

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

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Bill No. 83 ^{LS}
(EC)

Introduced by:

[Handwritten signatures and names]
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Guaita Guirra
A.O. M. A. S. Sr.
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AN ACT TO ADD DIVISION 9, CHAPTER 90 TO
TITLE 5 OF THE GUAM CODE ANNOTATED
RELATIVE TO THE CREATION OF THE
DEPARTMENT OF PUBLIC SAFETY AND TO
REORGANIZE AND CONSOLIDATE SEVERAL
GOVERNMENT OF GUAM AGENCIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that there
3 exists certain redundancies within the Government of Guam and that in order
4 to provide the most effective and efficient government possible, certain
5 agencies with purview over public safety must be consolidated.

6 *I Liheslaturan Guåhan* finds that the time is right for the reorganization of
7 the Government of Guam and that it is in the island of Guam's best interest to
8 promote positive change.

1 This Act does not change the missions or responsibilities of the
2 respective departments or agencies affected by it. Rather, this Act unites these
3 departments and agencies under a single department that shall hereby be
4 known as the Department of Public Safety.

5 **Section 2.** Division 9, Chapter 90 is hereby added to Title 5 of the Guam
6 Code Annotated:

7 **“CHAPTER 90.**

8 **DEPARTMENT OF PUBLIC SAFETY.**

9	Section 90101.	Short Title
10	Section 90102.	Creation of the Department of Public
11		Safety.
12		
13	Section 90103.	Department Leadership and Delegation
14		of Authority.
15		
16	Section 90104.	Divisions of the Department.
17	Section 90105.	Other Officers and functions
18	Section 90106.	Transfer of responsibilities of the Guam
19		Police Department to the Department of
20		Public Safety.
21		
22	Section 90107.	Maintenance of effort of federally-funded
23		programs in the Guam Police

1 Department.

2
3 **Section 90108.** **Transfer of funds and assets of the Guam**
4 **Police Department.**

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6 **Section 90109.** **Transfer of responsibilities of the Guam**
7 **Fire Department to the Department of**
8 **Public Safety.**

9
10 **Section 90110.** **Maintenance of effort of federally-funded**
11 **programs in the Guam Fire Department.**

12
13 **Section 90111.** **Transfer of funds and assets of the Guam**
14 **Fire Department.**

15
16 **Section 90112.** **Transfer of responsibilities of the**
17 **Department of Corrections to the**
18 **Department of Public Safety.**

19
20 **Section 90113.** **Maintenance of effort of federally-funded**
21 **programs in the Department of**
22 **Corrections.**

23
24 **Section 90114.** **Transfer of funds and assets of the**
25 **Department of Corrections.**

26
27 **Section 90115.** **Transfer of responsibilities of the**

1 Department of Youth Affairs to the
2 Department of Public Safety.

3
4 **Section 90116.** Maintenance of effort of federally-funded
5 programs in the Department of Youth
6 Affairs.

7
8 **Section 90117.** Transfer of funds and assets of the
9 Department of Youth Affairs.

10
11 **Section 90118.** Transfer of responsibilities of the Office
12 of Post-Mortem Examinations to the
13 Department of Public Safety.

14
15 **Section 90119.** Maintenance of effort of federally-funded
16 programs in the Office of Post-Mortem
17 Examinations.

18
19 **Section 90120.** Transfer of funds and assets of the Office
20 of Post-Mortem Examinations.

21
22 **Section 90121.** Transfer of responsibilities of the Motor
23 Carrier from the Department of Revenue
24 and Taxation to the Department of Public
25 Safety.

26
27 **Section 90122.** Transfer of responsibilities of the Office
28 of Highway Safety from the Department

1 of Public Works to the Department of
2 Public Safety.

3
4 **Section 90123.** **Transfer of responsibilities of the Airport**
5 **and Port Police to the Department of**
6 **Public Safety.**

7
8 **Section 90124.** **Transfer of responsibilities of the Airport**
9 **Fire to the Department of Public Safety.**

10
11 **Section 90125.** **Internal Structure.**

12 **Section 90126.** **Effective dates and transition period.**

13 **Section 90127.** **References.**

14 **Section 90128.** **Repealer.**

15 **Section 90129.** **Severability.**

16
17 **Section 90101. Short Title.**

18 **This Act may be cited as the “Public Safety Reorganization Act of**
19 **2007”.**

20 **Section 90102. Creation of the Department of Public Safety.**

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

4 **Section 90103. Department Leadership and Delegation of**
5 **Authority.**

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

12 **(b) Deputy Director.** The Director shall appoint a Deputy
13 Director and fix his duties as may be necessary for the purposes of this
14 chapter.

