

MINA' BENTE NUEBI NA LIHESLATURAN GUÁHAN  
2007 (FIRST) Regular Session

Bill No. 40 (EC)

Introduced by:

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Edward J.B. Calvo  
A. B. Palacios, Sr.  
~~Ray Tenorio~~  
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AN ACT TO AMEND ARTICLE 3 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION ("POST"); TO AMEND 5.55 OF ARTICLE 2 OF CHAPTER 5 OF TITLE 8 OF THE GUAM CODE ANNOTATED; TO AMEND SECTIONS 32201 AND 32201.1 OF ARTICLE 2 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND SECTION 4203.1 OF ARTICLE 2 OF CHAPTER 4 OF TITLE 4 OF GUAM CODE ANNOTATED; TO AMEND SUBSECTIONS 77114(a)(3) AND 77114(a)(4) OF CHAPTER 77 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO AMEND SECTIONS 1112.2 OF ARTICLE 1 OF CHAPTER 1 AND 10111.2 OF CHAPTER 10 OF TITLE 12 OF THE GUAM CODE ANNOTATED; AND TO AMEND

**SECTION 77206 OF ARTICLE 2 OF CHAPTER 77 OF  
TITLE 21 OF THE GUAM CODE ANNOTATED.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that Guam's law-enforcement community has not maintained a consistent standard of training by which all its officers can be measured. *I Liheslaturan Guåhan* also finds that each law enforcement entity has implemented certain peace officer training requirements, which have resulted in the uneven distribution of qualifications among Guam's peace officers. *I Liheslaturan Guåhan* further finds that the lack of standard training requirements for Guam's peace officers has prevented the cooperation and collaboration of such entities in the performance of basic law enforcement duties. It is the intent of *I Liheslaturan Guåhan* to amend and re-establish the Peace Officer Standards and Training Commission ("POST") to be an independent body that is not attached or fiduciary to any government instrumentality thus allowing for the integration and synthesis of existing criminal justice curricula offered within institutions of higher education. The primary purpose of such a Commission is to assure the development of regulations and minimum professional standards to serve as the basis for the uniform recruitment operation of Guam's law enforcement entities.

**Section 2.** Article 3 of Chapter 32 of Title 17 of the Guam Code

1 Annotated is hereby amended to read as follows:

2  
3 "ARTICLE 3.

4  
5 PEACE OFFICER STANDARDS AND TRAINING COMMISSION

6  
7 §32301. Definitions.

8 §32302. ~~Creation; Peace Officer Standards and Training Commission~~  
9 ~~(POST)~~ Created; Membership; Compensation; Meetings;  
10 Publications of Procedures; Standards for Certified Training;  
11 Powers and Duties.

12 §32302.10. Termination of Commission Membership upon  
13 Reorganization.

14 §32303. Executive Director; Appointment; Powers and Duties.

15 §32303.10. Temporary vacancy of the Executive Director.

16 §32303.20. Nexus Cadre of Trainers.

17 §32304. Qualifications for Employment as a Peace Officer; Loss of  
18 Certification for Felony Conviction; Termination from  
19 Employment.

20 §32305. Certification Without Compliance with Requirements of  
21 §32304; Applicability of Civil Service Applicability  
22 Provisions.

23 §32306. POST Fund.

24 §32307. Saving Clause.

25 §32308. Conflicting Laws.

26 §323097. Effective Date.

27  
28 **§32301. Definitions.** For purposes of this Article:

29 (a) *Commission* shall mean the Peace Officer Standards and  
30 Training Commission.

