



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

15 NOV 2007

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

2007 NOV 29 AM 9:21 AM

Dear Mr. Speaker:

Transmitted herewith is Bill No. 105 (EC), "AN ACT TO AMEND CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY," which I have signed into law on October 25, 2007 as Public Law No. 29-30.

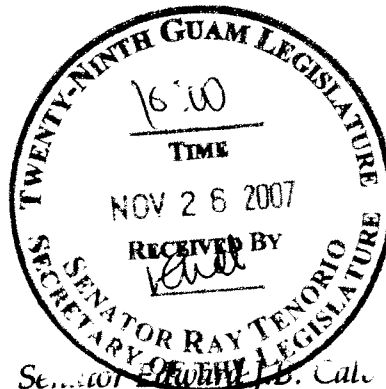
I applaud Senator Frank T. Ishizaki in his efforts to strengthen the existing Guam Sex Offender Registry law in order to protect our community from the heinous acts of criminal sexual conduct and its various forms of crimes against our children. This is a great step as we continue to refine Guam's laws related to these offenses. While I understand subsequent measures may be enacted please also note that Bill No. 105 does not contain the recently enacted provisions of Public Law 29-07 pertaining to electronic monitoring devices. It is commendable that the legislative committees on General Governmental Operations and Organization and Public Safety, Criminal Justice and Youth continue their progress with the collaboration of the Judiciary and the Executive, Bureau of Statistics and Plans and the Attorney General's office, in debating and adopting policies to ensure a safety of our Island and her people.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Ray Tenorio
Senator and Legislative Secretary



Senator Edward J.B. Calvo

ACKNOWLEDGEMENT RECEIVED

Received by: *Nike*
Print Name & Initial

29-07-1102
Office of the Speaker
MARK FORBES
Date: 11/16/07
Time: _____
Rec'd by: _____
Print Name: *Mark*

1102

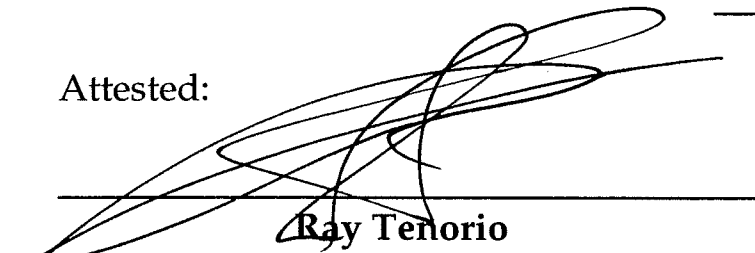
Time: _____
Date: 11-20-07

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 105 (EC), "**AN ACT TO AMEND CHAPTER 89 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM SEX OFFENDER REGISTRY,**" was on the 10th day of October 2007, duly and regularly passed.

Attested:

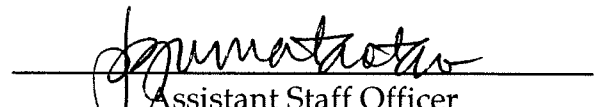


Ray Tenorio
Senātor and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

This Act was received by *I Maga'lāhen Guåhan* this 15 day of Oct, 2007, at
1245 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lāhen Guåhan

Date: 25 October 2007

Public Law No. 29-30

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 105 (EC)

As substituted by Committee on
General Governmental Operations and
Reorganization and amended on the Floor.

Introduced by:

Frank T. Ishizaki
J. T. Won Pat
Ray Tenorio
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
David L.G. Shimizu
A. R. Unpingco

**AN ACT TO *AMEND* CHAPTER 89 OF TITLE 9 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE GUAM
SEX OFFENDER REGISTRY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam's Sex Offender Registry statute is in need of changes in order to strengthen its provisions and close certain gaps within the law. *I Liheslatura* further finds that the Supreme Court of the United States has determined that *Due Process* rights (**Connecticut Dept. of Public Safety v. John Doe, et al.**) and the *ex post facto* clause in the U.S. Constitution (**Delbert W. Smith and Bruce M.**

1 **Botelho v. John Doe I, et al.)** have not been violated by requiring those already
2 convicted of criminal sexual conduct *or* of a crime against a victim who is a minor
3 before the enactment of Sex Offender Registry laws to register with the Guam Sex
4 Offender Registry. *I Liheslatura* also finds that the crime of criminal sexual
5 conduct and the various forms of crimes against children are serious problems on
6 our island, and persons convicted of these crimes may be a danger to the people of
7 our community. *I Liheslatura* further finds that in order to protect the people of
8 our community, most particularly our children from sex offenses, especially
9 violent sex offenses, the Guam Sex Offender Registry Law must be strengthened.

10 It is the intent of *I Liheslatura* to update the Guam Sex Offender Registry
11 requirements and notification program and to require *all* those convicted of
12 criminal sexual conduct *or* of a crime against a victim who is a minor, to register
13 with the Guam Sex Offender Registry in order to increase the awareness of our
14 island's community and our nation about dangerous individuals released into the
15 community. *I Liheslatura* hopes that such awareness will assist in the prevention
16 of future sex offenses and alert the community of such dangers.

17 **Section 2.** Chapter 89 of Title 9 of the Guam Code Annotated is hereby
18 *amended* to read as follows:

19 **“CHAPTER 89**

20 **CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY**

21 **§ 89.01. Definitions.** As used in this Chapter:

22 (a) *Minor* means a person below the age of eighteen (18)
23 years.

