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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 99-31 (COR), "AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, *INTER ALIOS*, TO SUBMIT TO DNA PROFILING"**, was on the 20th day of January, 2012, 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 23rd day of Jan., 2012, at 12:45 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. 99-31 (COR)
As substituted by the Committee on Public Safety,
Law Enforcement and Judiciary.

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

AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, *INTER ALIOS*, TO SUBMIT TO DNA PROFILING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 3 is *added* to Chapter 120 of Title 8, Guam Code Annotated, to read as follows:

"**Article 3**

DNA Profiling Act

§ 120.301. Title. This Article may be cited as the "DNA Profiling Act".

§ 120.302. DNA Testing Requirements.

(a) Any person convicted of any of the following offenses *shall* submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes:

(1) A violation of Chapters 25 and/or 25.01 of Title 9 Guam Code Annotated; and/or

(2) A violation of Chapter 13 of Title 9, Guam Code Annotated, committed in conjunction with or an attempt to commit a violation of Chapters 25 and/or 25.01 of Title 9, Guam Code Annotated; and/or

(3) A violation of Chapter 22 of Title 9, Guam Code Annotated, committed in conjunction with or an attempt to commit a violation of Chapters 25 and/or 25.01 of Title 9, Guam Code Annotated; and/or

(4) A violation of Chapter 30 of Title 9, Guam Code Annotated, committed in conjunction with or an attempt to commit a violation of Chapters 25 and/or 25.01 of Title 9, Guam Code Annotated.

(b) Persons who are convicted of any of the offenses listed in Subsection (a) above *after* the effective date of this Article *shall* submit to DNA testing within three (3) days of such conviction. Persons who have been convicted of any of the offenses listed in Subsection (a) above *prior* to the effective date of this Article *shall* submit to DNA testing within ninety (90) days if they are not inmates of the Department of Corrections, or prior

to their release from detention at the Department of Corrections if they are an inmate of the Department of Corrections.

§ 120.303. Mandated Central Criminal Records Repository for DNA Sampling. Reports from tests performed pursuant to §120.302 *shall* be maintained by the central criminal records repository of the Criminal Records Division of the Guam Police Department.

§ 120.304. Reporting to CODIS. All biological samples for DNA profile information typing that is provided to the Guam Police Department pursuant to the Guam Sex Offender Registry or this Chapter *shall* be submitted for analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS), and nothing within this Article shall prevent the dissemination, sharing, or referencing of any DNA tests' results collected pursuant to the provisions of this Article for inclusion in the Federal Bureau of Investigation's (FBI's) Combined DNA Index System (CODIS).

§ 120.305. Operations and Budget.

(a) The Guam Police Department (GPD) *shall* determine the optimum operational requirements for administration of the program authorized by this Article. Such options that GPD may consider include, but *not* necessarily be limited to:

(1) procuring the services of a third-party laboratory(s) to process DNA samples; or

(2) procuring the equipment and hiring the personnel necessary to process DNA samples at a GPD facility.

(b) Budgeting options that GPD may consider include, but *not* necessarily be limited to:

(1) federal grants;

(2) appropriations by *I Liheslatura*; and

(3) to the extent possible under public law and/or Parole Board practices, fees assessed to parolees and/or registered sex offenders.

(c) Nothing herein is construed as to limit the authority of judges to require payment, by the defendant, for the cost of DNA testing as a condition of sentencing."

Section 2. A new Subsection (aa) is *added* to §89.01 of Chapter 89 of Title 9, Guam Code Annotated, to read as follows:

"(aa) DNA. *DNA* means deoxyribonucleic acid."