1 (b) *Peace Officer* for the purpose of this article, shall mean the Chief  
2 of Police and all sworn officers of the Guam Police Department  
3 ~~including reservists, of the Guam Police Department;~~ the Chief and all  
4 officers of the Guam Airport Police; the Chief and all officers of the  
5 Guam Port Authority Police; the Director of Corrections, all uniformed  
6 Correction Officers and Parole Officers as well as all rehabilitation  
7 personnel of the Department of Corrections; the Director of Customs  
8 and all sworn officers of the Customs and Quarantine Agency; the  
9 Director and all employees of the Department of Youth Affairs who are  
10 engaged in juvenile detention and rehabilitation work, as designated by  
11 the Director of the Department of Youth Affairs; the Chief and all  
12 Conservation Officers of the Division of Aquatic and Wildlife Resources  
13 of the Department of Agriculture; the Chief and all Territorial Guam  
14 Park Patrol Officers of the Department of Parks and Recreation; the  
15 Attorney General and all investigators of the Department of Law those  
16 ~~employed by the Attorney General's Office whom he specifically~~  
17 ~~designates;~~ the Chief Marshal and all Marshals and the Chief of  
18 Probation and all Probation Officers of the Judiciary Superior Court of  
19 ~~Guam, and all Marshals of the Supreme Court of Guam;~~ all Fire Fighter  
20 Personnel engaged in the enforcement of the Fire Prevention Code, all  
21 Arson Investigators and those whom the Fire Chief specifically

1 designates; and uniformed Airport Rescue and Fire Fighting personnel  
2 of the Guam Airport Authority.

3 ~~§32302. Creation; Peace Officer Standards and Training~~  
4 ~~Commission ('POST')~~ Created; Membership; Compensation;  
5 Meetings; Publications of Procedures; Standards for Certified  
6 Training; Powers and Duties. (a) There is hereby created a Peace  
7 Officer Standards and Training Commission. The Commission shall be  
8 composed of the following members:

9 (1) the Chief of the Guam Police Department, or his  
10 designated representative;

11 (2) the Chief of the Guam Airport Police, or his designated  
12 representative;

13 (3) the Chief of the Guam Port Police, or his designated  
14 representative.

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

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

18 (6) the Director of the Department of Corrections, or his  
19 designated representative;

20 (7) the Director of the Department of Youth Affairs, or his  
21 designated representative;

1 (8) the Superintendent of the Territorial Guam Park Patrol  
2 Officers of the Department of Parks and Recreation, or his  
3 designated representative;

4 ~~(9) the Chief of the Division of Aquatic and Wildlife~~  
5 ~~Resources of the Department of Agriculture, or his designated~~  
6 ~~representative;~~

7 ~~(10)~~(9) two (2) persons at large, selected by the Commission;

8 ~~(11)~~(10) one (1) non-voting representative from the  
9 University of Guam (UOG), appointed by the President of the  
10 University of Guam;

11 (11) one (1) non-voting representative from the Guam  
12 Community College (GCC), appointed by the President;

13 (12) the Chief Marshal of the ~~Superior Court of Guam~~  
14 Judiciary, or his designated representative;

15 ~~(13) the Chief Marshall of the Supreme Court of Guam, or~~  
16 ~~his designated representative;~~

17 ~~(14)~~(13) the Fire Chief of the Guam Fire Department, or his  
18 designated representative; and

19 ~~(15) the Fire Chief of the Airport Rescue Fire of the Guam~~  
20 ~~Airport Authority, or his designated representative;~~

21 (14) the Chief Probation Officer of the Judiciary, or his

1                   designated representative.

2                   (b) Members of the Commission shall receive no compensation,  
3 but shall be reimbursed under §23103 and §23104 of Title 5 of the Guam  
4 Code Annotated for travel and per diem expenses incurred in the  
5 performance of their duties. For purposes of compensation, attendance  
6 at meetings of the Commission shall be deemed performance by a  
7 member of the duties of his local governmental employment.

8                   (c) The Commission shall hold at least four (4) meetings per year.

9                   (d) The Commission shall establish and publish its procedures.

10                  (e) The Commission shall establish standards for certification of  
11 peace officer training.

12                  (f) The Commission shall establish reasonable fees for the  
13 application and processing for the certification ~~and recertification~~ of  
14 peace officers.

15                  (g) ~~Recertification by the Commission, including a thorough~~  
16 ~~background investigation, will be required of all POST-certified peace~~  
17 ~~officers within three (3) years from the effective date of initial POST~~  
18 ~~certification.~~ The Commission in coordination with affected agencies  
19 shall establish:

20                         ~~(1) requirements concerning courses of study, attendance,~~  
21 ~~equipment and facilities for peace officer training;~~

1                   ~~(2) qualifications for peace officer training instructors;~~  
2                   ~~(3) basic training requirements for peace officers;~~  
3                   (1) requirements and minimum standards for the  
4                   certification of peace officers;

5                   (2) categories of peace officer certification with respect to the  
6                   duties and requirements of respective fields;

7                   (3) minimum qualifications for peace officer training  
8                   instructors;

9                   (4) minimum training requirements for peace officers;

10                  ~~(4)~~ (5) core curriculum for all designated programs; and

11                  ~~(5)~~ (6) categories or classifications of advanced in-service  
12 training programs and minimum courses of study and attendance  
13 requirements with respect to the categories or classifications.

