

THE THIRTY-FIFTH LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the tenth day of July
two thousand and seventeen

AN ACT AMENDING THE AMERICAN SAMOA SEX OFFENDER REGISTRATION AND NOTIFICATION ACT; ALLOWING AMERICAN SAMOA TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF THE SEX OFFENDER REGISTRATION ACT (“SORNA”), AND ALLOWING FOR THE CONTINUED MONITORING OF TIER II OFFENDERS; AMENDING SECTION 46.2909 A.S.C.A.

Preamble:

WHEREAS, the American Samoa Offender Registration and Notification Act passed in October of 2014 closed potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs; and

WHEREAS, since 2009, all states and territories receiving the Justice Assistance Grant (“JAG”) award have been required to substantially implement the minimum standards of SORNA; and

WHEREAS, under current law Tier II offenders may have their registration periods reduced to 10 years if they maintain a clean record for 10 consecutive years and this provision is not in compliance with SORNA; and

WHEREAS, this amendment will allow the government to continue monitoring individuals who have committed more severe sexual crimes; and

WHEREAS, SORNA is designed to keep our children safe, and the public aware of sex offenders residing within our communities, this amendment will keep our local statutes in compliance with federal requirements and it will allow for continued monitoring of Tier II offenders.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 46.2909 is amended to read:
“46.2909 Frequency and duration of registration.

(a) Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Attorney General's Office for purposes of verification and keeping their registration current in accordance with the following time frames:

(1) For "Tier I" offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense, or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(2) For "Tier II" offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(3) For "Tier III" offenders, once every 90 days for the rest of their lives.

(b) Reduction of registration periods. A sex offender may have their period of registration reduced as follows:

(1) A Tier I ~~or Tier II~~ offender may have his or her period of registration reduced to 10 years, if he or she has maintained a clean record for 10 consecutive years;

(2) A Tier III offender may have his or her period of registration reduced to 25 years if he or she was adjudicated a delinquent of an offense as a juvenile that required Tier III registration, and he or she has maintained a clean record for 25 consecutive years.

(c) Clean record. For purposes of this chapter, a person has a clean record if:

(1) He or she has not been convicted of any offense, for which there was a maximum term of imprisonment of more than one year;

(2) He or she has not been convicted of any sex offense;


(3) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and

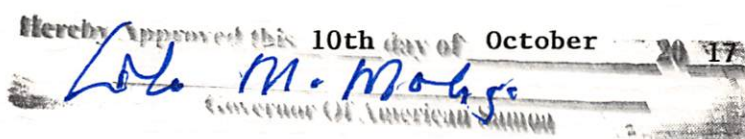
(4) He or she has successfully completed an appropriate sex offender treatment program certified by the Attorney General's Office, a tribe, another jurisdiction, or by the Attorney General of the United States."

Sec 2. Effective date.

In accordance with Article II, Section 19 of the Revised Constitution of American Samoa, this bill shall become effective 60 days after the end of the session at which it has been passed.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 10th day of October 20 17

Governor of American Samoa

NOFOAIGA TOLUSEFULU-LIMA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Lua

Nofoa ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Iulai
Lua afe sefulufitu

O SE TULAFONO E SUIA AI LE TULAFONO O LE LESITALA MA LE FAAILOAINA O I LATOU E SOLIA LE TULAFONO TAU FEUSUA'IGA; FAATAGA AI AMERIKA SAMOA INA IA MATUA USITA'IA MANA'OGA O LE TULAFONO LENEI UA FAAPUUPUUNA O LE "SORNA", MA FAATAGA AI LE FA'AAUUAU PEA ONA VAAVAIA I LATOU NA SOLIA LE LAASAGA II O LE TULAFONO LEA; SUIA AI LE MAGA 46.2909 T.T.A.S.

