

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

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Bill No. 325(LS)

Introduced by:

Ray Tenorio

ISHIZAKI  
A. B. DeArmas, Sr. (al)

**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF  
8GCA RELATIVE TO THE CREATION OF AN ARREST  
WARRANT REPOSITORY.**

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

**Section 1.** A new Article 2 is hereby added to Chapter 20 of 8GCA to read:

**Article 2**

**Warrant Repository**

**§20.70. Warrant Repository**

The Attorney General shall designate, with the approval of the Presiding Judge of the Superior Court, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the Superior Court. The Attorney General shall notify the Superior Court of the location of the arrest warrant repository for arrest warrants in the jurisdiction covered by those courts. All attested copies of arrest warrants issued by Superior Court must be directed to the arrest warrant repository designated for the Superior Court, except as otherwise provided by this chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter. Unless expressly designated as confidential by the Attorney General, all information in the arrest warrant repository shall be public information.

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**§20.75. Warrant repository: Information To Be Posted On The Internet.**

The Attorney General shall, in accordance with the Administrative Adjudication Act (5GCA: Chapter 9), shall adopt rules and standards for posting of public information contained in the arrest warrant repository on the internet.

**§20.80. Criteria For Selection Of Arrest Warrant Repository**

The Attorney General shall select an agency that meets the following minimum characteristics to act as an arrest warrant repository.

**1. Communications capability.** The agency must have a Twenty-four-hour (24-hour) dispatch and communication capability and must connect to the Guam Police Department’s telecommunications and radio operations system

**2. Verification.** The agency must have the capability and willingness to verify records as requested and perform the mandated verification of National Crime Information Center warrants.

**3. Monitor management.** The agency must have the capability and willingness to properly monitor the management of warrants, including:

- A. Immediately notifying the originating agency of an arrest on a warrant that the originating agency obtained;
- B. Cooperating with any investigative agency that may hold a warrant for up to five (5) days after its issuance; and

1 C. Immediately and properly entering and deleting warrant information in  
2 the pertinent data base as required.

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4 **4. Warrant management.** The agency must have the capability and  
5 willingness to accept the burden and responsibility of warrant management  
6 as a full and equal element of its sworn public duty.

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8 **5. Review by the Attorney General.** The agency must have the capability  
9 and willingness to accept regular monitoring and review of its warrant files  
10 and procedures by the Attorney General or the Attorney General 's designee  
11 and by the court or the Superior Court's designee, pursuant to standards  
12 adopted by the Attorney General. The Attorney General shall regularly  
13 review the arrest warrant repository's record of performance with a  
14 representative of the Superior Court.

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16 **6. Structured plan.** The agency must develop a structured warrants  
17 management plan designed to maximize the execution of outstanding arrest  
18 warrants.

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20 **§20.85. Standards by Attorney General**

21 The Attorney General, in accordance with the Administrative Adjudication Act  
22 (5GCA: Chapter 9), shall adopt standards for the operation of arrest warrant  
23 repositories. These standards must include or provide for, but are not limited to,  
24 the following.

1       **1. Copies forwarded to repository.** Except as otherwise provided, all  
2       attested copies of arrest warrants must be forwarded to the appropriate arrest  
3       warrant repository.

4       **2. Limited physical possession by investigating agency.** The  
5       investigating law enforcement agency must have the opportunity to  
6       physically possess the attested copy of an investigative arrest warrant for the  
7       express purpose of execution of the warrant for a period of eventy-two (72)  
8       hours, after which time the attested copy of the warrant must be forwarded  
9       to the appropriate arrest warrant repository. For purposes of this subsection  
10      and subsection 3, an "investigative arrest warrant" means a warrant for the  
11      arrest of a person charged with a criminal offense as distinguished from a  
12      bench warrant for failure to appear or pay a fine.

13      **3. Extended possession by agency.** The Attorney General or designees may  
14      permit a law enforcement agency to possess the attested copy of an  
15      investigative arrest warrant for a period not to exceed five (5) days for the  
16      express purpose of execution of the warrant if the Attorney General  
17      determines that the likelihood of warrant execution will be substantially  
18      increased by permitting a law enforcement agency to possess the warrant  
19      prior to forwarding it to the appropriate arrest warrant repository. The  
20      investigating agency may seek, and the Attorney General or designees may  
21      grant to the investigating agency, permission to possess the warrant for a  
22      further period of up to five (5) days if the likelihood of warrant execution  
23      will be further increased.

24      **4. Content of warrant.** A warrant must contain available information  
25      concerning the identity and location of the subject, including, but not  
26      limited to, photographs of the subject, the subject's name and last known

1 address identified by town, county and geographic codes, the subject's date  
2 of birth and any distinguishing physical characteristics that will aid in the  
3 location of the subject and the execution of the warrant.

4 **5. Computer entry.** Upon receipt by the arrest warrant repository, an arrest  
5 warrant must be promptly entered in the Guam's wanted and missing  
6 persons computer data base.

7 **6. National Crime Information Center.** A warrant may not be entered in  
8 the National Crime Information Center data base without authorization from  
9 the Attorney General or designees, except that the Department of  
10 Corrections may enter warrants for violations of parole or probation or for  
11 escape.

12 **7. Storage.** Except as otherwise permitted under this chapter, an original  
13 warrant must be stored at the issuing court and an attested copy must be  
14 stored at the appropriate arrest warrant repository.

15 **8. Validation by court.** A procedure must be established whereby the  
16 courts shall validate arrest warrants.

17 **9. Removal from data base.** When arrest warrants are executed, cancelled  
18 or recalled, they must be immediately removed from the computer data base  
19 by the appropriate arrest warrant repository and the issuing court.

20 **10. Guam Police data base.** The Guam Police Department is responsible  
21 for maintaining a computerized data base, including computer entry  
22 standards, and administering the warrants data base, including printing and  
23 mailing geographical code lists to police agencies and printing and mailing  
24 repository validation lists.

25 **11. Periodic listing of warrants.** Each arrest warrant repository must  
26 periodically generate lists of all warrants stored at that location, including

1 warrants entered on the Guam's wanted and missing persons data base, and  
2 provide them to the originating agencies and the issuing courts.

3 **12. Telecommunications system.** A procedure governing the entry of  
4 warrants through the Guam Police telecommunications system must be  
5 established to require entry when the established criteria are met.

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7 **§20.90. Severability.** If any provision of this Article or its application to any  
8 person or circumstance is found to be invalid or contrary to law, such invalidity  
9 shall *not* affect other provisions or applications of this Article which can be given  
10 effect without the invalid provisions or application, and to this end the provisions  
11 of this Article are severable.