14 (h) The Commission shall:

15                  ~~(1) recommend to the Executive Director, studies, surveys~~  
16                  ~~and reports regarding the purposes of this Act;~~

17                  ~~(2)~~(1) visit and inspect any peace officer training program or  
18                  component during any appropriate time;

19                  ~~(3)~~(2) adopt and promulgate such rules and regulations as it  
20                  deems proper to fully effectuate and carry out the purpose of this  
21                  Article, subject to the provisions of the Administrative



1 Adjudication Law;

2 (4)(3) prescribe reasonable minimum qualifications relating  
3 solely to physical, mental and moral fitness for persons recruited,  
4 appointed or retained as peace officers by Guam;

5 (5)(4) deny, suspend or revoke certification of peace officers  
6 for substantial failure to comply with this Article or the rules of  
7 the Commission, subject to the procedural policies promulgated  
8 pursuant to the Administrative Adjudication Law;

9 ~~(6) in exercising its powers and duties, utilize the services of~~  
10 ~~personnel under the Guam Community College's Professional-~~  
11 ~~Technological Institute;~~

12 (6)(5) recommend to the respective appointing authorities  
13 qualifications of candidates for the office of Chief of Police, the  
14 Chief Marshal, the Chief Probation Officer, the Director of  
15 Corrections, and the Director of Customs and Quarantine Agency;  
16 ~~and~~

17 (6) provide management survey and managerial assistance  
18 as requested by corrections and law enforcement agencies;

19 (7) provide by rule for the reciprocity and recognition of  
20 equivalent entry level core basic training at a training center by  
21 law enforcement officers of the federal government, states or

1 territories of the United States, and, may require such additional  
2 training for certification as the Commission deems necessary;

3 (8) provide by rule for the reciprocity and recognition of law  
4 enforcement officers of the federal government, states or territories  
5 of the United States with five (5) or more years of law enforcement  
6 experience. The Commission may waive the equivalent number of  
7 hours of training that an officer obtained in another jurisdiction  
8 and may require such law officer to complete training in Guam  
9 law; and

10 (9) provide by rule for the reciprocity and recognition of a  
11 graduate of the Federal Bureau of Investigation (FBI) National  
12 Academy or its equivalent; holds a bachelors degree in criminal  
13 justice or a related field received from an accredited college or  
14 university; or, a doctorate of jurisprudence degree received from a  
15 college or university recognized by the American Bar Association.

16 (10) provide by rule for a temporary certification for peace  
17 officers who have previously completed basic peace officer  
18 training but have since left service in good standing, during which  
19 time said peace officers shall satisfy standards and training  
20 requirements as set by the commission;

21 (11) provide by rule for a temporary certification for peace

1 officers from other jurisdictions who have completed basic peace  
2 officer training and have since left service in good standing,  
3 during which time, said peace officers shall satisfy standards and  
4 training requirements as set by the commission; and

5 (12) establish supervisory, managerial, and executive level  
6 standards and certification and may enter into a professional  
7 development agreement with the Guam Community College, the  
8 University of Guam, or another suitable institution.

9 **§32302.10. Termination of Commission Membership upon**  
10 **Reorganization.** A Commissioner whose membership to the Commission is  
11 effectuated pursuant to §32302 (a) (1), (2), (3), (6), (7), (8), (13) or (14) of this  
12 Chapter shall immediately terminate upon a reorganization of the agency or  
13 department to which the member represents; and, upon the subordination of  
14 a member's representation by another member on the Commission.

