



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

May 25, 2011

31-11-567

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

5/26/11  
11:30am  
E

Dear Madame Speaker:

Transmitted herewith is 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", which I signed into law on May 24, 2011 as **Public Law 31-70**.

*Senseramente,*

  
EDDIE BAZA CALVO

Attachment: copy of Bill

2011 MAY 27 AM 9:55

567

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

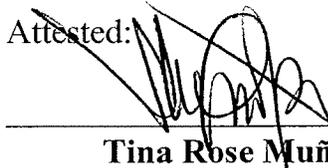
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

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 10<sup>th</sup> day of May, 2011, duly and regularly passed.



\_\_\_\_\_  
**Judith T. Won Pat, Ed.D.**  
**Speaker**

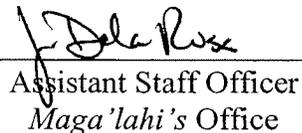
Attested:



\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

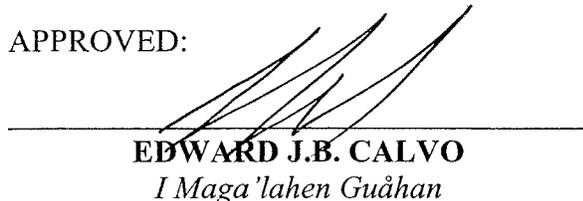
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This Act was received by *I Maga'lahaen Guåhan* this 16<sup>th</sup> day of May, 2011, at 2:20 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahaen Guåhan*

Date: MAY 24 2011

Public Law No. 31-70

*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  

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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.**

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

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

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

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

14 It is the intent of *I Liheslaturan Guåhan* to incorporate the substance of  
15 §77101.5 into §77101.1, with additional amendments, in order to appropriately  
16 recognize the Police Colonel position as a uniformed rank of GPD. These changes  
17 will provide clarity as to what the qualifications are for the Police Colonel, which  
18 is a rank, and will ensure that no confusion is made as to who may be eligible to  
19 serve as Police Commander, which is a functional title.

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

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

1           **“§77109. Appointment of the Chief of Police.**

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

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

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

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

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

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

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

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

27                   (h) submit to psychological testing;

- 1 (i) submit to a polygraph examination; and  
2 (j) submit to a thorough investigation of his *or* her  
3 background and moral character.”

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

7 **“§77110.1. Police Colonel.**

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

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

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

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

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

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

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

9 **“§77110.2. Police Major.**

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

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

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

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

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

27 **“§77110.3. Police Captain.**

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

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

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

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

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

18 **“§77110.4. Police Lieutenant.**

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

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

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

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

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

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

14 “§77112. **Powers and Duties of the Police Colonel.** In the  
15 absence or incapacity of the Chief of Police, the Police Colonel *shall* possess  
16 all the powers of the Chief of Police, act as the head of the Department, and  
17 *shall* further perform such additional duties as the Chief of Police may  
18 prescribe.”

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

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

23 **Section 10. Severability.** *If* any provision of this Act or its application to  
24 any person or circumstance is found to be invalid or contrary to law, such  
25 invalidity shall *not* affect other provisions or applications of this Act which can be  
26 given effect without the invalid provisions or application, and to this end the  
27 provisions of this Act are severable.

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

## VOTING SHEET

ABill No. 152-31(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

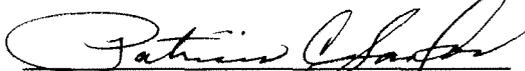
<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
DA, Thomas C.	✓				
DA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
RUZ, Benjamin J. F.	✓				
UENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
PESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
VON PAT, Judith T.	✓				
AMASHITA, Aline A.	✓				

TOTAL

15

0

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirty-First  
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

4/28/11 11:24 AM

April 27, 2011

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'Trentai Unu na Liheslaturan Guahan  
155 Hesler Place  
Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio,**  
Chairman, Committee on Rules

**RE : Committee Report – Bill No. 152-31 (COR) as Amended.**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 152-31 (COR) – AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT,** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>7</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

**ADOLPHO B. PALACIOS, MRA, BS/CJA**  
Chairman

Attachments

4/28/11 ER

*Committee Members:*

Senator Thomas C. Ada  
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.  
Member

Senator Tina R. Muna Barnes  
Member

Senator Judith P. Guthertz, DPA  
Member

Senator Rory J. Respicio  
Member

Senator Dennis G. Rodriguez, Jr.  
Member

Senator V. Anthony Ada  
Member

Senator Christopher M. Duenas  
Member

Senator Mana Silva Tajeron  
Member

Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs

Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform

Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources

Member, Committee on  
Education and Public Libraries

Member, Committee on Guam  
Military Buildup and Homeland  
Security

Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guáhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**COMMITTEE REPORT**  
**ON**  
**BILL NO. 152-31 (COR)**  
**As Amended by the**  
**Committee on Public Safety, Law Enforcement & Judiciary**

**AN ACT TO AMEND §§77109, 77110.1  
THROUGH 77110.4, OF ARTICLE 1, TITLE 10  
GUAM CODE ANNOTATED, AND TO REPEAL  
§77110.5 OF THIS ARTICLE RELATIVE TO THE  
QUALIFICATION REQUIREMENTS FOR  
UNIFORMED MANAGEMENT POSITIONS  
WITHIN THE GUAM POLICE DEPARTMENT.**

*Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com*



Thirty-First  
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

April 27, 2011

**MEMORANDUM**

**TO: ALL MEMBERS**  
Committee on Public Safety, Law Enforcement, & Judiciary

**FROM: Senator Adolpho B. Palacios, Sr.** *[Signature]*  
Committee Chairman

**SUBJECT: Committee Report on Bill No. 152-31 (COR) as Amended.**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 152-31 (COR) as Amended – “AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.”** – sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 152-31 (COR) as Amended
- Copy of Bill No. 152-31 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copy of COR Referral of Bill No. 152-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

