the need to re-test sex offenders more than once can be determined by Judiciary of Guam, Probation Division, who manages the sex offender registry, rather than the need to obtain a court order. Our office believes that waiver of such DNA sampling can be handled by the Probation Division’s through their Standard Operating Procedure with respect to managing the Sex Offender Registry, and they would be in best position to determine whether waiving of such testing is appropriate or not based on the federal standards. It would be our recommendation that this matter be deleted from the proposed legislation, and our office we would be willing to discuss with the Judiciary of Guam as far as setting some protocol to avoid repetitive and costly testing. If you choose to keep this section, then it would actually be added as Subsection 7, and not Subsection 6 of 89.03(c).

Finally, “**Section 3. A new Item (t) is added to Section 89.01 of Chapter 89 of 9 GCA to read as follows: (t) DNA mean deoxyribonucleic acid,**” should read a new item (y) is added to Section 89-01 of Chapter 89 of 9 GCA to read as follows: **(y) DNA mean deoxyribonucleic acid.**”

I apologize for any delays in submitting this written testimony and recommendation with respect to these two bills. I hope that our position will assist you in determining how to make necessary changes to both bills so that it can be consistent with the Guam Sex Offender Registry. I thank you for your time and attention on this matter, and should you have any further questions or concerns, please feel free to contact me concerning this matter. I may be reached at 475-3324, extension 541 or 543. Thank you very much!

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Carol Hinkle-Sanchez  
Deputy Attorney General,  
Family Division

cc: Honorable Senator Rory J. Respicio  
Honorable Senator Adolpho B. Palacios, Sr.



**GUAM POLICE DEPARTMENT**  
**DIPATTAMENTON POLISIAN GUAHAN**  
 Government of Guam



**EDDIE BAZA CALVO**  
 Governor of Guam

**RAY TENORIO**  
 Lieutenant Governor

Bldg. 233 Central Avenue, Tiyán, Guam 96913  
 P.O. Box 23909 Barrigada, Guam 96921  
 Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512  
 Fax: (671) 472-4036

**FRED E. BORDALLO, JR.**  
 Chief of Police

**RICARDO M. LEON GUERRERO**  
 Major  
 Acting Police Commander

June 8, 2011

The Honorable Adolpho B. Palacios, Sr.  
 Chairman, Committee on Public Safety,  
 Law Enforcement & Judiciary  
 31<sup>st</sup> Guam Legislature  
 155 Hesler Place  
 Hågatña, Guam 96910

**Subject: Comments/Suggestions**  
**Re: Draft Substitute Bill 99-31 (COR)**

Dear Senator Palacios:

*Hafa Adai!* After a careful review of the Draft Substitute Bill 99-31 (COR) – an act to add a new Article 3 to Chapter 120 of 8GCA relative to requiring convicted sex offenders, inter alios, to submit to DNA profiling, I submit the following comments/suggestions:

Support of this legislative amendment is a positive move that could assist in the solvability of possible sexual crimes; however, logistics involved becomes a factor of concern for this cash deficient department. As the amendment indicates, the Guam Police Department would be required to determine the optimal operational requirements for the program, procuring the services, procuring the equipment and hiring the personnel necessary. Furthermore, logistic and cost to the department would also become an issue in regards to records that shall be maintained by the criminal records division of the Guam Police Department.

From our vague discussion with Mr. Julian Janssen, Policy Analyst of your office, it was my understanding the input asked for is only in regards to the addition of this language to the existing law. Consideration into the logistical cost and management of the program should be of concern to the department.

I see nothing wrong with the legal aspect; however, I am not a legal authority.

Thank you for providing us the opportunity to comment on this Bill. *Si Yu'os Ma'ase!*

Sincerely,

**FRED E. BORDALLO, JR.**  
 Chief of Police



# COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

2011 MAR 23 AM 10:37  
llc

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

March 23, 2011

## Memorandum

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

To: Pat C. Santos  
Clerk of the Legislature

MAJORITY  
MEMBERS:

From: Senator Judith P. Guthertz, DPA  
Acting Chairperson, Committee on Rules

Speaker  
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker  
Benjamin J. F. Cruz

*Hafa Adai!*

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Bill Nos.: 91-31 (COR)  
99-31 (COR)

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

MINORITY  
MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

*Si Yu'os ma'ase!*

Senator  
Christopher M. Duenas

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 99-31 (COR)**

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8 GCA RELATIVE TO REQUIREING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING**

