



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

Bill No. 147-31 (COR)

Introduced by:

ADOLPHO B. PALACIOS, SR.


2011 APR 13 PM 3:28


AN ACT RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL, THROUGH ADDING A NEW §55104 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PUBLIC SAFETY; THIS ACT SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2011".

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 I Liheslaturan Guahan finds that Guam's public safety and law
4 enforcement uniformed personnel are tasked with a tremendous challenge
5 daily in serving and protecting the island community. In carrying out their
6 respective duties, on many occasions Guam's men and women in uniform
7 must participate in rigorous activities while effectively carrying out their
8 duties. I Liheslaturan Guahan further finds that due to the rigors of their
9 jobs, it is critical that to the greatest extent possible our men and women in
10 uniform are adequately prepared, trained and physically fit.

11 In addition to being properly trained in the conduct of their daily
12 duties, i.e. protecting the community, deterring criminal activities,
13 effectuating an arrest, stopping a fight, addressing a domestic disturbance,
14 providing immediate medical assistance, etc., it is also important that they

1 are physically fit to carry out these responsibilities. It has been proven that
2 there is a direct correlation between physical fitness, good health, and
3 performance productivity. Thus, a critical aspect of the overall preparation
4 of well-trained law enforcement personnel include the establishment and
5 effective implementation of physical fitness standards and policies that will
6 ultimately benefit each uniformed personnel, and just as importantly ensure
7 physical health for their personal benefit and the benefit of their families .
8 Each uniformed public safety and law enforcement official should be
9 encouraged to be both task-trained and physically fit at all times to more
10 effectively serve and protect the people of Guam.

11 Therefore, it is the intent of I Liheslaturan Guahan to work with
12 government of Guam public safety and law enforcement entities in the
13 formulation of physical fitness standards and policies that will further
14 enhance the ability of all uniformed personnel in carrying out their
15 tremendous responsibility to the public. This provision would require that
16 the law enforcement agencies and entities of the government of Guam
17 establish internally and collectively a government-wide physical fitness
18 standard and program necessary to ensure the health and safety of all
19 uniformed public safety and law enforcement officials in the conduct of their
20 duties and responsibilities.

21 **Section 2. Public Safety and Law Enforcement Physical Fitness**
22 **Standards and Policies.**

23 A new subsection §55104 is hereby added to Chapter 55, Division 3,
24 Title 10, Guam Code Annotated, relative to Public Safety physical fitness
25 standards and policies, to read as follows:

1 **“§55014. Public Safety and Law Enforcement Physical Fitness**
2 **Standards and Policy, henceforth referred to as the “*Fit to Serve and***
3 ***Protect Act of 2011”.***

4 a.) The government of Guam public safety and law enforcement
5 entities shall hereby collectively formulate a government-wide policy on the
6 establishment of physical fitness standards applicable to men and women
7 serving the community in uniform as a public safety or law enforcement
8 official. For purposes of this Act, the applicable government of Guam public
9 safety and law enforcement agencies shall include the Guam Police
10 Department, Guam Fire Department, and the Department of Corrections.

11 b.) The “***Fit to Serve and Protect Task Force***” (hereinafter referred to
12 as the “***Task Force***”) is hereby created for the establishment of fitness
13 standards and policies for government of Guam uniform public safety and
14 law enforcement officials.

15 Guam Police Department, through the Chief of Police or his designee,
16 shall spearhead the formulation of such standards and policies through the
17 provision of administrative or other support deemed necessary, and shall
18 work in conjunction with other public safety and law enforcement entities on
19 island. The Chief of Police or his designee shall serve as the Chairperson of
20 the Task Force and shall ensure timely completion of the physical fitness
21 standards and policies.

22 The Chief of Police and the Chiefs or law enforcement administrators,
23 wherever applicable, shall appoint a representative who shall serve as a
24 member of the Task Force. Such appointments shall be made no later than
25 Thirty (30) days following the enactment of this provision. The Chief of
26 Police shall be responsible for ensuring the timely empanelling of Task
27 Force members and the completion of the objectives of the Task Force as

1 outlined in this Act. The Guam Fire Department and the Department of
2 Corrections shall forward their appointees for the Task Force to the Chief of
3 Police in the time required.

4 c.) The primary objective of the Task Force is to establish a physical
5 fitness standard and policy which shall be consistent and applicable
6 government-wide to all public safety and law enforcement uniform
7 personnel. The standard and policy identified herein shall be accepted and
8 completed by Task Force members no later than One Hundred Eighty (180)
9 days following the enactment of this Act. Upon completion, the physical
10 fitness standard and policy shall be presented to I Maga'lahaen Guahan for
11 consideration and official adoption. The government-wide fitness standard
12 and policy to be created shall provide, at a minimum, for physical fitness
13 requirements, guidelines for compliance by uniform personnel, allowance
14 for participation in fitness activities, restrictions for non-compliance, and
15 recommendations for timely and effective implementation by all applicable
16 uniform public safety and law enforcement personnel.

17 d.) Prior to implementation, I Maga'lahaen Guahan shall adopt said
18 standards and policies for the Executive Branch through the execution of an
19 Executive Order and the timely dissemination of copies of said standards
20 and policies to the heads of the respective public safety or law enforcement
21 entities. Any changes or amendments, following formal adoption of said
22 fitness standards and policies shall necessitate similar official action as
23 highlighted herein by I Maga'lahaen Guahan for the executive branch of
24 government. I Maga'lahaen Guahan shall forward an electronic copy of the
25 formal documents reflecting their action and adoption of the fitness
26 standards and policies for the executive branch of government to the Speaker

1 and the Public Safety Chairman of I Liheslaturan Guahan no later than Ten
2 (10) days thereafter.

3 e.) The government-wide physical fitness standards and policies shall
4 be applicable, implemented, and become effective no later than One
5 Hundred Eighty (180) days following its formal adoption by I Maga'lahen
6 Guahan. It shall be the responsibility of I Maga'lahen Guahan and the
7 applicable public safety or law enforcement Chief or administrator to
8 effectively monitor and ensure the proper compliance of all uniform
9 personnel to the fitness standards and policies set forth therein.

10 f.) The Task Force, upon formal acceptance and adoption of the
11 fitness standards and policies by I Maga'lahen Guahan shall thereafter cease
12 to exist.”

13 **Section 3. Effective Date.**

14 The provisions contained in this Act shall be effective
15 immediately upon enactment, unless otherwise specified within the
16 Act.

17 **Section 4. Severability.**

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