


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
99-35 (COR)	James C. Moylan	AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE.	4/22/19 9:09 a.m.						

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

Bill No. *99* -35 (*CR*)

Introduced by:

James. C. Moylan 

**AN ACT TO AMEND §89.13(a) AND §89.13(b) OF
CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO ELECTRONIC MONITORING OF SEX
OFFENDERS ON PROBATION OR PAROLE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that Electronic Monitoring devices, or ankle bracelets (tethers) as they are commonly known, are homing devices placed on those defendants convicted of certain crimes, who are either on house arrest, probation or parole. They provide public safety officials the ability to monitor the whereabouts of these individuals, and are used as a means to help deter crime by potential repeat offenders. Unfortunately there are several criminals who have been convicted of criminal sexual contact (CSC) who will qualify for either probation or parole in the coming months or years, which may raise some concerns within the community if these individuals are truly reformed and ready to turn their lives around. Guam's laws currently make these tether's an option and not a mandated requirement for those on probation or parole for CSC, hence it is vital that our community sends a strong message to those convicted of such crimes, in that their temporary freedom on probation or parole, will still require a close monitoring by public safety officials.

2019 APR 22 AM 9:09 

1 The objective of this legislation is to mandate that any individual who is a
2 Registered Sex Offender, who will either be serving probation or parole, shall be
3 required to wear an electronic monitoring device during the tenure of their
4 sentence out in the community. Furthermore, as it takes place on a national level,
5 that the individual shall be responsible for the purchase or lease of the tether, and
6 thus this not be a cost to the government. Until the individual agrees to make the
7 payment, they shall remain in the custody of the Department of Corrections. While
8 criminal reform is critical, and should continue to be one of the priorities of our
9 government, the safety of our public, especially our most vulnerable, needs to be of
10 greater importance.

11 **Section 2.** § 89.13(a) and (b) of Chapter 89, Title 9, Guam Code Annotated
12 are hereby *amended* to read as follows:

13 **§ 89.13. Electronic Monitoring of Sex Offenders.**

14 (a) The Superior Court ~~shall~~ *may* order that a sex offender wear an
15 electronic monitoring device, as defined by § 89.01 (w) of this Chapter, for
16 ~~any portion of or~~ all of the duration of his probation, as a condition of his
17 probation. The offender *shall* pay for the purchase or lease of the electronic
18 monitoring device, ~~provided that the Court may order that the cost or a~~
19 ~~portion thereof be paid by the Court.~~

20 (b) If a sex offender is released on parole from incarceration, the
21 Territorial Parole Board ~~shall~~ *may* require, as a condition of his parole, that
22 the offender wear an electronic monitoring device as defined by § 89.01(w)
23 of this Chapter, for ~~any portion of or~~ all of the duration of his parole. The
24 offender *shall* pay for the purchase or lease of the electronic monitoring
25 device, ~~provided that the Parole Board may direct that the cost or a portion~~
26 ~~thereof be paid by the Parole Office.~~

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

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