


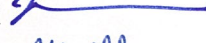

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

| BILL NO.    | SPONSOR  | TITLE  | DATE INTRODUCED      | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|-------------|--|--|----------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 175-35 (LS) | James C. Moylan<br>Telena Cruz Nelson<br>Amanda L. Shelton | AN ACT TO ADD § 89.16 TO CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO LIMITATIONS TO LOITERING IN CERTAIN AREAS FOR REGISTERED SEX OFFENDERS. | 7/2/19<br>11:22 p.m. |               |               |                     |                             |              |       |

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

Bill No. 175-35 (LS)

Introduced by:

James C. Moylan   
Telena C. Nelson   
Amanda L. Shelton 

**AN ACT TO ADD § 89.16 TO CHAPTER 89, TITLE 9,  
GUAM CODE ANNOTATED, RELATIVE TO  
LIMITATIONS TO LOITERING IN CERTAIN AREAS  
FOR REGISTERED SEX OFFENDERS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that unlike many states, Guam does not have any limitations to loitering for Registered Sex Offenders. While there are loitering laws in place, nothing prevents a sex offender from frequenting locations for no purposes, where children study, assemble or play. There are local laws in the books that limit a sex offenders employment options, as well provisions with their usage of internet sites, however the same does not extent to loitering.

Establishing limitations for loitering by Registered Sex Offenders in terms of where minors frequent, is an additional step to protecting the innocent and vulnerable, as there should be no purpose for an individual to be “just” hanging out in a place where children are normally present. While there are certain reasons for an adult to be in a location, provisions on lurking for no rationale for sex offenders need to be enacted. If there are legitimate reasons for a sex offender to be on the

2019 JUL -2 AM 11:22

property, a justification must be made, and it should be unlawful for the individual to remain at the site even after serving that objective.

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

**“§ 89.16. Limitations to Loitering in Certain Areas for Registered Sex Offenders.**

(a) Any adult who is a Registered Sex Offender pursuant to this Chapter, and who has been convicted of any degree of a crime associated with criminal sexual conduct pursuant to Chapter 25 of Title 9, Guam Code Annotated, shall not loiter on or within five hundred (500) feet of the property line of any property on which there is a school, childcare facility, playground, park, athletic field or facility, library, school bus stop, college or university, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors.

(b) Pursuant to § 89.16 of this Chapter, the term “Loiter” shall mean to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. A Registered Sex Offender does not violate this subsection unless they have first been asked to leave a prohibited location by a person authorized to exclude the Registered Sex Offender from the premises. An authorized person shall include, but is not limited to, any law enforcement officer, any owner or manager of the premises, a principal, teacher, or school bus driver if the premises is a school, childcare facility, or bus stop, a coach, if the premises is an athletic field or facility, or any person designated with that authority.

(c) Pursuant to § 89.16 of this Chapter, a school bus stop is any location where a motor vehicle owned or operated by the government of

Guam, or a private school, stops on a regular basis for the purpose of transporting children to and from school.

(d) Any person who violates § 89.16 of this Chapter, shall be guilty of a third degree felony.”

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

**Section 4. Effective Date.** The Act *shall* become effective upon enactment.