Department/Agency Appropriation Information	
Dept./Agency Affected: <b>Guam Police Department</b>	Dept./Agency Head: <b>Fred Bordaño, Chief of Police</b>
Department's General Fund (GF) appropriation(s) to date:	25,676,124
Department's Other Fund (Specify) appropriation(s) to date:	570,110
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$26,246,234</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions?  
If Yes, see attachment // Yes      /x/ No
- Is amount appropriated adequate to fund the intent of the appropriation?  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A      // Yes      // No  
// N/A
- Does the Bill establish a new program/agency?  
If yes, will the program duplicate existing programs/ageacies?  
Is there a federal mandate to establish the program/agency? // Yes      /x/ No  
// N/A      // Yes      /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes      /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes      /x/ No  
// Requested agency comments not received by due date      // Other: \_\_\_\_\_

*9/22/11*

Analyst: M Quinata Date: 3/15/11 Director: Benita Manglona Date: 3/22/11  
Benita A. Manglona, Director

**Footnotes:**  
The Bill indicates the Guam Police Department shall determine a budget for the implementation and operations of this program. However, in its present form, that impact can not be determined at this time.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

March 2, 2011

**MEMORANDUM**

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

Attorney Therese M. Terlaje  
Legislative Legal Counsel

**From:** Vice Speaker Benjamin J.F. Cruz  
Acting Chairperson, Committee on Rules

**Subject:** Referral of Bill Nos. 97-31 (COR) and 100-31 (COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 97-31 (COR) and 100-31 (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'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os ma'åse!*

(2) Attachments

2011 MAR -4 AM 9:30

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**March 1, 2011**

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?
99-31 (COR)	V. A. Ada, R. J. Respicio, A. B. Palacios, Sr.	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING.	3/01/11 3:56 p.m.	3/2/11		Committee on Public Safety, Law Enforcement and Judiciary.			
Bill No. 100-31 (COR)	V. A. Ada, R. J. Respicio, A. B. Palacios, Sr.	AN ACT TO ADD A NEW §4125 TO CHAPTER 4 OF 17GCA RELATIVE TO ENCOMPASSING INTERNET SAFETY IN PUBLIC EDUCATION CURRICULA.	3/01/11 3:57 p.m.	3/2/11		Committee on Education and Public Libraries.			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

March 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 day notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, April 4, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 99-31 (COR) – AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING. – by Senator V. Anthony Ada**
- **Bill No. 101-31 (COR) – AN ACT TO ADD NEW ITEMS (Y) AND (Z) TO §89.01, ITEM (I) TO §89.03, AND ITEMS (G), (H), (I) §89.05 ALL OF CHAPTER 89 OF 9GCA RELATIVE TO LIMITING ACCESS AND REGULATING THE USE OF SOCIAL NETWORKING WEB SITES, INSTANT MESSAGING AND CHAT ROOMS BY REGISTERED SEX OFFENDERS. – by Senator V. Anthony Ada**
- **Bill No. 102-31 (COR) – AN ACT TO ADD NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS.– by Senator V. Anthony Ada**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

*Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

Destination	Start Time	Time	Prints	Result	Note
SPEAKER JUDI WON PAT	03-28 12:45	00:00:20	001/001	OK	
VICE SPRAKER BJ CRUZ	03-28 12:45	00:00:19	001/001	OK	
SENATOR TINA MUNA-BA	03-28 12:46	00:00:19	001/001	OK	
SENATOR RORY RESPICI	03-28 12:52	00:00:21	001/001	OK	
SENATOR JUDI GUTHERT	03-28 12:53	00:00:21	001/001	OK	
SENATOR THOMAS ADA	03-28 12:54	00:00:17	001/001	OK	
SENATOR BEN PANGELIN	03-28 12:54	00:00:18	001/001	OK	
SENATOR FRANK BLAS J	03-28 12:55	00:00:18	001/001	OK	
SENATOR V ANTHONY AD	03-28 12:56	00:00:37	001/001	OK	
SENATOR RODRIGUEZ	03-28 12:58	00:00:22	001/001	OK	
9898678	03-28 12:59	00:01:13	001/001	OK	
4784727	03-28 13:00	00:00:36	001/001	OK	
SENATOR CHRIS DUENAS	03-28 13:04	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,  
RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,  
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,  
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina' Trental Unu Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

