I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 296 -31 (LS), "AN ACT TO *ADD* A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER",** was on the 20th day of January, 2012, 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 23rd day of Jan., 2012, at 12:45 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. 296-31 (LS)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
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.
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Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there is no statute that establishes the minimum qualifications for the position of Department of Corrections (DOC) Officer. Individuals interested in becoming a DOC Officer are currently evaluated based on standards established by the

Department of Administration (DOA), which include information relative to the nature of work, illustrative examples of work, minimum knowledge, abilities, and skills, minimum experience and training, and special qualifications necessary for employment.

It is the intent of *I Liheslaturan Guåhan* to establish minimum qualifications in statute for the position of Corrections Officer. *I Liheslaturan Guåhan* intends to mirror standard requirements already established for officers of the Guam Police Department, in addition to those promulgated by DOA, which will help to promote consistency in the qualification requirements for entry-level positions of the government of Guam's primary law enforcement and public safety agencies.

Section 2. Minimum Qualifications. A new §90.16 is hereby *added* to Article 1 of Chapter 90, Title 9, Guam Code Annotated, relative to the minimum qualifications for Department of Corrections Officers, to read:

"**§ 90.16. Minimum Qualifications for Department of Corrections Officers.**

(a) Notwithstanding other provisions of law to the contrary, persons appointed as Corrections Officer *shall*:

(1) be a resident of Guam and a U.S. citizen;

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

(3) be over the age of eighteen (18) years;

(4) be a high school graduate *or* equivalent, but the POST Commission may set higher academic qualifications for all applicants as the Commission considers necessary;

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

(6) submit to psychological testing; and

(7) submit to a polygraph examination.

(b) No person shall be appointed as a Corrections Officer who has *not* established satisfactory evidence of qualifications by passing a physical examination, which *shall* include a physical agility test, and written examinations based upon standards relevant to the duties to be performed, which standards *shall* be established by the Director of Corrections in conjunction with the Department of Administration.

(c) No person shall be appointed as a Corrections Officer who has been convicted in any civilian or military court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, or who has been administratively pardoned of any crime.

(d) No person shall be appointed as a Corrections Officer before a thorough investigation of the applicant's background and moral character is completed.

(e) A Corrections Officer dismissed for cause *shall* be permanently ineligible for reappointment to any position in the Department. A Corrections Officer who resigns for the sole purpose of negating or averting a pending or anticipated disciplinary action to dismiss the Corrections Officer *shall* be ineligible for reappointment.

(f) No person shall be appointed as a Corrections Officer who has *not* established satisfactory evidence of the ability to understand and work with persons with disabilities, including special needs and mental illness. Evidence of such ability *shall* be by a certificate of completion of the appropriate training as approved by the Department of Integrated Services for Individuals with

Disabilities, as a condition for selection prior to appointment as a Corrections Officer. For the purpose of this Section, the term disability(ies), as is defined in the *Americans with Disabilities Act*, *shall* mean a physical or mental impairment that substantially limits one (1) or more major life activities of an individual. Incumbent uniformed officers who *do not* have a certificate of completion of the training as required in this Act *shall*, within six (6) months following the enactment of this Act, submit to the Department of Administration such certification as required herein."

Section 3. Effective Date. The provisions contained herein *shall* be effective within one hundred twenty (120) days following the enactment of this Act.

Section 4. 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.