W8

Plan).

Bill No. 174 (EC)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN 2005 (FIRST) Regular Session

Introduced by: A. B. Palacios, Sr.
AN ACT TO AMEND ARTICLE 2, CHAPTER 77, DIVISION 2, TITLE 21 GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DUTIES AND AUTHORITY OF PARK PROTECTION SERVICE AND TO STRENGTHEN THE ENFORCEMENT AUTHORITY AND POWERS OF THE GUAM PARK PATROL.
BE IT ENACTED BY THE PEOPLE OF GUAM:
Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that the
nature of work for Park Patrol has expanded over the years and the existing law governing their
enforcement authority has not been updated correspondingly. Moreover, some statutes enacted
subsequent to P.L. 12-209 established new mandates, the enforcement of which may not be clear as
to which agency is the enforcing authority.
Park Patrol Officers are primarily tasked to enforce provisions of the Territorial Seashore
Protection Act, the Recreational Water Use Management Plan (RWUMP), public access to beaches,
and other mandates, yet the language describing their powers or authority is not adequate and limits
them severely, rendering them unable to effectively enforce those provisions.
Therefore it is the intent of I Liheslaturan Guåhan to amend the law to ensure that the Guam
Park Patrol Officers have the authority commensurate with the mandates applicable under 21 Guam
Code Annotated Chapters 63, 64, 65, 76 and 77 (to include the Recreational Water-Use Management

Section 2.	. Article 2, Chapter 7	7, Division 2 of Ti	tle 21 Guam Cod	e Annotated is hereby
amandad to read	as fallows.			

3 "Title: Article 2

Park Protection Section-Service

§77201. Statement of Purpose. The Legislature hereby finds that there exists a special need to provide for general visitors services, protection of persons and property, and enforcement of laws and rules and regulations within all areas and events directly or associated with the Department of Parks and Recreation parts of the Park System. It is determined that the establishment of a Park Protection Section Services within the Department of Parks and Recreation will effectively meet these objectives.

§77202. **Definitions.** As used in the Chapter:

- (a) Department means the Department of Parks and Recreation.
- (b) *Director* means the Director of Parks and Recreation.
- 14 (c) Park System means the Guam Territorial Park System as described in §26007

 15 of this Code: most current list or inventory of Parks as described in 21 GCA

 §77108, §77110, and §77113.
- 17 (d) Park Protection means the duties and responsibilities of the Guam Park
 18 Patrol.
 - §77203. Creation: Park Protection Service. There is hereby established within the Department a Park Protection Section Guam Park Patrol which shall be responsible for the effective and specialized investigation, enforcement and protection of the Park System Department mandates. The Director shall select persons based on qualifications prescribed by the Civil Service Commission as employees of the Section's Territorial Guam Park Patrol. The Park Protection Section Guam Park Patrol shall be under the Parks Division Director of the Department, and it shall

1	coordinate its functions and activities with other government of Guam agencies, particularly lav				
2	enforcement agencies.				
3	§77204. Territorial Guam Park Patrol: Powers. A Territorial Guam Park Patrol Officer				
4	while within the Park System and acting within his/her official capacity, in the enforcement of				
5	Guam Code Annotated Chapters 63, 64, 65, 76 and 77, shall have the authority and powers confer				
6	by law on a peace officer, including, but not limited to, the following:				
7	(a)	The power to arrest persons for public offenses committed within the Park			
8		System;			
9	(b)	The power to enforce all laws, rules and regulations relating to the Park			
10		System 21 Guam Code Annotated Chapters 63, 64, 65, 76, and 77 (to			
11		include the RWUMP, Title 10 Government Administrative Rules			
12		(G.A.R.), Chapter 6);			
13	(c)	The power to enforce the Vehicle Code of Guam; and			
14	(d)	The power to enforce the Litter Control Law-;			
15	<u>(e)</u>	The power to enforce Disabled Parking; and			
16	<u>(f)</u>	The power to enforce rules and regulations within Marine Preserves as			
17		described in 16 G.A.R. Chapter 2, subchapter B.			
18	§77205. Same:	Duties. The duties of a Territorial Guam Park Patrol Officer shall include,			
19	but not limited to, the fol	lowing:			
20	(a)	Enforcement of all laws, rules and regulations relating to the Park System			
21		§77204 of this chapter;			
22	(b)	Patrol of the Park System, and areas covered by applicable mandates, to			
23		provide information, assistance, enforcement, and protection for visitors			
24		and to protect park resources;			

(c) Issuance of litter citations within and around the Park System; 1 Investigation and preparing preparation of reports on violations of laws 2 (d) 3 and for motor vehicle, boats and personal accidents; and Arrest of persons for the commission of public offenses within the Park (e) 4 5 System, and involving areas and events associated with mandates of the Department. 6 7 §77206. Same: Training. A Territorial Guam Park Patrol Officer shall be required to 8 complete training with a minimum of at least 120 hours on the laws of arrest, search, seizures, the Vehicle Code of Guam, the Criminal and Correctional Code, the Criminal Procedure Code, laws, 9 rules and regulations relating to the Park System, the use and handling of firearms, and such other 10 training as is required to effectively carry out such officer's duties and responsibilities as a peace 11 officer. Such training shall be primarily conducted by the Guam Community College, applying the 12 standards used in the training of the police officer for the Guam Police Department. 13 §77207. Rules and Regulations. The Department shall, pursuant to the Administrative 14 Adjudication Law, establish rules and regulations as may be deemed necessary to implement the 15 provisions of this Chapter." 16