15 **§32303. Executive Director, Appointment, Powers and Duties.**

16 (a) The Executive Director of the Commission shall be appointed  
17 by ~~the President of the Guam Community college with the concurrence~~  
18 and serve at the pleasure of the Commission. The Executive Director  
19 shall be the chief executive officer of the Commission. The ~~Executive~~  
20 ~~Director shall meet the following qualifications~~ Commission shall  
21 establish the minimum qualifications for the Executive Director. ~~of the~~

1 Commission:

2 ~~(1) a minimum of five (5) years of progressive senior~~  
3 ~~management experience in law enforcement;~~

4 ~~(2) a bachelor's degree in Police Science and~~  
5 ~~Administration, Criminal Justice, Public Administration, or~~  
6 ~~closely related field or discipline at an accredited institution;~~  
7 and

8 ~~(3) graduation from a recognized law enforcement~~  
9 ~~management training institution.~~

10 (b) With the approval of the Commission, the Executive Director  
11 may:

12 (1) ~~certify instructors at approved peace officer training~~  
13 ~~academies and issue appropriate certificates to instructors and~~  
14 issue certificates, as appropriate, to Peace Officer training  
15 programs or institutions.

16 (2) certify peace officers who have satisfactorily completed  
17 ~~the basic~~ training programs as outlined in this Act and issue  
18 appropriate certificates to peace officers;

19 (3) consult and cooperate with peace officer training  
20 academies for the development of the basic and ~~advanced~~  
21 continuing education training programs for peace officers;

1 (4) consult and cooperate with the University of Guam,  
2 Guam Community College, ~~and~~ other institutions of higher  
3 education, or any POST certified advanced training programs for  
4 the development of specialized courses of study on Guam for  
5 peace officers in the areas of police science, police administration,  
6 ~~and the~~ social sciences and other related areas;

7 (5) consult and cooperate with other departments and  
8 agencies concerned with peace officer training; and

9 (6) report to the Commission at regular meetings of the  
10 Commission and at other times as required and recommend  
11 denial, suspension or revocation of certification of a peace officer  
12 to the Commission as deemed necessary.

13 **§32303.10. Temporary vacancy of the Executive Director.** In case of the  
14 temporary vacancy of the Executive Director, arising by reason of the death,  
15 resignation, removal, or permanent disability of an Executive Director, or for  
16 any other reason, the Chief of Police of the Guam Police Department, shall  
17 become the Executive Director until such time the Commission appoints a  
18 new Executive Director.

19 **§32303.20. Nexus Cadre of Trainers.**

20 (a) The Guam Police Department, Customs and Quarantine  
21 Agency, Guam Fire Department, Department of Corrections, and the

1 Department of Law shall respectively designate one (1) or more  
2 qualified employees to participate in the cadre of trainers of the *Peace*  
3 *Officer Standards and Training Commission (POST)*. The Commission  
4 based on qualification and POST specialized training needs, shall  
5 appoint trainers from the cadre to actively train peace officer recruits for  
6 POST programs.

7 (b) An appointed trainer shall be under the direct supervision  
8 and responsibility of the Executive Director while participating within  
9 POST programs for the duration of the training cycle. The Commission  
10 may assign such supervision and responsibility to another government  
11 agency with a certified POST training program.

12 (c) In carrying out the provisions of this Section and  
13 notwithstanding any other law affecting the collateral or reassignment  
14 of an employee as a POST trainer, the employee's participation shall be  
15 deemed as part of the performance of an employee's usual duties and  
16 such employee shall not be compensated by POST but by the employing  
17 agency at the employee's prevailing salary.

18 **§32304. Qualifications for Employment as a Peace Officer; Loss of**  
19 **Certification for Felony Conviction; Termination from Employment.**

20 (a) Within fifteen (15) days after the appointment, termination,  
21 resignation or death of any peace officer, written notice thereof shall be

1 given to the Commission by the employing agency.

2 (b) No public official, Guam agency or any other person  
3 authorized by law to appoint peace officers on Guam shall appoint any  
4 person as a peace officer who does not meet the following qualifications.