Faatomuaga:

- TALUAI, o le Tulafono o le Lesitala ma le Faailoaina o Solitulafono na pasia ia Oketopa 2014 sa tapunia ai avanoa ma faaletonu na i ai i tulafono i tua atu, ma faamalosia ai le sootaga ma porokalama e lesitala ma faailoa ai latou e soli le tulafono tau feusua'iga a le atunuu aoao; ma
- TALUAI, mai le 2009, o setete uma ma teritori e maua le Fesoasoani tau tupe mo porokalama nei, ua leva ona mana'omia le matuai faagaioia o tulaga aupito maulalo o le tulafono lenei o le SORNA; ma
- TALUAI, o le tulafono lea o loo i ai nei, o loo mafai ai ona faaititia i le 10 tausaga le taimi e lesitala ai i latou e soli le Laasaga II o le tulafono pe afai e tumau ona tausaga o se faamaumauga mamā mo tausaga sosoo e 10, ae o le aiaiga lea, e le o usita'ia ai le SORNA; ma
- TALUAI, o lenei suiga o le a faataga ai le malo e fa'auau pea le vaavaia o tagata e matua sili atu ona mamafa le soliga o tulafono o feusua'iga; ma
- TALUAI, o le SORNA, e fa'aagaaga lelei mo le saogalemu o a tatou fanau, ma ia silafia lelei e le atunuu tagata solitulafono faapea o loo tatou alaala faatasi ai, ma o le suiga lenei o le a usita'ia ai e a tatou tulafono mana'oga o tulafono a le malo tele ma faataga ai le fa'auau pea o le vaavaia lelei o latou ua soli le Laasaga II.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 46.2909 ua suia e faitauina faapea:

“46.2909 Pe faafia ae poo le a foi le umi e lesitala ai.

(a) E faafia. O le tagata solitulafono i feusuaiga e manaomia le lesitala, e tatau ona oo atu i le Ofisa o le Loia Sili mo le faamaonia ma le faafou pea o le lesitala e tusa ai ma faatulagaga o taimi nei:

(1) Mo e nofosala i le Laasaga I, e faatasi i le tausaga mo tausaga e 15 mai le taimi e tatala ai mo se tasi na falepuipui i se solitulafono o le lesitala poo le aso na faasala ai, mo se tasi sa lei falepuipui ona o se solitulafono o le lesitala lava.

(2) Mo e nofosala i le Laasaga II, e faatasi i totonu o le 180 aso mo le 25 tausaga mai le taimi na tatala ai pe afai na falepuipui i le solitulafono o le lesitala poo le aso na faasala ai ae lei falepuipui i le solitulafono o le lesitala.

(3) Mo e nofosala i le Laasaga III, e tasi i le 90 aso mo aso uma o totoe o lona soifuaga.

(e) Faaititia o taimi e lesitala ai. E mafai ona faaititia faapenei le taimi e lesitala ai se tagata solitulafono i feusuaiga:

(1) E mafai e le tagata solitulafono Laasaga I ~~poo le Laasaga II~~ ona faaititia le umi e lesitala ai i le 10 tausaga pe afai ua 10 tausaga sosoo e le o toe soli e ia se tulafono;

(2) O se Solitulafono Laasaga III e mafai ona faaititia e ia le taimi e lesitala ai i le 25 tausaga pe afai ua aumai se iuga a le faamasinoga ua pasi ao lei avea ma tagata matua sa soli ai le tulafono ma manaomia ai le lesitala o le Laasaga III, ma ua 25 tausaga sosoo e lei toe solia lava se tulafono.

(i) Faamaumauga Mama. Mo mafuaaga o lenei mataupu, e mama faamaumauga o le tagata pe afai:

(1) E lei ta’usalaina i soo se solitulafono e falepuipui ai mo le silia i le 1 tausaga;

(2) E lei ta’usalaina lea tagata i se solitulafono tau feusuaiga;

(3) Ua faamae’a ma le manuia, e aunoa ma le toe faaleaogaina, soo se vaitaimi sa saoloto ai ae vaavaaia, nofo vaavaaia, pe palola; ma

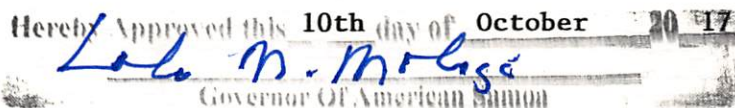
(4) Ua mae’a ma le manuia sana porokalama faamaonia e le Ofisa o le Loia Sili, o se ituaiga, o se isi pulega, poo le Loia Sili a le Iunaite Setete e togafitia/foia ai faafitauli e tusa ai ma le solitulafono tau feusuaiga.”

Maga 2. Aso e taualoa ai.

Ina ia tusa ai ma le Vaega II, Maga 19 o le Faavae Toe Teuteu o Amerika Samoa, o le a taualoa lenei pili i totonu o le 60 aso talu ona mae’a le tauaofiaga na pasia ai.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Mauafulaga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 10th day of October 2017

Governor Of American Samoa