

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

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Bill No. 296-3(LS)

Introduced by:

Adolpho B. Palacios, Sr. *[Handwritten signature]*

**AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF
CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING MINIMUM
QUALIFICATIONS FOR THE POSITION OF
DEPARTMENT OF CORRECTIONS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that there is no statute that establishes the minimum qualifications for
4 the position of Department of Corrections (“DOC”) Officer. Individuals
5 interested in becoming a DOC Officer are currently evaluated based on
6 standards established by the Department of Administration, which include
7 information relative to the nature of work, illustrative examples of work,
8 minimum knowledge, abilities, and skills, minimum experience and training,
9 and special qualifications necessary for employment.

10 It is the intent of *I Liheslaturan Guåhan* to establish minimum
11 qualifications in statute for the position of Corrections Officer. *I*
12 *Liheslaturan Guåhan* intends to mirror standard requirements already
13 established for officers of the Guam Police Department in addition to those
14 promulgated by DOA, which will help to promote consistency among the
15 qualification requirements for entry-level positions among the government
16 of Guam’s primary law enforcement and public safety agencies.

1 **Section 2. Minimum Qualifications.** A new §90.16 is hereby *added*
2 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to the
3 minimum qualifications for Department of Corrections Officer.

4 “**§90.16. Minimum Qualifications for Department of Corrections**
5 **Officer.**

6 (a) Notwithstanding other provisions of law to the contrary, persons
7 appointed as Corrections Officer shall:

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

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

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

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

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

16 (6) submit to psychological testing; and

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

18 (b) No person shall be appointed a Corrections Officer who has not
19 established satisfactory evidence of qualifications by passing a
20 physical examination, which shall include a physical agility test,
21 and written examinations based upon standards relevant to the
22 duties to be performed, which standards shall be established by the
23 Director of Corrections in conjunction with the Department of
24 Administration.

25 (c) No person shall be appointed a Corrections 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 Corrections Officer before a
4 thorough investigation of the applicant's background and moral
5 character is completed.

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

11 (f) No person shall be appointed a Corrections 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 Department of
25 Corrections, 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 application
4 to any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Act which
6 can be given effect without the invalid provisions or application, and to this
7 end the provisions of this Act are severable.