March 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 day notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Monday, April 4, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 99-31 (COR) – AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING. – by Senator V. Anthony Ada**
- **Bill No. 101-31 (COR) – AN ACT TO ADD NEW ITEMS (Y) AND (Z) TO §89.01, ITEM (I) TO §89.03, AND ITEMS (G), (H), (I) §89.05 ALL OF CHAPTER 89 OF 9GCA RELATIVE TO LIMITING ACCESS AND REGULATING THE USE OF SOCIAL NETWORKING WEB SITES, INSTANT MESSAGING AND CHAT ROOMS BY REGISTERED SEX OFFENDERS. – by Senator V. Anthony Ada**
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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: March 28, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for April 4, 2011*

PAGES: 1 (including this sheet)

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March 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 day notice prior to hearing date)

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Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Destination	Start Time	Time	Prints	Result	Note
PDN	03-28 12:31	00:00:33	001/001	OK	
KUAM	03-28 12:32	00:00:29	001/001	OK	
PNC	03-28 12:33	00:00:20	001/001	OK	
K57	03-28 12:33	00:00:18	001/001	OK	
HIT RADIO 100	03-28 12:34	00:00:18	001/001	OK	
GLIMPSES	03-28 12:34	00:00:19	001/001	OK	
MARIANAS VARIETY	03-28 12:35	00:00:25	001/001	OK	
KSTEREO/KISH	03-28 12:36	00:00:38	001/001	OK	
K57	03-28 12:37	00:00:17	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,  
RLY: Relay, HBY: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,  
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,  
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR. *Chairman*

**FACSIMILE TRANSMITTAL SHEET**

DATE: March 28, 2011

TO: Pacific Daily News 477-9079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isle 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: FIRST Notice of Public Hearing scheduled for April 4, 2011

PAGES: 1 (including this sheet)

March 28, 2011  
(Pursuant to §8107, Title 5 GCA - 5 day notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Monday, April 4, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

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TX Result Report

P 1  
03/28/2011 12:52  
Serial No. A02E011003085  
TC: 128839

Destination	Start Time	Time	Prints	Result	Note
4772240	03-28 12:47	00:05:38	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLV: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina' Trental Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.   
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: March 28, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isle 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpess 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: FIRST Notice of Public Hearing scheduled for April 4, 2011

PAGES: 1 (including this sheet)

March 28, 2011  
(Pursuant to §8107, Title 5 GCA - 5 day notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Monday, April 4, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**March 31, 2011**

(Pursuant to §8107, Title 5 GCA – 48 hour notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, April 4, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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*Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

## 2nd Notice of Public Hearing scheduled for April 4, 2011

1 message

Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

Thu, Mar 31, 2011 at 10:49 AM

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, senator@senatorbjcruz.com, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.com, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, cor@guamlegislature.org

Cc: mark@judiwonpat.com, "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, louise\_atalig@yahoo.com, chelsea@tinamunabarnes.com, Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, leonguerrero.angela@gmail.com, leslie.g@senatormabini.com, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com, cherbert.senatordrodriguez@gmail.com, clerks@guamlegislature.org, mis@guamlegislature.org, sgtarms@guamlegislature.org, yong@guamlegislature.org

March 31, 2011

(Pursuant to §8107, Title 5 GCA – 48 hour notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, April 4, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## 2nd Notice of Public Hearing scheduled for April 4, 2011

1 message

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**Adolpho Palacios <senabpalacios@gmail.com>****Thu, Mar 31, 2011 at 10:42 AM**

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, mpieper@guampdn.com, amier@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, news@spbguam.com, clynt@spbguam.com, jtyquiengco@spbguam.com, jontalk@k57.com, breakfastshowk57@gmail.com, kstone@ite.net, kstokish@gmail.com, rgibson@k57.com

March 31, 2011

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina' Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: March 31, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for April 4, 2011*

PAGES: 1 (including this sheet)

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March 31, 2011

(Pursuant to §8107, Title 5 GCA – 48 hour notice prior to hearing date)

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*Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