5 The person shall:

6 (1) be a United States citizen;

7 (2) be at least eighteen (18) years old, ~~or in the case of the~~  
8 ~~Guam Police Department over the age of nineteen (19) years of age;~~

9 (3) be fingerprinted; ~~territorial~~ local and national fingerprint  
10 files shall be searched to determine if the applicant has a criminal  
11 record;

12 (4) not have been convicted ~~of a felony~~ in any civilian or  
13 military court of a felony, a crime involving moral turpitude, a  
14 crime of domestic or family violence, or having been pardoned or  
15 commuted by I Maga'lahañ Guåhan on a conviction of any of  
16 these crimes;

17 (5) hold a high school diploma or evidence of an equivalent  
18 achievement;

19 (6) have good moral character as determined by a  
20 background investigation; the hiring agency shall complete a  
21 background investigation defined by the Commission of any

1 applicant for employment as a peace officer before the applicant  
2 may be employed or begin training as a peace officer;

3 (7) be free of any physical, emotional or mental conditions  
4 which might adversely affect his performance of duty as a peace  
5 officer; physical condition shall be evaluated by a person licensed  
6 to practice medicine; emotional and mental conditions shall be  
7 evaluated by a licensed psychologist or psychiatrist; and

8 (8) pass an oral interview examination by the hiring agency.

9 (c) Notwithstanding any general, specific or local law or charter to  
10 the contrary, no person shall receive an original appointment on a  
11 permanent basis or hold an appointment on a permanent basis as a  
12 peace officer, unless the person has been awarded a certificate by the  
13 Executive Director attesting to his satisfactory completion of an  
14 approved peace officer basic training program.

15 (d) Notwithstanding Subsection (c) of this Section, the  
16 Commission may waive the basic peace officer training program by  
17 reciprocity or equivalency pursuant to Subsections 32302(h)(8), (9), or  
18 (10) and certify those applicants ~~who can pass upon passing~~ a written  
19 examination ~~provided~~ established by the Commission ~~and~~ or an oral  
20 interview attesting to the applicant's ability in law enforcement. The  
21 applicant shall prove that he satisfactorily completed a basic peace



1 officer training program which in the Commission's opinion is  
2 comparable to that required by this Section before waiver is granted.

3 (e) Notwithstanding any law and applicability to Civil Service  
4 requirements, a person who is convicted of a felony, a crime involving  
5 moral turpitude, or a crime of domestic or family violence after his  
6 appointment as a peace officer is ineligible for continued employment as  
7 a peace officer. If the person has been certified under this Section, his  
8 certification shall be automatically revoked on the date of his conviction.  
9 The Executive Director shall notify the person and the person's  
10 employing agency upon revocation of certification under this  
11 Subsection.

12 (f) In the case of termination of a peace officer, the employing  
13 agency shall notify the Commission and the officer, in writing, of the  
14 termination setting forth in detail the facts and reasons for the  
15 termination. If the officer is terminated for failure to comply with this  
16 Act, or rules promulgated under it, the notice shall so specify. Any  
17 officer who has been terminated may present a written statement to the  
18 Commission responding to the claims made against him or setting forth  
19 the facts and reasons for the termination as he believes them to be, and  
20 that statement shall become a permanent part of the file. A potential  
21 employer may contact the Commission to inquire as to the facts and

1 reasons an officer was terminated from any previous employing agency.  
2 Unless otherwise prohibited by law, the Commission shall, upon  
3 request provide to the potential employer all pertinent information  
4 which is in its possession.

5 **§32305. Certification Without Compliance with Requirements of**  
6 **§32304; Applicability of Civil Service Applicability Provisions.**

7 (a) Notwithstanding any other provision within this Article, any  
8 person who has been employed on a permanent basis as a peace officer  
9 for five (5) consecutive years on Guam prior to the enactment of this Act  
10 January 1, 1997 and who is currently employed as a peace officer or has  
11 been previously employed as a peace officer for a period of at least 10  
12 years prior to enactment, shall be certified as a peace officer by the  
13 Executive Director without having complied with §32304(b) and (c).

14 (b) Nothing in this Act shall be construed to except any peace  
15 officer from the provisions or requirements of civil service.

16 (c) An employing agency may establish qualifications and  
17 standards for hiring and training that exceed the minimum  
18 qualifications and standards set by the Commission.

19 **§32306. POST Fund.**

20 (a) The Commission may solicit, apply to or accept grants of  
21 money or materials or property of any kind from the Federal

1 government, the government of Guam territory, any agency or political  
2 subdivision of the government of Guam territory or any person and  
3 business upon the terms and conditions imposed by the grantor. The  
4 Commission shall establish and collect fees for the services it performs.