*Si Yu'os ma'ase!*

*Committee Members:*

Senator Thomas C. Ada  
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.  
Member

Senator Tina R. Muna Barnes  
Member

Senator Judith P. Guthertz, DPA  
Member

Senator Rory J. Respicio  
Member

Senator Dennis G. Rodriguez, Jr.  
Member

Senator V. Anthony Ada  
Member

Senator Christopher M. Ducnas  
Member

Senator Mana Silva Tajeron  
Member

Senator Aime A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs

Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform

Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources

Member, Committee on  
Education and Public Libraries

Member, Committee on Guam  
Military Buildup and Homeland  
Security

Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

VOTING SHEET ON:

Bill No. 152-31 (COR) as Amended – AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT. – sponsored by Senator Adolpho B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		4/27/11				
Thomas C. Ada Vice Chairman		4/27/11				
Tina R. Muña-Barnes Member		4/27/11				
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member						
Dennis G. Rodriguez, Jr. Member		4/27/11				
Judith T. Won Pat, Ed.D. Member		4/27/11				
V. Anthony Ada Member						
Christopher M. Duenas Member		4/27/11				
Mana Silva Taijeron Member				4/27/11		
Aline A. Yamashita, Ph.D. Member						



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**

*I Mina Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

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**COMMITTEE REPORT DIGEST**

**Bill No. 152-31 (COR) – “An act to amend §§77109, 77110.1 through 77110.4, of Article 1, Title 10 Guam Code Annotated, and to repeal §77110.5 of this article relative to the qualification requirements for uniformed management positions within the Guam Police Department.” – sponsored by Senator Adolpho B. Palacios, Sr.**

**I. OVERVIEW**

The Committee on Public Safety, Law Enforcement and Senior Citizens convened the public hearing on April 22, 2011 at 9:07 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 152-31 (COR) – “An act to amend §§77109, 77110.1 through 77110.4, of Article 1, Title 10 Guam Code Annotated, and to repeal §77110.5 of this article relative to the qualification requirements for uniformed management positions within the Guam Police Department,” sponsored by Senator Adolpho B. Palacios, Sr.

**Public Hearing Requirements**

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on April 15, 2011 (5-day Notice) and on April 19, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

**Senators Present**

Senator Adolpho B. Palacios, Sr., Chairman  
Senator Anthony V. Ada, Member  
Senator Mana Silva Taijeron, Member  
Senator Aline A. Yamashita, Member

**Individual(s) registered for oral or written testimony:**

Phil Tydingco, Deputy Attorney General, Attorney General’s Office, oral testimony  
Fred E. Bordallo, Chief of Police, Guam Police Department, Oral Testimony, in favor of the Bill  
Maurico Sayama, Captain, Guam Police Department, Oral Testimony, in favor of the Bill  
Cristobal Castro, Captain, Guam Police Department, Oral Testimony, in favor of the Bill

## II. SUMMARY OF TESTIMONY AND DISCUSSION

**Chairman Adolpho B. Palacios, Sr.** convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at 9:07 a.m., read the title of the bill and as the author, introduced and summarized its intent. Chairman Palacios then recognized those in the audience who signed up to provide testimony.

**Deputy Attorney General Phil Tydingco**, of the Attorney General's Office, provided oral testimony on the bill. Attorney Tydingco stated that his testimony would deal only with matters pertaining to technical aspects of the bill. He suggested that *I Liheslatura* consider allowing for other accrediting councils, which are nationally recognized, to be considered in addition to the Council for Higher Education Accreditation (CHEA). For example, if an individual received a degree from Harvard University, he or she would probably not qualify for any of the positions outlined in the bill as this institution may be recognized by another accrediting body and not by CHEA.

Attorney Tydingco also raised an issue found in subsection (f) on page 3 of the bill, which requires individuals appointed to serve as GPD Chief to submit to and pass a drug-screening test, unless the appointee is a current employee of the Guam Police Department (GPD) occupying a Test Designated Position (TDP). According to Attorney Tydingco, this section may prevent an appointee holding a TDP in another agency from being qualified to serve as police chief. He concluded his testimony by requesting for the Committee to keep the "uniformed classified officer" phrase relative to the appointment of the Police Colonel.

**Chairman Palacios** thanked Attorney General Phil Tydingco for his observations and excused him from the panel.

**Chief Fred E. Bordallo** of the Guam Police Department (GPD) provided oral testimony in favor of the bill. Chief Bordallo addressed the important standards for the Police Colonel and Police Major positions. He stated that there have been previous discussions at the legislature about education, training, and experience for various positions at GPD. Chief Bordallo noted that he has always supported the idea of striking a reasonable balance between academic and training requirements for GPD's management positions. According to Chief Bordallo, academic accomplishments augment an employee's ability to effectively and efficiently carry out his or her duties with a more holistic perspective of an organization and its mission. With the qualification requirements that are indicated in Bill No. 152-31 (COR), Chief Bordallo

suggests that these standards help send a message to GPD officers. He noted that officers who may aspire to achieve the rank of Police Colonel will now understand what it takes to reach this rank.

Chief Bordallo concluded by thanking the Committee for considering his testimony on the bill and was available for any questions that may be asked by members of the panel.

**Captain Maurico Sayama** of the Guam Police Department provided oral testimony in favor of the bill. Captain Sayama stated that he agreed with many of the statements that were made earlier, especially regarding the standardization of qualification requirements for all leadership positions in GPD. Captain Sayama mentioned that he agrees with background checks and tests that are required for the Police Chief, which he believes should be mandated for other uniformed management positions in GPD, as those who occupy these positions must be held to the highest standards.

Captain Sayama extended his appreciation to Committee members for listening to the recommendations of Chief Bordallo and others who were present to testify on the bill.