Broadcast Report

P 1  
03/31/2011 09:30  
Serial No. A02E011003085  
TC: 129011

Destination	Start Time	Time	Prints	Result	Note
PDN	03-31 09:22	00:00:34	001/001	OK	
KUAM	03-31 09:23	00:00:32	001/001	OK	
PNC	03-31 09:24	00:00:20	001/001	OK	
K57	03-31 09:25	00:00:17	001/001	OK	
HIT RADIO 100	03-31 09:25	00:00:19	001/001	OK	
KSTO	03-31 09:26	00:00:37	001/001	OK	
GLIMPSES	03-31 09:27	00:00:19	001/001	OK	
MARIANAS VARIETY	03-31 09:28	00:00:24	001/001	OK	
KSTEREO/KISH	03-31 09:29	00:00:37	001/001	OK	
JOY 92 FM	03-31 09:29	00:00:22	001/001	OK	
KPRG	03-31 09:30	00:00:18	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trental Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

**FACSIMILE TRANSMITTAL SHEET**

DATE: March 31, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
KUAM/Isle 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 96 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: **SECOND Notice of Public Hearing scheduled for April 4, 2011**

PAGES: 1 (including this sheet)

March 31, 2011  
(Pursuant to §8107, Title 5 GCA - 48 hour notice prior to hearing date)

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Monday, April 4, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 99-31 (COR) - AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING. - by Senator V. Anthony Ada
- Bill No. 101-31 (COR) - AN ACT TO ADD NEW ITEMS (Y) AND (Z) TO §89.01, ITEM (I) TO §89.03, AND ITEMS (G), (H), (I) §89.05 ALL OF CHAPTER 89 OF 9GCA RELATIVE TO LIMITING ACCESS AND REGULATING THE USE OF SOCIAL NETWORKING WEB SITES, INSTANT MESSAGING AND CHAT ROOMS BY REGISTERED SEX OFFENDERS. - by Senator V. Anthony Ada
- Bill No. 102-31 (COR) - AN ACT TO ADD NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS. - by Senator V. Anthony Ada

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**PUBLIC HEARING**

**9:00 am, Monday, April 4, 2011**

*I Liheslaturan Guahan's Public Hearing Room, Hagatña*

**AGENDA**

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Public Consideration
  - Bill No. 99-31 (COR) – AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF 8GCA RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA PROFILING. – by Senator V. Anthony Ada
  - Bill No. 101-31 (COR) – AN ACT TO ADD NEW ITEMS (Y) AND (Z) TO §89.01, ITEM (I) TO §89.03, AND ITEMS (G), (H), (I) §89.05 ALL OF CHAPTER 89 OF 9GCA RELATIVE TO LIMITING ACCESS AND REGULATING THE USE OF SOCIAL NETWORKING WEB SITES, INSTANT MESSAGING AND CHAT ROOMS BY REGISTERED SEX OFFENDERS. – by Senator V. Anthony Ada
  - Bill No. 102-31 (COR) – AN ACT TO ADD NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS.– by Senator V. Anthony Ada
- IV. Closing Remarks
- V. Adjournment

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.





COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

Thirty-First  
Guam Legislature

March 29, 2011

**MEMORANDUM**

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muna-Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Taijeron  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

**To:** Senator V. Anthony Ada

**From:** Senator Adolpho B. Palacios, Sr.

**SUBJECT:** Public Hearing  
Monday, April 4, 2011

***Buenas yan Håfa Adai!*** The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Bills 99-31 (COR), 101-31 (COR) and 102-31 (COR), of which you are the author, on Monday, April 4, 2011 beginning at 9:00 a.m.

You may notify the appropriate government agencies, organizations and person(s) who may wish to provide written and/or oral testimony the bills.

*Other Committee  
Membership:*

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources
- Member, Committee on  
Education and Public Libraries
- Member, Committee on Guam  
Military Buildup and Homeland  
Security
- Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM
DATE: 3/29/11
TIME: 8:57 [4]AM [ ]PM
RECEIVED BY:

Destination	Start Time	Time	Prints	Result	Note
SENATOR V ANTHONY AD	03-29 08:32	00:00:33	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over, POVER:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



Thirty-First  
Guam Legislature

**Committee Members:**

Senator Thomas C. Ada  
Vice Chairman  
Speaker Judith T. Won Pat, Ph.D.  
Member  
Senator Tina R. Muña-Barnes  
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Senator Judith P. Guthertz, DPA  
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Senator V. Anthony Ada  
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Senator Christopher M. Duenas  
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Senator Mana Silva-Taljeiro  
Member  
Senator Allison A. Yamashita, Ph.D.  
Member

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Resources  
Member, Committee on  
Education and Public Libraries  
Member, Committee on Guam  
Military Buildup and Homeland  
Security  
Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina' Trental Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

March 29, 2011

**MEMORANDUM**

**To:** Senator V. Anthony Ada

**From:** Senator Adolpho B. Palacios, Sr. 

**SUBJECT:** Public Hearing  
Monday, April 4, 2011

***Buenas yan Háfa Adai!*** The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Bills 99-31 (COR), 101-31 (COR) and 102-31 (COR), of which you are the author, on Monday, April 4, 2011 beginning at 9:00 a.m.

