UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

November 25, 2019

35GL-19-1257
Speaker Tina Rose Muña Barnes

NOV 25 2019
Time 4:06 ( )AM (/)PM
Received By: alan

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Re: Bill No. 157-35 (COR) – An Act to *Add* a New § 89.16 and *Amend* § 89.01(g)(1) of Chapter 89, Title 9, Guam Code Annotated, Relative to Requiring Convicted Sexual Offenders Whose Cases are Under Appeal to Retain Their Absolute Duty to Register as Sex Offenders with the Judiciary of Guam Probation Division

2019 NOV 25 PM 4:32

Dear Madame Speaker:

The requirement for those convicted of sex offenses to register as sex offenders is not something new to Guam. In fact, Guam became one of the first jurisdictions to implement the Sex Offender Registration and Notification Act ("SORNA") when we enacted Public Law 25-75 at the turn of this century. Since then, all branches of our government have worked diligently to ensure that our local sex offender registration law remained compliant as the federal laws changed.

I am grateful of this Legislature for correcting a "loophole" allowing convicted sex offenders to remain unregistered while they were seeking an appeal. Language introduced by Bill No. 428-30 created the ambiguity by requiring registration only when "the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled."

Bill No. 157-35, which I have now signed into law as ***Public Law No. 35-51***, corrects that ambiguity and clarifies Guam's position towards sex offender registration. There is no doubt that

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RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.472.8931 • 671.472.8932/6

our community demands sex offender registration the instant offenders are convicted and sentenced by the court.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 157-35 (COR) *nka Public Law 35-51*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

2019-7418
RCVD AT CENTRAL FILE
NOV 18 '19 PM6:02

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN Jessica Cruz
2019 (FIRST) Regular Session

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

This is to certify that **Bill No. 157-35 (COR), "AN ACT TO *ADD* A NEW § 89.16 AND *AMEND* § 89.01(g)(1) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS WHOSE CASES ARE UNDER APPEAL TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AS SEX OFFENDERS WITH THE JUDICIARY OF GUAM PROBATION DIVISION,"** was on the 18th day of November 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 18th day of Nov., 2019, at 6:01 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/25/2019

Public Law No. 35-51

2019-7418
RCVD AT CENTRAL FILE
NOV 18 '19 PM6:01
Jessica Cruz

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 157-35 (COR)
As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice; and further amended on the Floor.

Introduced by:

Amanda L. Shelton
Tina Rose Muña Barnes
Telena Cruz Nelson
Joe S. San Agustin
James C. Moylan
Louise B. Muña
Therese M. Terlaje
Régine Biscoe Lee
Jose "Pedo" Terlaje
William M. Castro
Kelly Marsh (Taitano), PhD
Sabina Flores Perez
Clynton E. Ridgell
Telo T. Taitague
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 89.16 AND *AMEND* § 89.01(g)(1) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEXUAL OFFENDERS WHOSE CASES ARE UNDER APPEAL TO RETAIN THEIR ABSOLUTE DUTY TO REGISTER AS SEX OFFENDERS WITH THE JUDICIARY OF GUAM PROBATION DIVISION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the sex offender registry was established by the enactment of Public Law 25-75

in 1999 (codified at 9 GCA Chapter 89) with the intent to protect the members of our island community from sexual offenders by monitoring those offenders and making their information accessible to the public. This information includes the name, date of birth, list of offenses, home address, work address, physical description, headshot, and known vehicles of the offender. This database is vital to protecting existing victims, deterring recidivism among offenders, and preventing future sexual offenses.

In 1994, the United States Congress passed the Wetterling Act, which mandates that all fifty (50) states maintain a sex offender registry. After many amendments and other federal legislation aiming to improve sex offender registration laws, Congress passed the Sex Offender Registration and Notification Act (SORNA) in 2006 which established national standards for sex offender registration and the list of information that should be made available to the public. A study published in the *Journal of Law and Economics*, found that registration reduces the number of sex offenses by about thirteen percent (13%). As such *I Liheslaturan Guåhan* finds that sex offender registries are a vital tool used for informing the public and preventing further victimization.

I Liheslaturan Guåhan further finds that survivors of sexual assault have become aware that their perpetrators' cases are under appeal but such perpetrators have not had to register with the sex offender registry and have gone on to jobs that include working around a similar demographic of women as the survivors, which potentially puts a new group of women at risk.

Therefore, it is the intent of *I Liheslaturan Guåhan* to close this loophole and ensure that sex offenders are registered with the sex offender registry even while such cases are on appeal.

Section 2. A new § 89.16 is hereby *added* to Chapter 89, Title 9, Guam Code Annotated, to read as follows:

"**§ 89.16. Cases Under Appeal.**

The trial judge may not stay any judgement of conviction as it relates to the registration requirements contained in this Chapter."

Section 3. § 89.01(g)(1) of Chapter 89, Title 9, Guam Code Annotated, is hereby *amended* to read as follows:

"(1) Adult Conviction. The term conviction refers to each separate charge to which the offender either voluntarily pleads guilty and such guilty plea has been accepted by the Court, whether in a single hearing or in separate hearings, or is found guilty by a trier of fact, whether the charges are contained in one (1) indictment, or separate indictments. This term includes convictions based on pleas of nolo contendere and guilty pleas entered pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970). An adult sex offender is "convicted" for the purposes of this Chapter if the sex offender has been sentenced by the court."