**Captain Cristobal Castro** of the Guam Police Department provided oral testimony in favor of the bill. He also wished to share those concerns that were brought to his attention by other GPD staff. In summary, Captain Castro asked the Committee to consider allowing for individuals who do not have the required college degree, but have a certain number of college credit hours, to be eligible for the ranks of Police Major or Colonel. He suggested that there are employees who lack a degree, but have a combination of college credit hours and years of experience in a position or detail assignment, who may have what it takes to carry out the duties of a Major or Colonel.

Captain Castro concluded his remarks by asking members of the panel to consider the recommendations provided in his testimony.

**Chairman Palacios** noted that for the position of Lieutenant, existing law allows for the consideration of college credit hours if an applicant does not have the required associate's degree. He stated that of the approximately seventy-five (75) credit hours that an officer has earned to qualify for this position, seventy-five percent (75%) of these credit hours should be focused in the field of law enforcement and public safety.

With regards to the testing requirements as raised by Captain Sayama, Chairman Palacios stated that *I Liheslatura* exercises caution when considering the enactment of employment qualification requirements. He stated that it was critical for GPD's leadership to work closely with staff from the Department of Administration (DOA) to establish these standards, as *I Liheslatura* may simply provide the general parameters.

Following comments made by Chairman Palacios, **Senators Mana Silva Taijeron and Aline Yamashita, Ph.D.** expressed their appreciation to those who provided testimony relative to Bill No. 152-31 (COR). They encouraged the Chief of Police and other GPD staff to work closely with representatives from DOA to ensure that the qualifications for various positions are updated regularly, relative to academic and skill set requirements.

**Chairman Adolpho B. Palacios, Sr.** concluded by declaring that Bill No. 152-31(COR) was duly heard by the Committee and requested that written testimony be submitted within the next ten (10) days. He adjourned this hearing at 11:18 a.m.

### **III. WRITTEN TESTIMONIES**

No written testimony received within the ten (10) day period after the public hearing.

### **IV. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Safety, Law Enforcement and Judiciary finds it necessary to make appropriate amendments to Article 1 of Title 10 Guam Code Annotated, relative to the qualification requirements for uniformed management positions within the Guam Police Department (GPD). The Committee intends to provide clarity as to what the qualifications are for the Police Colonel, which is a rank, and to ensure that no confusion is made as to who may be eligible to serve as Police Commander, which is a functional title within GPD. The Committee further intends to amend the qualifications for the Chief of Police, and other uniformed management positions, by standardizing language pertaining to drug screening test requirements and recognition of post-secondary institutions, as applicable.

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 152-31 (COR), as Amended by the Committee**, with the recommendation **TO PASS**.

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

2011 Apr 14 PM 4:09

**Bill No.** 152-31 (COR)

**Introduced by:**

**Adolpho B. Palacios, Sr.** 

**AN ACT TO AMEND §§77109, 77110.1 THROUGH  
77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE  
ANNOTATED, AND TO REPEAL §77110.5 OF THIS  
ARTICLE RELATIVE TO THE QUALIFICATION  
REQUIREMENTS FOR UNIFORMED  
MANAGEMENT POSITIONS WITHIN THE GUAM  
POLICE DEPARTMENT.**

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

2       **Section 1. Legislative Findings and Intent.**

3       *I Liheslaturan Guahan* finds that §§77109 through 77110.5 of Article  
4 1, Title 10 Guam Code Annotated (GCA) established the minimum  
5 qualification requirements for positions in the Guam Police Department  
6 (GPD), including Chief of Police, Police Commander, Police Major, Police  
7 Captain, Police Lieutenant, and Police Colonel. In addition to establishing  
8 minimum qualifications, §77110.1 also requires that the Chief of Police  
9 select a Police Commander, “who shall be a uniformed classified officer to  
10 hold the rank of Colonel.” As written, one could question whether the  
11 minimum qualifications found in §77110.1 was intended for the Police  
12 Commander or Police Colonel positions.

13       *I Liheslaturan Guahan* finds that there is no mention of qualification  
14 requirements for the Police Colonel position within Title 10 GCA except for  
15 a brief statement found in §77110.5, which simply requires that applicants

1 vying for such position to have held a Police Major's rank for at least five  
2 (5) years. This requirement was included as a miscellaneous item within the  
3 government of Guam's FY 2002 budget law, P.L. 26-35, enacted on October  
4 1, 2001.

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

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

16 **Section 2.** §77109 of Article 1, Title 10 Guam Code Annotated is  
17 hereby *amended* relative to the qualifications for the Chief of Police.

18 **“§77109. Appointment of the Chief of Police.**

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

- 22 (a) be *at least* thirty-five (35) years of age;
- 23 (b) have *no less than* fifteen (15) years of progressive  
24 experience in a government law enforcement position,  
25 including *at least* five (5) years at the supervisory command  
26 level, and five (5) years in a senior position with law  
27 enforcement management responsibilities;

1 (c) ~~graduated~~ ed with a bachelor's degree or higher in Police  
2 Science, Criminal Justice Administration, Public  
3 Administration, Law, *or* closely related field *or* discipline, ~~at~~  
4 from an accredited institution recognized by the Council ~~of~~  
5 for Higher Education Accreditation (CHEA) *or* its  
6 successors;

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

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

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

15 (g) submit to a polygraph examination.

16 (h) No person *shall* be appointed as Chief of Police before a  
17 thorough investigation of the appointee's background and  
18 moral character is completed, unless the appointee is a  
19 current employee of the Guam Police Department."

20 **Section 3.** §77110.1 of Article 1, Title 10 Guam Code Annotated is  
21 hereby *amended* relative to the qualification requirements for Police  
22 Colonel.

