



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUL 08 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-569

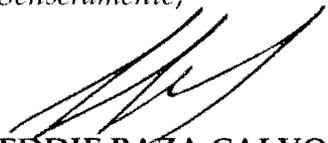
Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 7/8/13
Time 4:37
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No.107-32 (LS) "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A "THREE STRIKES" PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES" which I signed into law on July 5, 2013 as Public Law 32-049.

Senseramente,


EDDIE BAZA CALVO
I Maga'lahaen Guåhan
Governor of Guam

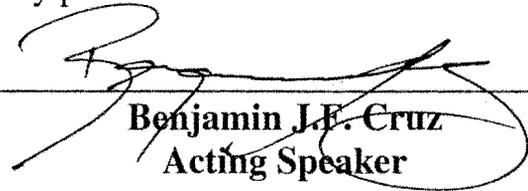
2013 JUL - 8 PM 4: 59


Attachment: copy of Bill

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

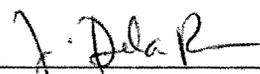
This is to certify that Substitute Bill No. 107-32 (LS), "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A "THREE STRIKES" PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES", was on the 24th day of June, 2013, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:


Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 26th day of June,
2013, at 3:00 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: JUL 05 2013

Public Law No. 32-049

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 107-32 (LS)

As substituted by the Committee on Guam
US Military Relocation, Veterans' Affairs,
Homeland Security and Judiciary; and amended
on the Floor.

Introduced by:

Brant T. McCreadie
Dennis G. Rodriguez, Jr.
T. R. Muña Barnes
Michael F. Q. San Nicolas
V. Anthony Ada
Michael T. Limtiaco
R. J. Respicio
Tommy Morrison
Aline A. Yamashita, Ph.D.
Frank B. Aguon, Jr.
T. C. Ada
B. J.F. Cruz
Chris M. Dueñas
Vicente (ben) C. Pangelinan
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF
CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO CREATING A "THREE STRIKES"
PROVISION FOR HABITUAL OFFENDERS OF
SERIOUS CRIMES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there has been a sharp increase in violent and serious crimes. *I Liheslaturan*
4 *Guåhan* further finds that many of these violent crimes are committed again and

1 again by persons previously convicted of other serious crimes. These habitual
2 offenders have shown that rehabilitation for them is not an option. As such, it is in
3 the people’s best interest that habitual offenders be incarcerated for a significant
4 period of time.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement a habitual
6 offender statute by adding a new §80.50 to Article 2 of Chapter 80, Title 9, Guam
7 Code Annotated.

8 **Section 2.** A new §80.50 is hereby *added* to Article 2 of Chapter 80, Title
9 9, Guam Code Annotated, to read as follows:

10 **“§ 80.50. Habitual Offenders.**

11 (a) Notwithstanding any provision that establishes a shorter
12 term of imprisonment, a person who has been convicted of
13 committing or attempting or conspiring to commit any violent or
14 aggravated felonies and who has previously been convicted of two
15 violent or aggravated felonies *not* committed on the same occasion
16 and separated by intervening arrest *shall* be sentenced to
17 imprisonment for life and is *not* eligible for suspension of the
18 sentence, probation, parole, or release.

19 (b) In order for the penalty under this Section to apply,
20 judgment for the aggravated or violent felonies that comprise the prior
21 conviction *shall* have been entered within fifteen years of the
22 conviction for the current offense; *however*, time spent in custody or
23 on probation for an offense or while the person is an absconder *shall*
24 *not* be excluded from the calculation of the fifteen years.

25 (c) For the purposes of this Section:

26 (1) *violent or aggravated felony* means any of the
27 following offenses if committed in Guam or any offense

1 committed outside Guam that if committed in Guam would
2 constitute one of the following offenses:

3 (A) aggravated murder, murder and
4 manslaughter (Title 9 Guam Code Annotated §§16.30,
5 16.40 & 16.50)

6 (B) aggravated assault (Title 9 Guam Code
7 Annotated §19.20)

8 (C) kidnapping (Title 9 Guam Code Annotated §
9 22.20)

10 (D) criminal sexual conduct in the 1st & 2nd
11 degree (Title 9 Guam Code Annotated §§25.15 & 25.20)

12 (E) compelling prostitution (Title 9 Guam Code
13 Annotated §28.30, as defined involving a child)

14 (F) indecent electronic display to a child (Title 9
15 Guam Code Annotated §25.01.10)

16 (G) electronic enticement of a child as a 1st & 2nd
17 degree felony (Title 9 Guam Code Annotated
18 §§25.01.40, 25.01.30)

19 (H) crimes involving obscenity & related
20 offenses involving children (Title 9 Guam Code
21 Annotated §§28.51 & 28.52)

22 (I) photography of minors' sexual acts (Title 9
23 Guam Code Annotated §28.80)

24 (J) possession of child pornography (Title 9
25 Guam Code Annotated §25.01.60)

26 (K) dissemination of child pornography (Title 9
27 Guam Code Annotated §25.01.70)

1 (L) aggravated arson (Title 9 Guam Code
2 Annotated §34.20)

3 (M) robbery in the 1st & 2nd degree (Title 9
4 Guam Code Annotated §§40.10 & 40.20).

5 (d) Under the terms of the Compacts of Free Association
6 (COFA), citizens of the Freely Associated States [the sovereign states
7 of the Federated States of Micronesia (FSM), the Republic of the
8 Marshall Islands (RMI), and the Republic of Belau], may enter the
9 U.S. under a special status, and are treated as foreign nationals while
10 in the U.S., such status allowing the U.S. to deport a citizen of any
11 COFA state if such citizen is found guilty of breaking or disregarding
12 the laws of a U.S. jurisdiction.

13 (1) A COFA citizen *shall* be considered deportable if
14 convicted of a felony or a crime of moral turpitude; or if
15 sentenced to one (1) year or more for any crime(s) committed;
16 or if the COFA citizen becomes a repeat offender for driving-
17 under-the-influence of alcohol.

18 (2) Such COFA citizen in violation of the COFA will
19 be treated as any other foreign national and *shall* be deported if
20 convicted of a deportable crime under the terms of the Compact
21 of Free Association.

22 (3) Upon conviction of a deportable crime, the
23 Attorney General of Guam (AG) *shall* immediately notify the
24 U.S. Immigration and Customs Enforcement (ICE) Division of
25 the U.S. Department of Homeland Security (DHS) of Guam's
26 desire to have the COFA citizen deported. The AG *shall* work
27 closely with the U.S. ICE Division of DHS to ensure all

1 documents related to the conviction and required for
2 deportation are immediately provided to the proper authorities.
3 Citizens of the U.S. *cannot* be deported under the terms of the
4 COFA. The AG *shall* transmit a quarterly report to *I*
5 *Liheslatura* indicating how many cases were forwarded to the
6 U.S. ICE Division of DHS for deportation and the status of
7 those cases. The AG *shall* also publish this report on its website
8 on a quarterly basis.

9 (e) If the court certifies that a defendant has a mental health illness,
10 the provisions of Subsection (a) *do not* apply.”

11 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.

12 **Section 4. Severability.** *If* any provision of this Law or its application to
13 any person or circumstance is found to be invalid or contrary to law, such
14 invalidity *shall not* affect other provisions or applications of this Law which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this Law are severable.