24 (b) *Criminal offense against a victim who is a minor* means
25 any criminal offense that consists of any of the following:

1 (1) felony kidnapping, felonious restraint felony child
2 stealing and custodial interference, as defined and punished in
3 Chapter 22 of Title 9 of the Guam Code Annotated,
4 *Kidnapping, and Related Offenses*, when the victim is a minor
5 provided that a court of competent jurisdiction determines, from
6 the facts and a preponderance of the evidence, that the person
7 convicted of said criminal acts supra this Section, is likely to
8 commit a criminal act defined by 9GCA: Chapter 25 and
9 Chapter 28;

10 (2) promoting prostitution, abetting prostitution,
11 compelling prostitution, as defined and punished in Article 1 of
12 Chapter 28 of Title 9 of the Guam Code Annotated,
13 *Prostitution*, when the individual committing *or* engaging in
14 prostitution is a minor;

15 (3) participation in obscenity, use of one's own child
16 in obscene acts, indecent exposure, photography of minors'
17 sexual acts, as defined and punished in Article 2 of Chapter 28
18 of Title 9 of the Guam Code Annotated, *Obscenity and Related*
19 *Offenses*, when a minor is employed *or* used;

20 (4) criminal sexual conduct, as defined and punished
21 in Chapter 25 of Title 9 of the Guam Code Annotated, *Sexual*
22 *Offenses*, when the victim of the crime is a minor; or

23 (5) attempt to commit, solicitation to commit, *or*
24 conspiracy to commit the crimes stated in paragraphs (1) to (4)
25 of this subsection (b), in violation of Chapter 13 of Title 9 of

1 the Guam Code Annotated.

2 (c) *Criminal sexual conduct* refers to violations defined and
3 punished under Chapter 25 of Title 9 of the Guam Code Annotated,
4 *Sexual Offenses*, and any violations of similar federal laws *or* laws of
5 other states, territories *or* tribes.

6 (d) *Sexually violent offense* refers to any of the following:

7 (1) criminal sexual conduct involving sexual
8 penetration *or* sexual contact when the actor causes personal
9 injury to the victim and either of the following circumstances
10 exists:

11 (A) force *or* coercion is used to accomplish the
12 sexual penetration *or* contact; or

13 (B) the actor knows *or* has reason to know that the
14 victim is mentally defective, mentally incapacitated *or*
15 physically helpless.

16 (2) criminal sexual conduct involving sexual
17 penetration *or* sexual contact where the actor is aided *or* abetted
18 by one (1) *or* more other persons and either of the following
19 circumstances exists:

20 (A) force *or* coercion is used to accomplish the
21 sexual penetration *or* contact; or

22 (B) the actor knows *or* has reason to know that the
23 victim is mentally defective, mentally incapacitated *or*
24 physically helpless.

25 (3) criminal sexual conduct involving sexual

1 penetration *or* sexual contact where the actor is armed with a
2 weapon *or* any article used *or* fashioned in a manner to lead the
3 victim to reasonably believe it to be a weapon;

4 (4) criminal sexual conduct involving sexual
5 penetration *or* sexual contact which occurs under circumstances
6 involving the commission of another felony;

7 (5) criminal sexual conduct involving a victim under
8 fourteen (14) years of age;

9 (6) violation of Title 18 USC §§2241 *or* 2242, *or* any
10 other similar laws of other states, territories *or* tribes.

11 (7) violation of Title 18 USC §§2251, 2252, and
12 2252A, *or* any other similar laws of other states, territories *or*
13 tribes;

14 (8) violation of Title 18 USC §1591 *or* any other
15 similar laws of other states, territories and tribes;

16 (9) violation of Title 18 USC §2422(b) *or* any other
17 laws of other states, territories and tribes;

18 (10) violation of Title 18 USC §2423(a) *or* any other
19 laws of other states, territories and tribes; *or*

20 (11) violation of Title 18 USC §2244 *or* any other laws
21 of other states, territories and tribes.

22 (e) The terms *sexual penetration* and *sexual contact* have the
23 same meaning as *sexual penetration* and *sexual contact* in Chapter 25
24 of Title 9 of the Guam Code Annotated.

25 (f) The term *sex offender* refers to persons convicted of a

1 criminal sexual conduct offense.

2 (g) The term *conviction* refers to each separate charge to
3 which the offender either voluntarily pleads guilty, whether in a single
4 hearing *or* in separate hearings, *or* is found guilty by a trier of fact,
5 whether the charges are contained in one (1) indictment, *or* separate
6 indictments. This term includes convictions based on pleas of *nolo*
7 *contendere* and guilty pleas entered pursuant to *North Carolina v.*
8 *Alford*, 400 U.S. 25 (1970).

9 (h) The term *convicted or* a variant thereof, used with respect
10 to a sex offense, also includes *adjudicated delinquent as a juvenile for*
11 *that offense*, but only *if* the offender is fourteen (14) years of age *or*
12 older at the time of the offense and the offense adjudicated was
13 comparable to *or* more severe than aggravated sexual abuse (as
14 described in §2241 of Title 18 USC), *or* was an attempt *or* conspiracy
15 to commit such an offense.

