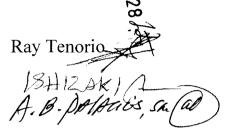
I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN 2008 (SECOND) Regular Session

Bill No. 325(CS)

Introduced by:



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:

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

4 Article 2

5 Warrant Repository

6 §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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2	§20.75. Warrant repository: Information To Be Posted On The Internet.
3	The Attorney General shall, in accordance with the Administrative Adjudication
4	Act (5GCA: Chapter 9), shall adopt rules and standards for posting of public
5	information contained in the arrest warrant repository on the internet.
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7	§20.80. Criteria For Selection Of Arrest Warrant Repository
8	The Attorney General shall select an agency that meets the following minimum
9	characteristics to act as an arrest warrant repository.
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11	1. Communications capability. The agency must have a Twenty-four-hour
12	(24-hour) dispatch and communication capability and must connect to the
13	Guam Police Department's telecommunications and radio operations system
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15	2. Verification. The agency must have the capability and willingness to
16	verify records as requested and perform the mandated verification of
17	National Crime Information Center warrants.
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19	3. Monitor management. The agency must have the capability and
20	willingness to properly monitor the management of warrants, including:
21	A. Immediately notifying the originating agency of an arrest on a warrant
22	that the originating agency obtained;
23	B. Cooperating with any investigative agency that may hold a warrant for up
24	to five (5) days after its issuance; and

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

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

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

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

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

- 2. Limited physical possession by investigating agency. The investigating law enforcement agency must have the opportunity to physically possess the attested copy of an investigative arrest warrant for the express purpose of execution of the warrant for a period of eventy-two (72) hours, after which time the attested copy of the warrant must be forwarded to the appropriate arrest warrant repository. For purposes of this subsection and subsection 3, an "investigative arrest warrant" means a warrant for the arrest of a person charged with a criminal offense as distinguished from a bench warrant for failure to appear or pay a fine.
- 3. Extended possession by agency. The Attorney General or designees may permit a law enforcement agency to possess the attested copy of an investigative arrest warrant for a period not to exceed five (5) days for the express purpose of execution of the warrant if the Attorney General determines that the likelihood of warrant execution will be substantially increased by permitting a law enforcement agency to possess the warrant prior to forwarding it to the appropriate arrest warrant repository. The investigating agency may seek, and the Attorney General or designees may grant to the investigating agency, permission to possess the warrant for a further period of up to five (5) days if the likelihood of warrant execution will be further increased.
- **4. Content of warrant.** A warrant must contain available information concerning the identity and location of the subject, including, but not limited to, photographs of the subject, the subject's name and last known

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

- **5. Computer entry.** Upon receipt by the arrest warrant repository, an arrest warrant must be promptly entered in the Guam's wanted and missing persons computer data base.
 - **6. National Crime Information Center.** A warrant may not be entered in the National Crime Information Center data base without authorization from the Attorney General or designees, except that the Department of Corrections may enter warrants for violations of parole or probation or for escape.
 - 7. Storage. Except as otherwise permitted under this chapter, an original warrant must be stored at the issuing court and an attested copy must be stored at the appropriate arrest warrant repository.
 - **8. Validation by court.** A procedure must be established whereby the courts shall validate arrest warrants.
 - **9. Removal from data base.** When arrest warrants are executed, cancelled or recalled, they must be immediately removed from the computer data base by the appropriate arrest warrant repository and the issuing court.
 - 10. Guam Police data base. The Guam Police Department is responsible for maintaining a computerized data base, including computer entry standards, and administering the warrants data base, including printing and mailing geographical code lists to police agencies and printing and mailing repository validation lists.
 - 11. Periodic listing of warrants. Each arrest warrant repository must periodically generate lists of all warrants stored at that location, including

- warrants entered on the Guam's wanted and missing persons data base, and provide them to the originating agencies and the issuing courts.
 - **12. Telecommunications system.** A procedure governing the entry of warrants through the Guam Police telecommunications system must be established to require entry when the established criteria are met.

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

11 of this Article are severable.

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