


**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION**

Bill No. 217 (FC)

Introduced by:


Committee on Calendar
*By request of I Maga'laha
Guåhan in accordance with
the Organic Act of Guam.*

**AN ACT TO *ADD*, DIVISION 9, CHAPTER 90 TO
TITLE 5 OF THE GUAM CODE ANNOTATED FOR
THE PURPOSE OF CREATING THE DEPARTMENT
OF PUBLIC SAFETY, TO REORGANIZE AND
CONSOLIDATE SEVERAL GOVERNMENT OF
GUAM AGENCIES, AND TO CITE THE ACT AS THE
“*PUBLIC SAFETY REORGANIZATION ACT OF 2005.*”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 90 is hereby *added* to Title 5 of the Guam Code Annotated

to read as follows:

“CHAPTER 90.

DEPARTMENT OF PUBLIC SAFETY.

Section 90101.	Short Title
Section 90102.	Legislative Findings.
Section 90103.	Creation of the Department of Public Safety.
Section 90104.	Director and Director Functions.
Section 90105.	Divisions of the Department.

- 1 **Section 90106. Other Officers and functions**
- 2 **Section 90107. Transfer of responsibilities of the Guam**
3 **Police Department to the Department of**
4 **Public Safety.**
- 5
- 6 **Section 90108. Maintenance of effort of federally-funded**
7 **programs in the Guam Police Department.**
- 8
- 9 **Section 90109. Transfer of funds and assets of the Guam**
10 **Police Department.**
- 11
- 12 **Section 90110. Transfer of responsibilities of the Guam Fire**
13 **Department to the Department of Public**
14 **Safety.**
- 15
- 16 **Section 90111. Maintenance of effort of federally-funded**
17 **programs in the Guam Fire Department.**
- 18
- 19 **Section 90112. Transfer of funds and assets of the Guam**
20 **Fire Department.**
- 21
- 22 **Section 90113. Transfer of responsibilities of the**
23 **Department of Corrections to the**
24 **Department of Public Safety.**
- 25
- 26 **Section 90114. Maintenance of effort of federally-funded**
27 **programs in the Department of Corrections.**
- 28
- 29 **Section 90115. Transfer of funds and assets of the**
30 **Department of Corrections.**
- 31
- 32 **Section 90116. Transfer of responsibilities of the**
33 **Department of Youth Affairs to the**
34 **Department of Public Safety.**
- 35
- 36 **Section 90117. Maintenance of effort of federally-funded**
37 **programs in the Department of Youth**
38 **Affairs.**
- 39

1	Section 90118.	Transfer of funds and assets of the Department of Youth Affairs.
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4	Section 90119.	Transfer of responsibilities of the Office of Post-Mortem Examinations to the Department of Public Safety.
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8	Section 90120.	Maintenance of effort of federally-funded programs in the Office of Post-Mortem Examinations.
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12	Section 90121.	Transfer of funds and assets of the Office of Post-Mortem Examinations.
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15	Section 90122.	Transfer of responsibilities of the Motor Carrier from the Department of Revenue and Taxation to the Department of Public Safety.
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20	Section 90123.	Transfer of responsibilities of the Office of Highway Safety from the Department of Public Works to the Department of Public Safety.
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25	Section 90124.	Transfer of responsibilities of the Airport and Port Police to the Department of Public Safety.
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29	Section 90125.	Transfer of responsibilities of the Airport Fire to the Department of Public Safety.
30		
31		
32	Section 90126.	Internal Structure.
33	Section 90127.	Effective dates and transition period.
34	Section 90128.	References.
35	Section 90129.	Repealer.
36	Section 90130.	Severability.

1 **Section 90101. Short Title.**

2 **This Act may be cited as the “Public Safety Reorganization Act of**
3 **2005”.**

4 **Section 90102. Legislative Findings.**

5 *I Liheslaturan Guåhan* finds that it is in the public interest to create a
6 Department of Public Safety (DPS), to consolidate the activities of the Guam
7 Police Department, the Guam Fire Department, the Department of Corrections,
8 the Department of Youth Affairs, the Office of Highway Safety of the
9 Department of Public Works, the Airport and Port Police, the Airport Fire, the
10 Commission on Post-Mortem Examinations, the Chief Medical Examiner, and
11 the Motor Carrier program of the Department of Revenue and Taxation, and to
12 vest said new department with such powers as have heretofore been exercised
13 by the respective former departments and agencies, or portions thereof.