5 Notwithstanding any other provision of law, all funds received by  
6 the Commission in accordance with this Chapter shall be deposited  
7 within five (5) days of receipt with the Treasurer of Guam for credit to  
8 the "*POST Fund*" ("Fund") established pursuant to Subsection (b) of this  
9 Section. Funds shall be used by the Commission to carry out its  
10 functions for administration, operations, training costs of Peace Officers,  
11 management surveys, research, management assistance, and other  
12 operating expenses and encumbrances of the Commission in performing  
13 its duties and obligations as prescribed in this Chapter. The Executive  
14 Director ~~is~~ shall be the Certifying Officer of the Fund.

15 (b) There is hereby created, separate and apart from other funds of  
16 the government of Guam, a fund to be known as the "*POST Fund*"  
17 ("Fund"). The Fund shall not be commingled with the General Fund and  
18 shall be kept in a separate account. The Fund shall be under the control  
19 of the Commission and the Director of Administration ("Director"). The  
20 Director shall administer the Fund and release the necessary monies  
21 upon request for expenditures by the Executive Director authorized by

1 this Section. The Fund shall not be used for any purposes other than  
2 those enumerated or reasonably inferred herein or for purposes other  
3 than those relating to the Commission. In exercising its functions, the  
4 Commission shall endeavor to minimize costs of administration so that  
5 a maximum of funds will be expended for the purpose of providing  
6 training and other services to law enforcement agencies. The Director of  
7 Administration shall make a quarterly report to ~~the Governor~~ *I*  
8 *Maga'laha* *Guåhan* and *I Liheslaturan Guåhan* ~~the Guam Legislature~~ of  
9 the condition of, and activity within, the Fund.

10 (c) The POST Fund is hereby excluded from any transfer authority  
11 given to *I Maga'laha Guåhan*. Any subsequent authorization, granting *I*  
12 *Maga'laha Guåhan* authority to transfer funds categorically or through a  
13 blanket authorization from *I Liheslaturan Guåhan* from the Special Funds  
14 must reference the POST Fund as a source to allow any transfer of funds  
15 to occur.

16 §32307. Savings Clause. This Act does not explicitly pre-empt other  
17 laws or regulations that preserve to a greater degree the powers of *I*  
18 *Maga'laha Guåhan* or the Judiciary; provided, such laws or regulations are  
19 consistent, and do not otherwise restrict or interfere, with the operation or  
20 enforcement of the provisions of this Act.

21 §32308. Conflicting Laws.

1           (a) Federal Supremacy. This Article does *not* restrict any person  
2           or government instrumentality from complying with Federal law or  
3           regulations.

4           (b) Prior Conflicting Acts. In the event of a conflict between  
5           this Article and other local laws or regulations concerning training  
6           standards and certification of peace officers, the provisions of this  
7           Article shall apply.

8           ~~§32307~~§32309. **Effective Date.** The Commission shall be established and  
9           become operational immediately. Incumbent peace officers shall have thirty-  
10          six (36) months from the date of the promulgation of rules and regulations as  
11          required by §32302(h)(~~32~~), to be POST certified, except that the Commission  
12          may grant extensions as it deems necessary to protect the integrity of agency  
13          operations.”

14          **Section 3.** Section 5.55 of Article 2 of Chapter 5 of Title 8 of the Guam  
15          Code Annotated is hereby amended to read as follows:

16                 **“Section 5.55. Peace Officer Defined.** As used in this Code,  
17          peace officer includes:

18                         (a) All Municipal Mayors;

19                         (b) All Municipal Vice Mayors;

20                         (c) The Chief of Police and all Officers of the Guam Police  
21                         Department;

- 1 (d) The Director of Corrections, Correction and Parole Officers,  
2 and Rehabilitative Personnel of the Department of Corrections;
- 3 (e) The Attorney General and those investigators employed by the  
4 Attorney Generals' Office whom the Attorney General  
5 specifically designates;
- 6 (f) The Director of Customs, Customs and Quarantine Officers of  
7 the Customs and Quarantine Agency, and those persons under  
8 the service of the Agency whom the Director of Customs  
9 specifically designates;
- 10 (g) The Chief of the Division of Aquatic and Wildlife Resources  
11 and Conservation Officers of the Division of Aquatic and  
12 Wildlife Resources of the Department of Agriculture.
- 13 (h) Compliance Officers and Criminal Investigation Supervisors  
14 and Criminal Tax Investigators of the Department of Revenue  
15 and Taxation;
- 16 (i) The Chief Marshal, ~~Superior Court~~ Marshals, and Special  
17 Deputy Marshals of the Judiciary;
- 18 (j) The Director and ~~E~~employees of the Department of Youth  
19 Affairs who are engaged in juvenile detention and  
20 rehabilitation work as designated by the Director of the  
21 Department of Youth Affairs.