15 **(c) Functions and Delegation Authority.** Except as otherwise
16 provided by this Act, the Director may delegate any of the Director

1 functions to an office within the Department.

2 The Director shall have the authority to enter into contracts,
3 grants, and cooperative agreements, and to enter into agreements with
4 other executive agencies, as may be necessary and proper to carry out
5 the Director's other responsibilities under this Act or otherwise
6 provided by law. The Director shall take reasonable steps to ensure that
7 information systems and databases of the Department are compatible
8 with each other and with appropriate databases of other Departments.

9 **Section 90104. Divisions of the Department.**

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

- 12 (a) The Guam Police Division.
- 13 (b) The Guam Fire Division.
- 14 (c) The Division of Corrections.
- 15 (d) The Division of Youth Affairs.
- 16 (e) The Office of the Chief Medical Examiner.

17 **Section 90105. Other Officers and functions.**

1 **(a) Officers.** There are the following five (5) officers within the
2 Department who shall have direction, authority, and control over their
3 respective Divisions.

4 (1) Police Commander; who shall be the highest-ranking
5 sworn officer.

6 (2) Battalion Chief of the Guam Fire Division; who shall
7 be the highest-ranking sworn officer as determined by taking into
8 consideration rank and length of service.

9 (3) Warden of the Division of Corrections; who shall be
10 the highest-ranking sworn officer.

11 (4) Assistant Director of the Division of Youth Affairs.

12 (5) Chief Medical Examiner.

13 **(b) Functions vested in the Division Heads.** All functions of all
14 officers, employees, and organizational units under the respective
15 Division are vested in the Division Head. The Division Head shall be
16 responsible for:

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

3 (2) Acting, representing, and/or carrying out, as directed by
4 the 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
8 provisions of this Act, Division Heads shall perform the functions
9 specified by law for the official's office or prescribed by the Director.

10 **Section 90106. 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,
13 responsibilities and duties of the Guam Police Department, as detailed in
14 Division 1, of Title 5 of the Guam Code Annotated and in Titles 8, 9 and 10
15 of the Guam Code Annotated, or in other laws of Guam, are transferred to
16 the Department of Public Safety. Such duties, programs, mandates and

responsibilities are to be assumed by the division of the Department designated as Guam Police.

Section 90107. Maintenance of effort of federally-funded programs in the Guam Police Department.

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

Section 90108. Transfer of funds and assets of the Guam Police Department.

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

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

4 **Section 90109. Transfer of responsibilities of the Guam Fire**
5 **Department to the Department of Public Safety.**

6 Except as provided in this Act, all programs, mandates,
7 responsibilities and duties of the Guam Fire Department, as detailed in
8 Division 1, of Title 5 of the Guam Code Annotated and in Chapter 72 of
9 Title 10 of the Guam Code Annotated, or in other laws of Guam, are
10 transferred to the Department of Public Safety, such duties, programs,
11 mandates and responsibilities to be assumed by the division of the
12 Department designated as the Guam Fire Service.

13 **Section 90110. Maintenance of effort of federally-funded programs**
14 **in the Guam Fire Department.**

15 The Department of Public Safety shall undertake and ensure full
16 continuance, operation and maintenance of effort for such programs

1 currently established under the purview of the Guam Fire Department for
2 which federal funding or support has been attained, and shall meet all
3 reporting or other requirements pursuant to such assistance or funding.

4 **Section 90111. Transfer of funds and assets of the Guam Fire**
5 **Department.**

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

13 **Section 90112. Transfer of responsibilities of the Department of**
14 **Corrections to the Department of Public Safety.**

15 Except as provided in this Act, all programs, mandates,
16 responsibilities and duties of the Department of Corrections, as detailed in

1 Division 1, of Title 5 of the Guam Code Annotated and in Chapter 90 of
2 Title 9 of the Guam Code Annotated, or in other laws of Guam, are
3 transferred to the Department of Public Safety, such duties, programs,
4 mandates and responsibilities to be assumed by the division of the
5 Department designated as the Bureau of Corrections.