14 It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve
15 said departments and agencies of or modify in any way other than as expressly
16 set forth herein any of the respective existing rights, duties or obligations of the
17 departments or agencies and that such respective rights, duties and obligations
18 shall continue uninterrupted, inclusive of, but *not* limited to, any financial
19 obligations of said departments and agencies.

20 **Section 90103. Creation of the Department of Public Safety.**

1 There is created the Department of Public Safety (hereinafter referred to
2 as the “DPS” or “the Department”), a department within the Executive Branch
3 of the government of Guam.

4 **Section 90104. Director and Director Functions.**

5 **(a) Department Head.** The Department of Public Safety shall be
6 headed by a Director of Public Safety (hereafter referred to as “the Director”)
7 who shall be appointed by *I Maga’lahen Guåhan* with the advice and consent of
8 *I Liheslaturan Guåhan*. All functions of all officers, employees, and
9 organizational units of the Department are vested in the Director or as otherwise
10 provided by law.

11 **(b) Functions and Delegation Authority.** Except as otherwise
12 provided by this Act, the Director may delegate any of the Director functions to
13 a Chief.

14 The Director shall have the authority to enter into contracts, grants, and
15 cooperative agreements, and to enter into agreements with other executive
16 agencies, as may be necessary and proper to carry out the Director’s other
17 responsibilities under this Act or otherwise provided by law. The Director shall
18 take reasonable steps to ensure that information systems and databases of the
19 Department are compatible with each other and with appropriate databases of
20 other Departments.

1 **Section 90105. Divisions of the Department.**

2 The Department shall be comprised of the following divisions with functions,
3 powers and responsibilities as provided in this Chapter:

- 4 (a) The Guam Police.
- 5 (b) The Guam Fire Service.
- 6 (c) The Bureau of Corrections.
- 7 (d) The Bureau of Youth Affairs.
- 8 (e) The Office of the Chief Medical Examiner.

9 **Section 90106. Other Officers and functions.**

10 **(a) Officers.** There are the following five (5) officers appointed by *I*
11 *Maga'lahaen Guåhan* to head the respective Division within the Department and
12 shall have direction, authority, and control over it.

- 13 (1) Chief of the Guam Police.
- 14 (2) Chief of the Guam Fire Service.
- 15 (3) Chief of the Bureau of Corrections.
- 16 (4) Chief of the Bureau of Youth Affairs.
- 17 (5) Chief Medical Examiner.

18 **(b) Functions vested in the Chief.** All functions of all officers,
19 employees, and organizational units under the respective Division are vested in
20 the Chief. The Chief shall be responsible for:

1 (1) Carrying out any and all directions and guidance provided
2 by the Director with regards to the Department;

3 (2) Acting, representing, and/or carrying out, as directed by the
4 Director or the identified goals and objectives;

5 (3) Advising the Director on the impact of the Department's
6 policies, regulations, processes and practice.

7 **(c) Performance of Specific Functions.** Subject to the provisions of
8 this Act, Chiefs of the Divisions shall perform the functions specified by law
9 for the official's office or prescribed by the Director.

10 **Section 90107. Transfer of responsibilities of the Guam Police**
11 **Department to the Department of Public Safety.**

12 Except as provided in this Act, all programs, mandates, responsibilities
13 and duties of the Guam Police Department, as detailed in Division 1, of Title 5
14 of the Guam Code Annotated and in Titles 8, 9 and 10 of the Guam Code
15 Annotated, or in other laws of Guam, are transferred to the Department of
16 Public Safety, such duties, programs, mandates and responsibilities to be
17 assumed by the division of the Department designated as Guam Police.

1 **Section 90108. Maintenance of effort of federally-funded programs**
2 **in the Guam Police Department.**

3 The Department of Public Safety shall undertake and ensure full
4 continuance, operation and maintenance of effort for such programs currently
5 established under the purview of the Guam Police Department for which federal
6 funding or support has been attained, and shall meet all reporting or other
7 requirements pursuant to such assistance or funding.