You may notify the appropriate government agencies, organizations and person(s) who may wish to provide written and/or oral testimony the bills.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

Bill No. 99-31 (COR)

Introduced by:

V. Anthony Ada  
R. J. Respicio  
A. B. Palacios, Sr.

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120  
OF 8GCA RELATIVE TO REQUIRING CONVICTED  
SEX OFFENDERS, INTER ALIOS, TO SUBMIT TO DNA  
PROFILING.**

2011 MAR - 1 PM 3:56 - [Signature]

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

2 **Section 1.** A new Article 3 is *added* to Chapter 120 of 8GCA to read as follows:

3 **Article 3**

4 **DNA Profiling Act**

5 **§120.301. Title.** This Article may be cited as the DNA Profiling Act.

6

7 **§120.302. DNA testing requirements.**

8 (A) Any person who is convicted of any of the following offenses shall submit  
9 to deoxyribonucleic acid (DNA) testing for law enforcement identification  
10 purposes:

11 (1) A violation of Chapters 25 and/or 25.01 of 9GCA; and/or

1 (2) A violation of Chapter 13 of 9GCA committed in conjunction with or  
2 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA;  
3 and/ or

4 (3) A violation of Chapter 22 of 9GCA committed in conjunction with or  
5 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA,  
6 and/ or

7 (4) A violation of Chapter 30 of 9GCA committed in conjunction with or  
8 an attempt to commit a violation of Chapter 25 and/or 25.01 of 9GCA.

9  
10 (B) Persons who are convicted after the effective date of this Article to any of  
11 the offenses listed in Subsection (A) shall submit to DNA testing within three  
12 (3) days of such conviction prior to the effective date of this Article shall submit  
13 to DNA testing prior to and as a condition of eligibility for probation or parole.

14  
15 **§120.303. Notice to victim or victim representative.**

16 Reports from tests performed pursuant to §120.302 shall be maintained by the central  
17 criminal records repository of criminal records division of the Guam Police  
18 Department.

19 **§120.304. Reporting to CODIS.** Nothing herein this Article shall prevent the  
20 dissemination, sharing or referencing of any DNA (deoxyribonucleic acid) tests results  
21 collected pursuant to the provision of this Article for inclusion in the Federal Bureau of  
22 Investigation's (FBI's) Combined DNA Index System (CODIS).

1 **§120.305. Operations and Budget.** (a) The Guam Police Department (GPD) shall  
2 determine the optimum operational and budgetary requirements for program  
3 authorized by this Article. Such options that GPD may consider include, but not  
4 necessarily be limited to, are:

5 (1) Procuring the services of a third-party laboratory(s) to process DNA  
6 samples.

7 (2) Procuring the equipment and hiring the personnel necessary to process DNA  
8 samples at a GPD facility.

9 (b) Budgeting options that GPD may consider include, but not necessarily be limited  
10 to, are:

11 (1) Federal Grants

12 (2) Appropriations by I Liheslatura, and

13 (3) To the extent possible under Public Law and/or Parole Board practices, fees  
14 assessed to parolees and/or registered sex offenders.

15 (c) Nothing herein is construed as to limit the authority of judges to require payment,  
16 by the defendant, for the cost of DNA testing as a condition of sentencing.

17

18 **Section 2.** A new Item (6) is *added* to Section 89.03(c) if Chapter 89 of 9GCA to read  
19 as follows:

20 “(6) A court may waive the requirements of Items (1), (2), (3) and (4) of this Paragraph  
21 for those individuals who have submitted DNA samples pursuant to the provisions of  
22 Article 3 of Chapter 120 of 8GCA.”

1

2 **Section 3.** A new Item (t) is *added* to Section 89.01 of Chapter 89 of 9GCA to read as  
3 follows:

4 “(t) *DNA* means deoxyribonucleic acid.”