1 (k) The Chief Probation Officer and all Probation Officers of the  
2 Superior Court of Guam Judiciary;

3 (l) Criminal Investigators of the United States Government as  
4 defined as any individual duly authorized by a department,  
5 agency or armed force of the United States to conduct or  
6 engage in investigations of or prosecutions for violations of the  
7 criminal laws of the United States. Included, but not limited to  
8 this Subsection, would be Criminal Investigators of the Drug  
9 Enforcement Administration;

10 (m) Fire Personnel when engaged in the enforcement of the Fire  
11 Prevention Code, all Arson Investigators, and those as  
12 designated by the Fire Chief of the Guam Fire Department;

13 (n) The Chief of Guam Airport Police and All Guam Airport  
14 Police Officers;

15 (o) The Chief and All of the Jose D. Leon Guam Port Authority  
16 Police Officers; and

17 (p) The Chief and All Guam Park Patrol Officers of the  
18 Department of Parks and Recreation.

19 **Section 4.** Section 32201 of Article 2 of Chapter 32 of Title 17 of the  
20 Guam Code Annotated is hereby amended to read as follows:

21 **“Section 32201. Guam Community College Training Programs**

1           **and Unauthorized Training Liability.** There is within the Guam  
2           Community College a training academy herein referred to as the Guam  
3           Community College Training Programs, which shall provide support to  
4           all for:

5           (1) Local public safety training of all government of Guam  
6           personnel defined as peace officers in accordance with ~~Public Law~~  
7           ~~24-145 and~~ §32301(b) of Article 3 of Chapter 32 of Title 17 of the  
8           Guam Code Annotated meeting all public safety training  
9           standards. This includes the establishment of a trainer program in  
10          conjunction with the respective public safety  
11          agencies/departments, as provided for in §32201.10.

12          (2) All training within a technical/trade institution profession.  
13          This includes all current and planned programs under the Guam  
14          Community College's purview;

15          (3) Shall be ~~the sole~~ a certification agency for ~~recruit public~~  
16          ~~safety~~ the Peace Officer Standards and Training Commission  
17          (POST) recruit training. Any references to "in-house" training and  
18          specialized training shall be administered by the respective  
19          agencies and separated from the initial requirement for academy  
20          training purposes. All certification made shall be limited to POST  
21          academy recruits or such certifications as promulgated by POST.



1           It is hereby established that any taxpayer may sue pursuant to 5  
2 GCA §7103A to hold Directors of agencies/departments personally liable  
3 for expending money without proper appropriation, without proper  
4 authority, illegally or contrary to law with regard to training of law  
5 enforcement personnel ~~is hereby established~~. Any liabilities resulting  
6 from personnel not certified under the "POST" Academy will be the  
7 personal responsibility of the Director/ Agency Head and shall not be  
8 covered under the color of law."

9           **Section 4.** Section 32201.1 of Article 2 of Chapter 32 of Title 17 of the  
10 Guam Code Annotated is hereby repealed and re-enacted to read as follows:

11           **"Section 32201.10. Cadre of Trainers.** Pursuant to 17 GCA  
12 Chapter 32 Article 2 §32301.10. establishing the POST Cadre of Trainers,  
13 the Guam Community College shall coordinate and enter into  
14 agreement with the Peace Officer Standards and Training Commission  
15 (POST) towards assigning and utilizing trainers for POST certified  
16 training programs at the Guam Community College."