16 (i) The terms *employed* and *carries on a vocation* include
17 employment that is full-time *or* part-time for a period of time
18 exceeding fourteen (14) days, *or* an aggregate period of time
19 exceeding thirty (30) days during any calendar year, whether
20 financially compensated, on a volunteer basis *or* for the purpose of
21 government *or* educational benefit.

22 (j) The term *student* means any person who is enrolled on a
23 full-time *or* part-time basis, in any public *or* private educational
24 institution, including any secondary school, trade, *or* professional
25 institutions, *or* institution of higher learning.

1 (k) The term *institution of higher education* means post
2 secondary school.

3 (l) The term *law enforcement agency* means any so designated
4 agency on Guam, including, but *not limited to*, the Guam Police
5 Department, the Jose D. Leon Guerrero Commercial Port Police, the
6 Parole Services Division of the Department of Corrections, the
7 Judiciary of Guam Probation Services Division, the U.S. Probation
8 Office, the U.S. Marshal's Service, the Conservation Office of the
9 Department of Agriculture, the A. B. Won Pat International Airport
10 Authority Police, the Attorney General's Office Family and
11 Prosecution Divisions, the Judiciary of Guam Marshals Division, the
12 Air Force Office of Special Investigations, the Naval Criminal
13 Investigation Section, the Coast Guard Criminal Investigation Section,
14 the United States Army Criminal Investigation Division, and other
15 criminal investigators of the United States Government.

16 As Guam does not have recognized law enforcement Campus
17 Police in Guam's institution of higher education, the Guam Police
18 Department is the recognized law enforcement agency with
19 jurisdiction over Guam's institution of higher education.

20 (m) The term *court* means the Superior Court of Guam.

21 (n) The term *community* refers to the entire territorial
22 boundaries of Guam.

23 (o) The term *registrant* refers to persons required to register
24 under this Chapter.

25 (p) The term *change in enrollment or employment status*

1 means the commencement *or* termination of enrollment *or*
2 employment *or* a change in location of enrollment *or* employment.

3 (q) The term *parent* means a parent *or* legal guardian having
4 blood ties to the victim.

5 (r) The term *resides* means, with respect to an individual, the
6 location of the individual's home *or* other place where the individual
7 habitually lives.

8 **§ 89.02. Classification of Offenders.**

9 (a) Level One Offender. A person convicted of a sexually
10 violent offense.

11 (b) Level Two Offender. A person *not* otherwise classified
12 as a Level One Offender and is convicted of:

13 (1) criminal sexual conduct involving two (2) *or* more
14 victims;

15 (2) two (2) *or* more separate criminal sexual conduct
16 offenses;

17 (3) a criminal offense against a victim who is a minor,
18 involving two (2) *or* more minors;

19 (4) two (2) *or* more separate criminal offenses against
20 a victim who is a minor; or

21 (5) one (1) *or* more separate criminal sexual conduct
22 offense and one (1) *or* more separate criminal offense against a
23 victim who is a minor.

24 (c) Level Three Offender. A person *not* otherwise
25 classified as either a Level One *or* a Level Two Offender and is

1 convicted of:

2 (1) criminal sexual conduct; *or*

3 (2) a criminal offense against a victim who is a minor.

4 **§ 89.03. Registration; Duty to Register.**

5 (a) Persons Required to Register. The following persons
6 *shall* have the absolute duty to register pursuant to this Chapter:

7 (1) any person who has been *or* is hereafter convicted
8 in any court of Guam of a violation of any of the following
9 offenses:

10 (A) a sexually violent offense;

11 (B) a criminal sexual conduct offense; or

12 (C) a criminal offense against a victim who is a
13 minor.

14 (2) any person who has been *or* is hereafter convicted
15 in any Federal *or* military court for a violation of any of the
16 following offenses:

17 (A) an offense under Title 18 USC §§2241 *or*
18 2242;

19 (B) an offense under Title 18 USC §§§ 2251,
20 2252, or 2252A;

21 (C) a criminal offense against a victim who is a
22 minor;

23 (D) an offense under Title 18 USC §1591;

24 (E) an offense under Title 18 USC §§2422(b) *or*
25 2423(a); or

1 (F) an offense under Title 18 USC §2244.

2 (3) any person convicted in another state, territory *or*
3 tribe of any of the following offenses:

4 (A) a criminal sexual conduct offense; *or*

5 (B) a criminal offense against a victim who is a
6 minor.

7 (4) any person who is a non-resident who is on Guam
8 for the purpose of work *or* education and:

9 (A) who is *or* has been convicted in another
10 state, territory *or* tribal jurisdiction of a
11 criminal sexual conduct offense, *or* a
12 criminal offense against a victim who is a
13 minor; *or*

14 (B) who has been or is hereafter convicted in a
15 military court *or* a court in another state,
16 territory *or* tribal jurisdiction, of a criminal
17 sexual conduct offense *or* a criminal offense
18 against a victim who is a minor.

19 (b) Registration Requirements; Information to be Registered.

