



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor of Guam*

May 24, 2011

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

31-11-5535

5/25/11  
4-5535  
S. DIERIKS

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 102-31 (COR) "AN ACT TO ADD A NEW §89.14 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDER", which I signed into law on May 23, 2011 as **Public Law 31-48**.

*Senseramente,*

  
**EDDIE BAZA CALVO**

2011 MAY 26 AM 8:04

Attachment: copy of Bill

553

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

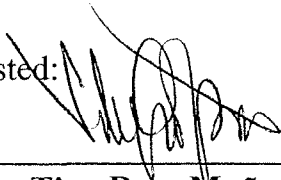
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Substitute Bill No. 102-31 (COR)**, "AN ACT TO **ADD A NEW §89.14 TO CHAPTER 89 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS**", was on the 10<sup>th</sup> day of May, 2011, duly and regularly passed.



\_\_\_\_\_  
**Judith T. Won Pat, Ed.D.**  
**Speaker**

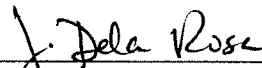
Attested:



\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

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This Act was received by *I Maga'lahaen Guåhan* this 12<sup>th</sup> day of May, 2011, at 10:30 o'clock A.M.



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

APPROVED:



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

Date:

**MAY 23 2011**

Public Law No. 31-48

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

**Bill No. 102-31 (COR)**

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

Introduced by:

V. Anthony Ada  
R. J. Respicio  
Adolpho B. Palacios, Sr.  
T. C. Ada  
F. F. Blas, Jr.  
B. J.F. Cruz  
Chris M. Dueñas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
T. R. Muña Barnes  
v. c. pangelinan  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §89.14 TO CHAPTER 89 OF  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
THE E-MAIL ADDRESSES OF REGISTERED SEX  
OFFENDERS.**

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

2       **Section 1.** A new §89.14 is hereby *added* to Chapter 89 of Title 9, Guam  
3 Code Annotated, to read:

4               “§89.14.   **Limitations on the Use of Electronic Mail (e-mail) by**  
5       **Registered Sex Offenders.** (a) Any person required to register as a sex  
6       offender pursuant to the provisions of this Chapter *shall* include identifying

1 information in the “reply to” and/or “sender” and/or “from” field(s) in any  
2 e-mail account established and used by the registered sex offender. For  
3 purposes of this Section, identifying information means the user’s first  
4 name, middle initial(s) and last name. Any violation of this paragraph is a  
5 third degree felony.

6 (b) Any e-mail address created by a registered sex offender *shall* be  
7 submitted, physically or electronically, to the Superior Court within ten (10)  
8 days of the creation of such account. A violation of this paragraph is a petty  
9 misdemeanor.”

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# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

## VOTING SHEET

SBill No. 102-31(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	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15    0    \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirty-First  
Guam Legislature

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

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

*July 1, 2011  
10:30 AM  
MLA*

April 27, 2011

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

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

**RE : Committee Report – Bill No. 102-31 (COR) as Substituted.**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 102-31 (COR) as Substituted – "AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS,"** 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

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Mona Barnes  
Member
- Senator Judith P. Gutbert, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, JP  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Ducmas  
Member
- Senator Mana Silva-Tajeron  
Member
- Senator Aime A. Yamashita, Ph.D.  
Member

*Other Committee  
Memberships:*

- 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

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

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



**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. 102-31 (COR)**

**As Substituted by the**

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

**AN ACT TO ADD A NEW §89.13 TO  
CHAPTER 89 OF 9GCA RELATIVE TO THE  
E-MAIL ADDRESSES OF REGIS[~~H~~]TERED SEX  
OFFENDERS.**

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

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



Thirty-First  
Guam Legislature

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina B. Muna Barnes  
Member
- Senator Judith P. Gauthert, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Maria Silva Tajeron  
Member
- Senator Alice 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*

