I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 105-31 (COR), "AN ACT TO *AMEND* §§32302 AND 32303(b) OF ARTICLE 3, CHAPTER 32 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES",** was on the 10th day of May, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at 10:30 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 105-31 (COR)
As amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
Judith T. Won Pat, Ed.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.

AN ACT TO *AMEND* §§32302 AND 32303(b) OF ARTICLE 3, CHAPTER 32 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Peace Officer Standards and Training (POST) Commission, as a fully established organization, and contrary to the requirements of law, has *not* convened

for a meeting in at least a year. The absence of regularly held meetings impedes the ability of the Commission to fulfill its intended role and undermines its integrity.

I Liheslaturan Guåhan further finds that currently there is *no* provision for administrative support of the POST Commission in meeting its mandates. Its regulatory responsibilities build upon the professionalism, competency and effectiveness of public safety personnel.

It is, therefore, the intent of *I Liheslaturan Guåhan* to amend existing statutes in order to provide administrative and professional support, and necessary organizational changes, critical to sustaining an active and credible POST Commission.

Section 2. §32302 of Chapter 32 of Title 17, Guam Code Annotated, is hereby *amended* to read:

"**§32302. Created; Membership; Compensation; Meetings; Publications of Procedures; Standards for Certified Training; Powers and Duties.**

(a) There is hereby created a Peace Officer Standards and Training Commission (POST). The Guam Community College (GCC) *shall* be designated as the State Agency for POST, and *shall* provide the administrative and professional services to the Commission. If necessary, GCC *shall* provide a budget request, annually, to the Speaker of *I Liheslaturan Guåhan* for consideration. The Commission *shall* be composed of twelve (12) members as follows:

(1) the Chief of the Guam Police Department, *or* his designated representative;

(2) the Chief of the Guam Airport Police, *or* his designated representative;

(3) the Chief of the Guam Port Police, *or* his designated representative;

(4) the Attorney General, *or* his designated representative;

(5) the Director of Customs and Quarantine Agency, *or* his designated representative;

(6) the Director of the Department of Corrections, *or* his designated representative;

(7) the Chief of the Division of Aquatic and Wildlife Resources of the Department of Agriculture, *or* his designated representative;

(8) one (1) non-voting representative from the University of Guam (UOG), appointed by the President;

(9) one (1) non-voting representative from the Guam Community College (GCC), appointed by the President;

(10) the Chief Marshal of the Unified Guam Judiciary, *or* his designated representative;

(11) the Chief of the Guam Fire Department, *or* his designated representative; and

(12) one (1) voting representative from the Department of Administration, the Personnel Service Division Administrator, appointed by the Director of Administration.

(b) Members of the Commission *shall* receive no compensation, but *shall* be reimbursed under §§23103 and 23104 of Title 5 of the Guam Code Annotated for travel and per diem expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the Commission *shall* be deemed performance by a member of the duties of his local governmental employment.

(c) The Commission *shall* hold at least four (4) meetings per year.

(d) The Commission *shall* establish and publish its procedures.

(e) The Commission *shall* establish standards for certification of peace officer training.

(f) The Commission *shall* establish reasonable fees for the application and processing for the certification of peace officers.

(g) The Commission in coordination with affected agencies *shall* establish:

(1) requirements and minimum standards for the certification of peace officers;

(2) categories of peace officer certification with respect to the duties and requirements of respective fields;

(3) minimum qualifications for peace officer training instructors;

(4) minimum training requirements for peace officers;

(5) collaboration with training providers and educational institutions to establish core curriculum for all designated programs;

(6) categories *or* classification of advanced in-service training programs and minimum courses of study and attendance requirements with respect to the categories or classifications; and

(7) a time frame for full compliance with Commission requirements by respective departments and agencies.

(h) The Commission *shall*:

(1) visit and inspect peace officer training programs *or* their components at any appropriate time;

(2) adopt such rules and regulations as it deems proper to fully effectuate and carry out the purpose of this Article, pursuant to the Administrative Adjudication Law;

(3) prescribe reasonable minimum qualifications relating *solely* to the physical, mental and moral fitness of persons recruited, appointed *or* retained as peace officers by the government of Guam;

(4) deny, suspend, *or* revoke certification of peace officers for substantial failure to comply with this Article or the rules of the Commission, pursuant to procedures and policies enacted pursuant to the Administrative Adjudication Law;

(5) recommend to the respective appointing authorities qualifications of candidates for the offices of Chief of Police, the Chief Marshall, the Chief Probation Officer, the Director of Corrections, and the Director of Customs and Quarantine Agency;

(6) provide management survey and managerial assistance as requested by corrections and law enforcement agencies;

(7) provide by rule for the reciprocity and recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government, states *or* territories of the United States, and, also require such additional training for certification as the Commission deems necessary;

(8) provide by rule for the reciprocity and recognition of law enforcement officers of the federal government, states *or* territories of the United States with five (5) *or* more years of law enforcement experience. The Commission may waive the equivalent number of hours of training that an officer obtained in another jurisdiction and may require such law officer to complete training in Guam law;

(9) provide by rule for temporary certification of peace officers who have previously completed basic peace officer training but have since left service in good standing, provided that said peace officers *shall* satisfy standards and training requirements as set by the Commission;

(10) provide by rule for the temporary certification of peace officers from other jurisdictions who have completed basic peace officer training and have since left service in good standing, provided that said peace officers satisfy standards and training requirements as set by the Commission;

(11) establish supervisory, managerial, and executive level standards and certification for the agencies covered by this Chapter; and

(12) may enter into professional developments with the Guam Community College, the University of Guam, *or* another suitable institution.

(i) The Commission *shall* elect a chairperson and vice-chairperson from among its members every two (2) years. A non-voting member *shall not* serve as chairperson or vice chairperson of the Commission."

Section 3. §32303(b) of Article 3, Chapter 32, Title 17, Guam Code Annotated, is hereby *amended* to read as follows:

"(b) With the approval of the Commission, the Executive Director *shall*:

(1) certify Peace Officer Training programs *or* institutions;

(2) certify peace officers who have satisfactorily completed training;

(3) consult and cooperate with peace officer training academies in the development of basic and continuing education training programs for peace officers;

(4) consult and cooperate with the Guam Community College, the University of Guam, other institutions of higher education, *or* any POST certified advanced training programs for the development of specialized courses of study on Guam for peace officers in the areas of police science, police administration, the social sciences and other related areas;

(5) consult and cooperate with other departments and agencies concerned with peace officer training;

(6) report to the Commission at regular meetings of the Commission and at other times as required to recommend denial, suspension, *or* revocation of certification of a peace officer to the Commission as deemed necessary; and

(7) *shall*, in cooperation with the State Agency, maintain custody of all records of the Commission."

Section 4. Transfer of Records. *No later than* thirty (30) days following the enactment of this Act, all records of the POST Commission *shall* be transferred into the custody of the State Agency.

Section 5. Effective Date. The provisions contained herein *shall* be effective upon the enactment of this Act.

Section 6. 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 which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.