8 **Section 90109. Transfer of funds and assets of the Guam Police**
9 **Department.**

10 The balance of all funds appropriated to the Guam Police Department,
11 and all balances held in revolving funds, and all funds available to the Guam
12 Police Department shall be transferred to the Department of Public Safety. All
13 real property under the management of the Guam Police Department shall be
14 transferred to the management of the Department of Safety. All supplies,
15 equipment and all material assets of the Guam Police Department shall be
16 transferred to the Department of Public Safety.

17 **Section 90110. Transfer of responsibilities of the Guam Fire**
18 **Department to the Department of Public Safety.**

19 Except as provided in this Act, all programs, mandates, responsibilities
20 and duties of the Guam Fire Department, as detailed in Division 1, of Title 5 of

1 the Guam Code Annotated and in Chapter 72 of Title 10 of the Guam Code
2 Annotated, or in other laws of Guam, are transferred to the Department of
3 Public Safety, such duties, programs, mandates and responsibilities to be
4 assumed by the division of the Department designated as the Guam Fire
5 Service.

6 **Section 90111. Maintenance of effort of federally-funded programs**
7 **in the Guam Fire Department.**

8 The Department of Public Safety shall undertake and ensure full
9 continuance, operation and maintenance of effort for such programs currently
10 established under the purview of the Guam Fire Department for which federal
11 funding or support has been attained, and shall meet all reporting or other
12 requirements pursuant to such assistance or funding.

13 **Section 90112. Transfer of funds and assets of the Guam Fire**
14 **Department.**

15 The balance of all funds appropriated to the Guam Fire Department, and
16 all balances held in revolving funds, and all funds available to the Guam Fire
17 Department shall be transferred to the Department of Public Safety. All real
18 property under the management of the Guam Fire Department shall be
19 transferred to the management of the Department of Public Safety. All

1 supplies, equipment and all material assets of the Guam Fire Department shall
2 be transferred to the Department of Public Safety.

3 **Section 90113. Transfer of responsibilities of the Department of**
4 **Corrections to the Department of Public Safety.**

5 Except as provided in this Act, all programs, mandates, responsibilities
6 and duties of the Department of Corrections, as detailed in Division 1, of Title 5
7 of the Guam Code Annotated and in Chapter 90 of Title 9 of the Guam Code
8 Annotated, or in other laws of Guam, are transferred to the Department of
9 Public Safety, such duties, programs, mandates and responsibilities to be
10 assumed by the division of the Department designated as the Bureau of
11 Corrections.

12 **Section 90114. Maintenance of effort of federally-funded programs**
13 **in the Department of Corrections.**

14 The Department of Public Safety shall undertake and ensure full
15 continuance, operation and maintenance of effort for such programs currently
16 established under the purview of the Department of Corrections for which
17 federal funding or support has been attained, and shall meet all reporting or
18 other requirements pursuant to such assistance or funding.

19 **Section 90115. Transfer of funds and assets of the Department of**
20 **Corrections.**

1 The balance of all funds appropriated to the Department of Corrections,
2 and all balances held in revolving funds, and all funds available to the
3 Department of Corrections shall be transferred to the Department of Public
4 Safety. All real property under the management of the Department of
5 Corrections shall be transferred to the management of the Department of Public
6 Safety. All supplies, equipment and all material assets of the Department of
7 Corrections shall be transferred to the Department of Public Safety.

8 **Section 90116. Transfer of responsibilities of the Department of**
9 **Youth Affairs to the Department of Public Safety.**

10 Except as provided in this Act, all programs, mandates, responsibilities
11 and duties of the Department of Youth Affairs, as detailed in Division 1, of
12 Title 5 of the Guam Code Annotated, or in other laws of Guam, are transferred
13 to the Department of Public Safety, such duties, programs, mandates and
14 responsibilities to be assumed by the division of the Department designated as
15 the Bureau of Youth Affairs.

