EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

DEC 31 2018

Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Vice Speaker Therese M. Terlaje
34GL-18-2731
DEC 31 2018
Time: 16:35
Received by:

2019 JAN -2 AM 9:23

Dear Madame Speaker:

Transmitted herewith is Bill No. 338-34 (LS), **"AN ACT TO *AMEND* § 3113 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS,"** which lapsed on December 29, 2018, as **Public Law 34-167.**

Senseramente,

EDDIE BAZA CALVO

2731

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

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

This is to certify that **Bill No. 338-34 (LS), "AN ACT TO *AMEND* § 3113 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS,"** was on the 17th day of December 2018, duly and regularly passed.

Therese M. Terlaje
Acting Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 17th day of Dec., 2018, at 5:30 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan
Date: DEC 29 2018

Public Law No. 34-167

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 338-34 (LS)
As corrected by Prime Sponsor;
and amended on the Floor.

Introduced by: Telena Cruz Nelson
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 3113 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that in order to serve the people of Guam, persons in appointed positions must be able to bring experience directly applicable to the agency they are appointed. This experience becomes paramount in the realm of public safety. Public safety agencies on Guam with positions appointed by *I Maga'låhen Guåhan* are appointed with a certain level of experience to ensure the safety of our people, and that those who work in the agency

are being led by someone familiar with how an agency like that operates. This model may prove beneficial for the Department of Corrections.

Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that for the safety of the people of Guam and the protection of civil rights, the Department of Corrections is led by someone who holds the experience necessary to understand the mechanisms of the agency for the future of Guam's people.

Section 2. § 3113 of Article 1, Chapter 3, Title 5, Guam Code Annotated, is *amended* to read:

"**§ 3113. Department of Corrections.**

There is within the Executive Branch of the government of Guam a Department of Corrections. The Director of Corrections is the head of the Department of Corrections. The Director of Corrections is appointed by *I Maga'låhi* (the Governor) with the advice and consent of *I Liheslatura* (the Legislature), and *shall* meet the following qualifications:

(a) have no less than ten (10) years of progressive experience in a law enforcement agency, including at least three (3) years in a senior law enforcement position, or equivalent executive management experience in the field of public administration, business administration, criminal justice or law, or a closely related field or discipline;

(b) graduated with a Bachelor's degree or higher in criminal justice, public administration, business administration, law, or a closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

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

(d) have no misdemeanor convictions involving moral turpitude;

(e) submit to and pass a drug screening test, including, but not limited to, urinalysis testing, unless the appointee is a current employee of the government of Guam registered with the Peace Officer Standards and Training (POST) Commission as a peace officer occupying a Test-Designated Position (TDP) pursuant to the Department's Drug-Free Workplace Program;

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

(g) submit to psychological testing;

(h) submit to a polygraph examination; and

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

Compensation of Director of the Department of Corrections.

Notwithstanding any other provision of law, a person appointed by *I Maga'låhen Guåhan* and confirmed by *I Liheslaturan Guåhan* to be Director of Corrections, and who at the time of his or her appointment is an active member of the classified service, *shall* receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3)-year average of the annual income earned immediately prior to his or her appointment as Director of the Department of Corrections, whichever is greater. Said three (3)-year average *shall* be reviewed annually to determine if mandated pay increases would have affected the three (3)-year average.

A person who is an active classified employee of the government of Guam immediately prior to his or her appointment by *I Maga'låhen Guåhan* and confirmation by *I Liheslaturan Guåhan* to be Director of the Department of Corrections *shall*, if not removed for cause, be reinstated to the position he or she

previously held immediately prior to such appointment, or to an equivalent position, upon expiration of his or her appointment as Director of Corrections."

Section 3. Effective Date. This Act *shall* be effective on January 1, 2019.

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