23 **"§77110.1. Police ~~Commander~~ Colonel.**

24 The Chief of Police shall select a Police ~~Commander~~ Colonel,  
25 who shall be a ~~uniformed classified officer to hold the rank of Colonel~~  
26 Police Commander. The Police ~~Commander~~ Colonel shall meet the

1 following minimum qualifications, experience, and training, in  
2 addition to those prescribed by the Director of Administration:

3 (a) ~~be at least thirty (30) years of age; and~~

4 (b) (1) graduated with a ~~bachelor's~~ master's degree in Police  
5 Science, Criminal Justice Administration, or closely related  
6 field or discipline, ~~at a nationally~~ from an accredited  
7 institution recognized by the Council for Higher Education  
8 Accreditation (CHEA) or its successors, and must have at  
9 least two (2) years of experience in the rank of Police Major,  
10 or equivalent law enforcement experience in administration  
11 or management that requires the minimum knowledge,  
12 abilities, and skills to perform the duties of a police major;

13 ~~and~~ or

14 (2) graduated with a bachelor's degree in Police Science,  
15 Criminal Justice Administration, or closely related field or  
16 discipline from an accredited institution recognized by the  
17 Council for Higher Education (CHEA) or its successors, and  
18 must have at least four (4) years of experience in the rank of  
19 Police Major, or equivalent law enforcement experience in  
20 administration or management that requires the minimum  
21 knowledge, abilities, and skills to perform the duties of a  
22 police major;

23 (e) ~~have no felony, domestic or family violence conviction; and~~

24 (d) ~~(b) submit to and pass a drug screening test, including, but~~  
25 ~~not limited to, a urinalysis test~~ other necessary special  
26 qualifications as established by the Department  
27 of Administration *not* inconsistent with (a) above."

1           **Section 4.** §77110.2 of Article 1, Title 10 Guam Code Annotated is  
2 hereby *amended* relative to the qualifications for Police Major.

3           **“§77110.2. Police Major.**

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

7           (a) graduated with a bachelor’s degree in Police Science,  
8           Criminal Justice Administration, Public Administration, or  
9           closely related field or discipline, ~~at a nationally~~ from an  
10           accredited institution recognized by the Council for Higher  
11           Education Accreditation (CHEA) or its successors; and

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

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

18           **Section 5.** §77110.3 of Article 1, Title 10 Guam Code Annotated is  
19 hereby *amended* relative to the qualifications for Police Captain.

20           **“§77110.3. Police Captain.**

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

24           (a) graduated with a bachelor’s degree in Police Science,  
25           Criminal Justice Administration, Public Administration, *or*  
26           closely related field or discipline, ~~at a nationally~~ from an

1                    accredited institution recognized by the Council for Higher  
2                    Education Accreditation (CHEA) or its successors;

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

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

9                    **Section 6.** §77110.4 of Article 1, Title 10 Guam Code Annotated is  
10 hereby *amended* relative to the qualifications for Police Lieutenant.

11                    **“§77110.4. Police Lieutenant.**

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

16                    (a) graduated with an Associate’s degree in Police Science,  
17                    Criminal Justice Administration, Public Administration, *or*  
18                    closely related field or discipline, ~~at a nationally~~ from an  
19                    accredited institution recognized by the Council for Higher  
20                    Education Accreditation (CHEA) or its successors, *or*  
21                    successful completion of not less than seventy-five (75)  
22                    college credits, seventy-five percent (75%) of which are in  
23                    the field of Law Enforcement, Public Safety, or closely  
24                    related field of discipline, ~~at a nationally~~ from an accredited  
25                    institution recognized by the Council for Higher Education  
26                    (CHEA) or its successors;

1 (b) must have at least two (2) years of experience in the rank of  
2 Police Sergeant II, *or* equivalent law enforcement  
3 supervisory experience, *or* must have at least four (4) years  
4 of experience in the rank of Police Sergeant I, *or* equivalent  
5 law enforcement supervisory experience; and  
6 (c) other necessary special qualifications as established by the  
7 Department of Administration *not* inconsistent with (a) and  
8 (b) above.”

9 **Section 7.** §77110.5 of Article 1, Title 10 Guam Code Annotated is  
10 hereby repealed.

11 ~~“§77110.5. GPD Colonel Position.~~

12 ~~Notwithstanding any other provisions of law, the qualifications~~  
13 ~~for a Guam Police Department (“GPD”) colonel must require at the~~  
14 ~~minimum that the applicant have held a major’s rank for at least five~~  
15 ~~(5) years.”~~

16 **Section 8. Effective Date.**

17 The provisions contained herein shall be effective upon the enactment  
18 of this Act and shall apply prospectively.

19 **Section 9. Severability.**

20 If any provision of this Act or its application to any person or  
21 circumstance is found to be invalid or contrary to law, such invalidity shall  
22 not affect other provisions or applications of this Act which can be given  
23 effect without the invalid provisions or application, and to this end the  
24 provisions of this Act are severable.

**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*

**Introduced by:**

**Adolpho B. Palacios, Sr.**

**AN ACT TO AMEND §§77109, 77110.1 THROUGH  
77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE  
ANNOTATED, AND TO REPEAL §77110.5 OF THIS  
ARTICLE 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, 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 Commander or Police Colonel positions.~~

*I Liheslaturan Guåhan* finds that there is no mention of qualification requirements for the Police Colonel position within Title 10 GCA except for

1 a brief statement found in §77110.5, which simply requires that applicants  
2 vying for such position to have held a Police Major's rank for at least five  
3 (5) years. This requirement was included as a miscellaneous item within the  
4 government of Guam's FY 2002 budget law, P.L. 26-35, enacted on October  
5 1, 2001.

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

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

18 **Section 2.** §77109 of Article 1, Title 10 Guam Code Annotated is  
19 hereby *amended* relative to the qualifications for the Chief of Police.