20 (1) All persons required to register must register, and
21 keep the registration current, in each jurisdiction where the
22 offender resides, where the offender is an employee, and where
23 the offender is a student. The following information must be
24 registered and updated:

25 (A) name, alias(es), date of birth, social

1 security number, *if any*, and any other identifying factors;

2 (B) current physical address and mailing
3 address, *or* if the person is incarcerated, the address of
4 the residence where the person will be residing
5 immediately upon release and the mailing address the
6 person plans to use immediately upon release;

7 (C) anticipated future residence;

8 (D) current and/or anticipated
9 employment;

10 (E) offense history, including all relevant
11 information related to the underlying crime which
12 triggered the registration requirements of this Chapter,
13 and any outstanding arrests warrants;

14 (F) documentation of treatment;

15 (G) fingerprints and palm prints;

16 (H) current photograph;

17 (I) name and address of the institution of
18 higher education, enrollment *or* employment status, and
19 any changes of enrollment *or* employment status if the
20 person is enrolled, employed *or* carrying on a vocation;

21 (J) the license plate number and description of
22 any vehicle owned *or* operated;

23 (K) a photocopy of the person's driver's license
24 *or* identification card and passport, if any; *and*

25 (L) a photograph of any distinguishing physical

1 characteristics such as scars and tattoos, which will not
2 be released to the community.

3 (2) Exemptions:

4 (A) Federally Protected Witnesses. Where the
5 person required to register is a Federally protected
6 witness, the person shall *not* be required to provide
7 a photograph, alias(es), and original name, place of
8 offense, date of birth, social security number *or*
9 prior residence.

10 (B) Pardoned Convict *or* Conviction Reversed
11 Upon Appeal. The duty to register under this
12 Chapter *shall* not be applicable to any sex offender
13 whose conviction was reversed upon appeal, *or*
14 who was pardoned by *I Maga'lahañ Guåhan*.

15 (c) Biological Samples.

16 (1) Every person convicted in the Superior Court of
17 Guam of a criminal sexual conduct offense, *or* of a criminal
18 offense against a victim who is a minor, *shall* provide a
19 biological sample to the Guam Police Department for DNA
20 typing upon conviction.

21 (2) Every person who was convicted in the Superior
22 Court of Guam of a criminal sexual conduct offense *or* of a
23 criminal offense against a victim who is a minor and is
24 incarcerated on the effective date of this law *shall* provide a
25 biological sample for DNA typing *no later than* three (3)

1 months after the effective date of this law.

2 (3) Every person who was convicted in the Superior
3 Court of Guam of a criminal sexual conduct offense *or* of a
4 criminal offense against a victim who is a minor and is released
5 on parole *or* probation *shall* provide a biological sample for
6 DNA typing to the Guam Police Department at the time of that
7 person's initial registration *or* within thirty (30) working days of
8 initial registration.

9 (4) Every person required to register pursuant to
10 Paragraphs (2), (3) *or* (4) of §89.03(a) *shall* provide a
11 biological sample to the Guam Police Department for DNA
12 typing at the time of that person's initial registration on Guam
13 *or* within thirty (30) working days upon conviction.

14 (5) Intentional *or* knowing failure to provide a
15 biological sample *shall* have the same penalty as a failure to
16 provide initial registration information.

17 (d) Registration Requirements for Persons Required to
18 Register Pursuant to §89.03(a)(1); Initial Registration; Penalty.

19 (1) Where a Person Required to Register is Sentenced
20 to Incarceration. Initial registration information must be
21 provided to the Judiciary of Guam, Sex Offender Registry
22 Management Office, prior to release from incarceration and, in
23 any case, *no later than* ninety (90) working days after that
24 person's conviction. Intentional *or* knowing failure to provide
25 this information *shall* result in the delay of that person's

1 release.

2 (2) Where a Person Required to Register is Sentenced
3 to Probation. Initial registration information must be provided
4 to the Judiciary of Guam, Sex Offender Registry Management
5 Office *no later than* the date the person is scheduled to be
6 placed on probation. Intentional *or* knowing failure to provide
7 this information by that date *shall* result in the revocation of the
8 person's probation and *shall* make that person *ineligible* for
9 probation.

10 (3) Where a Person Identified as a Person Required to
11 Register is on Supervised Parole *or* Probation at the Time of the
12 Passage of This Law and Has Not Been Registered. Initial
13 registration information must be provided to the Judiciary of
14 Guam, Sex Offender Registry Management Office *no later than*
15 three (3) months after the effective date of this law. Intentional
16 *or* knowing failure to register pursuant to this Subsection is a
17 felony of the third degree.

18 (4) Where a Person Required to Register is No Longer
19 Under the Supervision of Either Probation *or* Parole at the Time
20 of the Passage of This Law and Has Not Been Registered.
21 Persons required to register pursuant to this Chapter and who
22 fall within this category type *shall* have the absolute duty to
23 report to and register with the Judiciary of Guam, Sex Offender
24 Regisry Management Office. Intentional *or* knowing failure to
25 register pursuant to this Subsection is a felony of the third

1 degree.

2 (e) Registration Requirements for Persons Required to
3 Register Pursuant to §89.03(a), Paragraphs (2), (3) or (4); Initial
4 Registration with the Judiciary of Guam, Sex Offender Registry
5 Management Office.

6 (1) Persons required to register pursuant to
7 §89.03(a)(2) *shall* provide *all* the information that must be
8 registered pursuant to §89.03(b) to the Judiciary of Guam, Sex
9 Offender Registry Management Office *no later than* seven (7)
10 calendar days after release from incarceration, release on
11 probation *or* arrival on Guam. *If* the registrant is on probation
12 in another jurisdiction and that registrant's probation is to be
13 transferred to Guam, then the Judiciary of Guam, Sex Offender
14 Registry Management Office may obtain the necessary
15 information from the office of probation of the jurisdiction from
16 where registrant came; said registrant is required to verify the
17 registered information as required by this Chapter *no later than*
18 seven (7) calendar days after the person's arrival on Guam.

