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

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

This is to certify that **Bill No. 195-31 (COR), "AN ACT TO *ADD* A NEW §30.200 TO CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CENTRAL DATABASE CONTAINING INFORMATION ABOUT REPEAT OFFENDERS WHO HAVE COMMITTED MULTIPLE OFFENSES INVOLVING DOMESTIC/FAMILY VIOLENCE; AND TO BE KNOWN AS THE "FAMILY VIOLENCE REGISTRY ACT",** was on the 19th day of September, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept, 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 195-31 (COR)
As amended by the Committee on Public Safety, Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
Adolpho B. Palacios, Sr.
Aline A. Yamashita, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §30.200 TO CHAPTER 30, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A CENTRAL DATABASE CONTAINING INFORMATION ABOUT REPEAT OFFENDERS WHO HAVE COMMITTED MULTIPLE OFFENSES INVOLVING DOMESTIC/FAMILY VIOLENCE; AND 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.

I Liheslaturan Guåhan further finds that there are over one thousand (1,000) cases of family violence reported on Guam every year, and that five hundred forty-three (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 responsibility to help ensure the safety and wellbeing of the public, it should provide any person with the opportunity to obtain criminal history record information that relates to the repeated conviction for the offense of family, domestic or dating violence.

I Liheslaturan Guåhan further finds that having this information readily available in a central database system with access to the public will give a greater sense of security to the community, and necessary information, foreknowledge and protection from repeat offenders of family, domestic or dating violence, and/or stalking.

Section 2. Family Violence Registry. A new §30.200 is hereby *added* to Chapter 30, Title 9, Guam Code Annotated, to read:

"§ 30.200. Family Violence Registry: Central Database of Offenders Who Have Committed Offenses Involving Family Violence, to be Known and Cited as the "Family Violence Registry Act."

(a) The Office of the Attorney General, with the mandatory cooperation of law enforcement agencies, *shall* maintain a computerized registry database containing information regarding persons who on two (2) *or more* occasions have been convicted of a family, domestic or dating violence, and/or stalking offense, provided, *however*, if the person is convicted of the offense with the special allegation of the use of a deadly

weapon, *or* an additional charge of criminal sexual conduct against a minor, *or* an additional charge of any sex offenses against a family member, then only one (1) such offense *shall* be required for his or her listing on the registry database.

(1) Persons listed in the database pursuant to this Subsection (a) *shall* be cross-referenced for any violation(s) of criminal sexual conduct, and/or aggravated assault conviction(s). Any such offense(s) *shall* be listed as additional information in the Family Violence Registry database.

(b) The information contained in the Family Violence Registry database is public information, with the *exception* of the following:

(1) information regarding the person's social security number, driver's license number, or telephone number; *or*

(2) information that would identify the victim of the offense with respect to which the conviction was made.

(c) The database maintained by the Office of the Attorney General under this Section must contain, to the extent the information is available:

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

(2) the person's last known address;

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

(4) a list of offenses for which the person was convicted of two (2) *or more* cases of domestic, family or dating violence, and/or stalking; the date of conviction for each offense; and the punishment prescribed for each offense; and

(5) an indication as to whether the person was discharged,

placed on probation or community supervision, or released on parole or to mandatory supervision following the conviction for each offense.

(d) The Office of the Attorney General *shall* permit a person whose name is included in the database established under this Section to petition the Department to remove the person's name from the Family Violence Registry database in response to the petition *if*:

(1) a court order of expungement is issued with respect to one (1) of two (2) family, domestic or dating violence, and/or stalking convictions, *unless* the person has two (2) *or more* additional convictions, *or* when the person was convicted of the family, domestic or dating violence, and/or stalking offense with the special allegation of the use of a deadly weapon; or

(2) during the ten (10) year period preceding the date of the petition, the person has *not* since been convicted of an offense described in §30.10, Chapter 30, Title 9, Guam Code Annotated. It is further provided, however:

(A) that the Office of the Attorney General *shall* conduct an investigation to see if any other convictions have occurred under circumstances for which there was a conviction of domestic, family or dating violence, and/or stalking, criminal sexual conduct, aggravated assault, and/or homicide, either on Guam or in any other jurisdiction of the United States. Any conviction for family, domestic or dating violence, and/or stalking, criminal sexual conduct, aggravated assault or homicide during the prior ten (10) year period *shall* be cause for the person *not* to be removed from the Family Violence Registry.

(e) The Office of the Attorney General may promulgate rules and regulations for petitioning for removal from the Family Violence Registry database. On the website through which a person may search the database described by this Section, the Office of the Attorney General *shall* also include information regarding:

(1) the manner in which a person may petition for removal of the person's name from the database.

(f) The Family Violence Registry database may include information concerning persons convicted of *at least* one (1) family, domestic or dating violence, and/or stalking offense committed prior to *or* after the effective date of this Act for which there is a conviction of family, domestic or dating violence, and/or stalking."

Section 3. Funding. The budget for the establishment and maintenance of the Family Violence Registry database, as provided pursuant to this Act, *shall* be included in the annual Office of the Attorney General fiscal year budget submission to *I Liheslaturan Guåhan*.

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