

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 2(LS)

As substituted by the Committee on
Public Safety, Criminal Justice
and Youth and amended on the Floor.

Introduced by:

Ray Tenorio
Frank F. Blas, Jr.
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Edward J.B. Calvo
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A. B. Palacios, Sr.
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R. J. Respicio
David L.G. Shimizu
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADD A NEW §89.01(n) AND A NEW §89.12 TO
TITLE 9 GCA TO AUTHORIZE THE USE OF ELECTRONIC
MONITORING DEVICES TO MONITOR SEX OFFENDERS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1.** The Title of Chapter 89 of Title 9 GCA is *amended* to read:
3 **“CHAPTER 89**
4 **CRIMES AGAINST MINORS, SEX OFFENDER REGISTRY AND**
5 **ELECTRONIC MONITORING OF SEX OFFENDERS.”**

1 **Section 2.** A new subsection (n) is *added* to §89.01 of Chapter 89 of Title 9
2 GCA to read:

3 “(n) *Electronic Monitoring Device (EMD)* is a device that monitors
4 the location of the person wearing it through radio frequency, a Global
5 Positioning Satellite (GPS) network or other means of wireless networking,
6 communication *or* data transmission. Said devices may be *active* or *passive*.
7 An *active Electronic Monitoring Device* transmits location data on a real-
8 time current basis to a central monitoring station. A *passive Electronic*
9 *Monitoring Device* collects location data for a specified period of time for
10 subsequent upload to a centralized monitoring system.”

11 **Section 3.** A new §89.12 is *added* to Chapter 89 of Title 9 GCA to read:

12 “**§89.12. Electronic Monitoring of Sex Offenders.** (a) The Superior
13 Court may order that a sex offender wear an *electronic monitoring device*, as
14 defined by §89.01(n) of this Chapter, for any portion of *or* all of the duration
15 of his probation, as a condition of his probation. The offender *shall* pay for
16 the purchase *or* lease of the electronic monitoring device, provided that the
17 Court may order that the cost or a portion thereof be paid by the Court.

18 (b) If a sex offender is released on parole from incarceration, the
19 Territorial Parole Board *may* require, as a condition of his parole, that the
20 offender wear an *electronic monitoring device* as defined by §89.01(n) of
21 this Chapter, for any portion of *or* all of the duration of his parole. The
22 offender *shall* pay for the purchase *or* lease of the electronic monitoring
23 device, provided that the Parole Board may direct that the cost or a portion
24 thereof be paid by the Parole Office.

25 (c) The Supreme Court of Guam *shall* enact rules and regulations,
26 pursuant to the Administrative Adjudication Law, to effectuate items (a) and

1 (b) herein. Said rules *shall* include a means of determining EMD costs and
2 assessing the offenders therefor.”