19 (2) Persons required to register pursuant to Paragraphs
20 (3) *or* (4) of §89.03(a) *shall* provide all the information that
21 must be registered pursuant to §89.03(b) to the Judiciary of
22 Guam, Sex Offender Registry Management Office *no later than*
23 seven (7) calendar days after their arrival on Guam. *If* the
24 registrant is on probation in another jurisdiction, and that
25 registrant's probation is to be transferred to Guam, then the

1 Judiciary of Guam, Sex Offender Registry Management Office
2 may obtain the necessary information from the office of
3 probation of the jurisdiction from where the registrant came;
4 said registrant is required to verify the registered information as
5 required by this Chapter *no later than* seven (7) calendar days
6 after the registrant's arrival on Guam.

7 (f) Registration Requirements; Verification. A registrant
8 must verify the following information with the Judiciary of Guam,
9 Sex Offender Registry Management Office:

10 (1) Level One Offender. The registrant *shall* verify
11 the following registered information ninety (90) calendar days
12 from the date the registrant's release from incarceration, *or*
13 ninety (90) calendar days from the date of the registrant's
14 release on probation *if* the registrant is placed on probation, and
15 every ninety (90) calendar days thereafter. *If* the ninetieth (90th)
16 day falls on a weekend *or* holiday, the registrant *shall* verify the
17 following information on the following business day:

- 18 (A) current physical and mailing address(es);
- 19 (B) recent criminal offenses, *if any*;
- 20 (C) documentation of treatment;
- 21 (D) a current photograph;
- 22 (E) name and address of the institution of higher
23 education, enrollment *or* employment status, and any
24 changes of enrollment *or* employment status if the person
25 is enrolled, employed *or* carrying on a vocation;

1 (F) the license plate number and the year, make,
2 model and color of any vehicle owned *or* operated by the
3 person; *and*

4 (G) a photocopy of the person's driver's license
5 or identification card.

6 (2) Level Two Offender. The registrant *shall* verify
7 the following registered information exactly six (6) months
8 from the date of the registrant's release from incarceration *or*
9 the date of the registrant's release on probation *if* the registrant
10 is placed on probation, and exactly six (6) months thereafter. *If*
11 the date the registrant is to verify falls on a weekend *or* holiday,
12 the registrant *shall* verify the following information on the
13 following business day:

14 (A) current physical and mailing address(es);

15 (B) recent criminal offenses, *if any*;

16 (C) documentation of treatment;

17 (D) a current photograph;

18 (E) name and address of the institution of higher
19 education, enrollment *or* employment status, and any
20 changes of enrollment *or* employment status if the person
21 is enrolled, employed *or* carrying on a vocation;

22 (F) the license plate number and the year, make,
23 model and color of any vehicle owned *or* operated by the
24 person; and

25 (G) a photocopy of the person's driver's license

1 or identification card.

2 (3) Level Three Offender. The registrant *shall* verify
3 the following registered information exactly one (1) year from
4 the date of the registrant's release from incarceration *or* the date
5 of the registrant's release on probation *if* the registrant is placed
6 on probation, and exactly every year thereafter. *If* the date the
7 registrant is to verify falls on a weekend *or* holiday, the
8 registrant *shall* verify the following information on the
9 following business day:

10 (A) current physical and mailing address(es);

11 (B) recent criminal offenses, *if any*;

12 (C) documentation of treatment;

13 (D) a current photograph;

14 (E) name and address of the institution of higher
15 education, enrollment *or* employment status, and any
16 changes of enrollment *or* employment status if the person
17 is enrolled, employed *or* carrying on a vocation;

18 (F) the license plate number and description of
19 any vehicle owned *or* operated by the person; and

20 (G) a photocopy of the person's driver's license
21 *or* identification card.

22 (4) Notwithstanding Subsections (a), (b) *and* (c) of
23 this Section, a registrant *shall* register the registrant's new
24 physical address with the Judiciary of Guam, Sex Offender
25 Registry Management Office within seven (7) calendar days of

1 any change in physical residence. *If* a registrant anticipates
2 moving from Guam, that registrant *shall* register his intended
3 place of residence with the Judiciary of Guam, Sex Offender
4 Registry Management Office *no later than* three (3) calendar
5 days before his departure from Guam.

6 (g) Registration Requirements for Offender Enrollment in an
7 Institution of Higher Education and Employment. The registrant must
8 update the name and address of the institution of higher education,
9 enrollment *or* employment status, and any changes of enrollment *or*
10 employment status if the registrant is enrolled, employed *or* carrying
11 on a vocation in an institution of higher education within seven (7)
12 calendar days of any changes in employment *or* enrollment in an
13 institution of higher education with the Judiciary of Guam, Sex
14 Offender Registry Management Office. The Judiciary of Guam, Sex
15 Offender Registry Management Office *shall* then notify the Guam
16 Police Department of the update immediately.