16 **Section 90117. Maintenance of effort of federally-funded programs**
17 **in the Department of Youth Affairs.**

18 The Department of Public Safety shall undertake and ensure full
19 continuance, operation and maintenance of effort for such programs currently
20 established under the purview of the Department of Youth Affairs for which

1 federal funding or support has been attained, and shall meet all reporting or
2 other requirements pursuant to such assistance or funding.

3 **Section 90118. Transfer of funds and assets of the Department of**
4 **Youth Affairs.**

5 The balance of all funds appropriated to the Department of Youth
6 Affairs, and all balances held in revolving funds, and all funds available to the
7 Department of Youth Affairs shall be transferred to the Department of Public
8 Safety. All real property under the management of the Department of Youth
9 Affairs shall be transferred to the management of the Department of Public
10 Safety. All supplies, equipment and all material assets of the Department of
11 Youth Affairs shall be transferred to the Department of Public Safety.

12 **Section 90119. Transfer of responsibilities of the Office of Post-**
13 **Mortem Examinations to the Department of Public Safety.**

14 (a) Except as provided in this Act, all programs, mandates,
15 responsibilities and duties of the Office of Post-Mortem Examinations, as
16 detailed in Chapter 81, Division 4, of Title 10 of the Guam Code Annotated, or
17 in other laws of Guam, are transferred to the Department of Public Safety, such
18 duties, programs, mandates and responsibilities to be assumed by the division of
19 the Department designated as the Office of the Chief Medical Examiner.

1 **(b) Commission on Post-Mortem Examinations.** The Office of the
2 Chief Medical Examiner shall be operated under the control and supervision of
3 the Commission on Post-Mortem Examinations. The members of the
4 Commission shall be the Attorney General, the Chief of Police, the Director of
5 the Department of Public Health and Social Services, the President of the Guam
6 Medical Society, and the Administrator of Guam Memorial Hospital. The
7 Commission shall elect one of its members as Chairman and one as Vice-
8 Chairman. Members of the Commission shall receive no compensation but
9 they shall be repaid their actual expenses incurred in service of the
10 Commission. The Commission shall meet as often as the duties require, and
11 upon call of the Chief Medical Examiner.

12 **(c) Chief Medical Examiner.** The Chief Medical Examiner shall be a
13 citizen or a permanent resident of the United States and a physician licensed in
14 Guam who has had a minimum of two (2) years post-graduate training in
15 pathology. He shall be recommended by the Commission and approved by *I*
16 *Maga'lahaen Guåhan* to serve for such term and at such salary as the
17 Commission may fix. He may as part of his duties teach medical or law school
18 classes, conduct special classes for police investigators, and engage in other
19 activities related to the work of his office to such extent and on such terms as
20 may be authorized by the Commission. Similar authorizations may be given by

1 the Commission to other members of the staff. He shall serve as Director to the
2 Commission.

3 **Section 90120. Maintenance of effort of federally-funded programs**
4 **in the Office of Post-Mortem Examinations.**

5 The Department of Public Safety shall undertake and ensure full
6 continuance, operation and maintenance of effort for such programs currently
7 established under the purview of the Office of Post-Mortem Examinations for
8 which federal funding or support has been attained, and shall meet all reporting
9 or other requirements pursuant to such assistance or funding.

10 **Section 90121. Transfer of funds and assets of the Office of Post-**
11 **Mortem Examinations.**

12 The balance of all funds appropriated to the Office of Post-Mortem
13 Examinations, and all balances held in revolving funds, and all funds available
14 to the Office of Post-Mortem Examinations shall be transferred to the
15 Department of Public Safety. All real property under the management of the
16 Office of Post-Mortem Examinations shall be transferred to the management of
17 the Department of Public Safety. All supplies, equipment and all material
18 assets of the Office of Post-Mortem Examinations shall be transferred to the
19 Department of Public Safety.

