

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

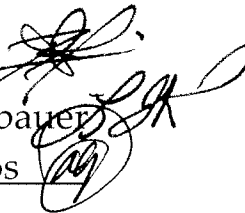
Bill No. 233 (EC)

Introduced by:

Ray Tenorio

L. F. Kasperbauer

A. B. Palacios



AN ACT TO AMEND §4203.3 OF ARTICLE 2, CHAPTER 4 OF
TITLE 4 AND TO AMEND §5253 TO TITLE 5 OF THE GUAM
CODE ANNOTATED, RELATIVE TO PROHIBITING
CONVICTED SEX OFFENDERS FROM BEING EMPLOYED
IN THE GOVERNMENT OF GUAM OR BY GOVERNMENT
CONTRACTORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 4203.3, of Article 2, Chapter 4 of Title 4 is hereby
3 *amended* to read:

4 "§4203.3. Prohibition: Sex offenders prohibited from
5 employment in ~~the Guam Public School System or other~~ agencies and
6 facilities of the government of Guam ~~frequented by children.~~ (a) No
7 person convicted of a sex offense under the provisions of Chapter 25 of
8 Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
9 Chapter 28, Title 9 GCA in Guam, or an offense in another state or
10 subdivision of the United States, the federal government or a foreign

1 country with similar or identical elements of a sexual nature, or listed on
2 the Sex Offender Registry may shall work in any agency or
3 instrumentality of the government of Guam. ~~on the campus of any~~
4 ~~public school, on the campuses of the Guam Community College or the~~
5 ~~University of Guam, as a bus driver, in any public library, the~~
6 ~~Department of Youth Affairs, at the Guam Memorial Hospital, at the~~
7 ~~Medical Services and the Child Protection Services divisions of the~~
8 ~~Department of Public Health and Social Services, at the Department of~~
9 ~~Integrated Services for Individuals with Disabilities (DISID), at the~~
10 ~~Department of Mental Health and Substance Abuse, or in areas~~
11 ~~frequented by children under the jurisdiction of the Department of~~
12 ~~Parks and Recreation including, but not limited to, the Hagåtña Pool.”~~

13 (b) A sex offender currently employed by the government of
14 Guam in the Guam Public School System following the enactment of
15 this Act shall immediately be transferred out of the Guam Public School
16 System to a position in another agency having no contact with the
17 general public. All other sex offenders similarly employed in the
18 government of Guam shall be reassigned to positions where there is no
19 contact with the general public.

20 **Section 2. Section 5253 to Title 5 Guam Code Annotated is hereby**
21 *amended to read:*

22 **“§5253. Restriction against contractors employing convicted sex**

1 offenders from working at ~~certain~~ government of Guam venues. (a)
2 No person convicted of a sex offense under the provisions of Chapter 25
3 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
4 Chapter 28, Title 9 GCA in Guam, or an offense in another state or
5 subdivision of the United States or a foreign country with similar or
6 identical elements of a sexual nature, or listed on the Sex Offender
7 Registry, who is employed by a business contracted to perform services
8 for an agency or instrumentality of the government of Guam, ~~may~~ shall
9 work in any agency or instrumentality of the government of Guam. on
10 ~~the campus of any public school, on the campuses of the Guam~~
11 ~~Community College or the University of Guam, as a bus driver, in any~~
12 ~~public library, the Department of Youth Affairs, at the Guam Memorial~~
13 ~~Hospital, at the Medical Services and the Child Protection Services~~
14 ~~divisions of the Department of Public Health and Social Services, at the~~
15 ~~Department of Integrated Services for Individuals with Disabilities~~
16 ~~(DISID), at the Department of Mental Health and Substance Abuse, or in~~
17 ~~areas frequented by children under the jurisdiction of an agency of the~~
18 ~~government of Guam including, but not limited to, the Hagåtña Pool.~~

19 (b) All contracts for services to agencies listed herein shall include
20 the following provisions: (1) warranties that no person, providing
21 services on behalf of the contractor has been convicted of a sex offense
22 under the provisions of Chapter 25 of Title 9 GCA or an offense as

1 defined in Article 2 of Chapter 28, Title 9 GCA, or an offense in another
2 state or subdivision of the United States or a foreign country with
3 similar or identical elements of a sexual nature, or listed on the Sex
4 Offender Registry; (2) that if any person providing services on behalf of
5 the contractor is convicted of a sex offense under the provisions of
6 Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of
7 Chapter 28, Title 9 GCA or an offense in another state or subdivision of
8 the United States or a foreign country with similar or identical elements
9 of a sexual nature, or legally listed on the Sex Offender Registry, that
10 such person will be immediately removed from working at said agency
11 and that the administrator of said agency be informed of such within
12 twenty-four (24) hours of such conviction.

13 (c) Duties of the General Services Agency or Procurement
14 Administrators. All contracts, bids, or Requests for Proposals shall state
15 all the conditions in §5253(b).

16 (d) Any contractor found in violation of §5253(b), after notice
17 from the contracting authority of such violation, shall within twenty-
18 four (24) hours take corrective action and shall report such action to the
19 contracting authority. Failure to take corrective action within the
20 stipulated period may result in the temporary suspension of the contract
21 at the discretion of the contracting authority."