

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

Bill No. 125-33 (COR)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO AMEND SUBSECTION (p) OF § 8104 OF ARTICLE 1, CHAPTER 8, TITLE 4, AND § 51102 (a) OF CHAPTER 51, TITLE 17, BOTH OF GUAM CODE ANNOTATED, RELATIVE TO ADVANCING COMPLIANCE WITH THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION BY DESIGNATING PROBATION OFFICERS OF THE SUPERIOR COURT OF GUAM AS UNIFORMED OFFICERS AND BY ADDING THE CHIEF OF PROBATION TO THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION.**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2       **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that pursuant to  
3 § 51101 (b) of Chapter 51, Title 17, Guam Code Annotated, the Chief Probation  
4 Officer and all Probation Officers of the Unified Judiciary of Guam are defined as  
5 Peace Officers and subject to the Peace Officer Standards and Training (POST)  
6 Commission Regulations. However, Probation Officers have been excluded in the  
7 definition of Uniformed Personnel contained in subsection (p) of § 8104 of Article  
8 1, Chapter 8, Title 4, Guam Code Annotated, making them ineligible for the  
9 application of retirement policy relative to law enforcement officers and uniformed  
10 allowances.

11       *I Liheslatura* further finds that in addition to the requirements for POST  
12 compliance, all Probation Officers are required to hold Bachelor's degrees in  
13 Criminal Justice and other related degree programs in order to be eligible for

14 employment at the courts. This requirement surpasses the entry-level requirements  
15 for nearly every other law enforcement position covered by the POST  
16 Commission.

17 It is the intent of *I Liheslaturan Guåhan* to include Probation Officers of the  
18 Judiciary of Guam in the definition of Uniformed Personnel and to *add* the Chief  
19 of Probation as a member to the POST Commission.

20 **Section 2. Designation of Probation Officers as Uniformed Personnel.**  
21 Subsection (p) of § 8104 of Article 1, Chapter 8, Title 4, Guam Code Annotated, is  
22 hereby *amended*, to read:

23 “(p) Uniformed Personnel means Guam Police Department Officers; Guam  
24 Fire Department Firemen; Customs and Quarantine Officers in the Customs and  
25 Quarantine Agency; Conservation Officers, Commodity Inspectors, and  
26 Entomologist of the Department of Agriculture; Territorial Park Patrol Officers of  
27 the Department of Parks and Recreation; Corrections Officers of the Department of  
28 Corrections; Airport Police Officers and Security Personnel at the Antonio B. Won  
29 Pat International Airport Authority, Guam; Jose D. Leon Guerrero Commercial  
30 Port Security personnel; Marshals of the Supreme Court of Guam and the Superior  
31 Court of Guam; Probation Officers of the Judiciary of Guam; and Firefighters of  
32 the Antonio B. Won Pat International Airport Authority, Guam. In all matters  
33 involving the uniformed personnel at the Antonio B. Won Pat International Airport  
34 Authority, Guam, the Jose D. Leon Guerrero Commercial Port or the Department  
35 of Parks and Recreation, the Supreme Court of Guam and the Superior Court of  
36 Guam Marshals, and the Guam Police Department shall have concurrent  
37 jurisdiction with such personnel.”

38 **Section 3.** § 51102 (a) of Chapter 51, Title 17, Guam Code Annotated, is  
39 hereby *amended*, to read:

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

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

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

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

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

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

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

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

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

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

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

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

67                   (12) the Chief of Probation of the Unified Judiciary, or his  
68                   designated representative; and

69                   (1~~23~~) one (1) voting representative from the Department of  
70                   Administration, the Personnel Service Division Administrator,  
71                   appointed by the Director of Administration.”