20 **“§77109. Appointment of the Chief of Police.**

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

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

25 (b) have *no less than* fifteen (15) years of progressive  
26 experience in a government law enforcement position,  
27 including *at least* five (5) years at the supervisory command

1 level, and five (5) years in a senior position with law  
2 enforcement management responsibilities;

3 (c) ~~graduated~~ with a bachelor's degree or higher in Police  
4 Science, Criminal Justice Administration, Public  
5 Administration, Law, or closely related field or discipline, ~~at~~  
6 from an accredited institution recognized by the Council of  
7 for Higher Education Accreditation (CHEA) or its  
8 successors;

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

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

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

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

18 (h) submit to psychological testing; and

19 (i) ~~(g)~~ submit to a polygraph examination; and

20 (j) ~~(h) No person shall submit to be appointed as Chief of~~  
21 ~~Police before a thorough investigation of the appointee's his~~  
22 ~~or her background and moral character is completed, unless~~  
23 the appointee is a current employee of the Guam Police  
24 Department."

25 **Section 3.** §77110.1 of Article 1, Title 10 Guam Code Annotated is  
26 hereby *amended* relative to the qualification requirements for Police  
27 Colonel.

1           **“§77110.1. Police ~~Commander~~ Colonel.**

2           The ~~Chief of Police shall select a Police Commander Colonel,~~  
3 ~~who shall be a uniformed classified officer to hold the rank of Colonel~~  
4 ~~Police Commander.~~ The Police ~~Commander~~ Colonel, who shall serve  
5 as Police Commander, shall meet the following minimum  
6 qualifications, experience, and training, in addition to those prescribed  
7 by the Director of Administration:

8           (a) ~~be at least thirty (30) years of age; and~~

9           **(b) (1)** ~~graduated with a bachelor's~~ master's degree in Police  
10 Science, Criminal Justice Administration, Public  
11 Administration, or closely related field or discipline, ~~at a~~  
12 nationally from an accredited institution recognized by the  
13 Council for Higher Education Accreditation (CHEA) or its  
14 successors, and must have at least two (2) years of experience  
15 in the rank of Police Major, or equivalent law enforcement  
16 experience in administration or management that requires the  
17 minimum knowledge, abilities, and skills to perform the duties  
18 of a police major; and or

19           **(2)** graduated with a bachelor's degree in Police Science,  
20 Criminal Justice Administration, Public Administration, or  
21 closely related field or discipline from an accredited institution  
22 recognized by the Council for Higher Education Accreditation  
23 (CHEA) or its successors, and must have at least four (4) years  
24 of experience in the rank of Police Major, or equivalent law  
25 enforcement experience in administration or management that  
26 requires the minimum knowledge, abilities, and skills to  
27 perform the duties of a police major;

1 (e) ~~have no felony, domestic or family violence conviction;~~ and  
2 (d) ~~(b) submit to and pass a drug screening test, including, but~~  
3 ~~not limited to, a urinalysis test~~ other necessary special  
4 qualifications as established by the Department  
5 of Administration not inconsistent with (a) above.”

6 **Section 4.** §77110.2 of Article 1, Title 10 Guam Code Annotated is  
7 hereby *amended* relative to the qualifications for Police Major.

8 **“§77110.2. Police Major.**

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

12 (a) graduated with a bachelor’s degree in Police Science,  
13 Criminal Justice Administration, Public Administration, or  
14 closely related field or discipline, ~~at a nationally~~ from an  
15 accredited institution recognized by the Council for Higher  
16 Education Accreditation (CHEA) or its successors; and

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

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

23 **Section 5.** §77110.3 of Article 1, Title 10 Guam Code Annotated is  
24 hereby *amended* relative to the qualifications for Police Captain.

25 **“§77110.3. Police Captain.**

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

4           (a) graduated with a bachelor's degree in Police Science,  
5           Criminal Justice Administration, Public Administration, *or*  
6           closely related field or discipline, ~~at a nationally~~ from an  
7           accredited institution recognized by the Council for Higher  
8           Education Accreditation (CHEA) or its successors;

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

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

15           **Section 6.** §77110.4 of Article 1, Title 10 Guam Code Annotated is  
16 hereby *amended* relative to the qualifications for Police Lieutenant.

17           **“§77110.4. Police Lieutenant.**

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

22           (a) graduated with an Associate's degree in Police Science,  
23           Criminal Justice Administration, Public Administration, *or*  
24           closely related field or discipline, ~~at a nationally~~ from an  
25           accredited institution recognized by the Council for Higher  
26           Education Accreditation (CHEA) or its successors, *or*  
27           successful completion of not less than seventy-five (75)

1 college credits, seventy-five percent (75%) of which are in  
2 the field of Law Enforcement, Public Safety, or closely  
3 related field of discipline, ~~at a nationally~~ from an accredited  
4 institution recognized by the Council for Higher Education  
5 Accreditation (CHEA) or its successors;

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

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

14 **Section 7.** §77110.5 of Article 1, Title 10 Guam Code Annotated is  
15 hereby repealed.

16 ~~“§77110.5. GPD Colonel Position.~~

17 ~~Notwithstanding any other provisions of law, the qualifications~~  
18 ~~for a Guam Police Department (“GPD”) colonel must require at the~~  
19 ~~minimum that the applicant have held a major’s rank for at least five~~  
20 ~~(5) years.”~~

21 **Section 8. Effective Date.**

22 The provisions contained herein shall be effective upon the enactment  
23 of this Act and shall apply prospectively.

24 **Section 9. Severability.**

25 If any provision of this Act or its application to any person or  
26 circumstance is found to be invalid or contrary to law, such invalidity shall  
27 not affect other provisions or applications of this Act which can be given

1 effect without the invalid provisions or application, and to this end the  
2 provisions of this Act are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

Friday, April 22, 2011

**Bill No. 152-31 (COR)** – AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT. – sponsored by **Senator Adolpho B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Phil Tydridge	APD		✓			
✓ Fred E. Bonjale	GPD		✓			
✓ Maurice Suyama	GPD		✓			
✓ Custodial Castro	GPD		✓			



