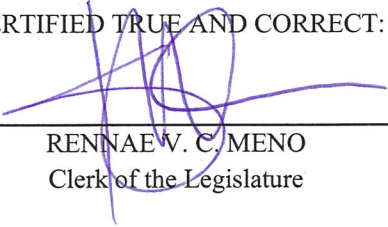


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 173-35 (COR) As amended by the Committee on Health, Tourism, Historic Preservation, Land, and Justice; and substituted and further amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 4, 2020				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN					✓	✓
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedro" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES					✓	✓

TOTAL:	13				2	2
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE W. C. MENO
 Clerk of the Legislature

I = Pass

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

Bill No. 173-35 (COR)

As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice;
and substituted and further amended on the Floor.

*

Introduced by:

Therese M. Terlaje
Sabina Flores Perez

**AN ACT TO *ADD* A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A STANDARDIZED RISK
ASSESSMENT AND SYSTEM OF TREATMENT
PROGRAMS FOR CRIMINAL SEXUAL CONDUCT
OFFENDERS, WHICH SHALL BE KNOWN AS THE
“CRIMINAL SEXUAL CONDUCT ASSESSMENT AND
REHABILITATION ACT”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 93 is hereby *added* to Title 9, Guam Code

Annotated to read:

“CHAPTER 93

CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT

§ 93.10. Short Title.

§ 93.11. Legislative Declaration.

§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure.

§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual
Conduct Offenders.

1 § 93.35. Sentencing of Felons: Parole of Felons: Treatment and Testing
2 Based Upon Assessment Required.

3 § 93.40. Development of Testing Programs.

4 § 93.50. Report to the Legislature.

5 **§ 93.10. Short Title.**

6 This Act may be cited as the “Criminal Sexual Conduct Assessment and
7 Rehabilitation Act.”

8 **§ 93.11. Legislative Declaration.**

9 The Legislature hereby declares that criminal sexual conduct and repeat
10 offenses are a major problem within the criminal justice system of Guam. The
11 Legislature hereby resolves to curtail the risk of further harm from persons accused
12 or convicted of criminal sexual conduct through the implementation of standardized
13 procedures for the assessment of those individuals for dangerousness and risk for
14 recidivism. The courts should assess the dangerousness and risk of recidivism before
15 release on probation, pre-sentence or parole. Persons convicted of criminal sexual
16 conduct felonies who do not complete treatment and rehabilitation as recommended
17 by a court, the Parole Board, or a Department of Corrections official based on the
18 assessment should not be eligible for early release.

19 The Legislature finds that psycho-physiological testing is essential in the
20 assessment of sex offenders. Physiologic test results should only be used in
21 conjunction with a thorough psychiatric evaluation, comprehensive sexual history,
22 and clinical expertise. Because effective control and treatment of deviant sexual
23 behaviors depend on identification and understanding of the underlying dysfunction,
24 assessment techniques that provide insight into the etiology of a behavior are critical
25 to reducing sexual predator crimes. More accurate and reliable assessment

1 techniques may improve treatment outcomes and decrease the rate of sexual
2 victimization and may provide more reliable means.

3 **§ 93.20. Criminal Sexual Conduct Assessment: Standardized**
4 **Procedure.**

5 (a) The Superior Court of Guam, the Department of Corrections, the Guam
6 Parole Board, the Guam Police Department, and the Guam Behavioral Health and
7 Wellness Center (the Assessment Team) *shall* cooperate to develop and implement
8 the following:

9 (1) A standardized procedure for the assessment of individuals
10 accused or convicted of sexual offenses for dangerousness and risk for
11 recidivism. The assessment may include the use of physiological testing, in
12 conjunction with a thorough psychiatric evaluation, comprehensive sexual
13 history, and clinical expertise or such other test of the offender as deemed
14 appropriate by the Assessment Team. The assessment procedure developed
15 pursuant to this Section *shall* recommend treatment or rehabilitation that is
16 appropriate to the needs of the particular offender and which is aimed at
17 reducing dangerousness and risk of recidivism or *shall* indicate whether no
18 treatment or rehabilitation is known or predictable that will reduce
19 dangerousness or risk of recidivism.

20 (2) A system of programs for treatment and rehabilitation of
21 individuals convicted of criminal sexual conduct offenses which can be
22 utilized by offenders who are placed on probation, incarcerated at the
23 Department of Corrections, placed on parole, or placed in community
24 corrections, or released on probation or parole, or discharged from prison.

25 (b) The procedures for treatment and rehabilitation required to be
26 developed by Subsection (a) of this Section shall be implemented only to the extent

monies are available; provided that, in all cases, persons referred or ordered to receive treatment or rehabilitation *shall* do so at their own expense, unless such person is determined to be indigent.

(c) The Superior Court of Guam, the Department of Corrections, the Guam Parole Board, the Guam Police Department, and the Guam Behavioral Health and Wellness Center *shall* cooperate to develop a schedule of fees sufficient to cover the costs of assessment, testing, and treatment as required by this Section. All persons referred or ordered to receive assessment, testing, or treatment *shall* be made to pay for such, in accordance with the fee schedule, except in such cases where the person is determined to be indigent, at which point the government of Guam may provide access to government funded or government contracted service providers, if available.

