

8 GCA CRIMINAL PROCEDURE
CH. 11 EXPUNGEMENT OF RECORDS

CHAPTER 11
EXPUNGEMENT OF RECORDS

§ 11.10 Expungement: When.

§ 11.11 Same: Defined.

§ 11.10. Expungement: When.

(a) The official records of the court, the Attorney General, and the police reports in connection therewith dealing with a violation or attempted violation by an adult of territorial law or a regulation having the force and effect of law *shall* be expunged when the subject of the report is acquitted of the offense charged, when the prosecuting attorney decides *not* to prosecute the offense, when the time for commencing the criminal action as prescribed by Chapter 10 of this Title has passed, or on approval of the Pardon Review Board when a pardon is granted pursuant to §1422 of the Organic Act of Guam, *except* for the pardon of a felony offense involving violence. Expungement *shall not* occur for an offense which requires a person to register as a sex offender, as defined in § 89.03 of Title 9, Guam Code Annotated, until the defender's name is removed from the registry.

(b) The presentation to the custodian of record of a valid pardon for the recorded offense, *except* for the pardon of a felony offense involving violence *or* of an offense which requires a person to register as a sex offender, as defined in § 89.03 of Title 9, Guam Code Annotated, *shall* result in the expungement of the records relative to the offense, for which the pardon is granted pursuant to this Chapter.

(c) Effective Date. This Act *shall* be effective upon enactment and *shall* apply to all persons who receive or have received a pardon by *I Maga'lahaen Guåhan* (the Governor of Guam).

SOURCE: Added by P.L. 16-68. Amended by P.L. 31-023:2 (Apr. 18, 2011). Subsection (c) was added as an uncodified provision by P.L. 31-023:3 (Apr. 18, 2011) and codified herein by Compiler.

2011 NOTE: Subsection designations added by Compiler.

§ 11.11. Same: Defined. As used in this Act, *expungement* means the sealing of records to all persons outside of the law enforcement agencies of Guam and federal agencies entitled thereto and a refusal by such agencies to admit the existence of such records to persons not entitled to examine them.

SOURCE: Added by P.L. 16-68.

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