**COMMITTEE ON RULES**

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

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MEMBERS:  
Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

April 20, 2011

VIA FACSIMILE  
(671) 472-2825

Ms. Benita Manglona  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note -  
Bill Nos. 152-31 (COR) through 157-31 (COR)

*Hafa Adai* Ms. Manglona:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments  
Cc: Clerk of the Legislature

2011 APR 21 AM 8:34

MESSAGE CONFIRMATION

APR-20-2011 04:10 PM WED

FAX NUMBER : 4772240  
NAME : GNF

NAME/NUMBER : 4722825  
PAGE : 7  
START TIME : APR-20-2011 04:09PM WED  
ELAPSED TIME : 01' 22"  
MODE : STD ECM  
RESULTS : [ O.K ]



COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guahan* • The 31<sup>st</sup> Guam Legislature  
155 Hester Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Gutierrez  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muna Bernes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolfo B. Palacios, Sr.

Senator  
vicente c. panglinan

MINORITY MEMBERS:

Senator  
Aline A. Yumashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Ducnas

April 20, 2011

VIA FACSIMILE  
(671) 472-2825

Ms. Benita Mangiona  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note -  
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Very Truly Yours,

Rory J. Respicio

Attachments  
Cc: Clerk of the Legislature

Rec'd: Jackie  
date: 4-20-11  
time: 4:45pm

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**April 14, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
152-31 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.	4/14/11 4:09 p.m.	4/18/11		Committee on Public Safety, Law Enforcement and Judiciary			



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>ST</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Speaker  
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Vice Speaker  
Benjamin J. F. Cruz

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Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
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ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

MINORITY  
MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

April 18, 2011

## MEMORANDUM

To: **Pat Santos**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Subject: **Referral of Bill Nos. 152-31 (COR) through 155-31 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 152-31(COR) through 155-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os ma'åsel!*

(6) Attachments

2011 APR 20 AM 11:57

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**April 14, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
152-31 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.	4/14/11 4:09 p.m.	4/18/11		Committee on Public Safety, Law Enforcement and Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**PRESS RELEASE**

**FIRST NOTICE OF PUBLIC HEARING**  
**Friday, April 22, 2011 – 9:00 am**

**FOR IMMEDIATE RELEASE**

*(Hagatna, Guam – April 15, 2011)*

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings. Please be advised that the Committee on Public Safety, Law Enforcement, and Judiciary will be conducting a public hearing starting at **9:00 am, Friday, April 22, 2011**, at **I Liheslaturan Guåhan's Public Hearing Room** in *Hagåtña*, on the following:

- **Bill No. 110-31 (COR) – AN ACT RELATIVE TO ESTABLISHING QUALIFICATIONS FOR THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS BY REPEALING §3113, ARTICLE 1, CHAPTER 3 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADDING A NEW §90.11 TO ARTICLE 1, CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED.** – sponsored by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 130-31 (LS) – AN ACT TO REPEAL §3105, ARTICLE 1, CHAPTER 3 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD A NEW §72101.1 TO CHAPTER 72 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR CHIEF OF THE GUAM FIRE DEPARTMENT.** – sponsored by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 152-31 (COR) – AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.** – sponsored by **Senator Adolpho B. Palacios, Sr.**

Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand deliver to our office, or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com), or via facsimile to (671) 472-5022, until 5:00 pm, May 7, 2011. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

*Office/Mailing Address: 155 Hesler Place, Hagatna Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

## First Notice of Public Hearing scheduled for April 22, 2011

1 message

Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

Fri, Apr 15, 2011 at 8:43 AM

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, judiguthertz@gmail.com, "Sam Mabini" <senatorsam@senatormabini.com>, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Senator Rory J. Respicio" <cor@guamlegislature.org>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, Mana Silva Taijeron <senatormana@gmail.com>, Aline Yamashita <Aline4families@gmail.com>

Cc: "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, leonguerrero.angela@gmail.com, Leslie Gatan <leslie.g@senatormabini.com>, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, elainevtll@gmail.com, cherbert.senatordrodriguez@gmail.com, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com, louise\_atalig@yahoo.com, "Atty. Therese Terlaje" <tterlaje@guam.net>, clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org, mis@guamlegislature.org

### PRESS RELEASE

#### FIRST NOTICE OF PUBLIC HEARING

Friday, April 22, 2011 – 9:00 am

*FOR IMMEDIATE RELEASE*

*(Hagatna, Guam – April 15, 2011)*

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings. Please be advised that the Committee on Public Safety, Law Enforcement, and Judiciary will be conducting a public hearing starting at 9:00 am, Friday, April 22, 2011, at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, on the following:

- **Bill No. 110-31 (COR) – AN ACT RELATIVE TO ESTABLISHING QUALIFICATIONS FOR THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS BY REPEALING §3113,**





Adolpho Palacios <senabpalacios@gmail.com>

# First Notice of Public Hearing scheduled for April 22, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Apr 15, 2011 at 8:38 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, mpieper@guampdn.com, amier@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, news@spbguam.com, clynt@spbguam.com, jtyquiengco@spbguam.com, jontalk@k57.com, breakfastshowk57@gmail.com, kstone@ite.net, kstokish@gmail.com

## PRESS RELEASE

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Destination	Start Time	Time	Prints	Result	Note
PDN	04-15 08:03	00:00:37	001/001	OK	
KUAM	04-15 08:03	00:00:25	001/001	OK	
PNC	04-15 08:04	00:00:22	001/001	OK	
K57	04-15 08:05	00:00:20	001/001	OK	
HIT RADIO 100	04-15 08:05	00:00:20	001/001	OK	
KSTO	04-15 08:06	00:00:43	001/001	OK	
GLIMPSES	04-15 08:08	00:00:20	001/001	OK	
MARIANAS VARIETY	04-15 08:08	00:00:24	001/001	OK	
KSTEREO/KISH	04-15 08:09	00:00:43	001/001	OK	
JOY 92 FM	04-15 08:11	00:00:19	001/001	OK	
KPRG	04-15 08:11	00:00:20	001/001	OK	

