

**MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2010 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 466-30 (COR), "AN ACT TO AMEND §§77109 AND 77112, AND TO REPEAL §77110 OF CHAPTER 77, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CHIEF OF POLICE, THE DEPUTY CHIEF OF POLICE, AND THE POLICE COMMANDER OF THE GUAM POLICE DEPARTMENT,"** returned without approval of *I Maga'lahren Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 21<sup>st</sup> day of December, 2010, to pass said bill notwithstanding the veto of *I Maga'lahren Guåhan* by a vote of thirteen (13) Members.



**Judith T. Won Pat, Ed. D.**  
**Speaker**

Attested:

  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahren Guåhan* this 23 day of Dec., 2010, at 10:35 o'clock P.M.



Assistant Staff Officer  
Maga'lahi's Office

Public Law No. \_\_\_\_\_

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 466-30 (COR)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§77109 AND 77112, AND TO REPEAL §77110 OF CHAPTER 77, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CHIEF OF POLICE, THE DEPUTY CHIEF OF POLICE, AND THE POLICE COMMANDER OF THE GUAM POLICE DEPARTMENT.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that recent events in reference to the process for the confirmation of the Chief of  
4 Police posed a question as to who should pay for the tests and examinations, and

1 background investigation services required under §77109, Chapter 77, Title 10  
2 Guam Code Annotated, which also established the qualifications for the Chief of  
3 Police. Some of the enumerated qualifications require tests and services for which  
4 payment of fees may be required.

5 In the confirmation of Frank Ishizaki in 2004, and in the confirmation of  
6 Paul Suba in 2008, the question as to who would pay for the airfare to Hawaii for  
7 the police chief nominee, to submit to a polygraph examination, were *not* dealt  
8 with, as both nominees, respectively, were already in Hawaii on official business  
9 of their own. However, in both nominations, *I Liheslaturan Guåhan* chose to pay  
10 for the polygraph service because it chose to select the polygrapher. The fees for  
11 the drug screening tests were paid by the Department of Administration. The  
12 psychological examination and the background investigation were provided by  
13 government of Guam officials at no cost.

14 So that *I Liheslaturan Guåhan* can conduct efficient and expeditious  
15 processes for the confirmation of the Chief of Police, *I Liheslaturan Guåhan* sees it  
16 fit, and timely, to provide clarity as to which authority, i.e. the appointing authority  
17 *or* the confirming authority, is responsible for the arrangements and costs  
18 associated for compliance with the requirements of §77109, Chapter 77, Title 10,  
19 Guam Code Annotated.

20 It is, therefore, the intent of *I Liheslaturan Guåhan* to establish more clarity  
21 with respect to the responsibility for compliance with all the requirements of  
22 §77109, Chapter 77, Title 10, Guam Code Annotated, by amending §77109.

23 **Section 2.** §77109 of Chapter 77, Title 10, Guam Code Annotated, is  
24 hereby *amended* to read as follows:

25 **“§77109. Appointment of the Chief of Police.**

1           The Chief of Police *shall* be appointed by *I Maga'lahi* with the advice  
2 and consent of *I Liheslaturan Guåhan* and *shall* meet the following  
3 qualifications:

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

5                   (b) have *no less than* fifteen (15) years of progressive  
6 experience in a governmental law enforcement position, including *at*  
7 *least* five (5) years at the supervisory command level, and five (5)  
8 years in a senior position with law enforcement management  
9 responsibilities;

10                  (c) graduation with a bachelor's degree or higher in Police  
11 Science, Criminal Justice Administration, Public Administration,  
12 Law, *or* closely related field *or* discipline, at an accredited institution  
13 recognized by the Council of Higher Education Accreditation (CHEA)  
14 *or* its successors;

15                  (d) have *no* felony, domestic *or* family violence convictions;

16                  (e) have *no* misdemeanor convictions involving moral  
17 turpitude;

18                  (f) submit to and pass a drug screening test, including, *but*  
19 *not limited to*, urinalysis testing;

20                  (g) be of good health and good moral character;

21                  (h) submit to psychological testing; and

22                  (i) submit to a polygraph examination.

23                  (j) *No person shall* be appointed as Chief of Police before a  
24 thorough investigation of the appointee's background and moral  
25 character is completed.

26           The scheduling for the tests and services required under this  
27 Section *shall* be the responsibility of the appointing authority. All

1 tests and services *shall* be conducted by a licensed professional. The  
2 administration, reporting, and records maintenance of the reports,  
3 results, and/or findings of any polygraph examination administered to  
4 the nominees of *I Maga'lahi* (the Governor) for the unclassified  
5 position of the Chief of Police of the Guam Police Department *shall*  
6 be treated as personnel information, and at all times *shall* be handled  
7 in accordance with the applicable personnel and civil service laws,  
8 rules, and regulations of the government of Guam.

9 The nomination letter *shall* conform to the above requirements,  
10 and the requirements of §2103.5 of Title 4, Guam Code Annotated, or  
11 may be returned to *I Maga'lahi* (the Governor) by the Speaker of *I*  
12 *Liheslaturan Guåhan*, at the request of the Committee Chairperson,  
13 for insufficiency upon failure to include the information or documents  
14 required by statute. *No* nomination package for Chief of Police may  
15 be considered by *I Liheslaturan Guåhan* *unless* the requirements of  
16 §77109, Chapter 77, Title 10, Guam Code Annotated, and §2103.5,  
17 Chapter 2, Title 4, Guam Code Annotated, are first met. Failure to  
18 meet the requirements *shall* toll the deadline for Legislative action  
19 upon said executive appointment.

20 The nominee for Chief of Police *shall not* serve in the Guam  
21 Police Department, or in any position of authority over the  
22 Department, in any capacity without being first confirmed by *I*  
23 *Liheslaturan Guåhan*, *except*, that *if* the nominee is a classified  
24 employee of the Guam Police Department, the nominee's employment  
25 status remains unchanged."

26 **Section 3.** §77110 of Chapter 77, Title 10, Guam Code Annotated, is  
27 hereby *repealed* in its entirety.

1           **Section 4.** §77112 of Chapter 77, Title 10, Guam Code Annotated, is  
2 hereby *amended* to read as follows:

3                   **“§77112. Powers and Duties of the Police Commander.**

4                   In the absence or incapacity of the Chief of Police, the Police  
5 Commander *shall* possess all the powers of the Chief of Police, act as the  
6 head of the Department, and *shall* further perform such additional duties as  
7 the Chief of Police may prescribe.

8           **Section 5. Effective Date.** This Act *shall* become effective upon  
9 enactment.