17           **Section 5.** Section 1112.2 of Article 1 of Chapter 1 of Title 12 of the  
18 Guam Code Annotated is hereby amended to read as follows:

19           **"§ 1112.2. Training of Officers.** All Airport Security Officers shall  
20 be required to complete all training requirements established by the  
21 Peace Officers Standards and Training Commission ~~with a minimum of~~

1 ~~at least 120 hours on the laws of arrest, searches and seizures, the Motor~~  
2 ~~Vehicle Code of Guam, the Criminal and Correctional Code, the use and~~  
3 ~~handling of firearms~~ and such training standards as required to  
4 effectively carry out their duties and responsibilities as peace officers.  
5 ~~Such training shall be conducted by the Guam Community College~~  
6 ~~applying the standards used in the training of the police officers for the~~  
7 ~~Department of Public Safety."~~

8 **Section 6.** Section 77206 of Article 2 of Chapter 77 of Title 21 of the  
9 Guam Code Annotated is amended to read as follows:

10 "§ 77206. **Same: Training.** A Territorial Guam Park Patrol  
11 Officer shall be required to complete all training requirements  
12 established by the Peace Officers Standards and Training Commission  
13 ~~with a minimum of at least 120 hours on the laws of arrest, search,~~  
14 ~~seizures, the Vehicle Code of Guam, the Criminal and Correctional~~  
15 ~~Code, the Criminal Procedure Code, laws, rules and regulations relating~~  
16 ~~to the Park System, the use and handling of firearms,~~ and such other  
17 training as is required to effectively carry out such officer's duties and  
18 responsibilities as a peace officer. ~~Such training shall be primarily~~  
19 ~~conducted by the Guam Community College, applying the standards~~  
20 ~~used in the training of the police officers for the Guam Police~~  
21 ~~Department."~~

1           **Section 7.** Section 10111.2 of Article 1 of Chapter 10 of Title 12 of the  
2 Guam Code Annotated is hereby amended to read as follows:

3           “**§ 10111.2. Training of Officers.** All Port Security Force officers  
4 shall be required to complete all training requirements established by  
5 the Peace Officers Standards and Training Commission ~~, with a~~  
6 ~~minimum of one hundred twenty (120) hours, on the laws of arrest,~~  
7 ~~searches and seizures, the Vehicle Code of Guam, the Criminal and~~  
8 ~~Correctional Code, the use and handling of firearms, and such other~~  
9 training as required to effectively carry out their duties and  
10 responsibilities as peace officers. ~~In addition, refresher training in the~~  
11 ~~areas of search and seizure, arrest and the use of firearms shall be given~~  
12 ~~to each officer annually for a minimum of ten (10) hours. All such~~  
13 ~~training shall be conducted at a local institution applying the standards~~  
14 ~~used in the training of the police officers for the Guam Police~~  
15 ~~Department.”~~

16           **Section 8.** Section 4203.1 of Article 2 of Chapter 4 of Title 4 of the Guam  
17 Code Annotated is hereby amended to read as follows:

18           “**§ 4203.1. Prohibition: Convicted Felons.** ~~It is the intent of the~~  
19 ~~Legislature to prohibit convicted felons from being employed as~~  
20 ~~peace officers in critical law enforcement agencies or departments~~  
21 ~~of the government.~~ No person shall be employed as a peace

1 officer as defined in 8 GCA § 5.55(c), (d), (e), (f), (g), (h), (i), (j), ~~and~~  
2 (k), (m), (n), (o) and (p) ~~and 12 GCA § 1112.1(b)~~ who has been  
3 previously convicted of a felony in any civilian or military court, a  
4 crime involving moral turpitude, a crime of domestic or family  
5 violence, or having been pardoned or commuted by I Maga'laha  
6 Guåhan on a conviction of any of these crimes;"

7 **Section 9.** Subsection 77114(a)(3) and Subsection 77114(a)(4) of Chapter  
8 77 of Title 10 of the Guam Code Annotated is hereby amended to read as  
9 follows:

10 "(3) be over the age of ~~nineteen (19)~~ eighteen (18) years;

11 (4) be a high school graduate or equivalent, but the Chief of Police  
12 may set higher academic qualifications for all applicants as the  
13 Chief of Police considers;"

14 **Section 10. Effective Date.** The provisions of this Act shall take effect  
15 upon signature of *I Maga'laha Guåhan*.

16 **Section 11. Severability.** If any provision of this Law or its  
17 application to any person or circumstance is found to be invalid or contrary to  
18 law, such invalidity shall not affect other provisions or applications of this  
19 Law which can be given effect without the invalid provisions or application,  
20 and to this end the provisions of this Law are severable.