

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

**Bill No.** 271-31 (COR)

**Introduced by:**

**Adolpho B. Palacios, Sr.** 

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**AN ACT TO ADD A NEW §77113.1 TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the nature of work performed by Guam Police Department  
4 (“GPD”) officers involves a level of physical stress incomparable to  
5 occupations outside military, law enforcement and public safety services. *I*  
6 *Liheslaturan Guåhan* finds that other than the physical agility test new  
7 police officers are required to pass, there are no policies within GPD that  
8 require individuals appointed to the ranks of Police Sergeant and Police  
9 Lieutenant to sustain such physical standards.

10           *I Liheslaturan Guåhan* further finds that working hours beyond the  
11 traditional eight-(8-) hour schedule to ensure a safe community, and having  
12 to deal with potential threats to their safety, are examples of what Police  
13 Officers are confronted with every day. With a limited police force  
14 responsible for preserving peace and order for Guam’s growing community,

1 *I Liheslatura* finds it critical that Police Officers maintain good physical  
2 health for their personal benefit and for the good of the community they are  
3 sworn to protect.

4 It is therefore the intent of *I Liheslaturan Guåhan* to add a new  
5 §77113.1 to §77113 of Article 1, Chapter 77, Title 10, Guam Code  
6 Annotated. This new section would require that no person shall be  
7 appointed to the ranks of Police Sergeant and Police Lieutenant without first  
8 passing a physical examination, which shall include a physical agility test. *I*  
9 *Liheslatura* also intends to include within this new section a requirement that  
10 no person be appointed to the aforementioned ranks without first  
11 establishing satisfactory evidence, through written examination, the ability  
12 to recognize and understand persons with disabilities, including special  
13 needs and mental illness.

14 **Section 2. Selection of Applicants.** A new §77113.1 is hereby  
15 *added* to §77113 of Article 1, Chapter 77, Title 10, Guam Code Annotated,  
16 to read:

17 **“§77113. Department; Appointment; Examination and Selection**  
18 **of Applicants.**

19 The Chief of Police shall appoint a police force consisting of  
20 commissioned officers, non-commissioned officers and police officers  
21 who are, in the judgment of the Chief of Police, necessary to the  
22 performance of the duties of the Department. The Chief of Police  
23 shall, in accordance with the laws of the Territory, arrange for the  
24 examination and selection of applicants, and to establish ranks and  
25 grades.

26 **§77113.1. Selection of Individuals Applying for Police Sergeant**  
27 **and Police Lieutenant.**

1           Notwithstanding other provisions of law, no person shall be  
2           appointed to the ranks of Police Sergeant and Police Lieutenant who  
3           does not meet the following qualifications:

4           (a) pass a physical examination, which shall include a physical  
5           agility test, and written examinations based upon standards  
6           relevant to the duties to be performed, which standards shall be  
7           established by the Chief of Police;

8           (b) establish satisfactory evidence, through written examination  
9           administered by the Department of Administration (“DOA”) or  
10           a competent authority, of the ability to recognize and  
11           understand persons with disabilities, including special needs  
12           and mental illness. DOA shall include a minimum of two (2)  
13           items within the written examination relative to persons with  
14           disabilities, including special needs and mental illness. For the  
15           purpose of this section, the term disability(ies), as is defined in  
16           the *Americans with Disabilities Act*, shall mean a physical or  
17           mental impairment that substantially limits one (1) or more  
18           major life activities of an individual; and

19           (c) other necessary special qualifications as established by the  
20           Department of Administration not inconsistent with §77113 and  
21           §77113.1 of this Chapter.”

22           **Section 3. Effective Date.** The provisions contained herein shall be  
23 effective within ninety (90) days following enactment. The Guam Police  
24 Department, in coordination with the Department of Mental Health and  
25 Substance Abuse and the Department of Integrated Services for Individuals  
26 with Disabilities, shall recommend examination materials to DOA for  
27 consideration prior to the implementation of this Act.

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