

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

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Bill No. 195-31(COR)

Introduced By:

D.G. Rodriguez, Jr. *DR*
A.B. Palacios, Sr. *AP*
A. A. Yamashita, Ph.D *AY*

**AN ACT RELATIVE TO CREATING A CENTRAL
DATABASE CONTAINING INFORMATION
ABOUT OFFENDERS WHO HAVE COMMITTED
OFFENSES INVOLVING DOMESTIC/FAMILY
VIOLENCE BY ADDING A NEW §30.200
CHAPTER 30, TITLE 9 GUAM CODE
ANNOTATED, TO BE KNOWN AS THE “FAMILY
VIOLENCE REGISTRY ACT”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Liheslaturan Guåhan* finds that domestic violence is a serious problem on Guam that has negative effects on the entire island community.

It further finds that there are over one thousand (1,000) cases of family violence reported on Guam every year and 543 cases of family violence were filed by the Prosecution Division of the Office of the Attorney General in 2008. This type of violence can include physical, sexual and emotional abuse, and many crimes of family violence are perpetrated by repeat offenders.

I Liheslaturan Guåhan also finds that, in line with the government's

1 responsibility to help ensure the safety and wellbeing of the public, it should
2 provide any person with the opportunity to obtain criminal history record
3 information that relates to the conviction of or a grant of deferred adjudication to a
4 person for any criminal offense involving family or dating violence, including
5 information that relates to the conviction or grant of deferred adjudication.

6 *I Liheslaturan Guåhan* further finds that having this information readily
7 available in a central database system with access to the public will give a greater
8 sense of security to the community and necessary information, foreknowledge and
9 protection.

10 **Section 2: A new §30.200 is hereby added to Chapter 30, Title 9, Guam**
11 **Code Annotated, to read:**

12 **“§30.200 Family Violence Registry: Central Database of Offenders Who**
13 **Have Committed Offenses Involving Family Violence. This Act shall be**
14 **known and cited as the “Family Violence Registry Act.”**

15 (a) Law enforcement agencies, under the coordination and direction of the
16 Office of the Attorney General, shall maintain a computerized central
17 database containing information regarding persons who on two (2) or
18 more occasions have been convicted of an offense for which there is an
19 affirmative finding of family violence, provided, however, if the person is
20 convicted of the offense with the additional charge of the use of a deadly
21 weapon or an additional charge of Criminal Sexual Conduct against a
22 minor or an additional charge of any sex offenses against a family
23 member for which there is an affirmative finding of domestic/family
24 violence, then only one (1) such offense shall be required for his or her
25 listing on the database.

1 (1) Persons listed in the database pursuant to this Subsection (a), shall
2 be cross-referenced for any violation(s) of criminal sexual conduct,
3 and/or aggravated assault, for which there was an affirmative
4 finding by the court, if any. Any such offense shall be listed as
5 additional information in the Family Violence Registry Act
6 database.

7 (b) The information contained in the database is public information, with the
8 exception of any information:

9 (1) Regarding the persons social security number, driver's license
10 number, or telephone number; or

11 (2) That would identify the victim of the offense with respect to which
12 the affirmative was made.

13 (c) The database maintained by the law enforcement agencies under this
14 section must contain, to the extent the information is available to the
15 agencies:

16 (1) The person's full name, each alias used by the person, and the
17 person's date of birth;

18 (2) The person's last known address;

19 (3) A physical description and recent photograph of the person;

20 (4) A list of offenses for which the person was convicted and for
21 which the court made an affirmative finding of domestic/family
22 violence, the date of conviction for each offense, and the
23 punishment prescribed for each offense; and

24 (5) An indication as to whether the person was discharged, placed on
25 juvenile probation or community supervision, or released on parole
26 or to mandatory supervision following the conviction for each
27 offense.

1 (d) The law enforcement agencies shall permit a person whose name is
2 included in the database established under this section to petition the
3 department to remove the person's name from the database in response to
4 the petition if:

5 (1) An order of expunction is issued with respect to one of the offenses
6 described in Subsection (a) of §30.10, Chapter 30, Title 9, Guam
7 Code Annotated, unless the person has two or more other
8 convictions for an offense described by that section, or when the
9 person was convicted of the offense with the additional charge of
10 the use of a deadly weapon;

11 (2) During the ten (10) year period preceding the date of the petition,
12 the person is not convicted of an offense described in §30.10,
13 Chapter 30, Title 9, Guam Code Annotated. It is further provided,
14 however:

15 (i) That prior to the person listed petitioning to be removed
16 from the database, the Office of the Attorney General shall
17 conduct an investigation to see if any other violations have
18 occurred for which there was an affirmative finding of family
19 violence, criminal sexual conduct, and/or aggravated assault,
20 either on Guam or in any other jurisdiction of the United States.
21 Any violation of family violence, criminal sexual conduct,
22 and/or aggravated assault shall be cause not to remove the
23 person from the Family Violence Registry.

24 (e) On the website through which a person may search the database
25 described by this section, the department shall include information
26 regarding:

1 (1)The manner in which a person may petition the law enforcement
2 agencies for removal of the person’s name from the database; and

3 (2)The circumstances under which the agencies will grant the petition.

4 (f) The Family Violence Registry database may include information
5 concerning persons convicted of at least one offense committed prior to
6 or after the effective date of this Act for which an affirmative finding of
7 family violence is made.”

8 **Section 3. Funding.** The budget for the maintenance of the central
9 database of offenders of family violence, as provided pursuant to this Act, shall be
10 included in the annual Office of the Attorney General Fiscal Year Budget
11 submission to *I Liheslaturan Guåhan*.

12 **Section 4. Effective Date.** The provisions of this Act shall be immediately
13 effective upon the date of enactment into law.