April 26, 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. 102-31 (COR) as Substituted.**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 102-31 (COR) as Substituted - "AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS,"** - sponsored by Senator V. Anthony Ada.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 102-31 (COR) as substituted
- Copy of Bill No. 102-31 (COR) as introduced
- Public Hearing Sign-in Sheets
  
- Copy of COR Referral of Bill No. 102-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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!*

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

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





**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. 102-31 (COR) as Substituted - "AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS."**

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		4/26/11 ✓				
Thomas C. Ada Vice Chairman		4/26/11 ✓				
Tina R. Muña-Barnes Member		4/26/11				
Judith P. Guthertz, DPA Member		4/26/11				
Rory J. Respicio Member		4/26/11 ✓				
Dennis G. Rodriguez, Jr. Member		4/21/11				
Judith T. Won Pat, Ed.D. Member		4/27/11 ✓				
V. Anthony Ada Member		4/27/11 ✓				
Christopher M. Duenas Member		4/27/11 ✓				
Mana Silva Tajeron Member				4/27/11		
Aline A. Yamashita, Ph.D. Member						



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

*I Mina'Trentai Uno Na Liheslaturan Guahan*

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

*Chairman*

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**COMMITTEE REPORT DIGEST**

**Bill No. 102-31 (COR) – “An act to add a new §89.13 to Chapter 89 of 9GCA relative to the e-mail addresses of regisitered sex offenders.” – sponsored by 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. 102-31 (COR) - “An act to add a new §89.13 to Chapter 89 of 9GCA relative to the e-mail addresses of regisitered sex offenders,” 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.

**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 requires sex offenders to register their e-mail and prevents them from using a pseudonym. He noted that sex offenders have high rates of recidivism and that this will help keep the community safe.

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 Tajeron 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 Tajeron 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. 102-31(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**

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

### **III. 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., 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.

Mrs. 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(s).

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.

#### **Notes on Substitute Bill No. 102-31 (COR)**

The Committee has made amendments to Bill No. 102-31 (COR) for the substitute Bill. The title contained two (2) grammatical errors, requiring the addition of a comma to separate the clauses and a correction of the spelling of "registered."

The only substantive amendment to the Bill is to add the language "and/or 'from' field(s)" to the requirement that identifying information be provided on e-mails so that a Sex Offender is not able to engage in e-mail communications anonymously.




## Recommendations

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 102-31 (COR), as substituted by the Committee, with the recommendation TO PASS.**

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

Bill No. 102-31(COR)

Introduced by:

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

**AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9  
GCA RELATIVE TO THE E-MAIL ADDRESSES OF  
REGISITERED SEX OFFENDERS.**

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

2 **Section 1.** A new Section 89.13 is *added* to Chapter 89 of 9GCA to read:

3 **“§89.13. Limitations on the use of Electronic Mail (e-mail) by registered sex**  
4 **offenders.** (a) Any person required to register as a sex offender pursuant to the  
5 provisions of this Chapter shall include identifying information in the “reply to”  
6 and/or “sender” in any e-mail account established and used by the registered sex  
7 offender. For purposes of this section, identifying information means the user’s  
8 first name, middle initial(s) and last name. Any violation of this paragraph is a  
9 third degree felony.

10 (b) Any e-mail address created by a registered sex offender shall be submitted,  
11 physically or electronically, to the Superior Court within ten (10) days of the  
12 creation of such account. A violation of this paragraph is a petty misdemeanor.”

2011 MAR -1 PM 3:57



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

Bill No. 102-31 (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 §89.13 TO CHAPTER 89 OF 9  
GCA RELATIVE TO THE E-MAIL ADDRESSES OF  
REGIS[REDACTED]TERED SEX OFFENDERS.**

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

**Section 1.** A new Section 89.13 is *added* to Chapter 89 of 9GCA to read:

“§89.13. **Limitations on the use of Electronic Mail (e-mail) by registered sex offenders.** (a) Any person required to register as a sex offender pursuant to the provisions of this Chapter shall include identifying information in the “reply to” and/or “sender” and/or “from” field(s) in any e-mail account established and used by the registered sex offender. For purposes of this section, identifying information means the user’s first name, middle initial(s) and last name. Any violation of this paragraph is a third degree felony.

