

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

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**Bill No.** 270-31 (COR)

**Introduced by:**

**Adolpho B. Palacios, Sr.**

**AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO THE PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that legislative proposals were enacted during *I Mina' Trenta na*  
4 *Liheslaturan Guåhan* to help improve public services for individuals with  
5 disabilities. P.L. 30-99, enacted in March 2010, requires the Department of  
6 Revenue and Taxation to issue license plates or decalcomania (one [1] or the  
7 other) and/or placards to individuals with speech and/or hearing disabilities.  
8 Enacted in July 2010, P.L. 30-171 requires all agencies, public corporations  
9 and instrumentalities of the government of Guam to ensure that individuals  
10 with mobility disabilities are allowed to move to the front of the line for  
11 customer service requests and remittance of payments.

12           In an effort to further raise awareness of the challenges with which  
13 individuals with disabilities are confronted, *I Liheslatura* finds that public

1 safety and law enforcement personnel have a unique role in ensuring that  
2 individuals with disabilities live and work in a safe community. As agents  
3 of the law, public safety and law enforcement officers are trained to  
4 recognize and appropriately deal with threats to the public.

5 *I Liheslaturan Guåhan* finds, however, that some public safety and  
6 law enforcement personnel do not receive training on how to recognize and  
7 handle situations involving individuals with disabilities, including special  
8 needs and mental illness. Police Officers respond to numerous emergencies  
9 every year, some of which may involve persons with special needs,  
10 including mental illness. The ability of police officers to recognize when  
11 they are dealing with individuals with disabilities can help ensure that  
12 effective assessments are made and appropriate intervention techniques are  
13 used. The ability to recognize persons with special needs will enhance  
14 public safety responsiveness to their unique difficulties.

15 Therefore, it is the intent of *I Liheslaturan Guåhan*, as part of the  
16 government of Guam's continuous efforts to improve services for  
17 individuals with disabilities, to require that police officers demonstrate the  
18 ability to recognize and understand persons with disabilities, including  
19 special needs and mental illness. *I Liheslatura* intends to add a new  
20 §77114(f) to Article 1, Chapter 77, Title 10, Guam Code Annotated, which  
21 will require that applicants demonstrate such ability, through established  
22 examination processes, as one of the conditions for selection prior to their  
23 appointment as a police officer.

24 *I Liheslaturan Guåhan* further intends to amend §77114(b) of Article  
25 1, Chapter 77, Title 10, Guam Code Annotated relative to the physical  
26 standards requirement for police officers.

1           **Section 2. Police Officer Qualifications.** §77114(b) of Article 1,  
2 Chapter 77, Title 10, Guam Code Annotated is hereby *amended* and a new  
3 §77114(f) is hereby *added* to read:

4           **“§77114. Minimum Qualifications.**

5           (a) Notwithstanding other provisions of law to the contrary, persons  
6 appointed as police officers shall:

7                 (1) be a resident of the Territory of Guam and a U.S. citizen;

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

9                 (3) be over the age of eighteen (18) years;

10                (4) be a high school graduate *or* equivalent, but the POST  
11 Commission may set higher academic qualifications for all  
12 applicants as the Commission considers necessary;

13                (5) submit to and pass a drug screening test, including but not  
14 limited to a urinalysis test;

15                (6) submit to psychological testing; and

16                (7) submit to and pass a polygraph examination.

17           (b) No person shall be appointed a police officer who has not  
18 established satisfactory evidence of qualifications by passing a  
19 physical examination, which shall include a physical agility test,  
20 and written examination(s) based upon standards relevant to the  
21 duties to be performed, which standards shall be established by the  
22 Chief of Police. ~~If in the Chief of Police’s judgment, and in the~~  
23 ~~best interest of the Department, the Chief of Police may waive the~~  
24 ~~physical standards established for the position.~~

25           (c) No person shall be appointed a police officer who has been  
26 convicted in any civilian or military court of a felony, a crime

1 involving moral turpitude, a crime of domestic or family violence,  
2 or who has been administratively pardoned of any crime.

3 (d) No person shall be appointed a police officer before a thorough  
4 investigation of the applicant's background and moral character is  
5 completed.

6 (e) A police officer dismissed for cause shall be permanently  
7 ineligible for reappointment to any position in the Department. An  
8 officer who resigns for the sole purpose of negating or averting a  
9 pending or anticipated disciplinary action to dismiss the officer  
10 may be ineligible for reappointment.

11 (f) No person shall be appointed a police officer who has not  
12 established satisfactory evidence, through written examination  
13 administered by the Department of Administration ("DOA") or a  
14 competent authority, of the ability to recognize and understand  
15 persons with disabilities, including special needs and mental  
16 illness. DOA shall include a minimum of two (2) items within the  
17 written examination relative to persons with disabilities, including  
18 special needs and mental illness. For the purpose of this section,  
19 the term disability(ies), as is defined in the *Americans with*  
20 *Disabilities Act*, shall mean a physical or mental impairment that  
21 substantially limits one (1) or more major life activities of an  
22 individual."

23 **Section 3. Effective Date.** The provisions contained herein shall be  
24 effective within ninety (90) days following enactment. The Guam Police  
25 Department, in coordination with the Department of Mental Health and  
26 Substance Abuse and the Department of Integrated Services for Individuals

1 with Disabilities, shall recommend examination items to DOA for  
2 consideration prior to the implementation of this Act.

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