1 **Section 90122. Transfer of responsibilities of the Motor Carrier**
2 **from the Department of Revenue and Taxation to the Department of**
3 **Public Safety.**

4 The Motor Carrier program of the Department of Revenue and Taxation,
5 and all mandates, programs and activities of said program, whether federally or
6 locally funded, are transferred herein to the Department of Public Safety and
7 shall be placed within the Guam Police. Such duties, programs, mandates and
8 responsibilities are to be assumed by the division of the Department designated
9 as Guam Police. The Department of Public Safety shall maintain all efforts and
10 be responsible for all activities, reporting or other requirements pursuant to
11 federal assistance. All assets and the balance of any appropriations to the
12 Motor Carrier program of the Department of Revenue and Taxation shall be
13 transferred to the Department of Public Safety.

14 **Section 90123. Transfer of responsibilities of the Office of Highway**
15 **Safety from the Department of Public Works to the Department of Public**
16 **Safety.**

17 The Office of Highway Safety of the Department of Public Works, and
18 all mandates, programs and activities of said program, whether federally or
19 locally funded, are transferred herein to the Department of Public Safety and
20 shall be placed within the Guam Police. Such duties, programs, mandates and

1 responsibilities are to be assumed by the division of the Department designated
2 as Guam Police. The Department of Public Safety shall maintain all efforts and
3 be responsible for all activities, reporting or other requirements pursuant to
4 federal assistance. All assets and the balance of any appropriations to the
5 Office of Highway Safety of the Department of Public Works shall be
6 transferred to the Department of Public Safety.

7 **Section 90124. Transfer of responsibilities of the Airport and Port**
8 **Police to the Department of Public Safety.**

9 Upon the effective date of this Act, all police forces maintained by the
10 Antonio B. Won Pat International Airport Authority and the Jose B. Leon
11 Guerrero Port Authority of Guam shall be transferred in whole to the Guam
12 Police of the Department of Public Safety. The Antonio B. Won Pat
13 International Airport Authority and the Jose B. Leon Guerrero Port Authority of
14 Guam shall contract with the Department of Public Safety for the provision of
15 police services within their respective jurisdictions, subject to memoranda of
16 understanding.

17 **Section 90125. Transfer of responsibilities of the Airport Fire to the**
18 **Department of Public Safety.**

19 Upon the effective date of this Act, all fire personnel maintained by the
20 Antonio B. Won Pat International Airport Authority shall be transferred in

1 whole to the Guam Fire Services of the Department of Public Safety. The
2 Antonio B. Won Pat International Airport Authority shall contract with the
3 Department of Public Safety for the provision of fire services within their
4 respective jurisdictions, subject to memoranda of understanding.

5 **Section 90126. Internal Structure.**

6 The Director of Public Safety shall organize and arrange the work of the
7 Department of Public Safety, and may establish such programs or offices as
8 necessary within the Divisions of the Department of Public Safety established
9 in Section 90104 of this Chapter. This Section is intended to restrict the
10 number of divisions within the Department of Public Safety which may be
11 established, but not to limit the establishment of offices or programs within
12 those divisions necessary to meet local or federal mandates.

13 **Section 90127. Effective dates and transition period.**

14 This Act shall be effective one hundred twenty (120) days after its
15 enactment into law. During this one hundred twenty (120) day transition
16 period, the directors of such departments or agencies affected by this Act shall
17 undertake such activity as is necessary to effect the smooth transfer of
18 employees, assets and funding pursuant to the provisions of this Chapter.

1 **Section 90128. References.**

2 Upon the effective date of this Act, all references in the laws of Guam
3 and the rules and regulations of the government of Guam to the Guam Police
4 Department, the Guam Fire Department, the Department of Corrections, the
5 Department of Youth Affairs, the Office of Highway Safety of the Department
6 of Public Works, the Airport and Port Police, the Airport Fire, or the Motor
7 Carrier program of the Department of Revenue and Taxation, and all references
8 to the directors of each, shall be construed as referring to the Department of
9 Public Safety and the Director of Public Safety respectively.

10 **Section 90129.** Except as provided in this Chapter, nothing herein shall
11 be construed as amending or repealing any provision, Section or part of the
12 Guam Code Annotated.

13 **Section 90130. Severability.**

14 *If* any provision of this Law or its application to any person or
15 circumstance is found to be invalid or contrary to law, such invalidity shall *not*
16 affect other provisions or applications of this Law which can be given effect
17 without the invalid provisions or application, and to this end the provisions of
18 this Law are severable.”