17 (h) Registration Requirements; Verification, Method of
18 Verification. A registrant *shall* verify the registrant's registered
19 information as required by §89.03(e) by personally presenting
20 him/herself to the Judiciary of Guam, Sex Offender Registry
21 Management Office to verify registrant information as required by
22 law:

23 (i) Registration Requirement; Guam Residents Who are
24 Employed, Carry on a Vocation, *or* are Students in Another State *or*
25 Territory. A person who is required to register on Guam and who is

1 employed, carries on a vocation, *or* is a student of another state *or*
2 territory *shall* also register in that other state *or* territory pursuant to
3 the registration requirements of that state *or* territory.

4 (j) Registration Requirement; Persons Who Move to
5 Another State *or* Territory. When a person who is required to register
6 on Guam anticipates moving to another state *or* territory, that
7 registrant *shall* report the change of address to the Judiciary of Guam,
8 Sex Offender Registry Management Office pursuant to the
9 requirements of this Chapter, *and* comply with any registration
10 requirement of the new state *or* territory of residence.

11 **§ 89.04. Registration.** A registrant *shall* continue to comply
12 with this Chapter, *except* during ensuing periods of incarceration, for the
13 following period of time:

14 (a) Lifetime; Level One and Level Two Offenders. A Level
15 One and Two Offender must comply with this Chapter for the length
16 of that person's life.

17 (b) Fifteen (15) Years; Level Three Offenders. A person
18 deemed a Level Three Offender must comply with this Chapter for a
19 period of fifteen (15) years from the date of that person's registration.

20 (c) Where Conviction Reversed, Vacated *or* Set Aside *or*
21 Where Registrant Pardoned. Notwithstanding Subsections (a) and
22 (b) of this Section, where the underlying conviction is reversed,
23 vacated *or* set aside, *or if* the person is pardoned of the crime which
24 triggered the registration requirement of this Chapter, registration is
25 no longer required.

1 (d) Tolling of Registration Requirement. *If* a registrant is
2 re-incarcerated for violations of release conditions imposed in the
3 same crime, *or* for the commission of another crime, *or* the registrant
4 is civilly committed, *or* if the registrant leaves to a foreign country
5 and informs the Sex Offender Registry Management Office, then the
6 period of registration is tolled and remains tolled until the registrant's
7 subsequent release *or* arrival on a state, territory, *or* tribe within the
8 jurisdiction of the United States. Thereafter, the registrant *shall*
9 recommence and continue registering for the remaining period of time
10 the registrant is required to register.

11 (e) Reduced Period for Clean Record.

12 (1) Clean Record. The full registration period *shall* be
13 reduced as described for a sex offender who maintains a clean
14 record for the period by:

15 (A) not being convicted of any offense for which
16 imprisonment for *more than one* (1) year may be
17 imposed;

18 (B) not being convicted of any sex offense;

19 (C) successfully completing any periods of
20 supervised release, probation, and parole; *and*

21 (D) successfully completing an appropriate sex
22 offender treatment program certified by a jurisdiction *or*
23 by the U.S. Attorney General.

24 (2) Period. In case of:

25 (A) a Level Three Sex Offender, the period

1 during which the clean record *shall* be maintained is ten
2 (10) years;

3 (B) a Level One Sex Offender adjudicated
4 delinquent for the offense which required registration in a
5 sex registry under this Chapter, the period during which
6 the clean record *shall* be maintained is twenty-five (25)
7 years.

8 (3) Reduction. In case of:

9 (A) a Level Three Sex Offender, the reduction is
10 five (5) years;

11 (B) a Level One Sex Offender adjudicated
12 delinquent, the reduction is from life to that period for
13 which the clean record under §89.04 (e) (2) (B) is
14 maintained.

15 **§ 89.05. Penalties.**

16 (a) Initial Registration. Intentional *or* knowing failure to
17 provide initial registration information *shall* delay the registrant's
18 release *if* the registrant is to be released, *or* make the registrant
19 ineligible for probation *if* the registrant is to be placed on probation.
20 Intentional *or* knowing failure to provide initial registration
21 information is a felony of the third degree.

22 (b) Verification. The failure to verify registered
23 information is a misdemeanor. A second *or* subsequent failure to so
24 register is a felony of the third degree. Failure of a probationer *or*
25 parolee to so register may result in sanctions pursuant to Title 8 GCA

1 §80.66 and Title 9 GCA §80.82, *respectively*.

2 (c) Address Changes. A registrant's failure to register the
3 registrant's new physical and mailing address within seven (7)
4 calendar days of any change of physical and mailing address is a
5 misdemeanor. A second *or* subsequent failure to so register is a
6 felony of the third degree. Failure of a registrant who is a probationer
7 *or* parolee to so register may result in sanctions pursuant to Title 9
8 GCA §80.66 and Title 9 GCA §80.82, *respectively*.

9 (d) False Information. Intentionally and knowingly providing
10 false information during initial registration *or* subsequent verification
11 is a felony of the second degree.

12 (e) Enrollment *or* Employment at an Institution of Higher
13 Education. A registrant's failure to update enrollment *or*
14 employment at an institution of higher education *or* termination of
15 such enrollment *or* employment at an institution of higher education
16 with the Judiciary of Guam, Sex Offender Registry Management
17 Office within seven (7) calendar days of any change would constitute
18 a failure to register *or* keep such registration current and is a felony of
19 the third degree.