Note TMA: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,  
BND: Double-Sided Binding Direction, SP: Special orignal, FCODE: F-code, RTX: Re-TX,  
RLY: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,  
LOVR:Receiving length Over, POWER:Receiving page Over, FIL:File Error,  
DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trental Unu Na Liheslaturan Guahan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

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Friday, April 22, 2011 – 9:00 am

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**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

---

FACSIMILE TRANSMITTAL SHEET

**DATE:** April 19, 2011

**TO:**

Pacific Daily News	477-3079
Marianas Variety	648-2007
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883

**FROM:** Office of Senator Adolpho B. Palacios, Sr.

**SUBJECT:** *PRESS RELEASE*

**PAGES:** 2 (including this sheet)

---

**PLEASE SEE ATTACHED.**  
**THANK YOU FOR YOUR KIND ATTENTION.**



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Unu Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

---

**PRESS RELEASE**

**SECOND NOTICE OF PUBLIC HEARING**

**Friday, April 22, 2011 – 9:00 am**

**FOR IMMEDIATE RELEASE**

*(Hagatna, Guam – April 19, 2011)*

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*Office/Mailing Address: 155 Hester Place, Hagatna Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

Broadcast Report

P 1  
 04/19/2011 10:37  
 Serial No. A02E011003085  
 TC: 130937

Destination	Start Time	Time	Prints	Result	Note
PDN	04-19 10:20	00:01:56	004/004	OK	
KUAM	04-19 10:22	00:01:03	004/004	OK	
PNC	04-19 10:23	00:00:46	004/004	OK	
K57	04-19 10:24	00:00:38	004/004	OK	
HIT RADIO 100	04-19 10:25	00:00:39	004/004	OK	
KSTO	04-19 10:26	00:01:35	004/004	OK	
GLIMPSES	04-19 10:28	00:00:41	004/004	OK	
MARIANAS VARIETY	04-19 10:34	00:01:36	004/004	OK	
KSTEREO/KISH	04-19 10:36	00:01:35	004/004	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC Fax,  
 SNO: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,  
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,  
 LOVR: Receiving length Over, POWER: Receiving page Over, FIL: File Error,  
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina Trental Uno Na Liheslaturan Guahan*  
**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**FACSIMILE TRANSMITTAL SHEET**

DATE: April 19, 2011

TO: Pacific Daily News 477-3079  
 Marianas Variety 648-2007  
 KUAM/Isla 630 637-9865/9870  
 Pacific News Center 477-0793  
 Marianas Media 477-2240  
 K-57/Power 98 477-3982  
 Hit Radio 100 472-7663  
 KStereo/KISH 477-6411  
 Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: PRESS RELEASE

PAGES: 2 (including this sheet)

PLEASE SEE ATTACHED.  
 THANK YOU FOR YOUR KIND ATTENTION.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
*Chairman*

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## PUBLIC HEARING

9:00 am, Friday, April 22, 2011

*I Liheslaturan Guåhan's Public Hearing Room, Hagåtña*

### AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Public Consideration
  - **Bill No. 110-31 (COR)** – AN ACT RELATIVE TO ESTABLISHING QUALIFICATIONS FOR THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS BY REPEALING §3113, ARTICLE 1, CHAPTER 3 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADDING A NEW §90.11 TO ARTICLE 1, CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED. – sponsored by Senator Adolpho B. Palacios, Sr.
  - **Bill No. 130-31 (LS)** – AN ACT TO REPEAL §3105, ARTICLE 1, CHAPTER 3 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD A NEW §72101.1 TO CHAPTER 72 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR CHIEF OF THE GUAM FIRE DEPARTMENT. – sponsored by Senator Adolpho B. Palacios, Sr.
  - **Bill No. 152-31 (COR)** – AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT. – sponsored by Senator Adolpho B. Palacios, Sr.
- IV. Closing Remarks
- V. Adjournment

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

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

2011 APR 19 PM 4:09  
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Bill No. 157-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr.

**AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that §§77109 through 77110.5 of Article  
4 1, Title 10 Guam Code Annotated (GCA) established the minimum  
5 qualification requirements for positions in the Guam Police Department  
6 (GPD), including Chief of Police, Police Commander, Police Major, Police  
7 Captain, Police Lieutenant, and Police Colonel. In addition to establishing  
8 minimum qualifications, §77110.1 also requires that the Chief of Police  
9 select a Police Commander, “who shall be a uniformed classified officer to  
10 hold the rank of Colonel.” As written, one could question whether the  
11 minimum qualifications found in §77110.1 was intended for the Police  
12 Commander or Police Colonel positions.

13 *I Liheslaturan Guåhan* finds that there is no mention of qualification  
14 requirements for the Police Colonel position within Title 10 GCA except for  
15 a brief statement found in §77110.5, which simply requires that applicants

1 vying for such position to have held a Police Major's rank for at least five  
2 (5) years. This requirement was included as a miscellaneous item within the  
3 government of Guam's FY 2002 budget law, P.L. 26-35, enacted on October  
4 1, 2001.

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

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

16 **Section 2.** §77109 of Article 1, Title 10 Guam Code Annotated is  
17 hereby *amended* relative to the qualifications for the Chief of Police.

18 **“§77109. Appointment of the Chief of Police.**

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

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

23 (b) have *no less than* fifteen (15) years of progressive  
24 experience in a government law enforcement position,  
25 including *at least* five (5) years at the supervisory command  
26 level, and five (5) years in a senior position with law  
27 enforcement management responsibilities;

1 (c) ~~graduated~~ graduated with a bachelor's degree or higher in Police  
2 Science, Criminal Justice Administration, Public  
3 Administration, Law, *or* closely related field *or* discipline, ~~at~~  
4 from an accredited institution recognized by the Council ~~of~~  
5 for Higher Education Accreditation (CHEA) *or* its  
6 successors;

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

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

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

15 (g) submit to a polygraph examination.