§ 93.30. Assessment Required for Convicted Felons and Criminal Sexual Conduct Offenders.

(a) A person convicted of a criminal sexual conduct felony committed on or after the effective date of this Act who is to be considered for probation, pre-sentence release, sentencing, or parole shall be required, as part of the pre-sentence or probation investigation, to submit to an assessment developed pursuant to § 93.20(a)(1). The court *shall* order such person to comply with the recommendations of such assessment as a condition of probation, pre-sentence release, or parole, and as part of the sentence, at the person's own expense, unless such person is indigent, at which point the government of Guam may provide access to government funded or government contracted service providers, if available.

(b) Each person convicted of a criminal sexual conduct misdemeanor committed on or after the effective date of this Act *shall* be required to submit to an assessment developed pursuant to § 93.20(a)(1). The court *shall* order such person

1 to comply with the recommendations of such assessment at the person's own
2 expense, unless such person is indigent. If such person is sentenced to probation,
3 such person *shall* be ordered to comply with the recommendations as a condition of
4 probation at such person's own expense, unless such person is indigent, at which
5 point the government of Guam may provide access to government funded or
6 government contracted service providers, if available.

7 (c) The assessment required by Subsection (a) of this Section or the
8 assessment required by Subsection (b) of this Section *shall* be at the expense of the
9 person assessed, unless such person is indigent, at which point the government of
10 Guam may provide access to government funded or government contracted service
11 providers, if available.

12 **§ 93.35. Sentencing and Parole of Felons: Parole of Felons:**
13 **Treatment and Testing Based Upon Assessment Required.**

14 (a) Each person sentenced by the court for a criminal sexual conduct felony
15 committed on or after the effective date of this Act *shall* be required, as part of any
16 sentence, to undergo periodic assessment, treatment, and rehabilitation which is
17 appropriate to such person based upon the recommendations of the assessment made
18 pursuant to § 93.30 of this Chapter, or based upon any subsequent recommendations
19 by the Department of Corrections, the Probation Office, the Parole Board or the
20 Superior Court of Guam, whichever is appropriate. Any such testing or treatment
21 *shall* be at such person's own expense, unless such person is indigent, at which point
22 the government of Guam may provide access to government funded or government
23 contracted service providers, if available.

24 (b) Each person convicted of a criminal sexual conduct felony who is
25 placed on parole by the Guam Parole Board on or after the effective date of this Act,
26 *shall* be required, as a condition of such parole, to undergo periodic testing and

1 treatment that is appropriate to such person based upon the recommendations of the
2 assessment made pursuant to § 93.30 of this Chapter, or any assessment or
3 subsequent reassessment made regarding such person during his or her incarceration
4 or any period of parole. Any such testing or treatment *shall* be at such person's own
5 expense, unless such person is indigent, at which point the government of Guam
6 may provide access to government funded or government contracted service
7 providers, if available.

8 **§ 93.40. Development of Testing Programs.**

9 (a) The Superior Court of Guam, the Guam Behavioral Health and
10 Wellness Center, the Department of Corrections, and the Guam Parole Board *shall*
11 cooperate to develop programs for the periodic assessment of criminal sexual
12 conduct offenders under the jurisdiction of each agency, and programs for the
13 periodic reassessment of appropriate treatment and rehabilitation made in the initial
14 assessment required by § 93.30 of this Chapter, or any subsequent reassessment.

15 (b) The Department of Corrections *shall* promulgate Disciplinary Rules
16 and Regulations for those incarcerated criminal sexual conduct offenders who fail to
17 submit to the assessment, treatment or rehabilitation recommendations. Disciplinary
18 Rules and Regulations *shall* promote fairness and consistency in the treatment of
19 offenders and may include, but *shall* not be limited to, an increased level of
20 supervision, the use of electronic monitoring, loss of work credit time granted
21 pursuant to 9 GCA § 81.10, and referral of the offender to the court to update the
22 sentence to reflect such loss of work credit, or other sanctions designed to prevent
23 further harm from such offender. Any offender who does not cooperate with
24 assessments and complete the treatment or rehabilitation program *shall not* be
25 eligible for parole.

1 (c) The Superior Court *shall* immediately revoke probation or release due
2 to failure to submit to an assessment, treatment or rehabilitation made a condition of
3 probation, pre-sentence release or release.

4 (d) The Guam Parole Board *shall* immediately revoke parole due to failure
5 to submit to an assessment, treatment or rehabilitation made a condition of parole.

6 **§ 93.50. Report to the Legislature.**

7 Upon enactment of this Act, the Superior Court of Guam, the Department of
8 Corrections, the Guam Parole Board, the Guam Police Department, and the Guam
9 Behavioral Health and Wellness Center *shall* jointly make and transmit an annual
10 report to the Speaker of the Guam Legislature regarding the implementation of this
11 Act; the standardized procedures developed pursuant to this Act; and the results of
12 the programs created by this Act, including expected and actual effectiveness of the
13 assessment, treatment, and rehabilitation in reducing levels of dangerousness or risk
14 of recidivism of criminal sexual conduct offenders while incarcerated and on
15 release.”