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. 152-31 (COR), "AN ACT TO *AMEND* §§77109, 77110.1, 77110.2, 77110.3, 77110.4 AND 77112; AND TO *REPEAL* §77110.5, ALL OF ARTICLE 1 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT",** 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 16th day of May, 2011, at 2:20 o'clock P.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. 152-31 (COR)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary, and further amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
F. F. Blas, Jr.
T. C. Ada
V. Anthony Ada
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.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§77109, 77110.1, 77110.2, 77110.3, 77110.4 AND 77112; AND TO *REPEAL* §77110.5, ALL OF ARTICLE 1 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that §§77109 through 77110.5 of Article 1 of Chapter 77, Title 10, Guam Code Annotated (GCA), established the minimum qualification requirements for

positions in the Guam Police Department (GPD), including Chief of Police, Police Commander, Police Major, Police Captain, Police Lieutenant, and Police Colonel. In addition to establishing minimum qualifications, §77110.1 also requires that the Chief of Police select a Police Commander, "who shall be a uniformed classified officer to hold the rank of Colonel." As written, one could question whether the minimum qualifications found in §77110.1 was intended also for the Police Colonel.

I Liheslaturan Guåhan finds that there is no mention of qualification requirements for the Police Colonel position within Title 10 GCA, *except* for a brief statement found in §77110.5, which simply requires that applicants vying for such position to have held a Police Major's rank for *at least* five (5) years. This requirement was included as a miscellaneous item within the government of Guam's FY 2002 budget law, P.L. 26-35, enacted on October 1, 2001.

It is the intent of *I Liheslaturan Guåhan* to incorporate the substance of §77101.5 into §77101.1, with additional amendments, in order to appropriately recognize the Police Colonel position as a uniformed rank of GPD. These changes will provide clarity as to what the qualifications are for the Police Colonel, which is a rank, and will ensure that no confusion is made as to who may be eligible to serve as Police Commander, which is a functional title.

I Liheslaturan Guåhan also intends to amend the qualifications for the Chief of Police and the Department's uniformed management positions of Police Colonel, Police Major, Police Captain, and Police Lieutenant by standardizing language pertaining to drug screening test requirements and recognition of post-secondary institutions, as applicable.

Section 2. §77109 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, relative to the qualifications for the Chief of Police, is hereby *amended* to read as follows:

"**§77109. Appointment of the Chief of Police.**

The Chief of Police *shall* be appointed by *I Maga'lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and *shall* meet the following qualifications:

(a) be *at least* thirty-five (35) years of age;

(b) have *no less than* fifteen (15) years of progressive experience in a government law enforcement position, including *at least* five (5) years at the supervisory command level, and five (5) years in a senior position with law enforcement management responsibilities, or equivalent executive management experience in the field of Public Administration, Criminal Justice Administration, or Law, or a closely related field or discipline;

(c) graduated with a Bachelor's Degree or higher in Police Science, Criminal Justice Administration, Public Administration, Law, *or* closely related field *or* discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) *or* its successors;

(d) have *no* felony, domestic or family violence convictions;

(e) have *no* misdemeanor convictions involving moral turpitude;

(f) submit to and pass a drug screening test, including, *but not limited to*, urinalysis testing, unless the appointee is a current employee of the Guam Police Department occupying a Test-Designated Position (TDP) pursuant to the Department's Drug-Free Workplace Program;

(g) be of good health and good moral character;

(h) submit to psychological testing;

(i) submit to a polygraph examination; and

(j) submit to a thorough investigation of his *or* her background and moral character."

Section 3. §77110.1 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, relative to the qualification requirements for Police Colonel, is hereby *amended* to read as follows:

"**§77110.1. Police Colonel.**

The Police Colonel *shall* be a uniformed classified officer. The Police Colonel, who shall serve as Police Commander, *shall* meet the following minimum qualifications, experience, and training, in addition to those prescribed by the Director of Administration:

(a) graduated with a Master's Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, and must have *at least* two (2) years of experience in the rank of Police Major, *or* equivalent law enforcement experience in administration or management that requires the minimum knowledge, abilities, and skills to perform the duties of a Police Major; *or*

(b) graduated with a Bachelor's Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, and must have *at least* four (4) years of experience in the rank of Police Major, *or* equivalent law enforcement experience in administration or management that requires the minimum knowledge, abilities, and skills to perform the duties of a Police Major;

(c) have *no* felony, domestic *or* family violence conviction;

(d) submit to and pass a drug screening test, including, but *not* limited to, a urinalysis test; and

(e) other necessary special qualifications as established by the Department of Administration *not* inconsistent with (a) above."

Section 4. §77110.2 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, relative to the qualifications for Police Major, is hereby *amended* to read as follows:

"**§77110.2. Police Major.**

A Police Major *shall* be a uniformed classified officer and *shall* meet the following minimum qualifications, experience, and training, in addition to those prescribed by the Department of Administration:

(a) graduated with a Bachelor's Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

(b) must have *at least* two (2) years of experience in the rank of Police Captain, or equivalent law enforcement experience in administration or management level; and

(c) other necessary special qualifications as established by the Department of Administration *not* inconsistent with (a) and (b) above."

Section 5. §77110.3 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, relative to the qualifications for Police Captain, is hereby *amended* to read as follows:

"**§77110.3. Police Captain.**

A Police Captain *shall* be a uniformed classified officer and *shall* meet the following qualifications, experience, and training, in addition to those prescribed by the Department of Administration:

(a) graduated with a Bachelor's Degree in Police Science, Criminal Justice Administration, Public Administration, *or* closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

(b) must have *at least* two (2) years of experience in the rank of Police Lieutenant, *or* equivalent law enforcement experience in administration *or* management level; and

(c) other necessary special qualifications as established by the Department of Administration *not* inconsistent with (a) and (b) above."

Section 6. §77110.4 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, relative to the qualifications for Police Lieutenant, is hereby *amended* to read as follows:

"**§77110.4. Police Lieutenant.**

A Police Lieutenant *shall* be a uniformed classified officer and *shall* meet the following minimum qualifications, experience, and training, in addition to those prescribed by the Department of Administration:

(a) graduated with an Associate's Degree in Police Science, Criminal Justice Administration, Public Administration, *or* closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, *or* successful completion of not less than seventy-five (75) college credits, seventy-five percent (75%) of which are in the field of

Law Enforcement, Public Safety, or closely related field of discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

(b) must have *at least* two (2) years of experience in the rank of Police Sergeant II, *or* equivalent law enforcement supervisory experience, *or* must have *at least* four (4) years of experience in the rank of Police Sergeant I, *or* equivalent law enforcement supervisory experience; and

(c) other necessary special qualifications as established by the Department of Administration *not* inconsistent with (a) and (b) above."

Section 7. §77112 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, is hereby *amended* to read:

"**§77112. Powers and Duties of the Police Colonel**. In the absence or incapacity of the Chief of Police, the Police Colonel *shall* possess all the powers of the Chief of Police, act as the head of the Department, and *shall* further perform such additional duties as the Chief of Police may prescribe."

Section 8. §77110.5 of Article 1 of Chapter 77, Title 10, Guam Code Annotated, is hereby *repealed.*

Section 9. Effective Date. The provisions contained herein *shall* be effective upon the enactment of this Act and *shall* apply prospectively.

Section 10. 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.