6 **Section 90113. Maintenance of effort of federally-funded programs**
7 **in the Department of Corrections.**

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

13 **Section 90114. Transfer of funds and assets of the Department of**
14 **Corrections.**

15 The balance of all funds appropriated to the Department of
16 Corrections, and all balances held in revolving funds, and all funds

1 available to the Department of Corrections shall be transferred to the
2 Department of Public Safety. All real property under the management of
3 the Department of Corrections shall be transferred to the management of
4 the Department of Public Safety. All supplies, equipment and all material
5 assets of the Department of Corrections shall be transferred to the
6 Department of Public Safety.

7 **Section 90115. Transfer of responsibilities of the Department of**
8 **Youth Affairs to the Department of Public Safety.**

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

15 **Section 90116. Maintenance of effort of federally-funded programs**
16 **in the Department of Youth Affairs.**

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

7 **Section 90117. Transfer of funds and assets of the Department of**
8 **Youth Affairs.**

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

1 **Section 90118. Transfer of responsibilities of the Office of Post-**
2 **Mortem Examinations to the Department of Public Safety.**

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

10 **(b) Commission on Post-Mortem Examinations.** The Office of
11 the Chief Medical Examiner shall be operated under the control and
12 supervision of the Commission on Post-Mortem Examinations. The
13 members of the Commission shall be the Attorney General, the Chief of
14 Police, the Director of the Department of Public Health and Social Services,
15 the President of the Guam Medical Society, and the Administrator of Guam
16 Memorial Hospital. The Commission shall elect one of its members as

1 Chairman and one as Vice-Chairman. Members of the Commission shall
2 receive no compensation but they shall be repaid their actual expenses
3 incurred in service of the Commission. The Commission shall meet as
4 often as the duties require, and upon call of the Chief Medical Examiner.

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

16 **Section 90119. Maintenance of effort of federally-funded programs**

1 **in the Office of Post-Mortem Examinations.**

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

8 **Section 90120. Transfer of funds and assets of the Office of Post-**
9 **Mortem Examinations.**

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

1 transferred to the Department of Public Safety.

2 **Section 90121. Transfer of responsibilities of the Motor Carrier**
3 **from the Department of Revenue and Taxation to the Department of**
4 **Public Safety.**

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

16 **Section 90122. Transfer of responsibilities of the Office of**

1 **Highway Safety from the Department of Public Works to the**
2 **Department of Public Safety.**

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

14 **Section 90123. Transfer of responsibilities of the Airport and Port**
15 **Police to the Department of Public Safety.**

16 Upon the effective date of this Act, all police forces maintained by the

1 Antonio B. Won Pat International Airport Authority and the Jose B. Leon
2 Guerrero Port Authority of Guam shall be transferred in whole to the
3 Guam Police of the Department of Public Safety. The Antonio B. Won Pat
4 International Airport Authority and the Jose B. Leon Guerrero Port
5 Authority of Guam shall contract with the Department of Public Safety for
6 the provision of police services within their respective jurisdictions, subject
7 to memoranda of understanding.

8 **Section 90124. Transfer of responsibilities of the Airport Fire to the**
9 **Department of Public Safety.**

10 Upon the effective date of this Act, all fire personnel maintained by
11 the Antonio B. Won Pat International Airport Authority shall be
12 transferred in whole to the Guam Fire Services of the Department of Public
13 Safety. The Antonio B. Won Pat International Airport Authority shall
14 contract with the Department of Public Safety for the provision of fire
15 services within their respective jurisdictions, subject to memoranda of
16 understanding.

1 **Section 90125. Internal Structure.**

2 The Director of Public Safety shall organize and arrange the work
3 of the Department of Public Safety, and may establish such programs or
4 offices as necessary within the Divisions of the Department of Public
5 Safety established in Section 90105 of this Chapter. This Section is
6 intended to restrict the number of divisions within the Department of
7 Public Safety which may be established, but not to limit the
8 establishment of offices or programs within those divisions necessary to
9 meet local or federal mandates.

10 **Section 90126. Effective dates and transition period.**

11 This Act shall be effective one (1) calendar year after its enactment
12 into law. During this transition period, the directors of such
13 departments or agencies affected by this Act shall undertake such
14 activity as is necessary to promote the smooth transfer of employees,
15 assets and funding pursuant to the provisions of this Chapter. Each
16 Agency affected by this Act shall submit quarterly reports to I

1 *Liheslaturan Guåhan* that detail steps that have been taken in order to be
2 in full compliance with the Act by the effective date.

3 **Section 90127. References.**

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

13 **Section 90128. Repealer.** Except as provided in this Chapter,
14 nothing herein shall be construed as amending or repealing any
15 provision, Section or part of the Guam Code Annotated.

16 **Section 90129. Severability.**

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