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MINA' TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

January 28, 2010

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Substitute Bill Nos. 107-30(LS), 150-30(COR), 152-30(COR), 260-30(COR) & 270-30(LS) which were passed by *I Mina' Trenta Na Liheslaturan Guåhan* on January 22, 2010.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (5)

SECRET ACKNOWLEDGED

By _____

Thomas Mero
CFO (Print Name)

(Department)

Date: *1/28/10* Time: *3:34*

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

FILE COPY

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

This is to certify that Substitute Bill No. 270-30 (LS), "AN ACT TO AMEND §3401.1 (f) and (h), ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY THEIR IDENTIFICATION CARD AND TO BE IN PRESCRIBED UNIFORM ATTIRE WHILE ISSUING CITATIONS FOR THE PURPOSE OF IMMEDIATE RECOGNITION OF AUTHORITY," was on the 22nd day of January, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

.....

This Act was received by I Maga'lahaen Guåhan this 28 day of January, 2010, at 3:34 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURÁN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 270-30 (LS)

As substituted by the Committee on Public Safety,
Law Enforcement, and Senior Citizens, and
amended.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. 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* §3401.1 (f) and (h), ARTICLE 4,
CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED,
RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY
THEIR IDENTIFICATION CARD AND TO BE IN
PRESCRIBED UNIFORM ATTIRE WHILE ISSUING
CITATIONS FOR THE PURPOSE OF IMMEDIATE
RECOGNITION OF AUTHORITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the volunteers under the Guam Police Department's Community Assisted
4 Policing Effort (C.A.P.E.) program serve to augment the Guam Police Department

1 (GPD) officers in the enforcement of §3401.1 of Title 16, Guam Code Annotated,
2 Chapter 3, Article 4, commonly known as the “Accessible Parking for Persons
3 with Disabilities.” Although these volunteers were trained by the Department prior
4 to duty assignment, complaints were registered with *I Liheslaturan Guåhan* that
5 some volunteers issue citations while in attire *not* distinguishable from the ordinary
6 person, notwithstanding that GPD General Order 06-03 requires that volunteers
7 while on duty *shall* be identifiable as such.

8 *I Liheslaturan Guåhan* finds that Title 16, Guam Code Annotated, §3401.1,
9 *does not* explicitly provide for the wearing of distinguishable attire, leaving such
10 policy to be established by GPD, hence, the adoption of GPD General Order 06-03.
11 However, compliance by the volunteers with GPD General Order 06-03 is *not*
12 consistent, resulting in the issuance of citations by plainclothes volunteers for
13 which cited disabled persons paid Three Hundred Dollars (\$300.00).

14 *I Liheslaturan Guåhan* finds that volunteers who issue citations should be
15 easily recognizable and identifiable by the public. This will provide immediate
16 visual recognition of authority by the persons against whom the issuance of a
17 citation is being contemplated and thus avoid unnecessary confrontation.

18 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide for the visual
19 recognition of volunteers who are authorized to issue citations by requiring the
20 volunteers to display their identification card and be appropriately attired and
21 distinguishable as such when issuing citations by amending §3401.1 (f) and (h),
22 Article 4, Chapter 3, Title 16, Guam Code Annotated.

23 **Section 2.** §3401.1 (f), Article 4, Chapter 3, Title 16, Guam Code
24 Annotated, is hereby *amended* to read:

25 “(f) Citations. Law enforcement “*uniformed personnel*,” as defined
26 within 4 GCA §8104(p), and volunteers appointed by the Chief of Police
27 *shall* issue citations for vehicles parked in violation of this Section. The

1 Chief *shall* issue identification cards and uniform attire to volunteers
2 recruited under Subsection (h) hereof so as to distinguish them from the
3 ordinary citizens. The identification card *shall* be visibly displayed and the
4 uniform attire *shall* be properly worn by the volunteer when he issues
5 citations. The display of a metal badge is as prescribed by the Chief of
6 Police. Citations issued *not* consistent with this provision *shall not* be valid
7 and *shall* be dismissed by the courts. The Chief *shall* distribute citation
8 forms for use in the enforcement of this Section.”

9 **Section 3.** §3401.1(h), Article 4, Chapter 3, Title 16, Guam Code
10 Annotated, is hereby *amended* to read:

11 “(h) Volunteers Authorized to Issue Citations. The Chief of Police
12 *shall* recruit volunteers who desire to assist the Guam Police Department in
13 the enforcement of this Section. The volunteer *shall*:

- 14 (1) be at least eighteen (18) years of age;
- 15 (2) be a citizen of the United States and a resident of Guam;
- 16 (3) *not* have been convicted of a felony *or* crime of family
17 violence;
- 18 (4) obtain a certificate from the Chief of Police demonstrating the
19 completion of a required course of instruction and training that
20 includes training in measures to avoid dangerous confrontations
21 with violators of this Section. The course of instruction and
22 training *shall be at no* cost to the volunteer. Retired “*uniformed*
23 *personnel*” are exempted from this subsection;
- 24 (5) satisfy any other qualifications and requirements established by
25 the Chief of Police; and
- 26 (6) when issuing citations, the volunteer *shall* be in compliance
27 with §3401.1 (f) *supra*.”