20 **§ 89.06. Duties of the Department of Corrections and the**
21 **Parole Services and Probation Services Division of the Judiciary of**
22 **Guam; Initial Registration.** *If* a registrant is released from incarceration,
23 placed on parole *or* placed on probation, the Department of Corrections, the
24 Parole Services Division, *or* the Probation Services Division *shall*:

25 (a) inform the registrant of the duty to register

1 (b) refer the registrant to the Judiciary of Guam, Sex
2 Offender Registry Management Office for initial registration and
3 verification;

4 (c) require the registrant to read and sign a form stating that
5 the registrant's duty to register under this Chapter has been explained;

6 (d) forward information described in (c) above to the
7 Judiciary of Guam, Sex Offender Registry Management Office within
8 three (3) calendar days after receipt thereof;

9 (e) inform the registrant that *if* the registrant enrolls at, is
10 employed at, *or* carries on a vocation at an institution of higher
11 education in Guam the registrant must inform the Judiciary of Guam,
12 Sex Offender Registry Management Office, who shall then notify the
13 Guam Police Department of any change in such enrollment *or*
14 employment status at the institution of higher education within seven
15 (7) calendar days of any changes;

16 (f) ensure the registration information collected on the
17 registrant's enrollment *or* employment status at the institution of
18 higher education, and any change of enrollment *or* employment status
19 of the registrants at the institution of higher education is promptly
20 made available to the Judiciary of Guam, Sex Offender Registry
21 Management Office; and

22 (g) ensure the registration information collected on the
23 registrant's enrollment *or* employment status at the institution of
24 higher education, and any change of enrollment *or* employment status
25 of the registrants at the institution of higher education is provided to

1 the Judiciary of Guam, Sex Offender Registry Management Office to
2 be entered into Guam's Sex Offender Registry.

3 **§ 89.07. Duties of the Guam Police Department.**

4 The Guam Police Department *shall*:

5 (a) inform all persons required to register under this Chapter
6 of their duty to register;

7 (b) require any person required to register under this Chapter
8 who has not yet provided his *or* her initial registration information to
9 read and sign a form stating the registrant's duty to register under this
10 Chapter has been explained;

11 (c) forward information described in (b) *supra* to the
12 Judiciary of Guam, Sex Offender Registry Management Office within
13 three (3) calendar days after receipt thereof;

14 (d) collect a biological sample from the registered offender
15 as required in this Chapter and submit the sample to the Federal
16 Bureau of Investigation within twenty-four (24) hours of collection
17 and to any local entity that may be Guam's central repository for
18 DNA; and

19 (e) collect and keep records of fingerprints and palm prints
20 from the registrant and also distribute cards containing such prints to
21 the Judiciary of Guam, Sex Offender Registry Management Office.

22 **§ 89.08. Duties of the Judiciary of Guam.**

23 (a) Repository. The Judiciary of Guam *shall* be the
24 central repository for the registered information, in addition to all
25 criminal history records information.

1 (b) *Sole Source of Submission of Information to the Federal*
2 Bureau of Investigation (FBI) and the National Crime Information
3 Center (NCIC). The Judiciary of Guam *shall* enter all registered
4 information into the NCIC system *no later than* three (3) business
5 days after receipt of such information. The Judiciary of Guam, Sex
6 Offender Registry Management Office *shall* forward the fingerprints
7 and palm prints to the FBI's Automated Fingerprint Identification
8 System (AFIS) for assignment of a fingerprint identification number.

9 (c) Notification of Local Law Enforcement Agencies
10 Regarding Changes of Address; Relocation from Guam. Upon receipt
11 of information that the registrant is anticipated to relocate from Guam
12 to another state, territory *or* tribe, the Judiciary of Guam *shall*
13 immediately notify the state, territory *or* tribe to which the registrant
14 is relocating and *shall* transmit the address of the registrant's
15 anticipated residence to the FBI *no later than* three (3) working days
16 of receipt of such information.

17 (d) Notification of FBI Regarding Changes of Address.
18 Upon receipt of information that registrant is *or* has changed residence
19 within Guam, *or* is anticipated to relocate from Guam to another state,
20 territory *or* tribe, the Judiciary of Guam *shall* transmit the new address
21 to the FBI *no later than* three (3) working days after receipt of such
22 information.

23 (e) Release of Information. The Judiciary of Guam, Sex
24 Offender Registry Management Office *shall* ensure that all of the
25 registrant's information that is required to be released under this

Chapter is properly and timely released.

(f) Fees. The Judiciary of Guam is authorized to collect reasonable registration fees from registrants. Such fees *shall* be used for the maintenance and support of the sex offender registration and notification program. One hundred percent (100%) of the fee paid by the registrant *shall* be given to the Judiciary of Guam, Sex Offender Registry Management Office.

