

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

Bill No. 176 (EC)

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.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 nature of work for Park Patrol has expanded over the years and the existing law governing their
4 enforcement authority has not been updated correspondingly. Moreover, some statutes enacted
5 subsequent to P.L. 12-209 established new mandates, the enforcement of which may not be clear as
6 to which agency is the enforcing authority.

7 Park Patrol Officers are primarily tasked to enforce provisions of the Territorial Seashore
8 Protection Act, the Recreational Water Use Management Plan (RWUMP), public access to beaches,
9 and other mandates, yet the language describing their powers or authority is not adequate and limits
10 them severely, rendering them unable to effectively enforce those provisions.

11 Therefore it is the intent of *I Liheslaturan Guåhan* to amend the law to ensure that the Guam
12 Park Patrol Officers have the authority commensurate with the mandates applicable under 21 Guam
13 Code Annotated Chapters 63, 64, 65, 76 and 77 (to include the Recreational Water-Use Management
14 Plan).

1 coordinate its functions and activities with other government of Guam agencies, particularly law
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 21
5 Guam Code Annotated Chapters 63, 64, 65, 76 and 77, shall have the authority and powers conferred
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 (e) The power to enforce Disabled Parking; and

16 (f) 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 following:

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;

- 1 (c) Issuance of litter citations within and around the Park System;
- 2 (d) Investigation and ~~preparing~~ preparation of reports on violations of laws
- 3 and for motor vehicle, boats and personal accidents; and
- 4 (e) Arrest of persons for the commission of public offenses within the Park
- 5 System, and involving areas and events associated with mandates of the
- 6 Department.

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

9 Vehicle Code of Guam, the Criminal and Correctional Code, the Criminal Procedure Code, laws,

10 rules and regulations relating to the Park System, the use and handling of firearms, and such other

11 training as is required to effectively carry out such officer's duties and responsibilities as a peace

12 officer. Such training shall be primarily conducted by the Guam Community College, applying the

13 standards used in the training of the police officer for the Guam Police Department.

14 **§77207. Rules and Regulations.** The Department shall, pursuant to the Administrative

15 Adjudication Law, establish rules and regulations as may be deemed necessary to implement the

16 provisions of this Chapter.”