


I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

2011 MAR 17 6:00 AM 11:06

Bill No. 110-31 (cov)

Introduced by:

Adolpho B. Palacios, Sr. 

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**AN ACT RELATIVE TO ESTABLISHING QUALIFICATIONS FOR THE DIRECTOR OF THE DEPARTMENT OF CORRECTONS BY REPEALING §3113, ARTICLE 1, CHAPTER 3 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADDING A NEW §90.11 TO ARTICLE 1, CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the Department of Corrections (“DOC”) is Guam’s only public entity mandated by law to  
4 provide services relative to inmate confinement, rehabilitation, and parole. Currently,  
5 over two hundred (200) employees, including management, administrative, and  
6 uniformed personnel, support a total offender population of more than five hundred  
7 (500).

8 *I Liheslaturan Guåhan* further recognizes that while the agency is responsible for  
9 protecting the island’s estimated population of over 180,000 residents from the  
10 destructive action of law offenders through control and rehabilitation, its management  
11 and staff continue to do their best in serving our community despite the government’s  
12 current financial challenges. This situation will become more aggravated as the rate of  
13 crime, and demand for confinement and rehabilitative services, may increase with the  
14 growth in both civilian and military populations associated with the U.S. military

1 buildup. These additional demands on uniformed and civilian employees, together with  
2 existing issues, will require firm, educated, and experienced administrators capable of  
3 leading this agency through any challenges that may arise.

4 *I Liheslaturan Guåhan* finds that the Department of Corrections was created as a  
5 separate agency within the government of Guam in 1968, after having been part of the  
6 former Department of Public Safety. Since that time, no qualifications for the Director of  
7 Corrections have been established.

8 It is the intent of *I Liheslaturan Guåhan* to meet current and future challenges that  
9 face the Department by establishing minimum qualifications for individuals appointed to  
10 serve as Director of the Department of Corrections. In developing these standards, *I*  
11 *Liheslaturan Guåhan* acknowledges that the Department has employees who have earned  
12 post-secondary degrees in areas including criminal justice, public administration,  
13 psychology, and social work. Among its employees, DOC employs one (1) with an  
14 Associate's degree, sixteen (16) with a Bachelor's degree, and two (2) with a Master's  
15 degree.

16 *I Liheslaturan Guåhan* further intends to place language referencing the  
17 qualifications for Director of Corrections from Title 5 Guam Code Annotated to Title 9  
18 Guam Code Annotated, which incorporates applicable laws governing the agency.

19 **Section 2. Repeal.** §3113, Article 1, Chapter 3 of Title 5 Guam Code Annotated  
20 is hereby *repealed*.

21 ~~“§ 3113. Department of Corrections.~~

22 ~~There is within the Executive Branch of the government of Guam a Department~~  
23 ~~of Corrections. The Director of Corrections is the head of the Department of Corrections.~~

1 ~~The Director of Corrections is appointed by the Governor with the advice and consent of~~  
2 ~~the Legislature.”~~

3 **Section 3. A new §90.11 is hereby added to Article 1, Chapter 90 of Title 9**  
4 **Guam Code Annotated.**

5 **“§90.11. Appointment of Director of the Department of Corrections.**

6 There is within the Executive Branch of the government of Guam a Department  
7 of Corrections. The Director of Corrections is the head of the Department of Corrections.  
8 The Director of Corrections *shall* be appointed by the Governor with the advice and  
9 consent of the Legislature and shall meet the following qualifications:

10 (a) be at least thirty-five (35) years of age;

11 (b) (1) shall have graduated with an associate’s degree in criminal justice,  
12 penology, public administration, or closely related field or discipline, from an  
13 accredited institution recognized by the Council for Higher Education  
14 Accreditation (CHEA) or its successors, and, have no less than fifteen (15)  
15 years of progressive work in a government penal or corrections institution,  
16 including at least five (5) years at a supervisory command level, and five (5)  
17 years in a senior position in a penal or corrections institution; or

18 (2) shall have graduated with a bachelor’s degree in criminal justice,  
19 penology, public administration, or closely related field or discipline, from an  
20 accredited institution recognized by the Council for Higher Education  
21 Accreditation (CHEA) or its successors, and, have no less than fifteen (15)  
22 years of progressive work in a government penal or corrections institution,

1 including at least five (5) years at a supervisory command level, and three (3)  
2 years in a senior position in a penal or corrections institution;

3 (c) shall have no felony, domestic or family violence convictions;

4 (d) have no misdemeanor conviction involving moral turpitude;

5 (e) submit to and pass a drug screening test, including, but not limited to,  
6 urinalysis testing, unless the appointee is a current employee of the  
7 Department of Corrections;

8 (f) be of good health and good moral character;

9 (g) must submit to and pass a psychological test; and,

10 (h) no person shall be appointed as Director of Corrections before a thorough  
11 investigation of the appointee's background and moral character is completed,  
12 unless the appointee is a current employee of the Department of Corrections."

13 **Section 4. Effective Date.**

14 The provisions contained herein shall be effective upon the enactment of this Act  
15 and shall apply prospectively.

16 **Section 5. Severability.**

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