(b) Any e-mail address created by a registered sex offender shall be submitted, physically or electronically, to the Superior Court within ten (10) days of the creation of such account. A violation of this paragraph is a petty misdemeanor.”





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

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

Monday, April 4, 2011

**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**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
JOSE SAN AGUSTIN	DOJ	688-5117		✓	✓	

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 102-31 (COR)**

**AN ACT TO ADD A NEW ITEMS (y) AND (z) TO §89.01, ITEM (l) 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.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	10,793,965
Department's Other Fund (Specify) appropriation(s) to date:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$10,793,965</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? / / Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / / N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No  
Is there a federal mandate to establish the program/agency? / / 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: \_\_\_\_\_

Analyst: \_\_\_\_\_ Date: \_\_\_\_\_ Director: Benita Manglona Date: 4/13/11  
M Quinata Benita A. Manglona, BBMR Director

**Footnotes:**  
The Bill has a potential for additional costs to ensure compliance. However, in its present form, that impact cannot 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)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

### MAJORITY MEMBERS:

Speaker  
Judith T. Won Par

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

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

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

March 3, 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. 101-31 (COR) and 102-31 (COR)**

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 101-31 (COR) and 102-31 (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 -7 PM 1:46  
ejm

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?
101-31 (COR)	V. A. Ada, R. J. Respicio, A. B. Palacios, Sr.	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	3/01/11 3:57 p.m.	3/2/11		Committee on Public Safety, Law Enforcement and Judiciary			
102-31 (COR)	V. A. Ada, R. J. Respicio, A. B. Palacios, Sr.	AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9 GCA RELATIVE TO THE E-MAIL ADDRESSES OF REGISTERED SEX OFFENDERS.	3/01/11 3:57 p.m.	3/2/11		Committee on Public Safety, Law Enforcement and Judiciary			



**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 Hagatña, 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**
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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)*

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, PDL: 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, RIX: Re-TX,  
RLY: 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.



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*Chairman*

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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, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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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/Isala 630 637-9965/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-37/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpsee 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)

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K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

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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	

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**March 31, 2011**

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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

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Adolpho Palacios <senabpalacios@gmail.com>

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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

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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 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)

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
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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
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 Libeslaturan Guahan*

**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  
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 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)

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 Libeslaturan Guahan'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. Copies of the aforementioned Bill(s) may be obtained at I Libeslaturan Guahan's website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janesen or Jennifer Dulle 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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**PUBLIC HEARING**

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

*I Liheslaturan Guåhan'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 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, Hagatña Guam 96910*


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


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

Bill No. 102-31 (COR)

Introduced by:

V. Anthony Ada 

R. J. Respicio 

A. B. Palacios, Sr. 

AN ACT TO ADD A NEW §89.13 TO CHAPTER 89 OF 9  
GCA RELATIVE TO THE E-MAIL ADDRESSES OF  
REGISTERED SEX OFFENDERS.

2011 MAR -1 PM 3:57

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Section 89.13 is *added* to Chapter 89 of 9GCA to read:

3 “§89.13. Limitations on the use of Electronic Mail (e-mail) by registered sex  
4 offenders. (a) Any person required to register as a sex offender pursuant to the  
5 provisions of this Chapter shall include identifying information in the “reply to”  
6 and/or “sender” in any e-mail account established and used by the registered sex  
7 offender. For purposes of this section, identifying information means the user’s  
8 first name, middle initial(s) and last name. Any violation of this paragraph is a  
9 third degree felony.

10 (b) Any e-mail address created by a registered sex offender shall be submitted,  
11 physically or electronically, to the Superior Court within ten (10) days of the  
12 creation of such account. A violation of this paragraph is a petty misdemeanor.”