§ 89.09. Duties of the Judiciary of Guam, Sex Offender Registry Management Office. The Judiciary of Guam, Sex Offender Registry Management Office *shall*:

(a) supervise, upkeep, and maintain the Crimes Against Minors and Sex Offender Registry of Guam;

(b) inform the registrant of his/her registration duties under this Chapter;

(c) ensure that any person required to register under this Chapter has read and signed a form stating that the registrant's duty to register under this Chapter has been explained;

(d) receive and obtain initial registration and registration verification information from all persons required to register under this Chapter, and enter such information into the Sex Offender Registry database;

(e) supervise the release of verified information, as required in this Chapter;

(f) perform all other duties necessary to ensure the proper maintenance of the Sex Offender Registry and to ensure that all registrants

1 comply with their registration duties as set out in this Chapter; and

2 (g) publish, every year, a notification in any publication of
3 general circulation informing all persons required to register pursuant to this
4 Chapter of their duty of register. Such notification *shall* include, but is *not*
5 *limited to*, the following:

6 (A) the provision requiring the duty to register;

7 (B) the provision stating the information that is
8 required to be registered;

9 (C) the physical address of location in which persons
10 required to register must report to;

11 (D) the provisions stating the penalties for failure to
12 register; and

13 (E) the contact information and name of the person of
14 whom persons required to register can receive further
15 information regarding registration requirements.

16 **§ 89.10. Notification.**

17 (a) Release of Information. The Judiciary of Guam, Sex
18 Offender Registry Management Office *shall* release the following
19 information to the community:

20 (1) Level One and Level Two Offenders:

21 (A) all registered information *except* Social
22 Security number, the victim's identity, and any reference
23 to arrests of the sex offender that did not result in
24 conviction;

25 (B) the age(s) and gender(s) of the victim(s) at

1 the time of the offense(s); *and*

2 (C) state, territory *or* tribe, inclusive of the
3 village, *if* on Guam, in which the crime occurred.

4 (2) Level Three Offenders:

5 (A) All registered information *except* Social
6 Security number, the victim's identity, any reference to
7 arrests of the sex offender that did not result in
8 conviction and criminal history unrelated to the
9 underlying crime which triggered the registered
10 requirements;

11 (B) the age(s) and gender(s) of the victim(s) at
12 the time of the offense(s); and

13 (C) state, territory *or* tribe, inclusive of the
14 village, *if* on Guam, in which the crime occurred.

15 (b) Victims. The identity of the victim *or* any information
16 that may identify the victim *shall not* be released, *subject* to
17 Subsection (a).

18 (c) Re-incarceration and Civil Commitment. In the event
19 that a registrant is re-incarcerated for violation of any Section of this
20 Chapter, for the reason(s) as stated in §89.04(d) of this Chapter, *or* for
21 any other reason, *or* is civilly committed, the information that the
22 registrant is re-incarcerated, and the reason(s) for such re-
23 incarceration, *or* civilly committed *shall* be released to the
24 community.

25 (d) Method of Release of Information. The Judiciary of

1 Guam, Sex Offender Registry Management Office *shall* maintain an
2 Internet web-page dedicated to persons required to register, which
3 *shall* contain the information that is required to be released. The
4 released information *shall* be updated immediately after a registrant
5 registers, *or* updates registered information. The community *shall*
6 have access to the Sex Offender Registry Web Page. The Judiciary of
7 Guam, Sex Offender Registry Management Office *shall* transmit a
8 notice of any updates to released information concerning Level One,
9 Level Two, and Level Three Offenders to the GPSS, the Guam
10 Community College, the University of Guam, the Department of
11 Administration, the Department of Labor & Agency for Human
12 Resource Development, the Department of Public Health & Social
13 Services, the Department of Youth Affairs, all public and private
14 schools, day care centers, victim shelters and victim advocates on the
15 first week of every month with the information in which such released
16 information can be found. The Judiciary of Guam, Sex Offender
17 Registry Management Office may transmit information concerning all
18 Offenders directly to the media for dissemination.

19 (e) Verification of Names on Sex Offender Registry.
20 Entities within the government of Guam may request the Judiciary of
21 Guam, Sex Offender Registry Management Office to verify the
22 identities of individuals registered on the Sex Offender Registry for
23 the purposes of employment.

24 (f) Functionality of Sex Offender Registry Web Page. The
25 Judiciary of Guam, Sex Offender Registry Management Office *shall*,

1 within the Sex Offender Registry Web Page, provide for:

2 (1) a searchable database of all Sex Offenders;

3 (2) a mechanism to allow visitors to subscribe,
4 through an electronic mail (e-mail) address, to notification of
5 any updates *or* changes made to the Sex Offender Registry;

6 (3) links, to the extent practicable, to sex offender
7 safety and education resources;

8 (4) instructions on how to seek correction of
9 information that an individual contends is erroneous; and

10 (5) a warning that information on the site should not
11 be used to unlawfully injure, harass, *or* commit a crime against
12 any individual named in the registry *or* residing *or* working at
13 any reported address, and such warning *shall* note that any such
14 action could result in civil *or* criminal penalties.

15 (g) Notice of Change. The Judiciary of Guam *shall*, upon
16 passage of this Act, provide for education to the community through a
17 notice to the public of changes made by this Act requiring all
18 convicted sex offenders to register with the Sex Offender Registry.
19 Such education may include, sending of information to local schools,
20 notice in a publication of general circulation, notices to various local
21 media entities, and actively promoting the safety through and
22 awareness of the Guam Sex Offender Registry.

23 **§ 89.11. Immunity for Good Faith Conduct.** Law enforcement
24 agencies, their employees and government of Guam officials *shall* be
25 immune from any civil *or* criminal liability for good faith conduct under this

1 Act, *unless* it is shown that the agency, employee, government official *or*
2 board member acted with gross negligence *or* in bad faith.”

3 **Section 3. Severability.** *If* any provision of this Act or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall *not* affect other provisions or applications of this Act which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Act are severable.