16 (h) No person *shall* be appointed as Chief of Police before a  
17 thorough investigation of the appointee's background and  
18 moral character is completed, unless the appointee is a  
19 current employee of the Guam Police Department."

20 **Section 3.** §77110.1 of Article 1, Title 10 Guam Code Annotated is  
21 hereby *amended* relative to the qualification requirements for Police  
22 Colonel.

23 **“§77110.1. Police ~~Commander~~ Colonel.**

24 The Chief of Police shall select a Police ~~Commander~~ Colonel,  
25 who shall be a ~~uniformed classified officer to hold the rank of Colonel~~  
26 Police Commander. The Police ~~Commander~~ Colonel shall meet the

1 following minimum qualifications, experience, and training, in  
2 addition to those prescribed by the Director of Administration:

3 ~~(a) be at least thirty (30) years of age; and~~

4 ~~(b) (1) graduated with a bachelor's master's degree in Police~~  
5 ~~Science, Criminal Justice Administration, or closely related~~  
6 ~~field or discipline, at a nationally from an accredited~~  
7 ~~institution recognized by the Council for Higher Education~~  
8 ~~Accreditation (CHEA) or its successors, and must have at~~  
9 ~~least two (2) years of experience in the rank of Police Major,~~  
10 ~~or equivalent law enforcement experience in administration~~  
11 ~~or management that requires the minimum knowledge,~~  
12 ~~abilities, and skills to perform the duties of a police major;~~

13 ~~and or~~

14 ~~(2) graduated with a bachelor's degree in Police Science,~~  
15 ~~Criminal Justice Administration, or closely related field or~~  
16 ~~discipline from an accredited institution recognized by the~~  
17 ~~Council for Higher Education (CHEA) or its successors, and~~  
18 ~~must have at least four (4) years of experience in the rank of~~  
19 ~~Police Major, or equivalent law enforcement experience in~~  
20 ~~administration or management that requires the minimum~~  
21 ~~knowledge, abilities, and skills to perform the duties of a~~  
22 ~~police major;~~

23 ~~(e) have no felony, domestic or family violence conviction; and~~

24 ~~(d) (b) submit to and pass a drug screening test, including, but~~  
25 ~~not limited to, a urinalysis test other necessary special~~  
26 ~~qualifications as established by the Department~~  
27 ~~of Administration not inconsistent with (a) above."~~

1           **Section 4.** §77110.2 of Article 1, Title 10 Guam Code Annotated is  
2 hereby *amended* relative to the qualifications for Police Major.

3           **“§77110.2. Police Major.**

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

7           (a) graduated with a bachelor’s degree in Police Science,  
8           Criminal Justice Administration, Public Administration, or  
9           closely related field or discipline, ~~at a nationally~~ from an  
10           accredited institution recognized by the Council for Higher  
11           Education Accreditation (CHEA) or its successors; and

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

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

18           **Section 5.** §77110.3 of Article 1, Title 10 Guam Code Annotated is  
19 hereby *amended* relative to the qualifications for Police Captain.

20           **“§77110.3. Police Captain.**

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

24           (a) graduated with a bachelor’s degree in Police Science,  
25           Criminal Justice Administration, Public Administration, *or*  
26           closely related field or discipline, ~~at a nationally~~ from an

1                    accredited institution recognized by the Council for Higher  
2                    Education Accreditation (CHEA) or its successors;

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

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

9                    **Section 6.** §77110.4 of Article 1, Title 10 Guam Code Annotated is  
10 hereby *amended* relative to the qualifications for Police Lieutenant.

11                    **“§77110.4. Police Lieutenant.**

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

16                    (a) graduated with an Associate’s degree in Police Science,  
17                    Criminal Justice Administration, Public Administration, *or*  
18                    closely related field or discipline, ~~at a nationally~~ from an  
19                    accredited institution recognized by the Council for Higher  
20                    Education Accreditation (CHEA) or its successors, *or*  
21                    successful completion of not less than seventy-five (75)  
22                    college credits, seventy-five percent (75%) of which are in  
23                    the field of Law Enforcement, Public Safety, or closely  
24                    related field of discipline, ~~at a nationally~~ from an accredited  
25                    institution recognized by the Council for Higher Education  
26                    (CHEA) or its successors;

1 (b) must have at least two (2) years of experience in the rank of  
2 Police Sergeant II, *or* equivalent law enforcement  
3 supervisory experience, *or* must have at least four (4) years  
4 of experience in the rank of Police Sergeant I, *or* equivalent  
5 law enforcement supervisory experience; and  
6 (c) other necessary special qualifications as established by the  
7 Department of Administration *not* inconsistent with (a) and  
8 (b) above.”

9 **Section 7.** §77110.5 of Article 1, Title 10 Guam Code Annotated is  
10 hereby repealed.

11 ~~“§77110.5. GPD Colonel Position.~~

12 ~~Notwithstanding any other provisions of law, the qualifications~~  
13 ~~for a Guam Police Department (“GPD”) colonel must require at the~~  
14 ~~minimum that the applicant have held a major’s rank for at least five~~  
15 ~~(5) years.”~~

16 **Section 8. Effective Date.**

17 The provisions contained herein shall be effective upon the enactment  
18 of this Act and shall apply prospectively.

19 **Section 9. Severability.**

20 If any provision of this Act or its application to any person or  
21 circumstance is found to be invalid or contrary to law, such invalidity shall  
22 not affect other provisions or applications of this Act which can be given  
23 effect without the invalid provisions or application, and to this end the  
24 provisions of this Act are severable.