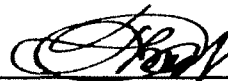


2010

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

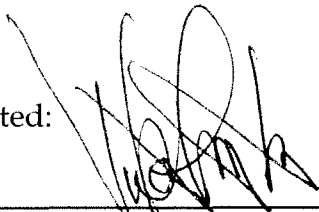
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 346-30 (LS), "AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7, GUAM CODE ANNOTATED, AND §6403 OF ARTICLE 4, CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING SCHOOL ATTENDANCE OFFICERS UNDER THE PROVISIONS OF SPECIAL DEPUTY APPOINTMENTS"**, was on the 2nd day of July, 2010 duly and regularly passed.



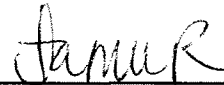
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July, 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 346-30 (LS)

As substituted by the Committee on Economic Development,
Health & Human Services, and Judiciary,
and amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

F. B. Aguon, Jr.

Telo Taitague

T. C. Ada

V. Anthony Ada

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

T. R. Muña Barnes

Judith P. Guthertz, DPA

v. c. pangelinan

R. J. Respicio

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 8107 AND 8108 OF CHAPTER 8,
TITLE 7, GUAM CODE ANNOTATED, AND §6403 OF
ARTICLE 4, CHAPTER 7, TITLE 17, GUAM CODE
ANNOTATED, RELATIVE TO INCLUDING SCHOOL
ATTENDANCE OFFICERS UNDER THE PROVISIONS
OF SPECIAL DEPUTY APPOINTMENTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 and recognizes that School Attendance Officers (SAO) perform critical duties
4 relative to truancy, and truancy proceedings of the Superior Court of Guam, as

1 employees of the Department of Education (DOE) in accordance with Title 17,
2 Guam Code Annotated, Chapter 6, Article 4.

3 During 2007 and 2008, SAOs responded to over five hundred thirty-two
4 (532) reports of truancy and truancy-related matters throughout the schools, of
5 which twenty-five (25) were at elementary schools, eight (8) were at middle
6 schools, and five (5) were at high schools, and have provided testimonies before
7 Judges of the Superior Court of Guam. Much of their work involves taking minors
8 into custody for attendance problems or behavioral issues and referring them to the
9 schools, the courts or their parents for disciplinary action.

10 *I Liheslaturan Guåhan* finds that in the past these officers have been
11 appointed as Special Deputy Marshals under §8107, Chapter 8, Title 7, Guam
12 Code Annotated. Currently, there are ten (10) School Attendance Officers, of
13 which five (5) still retain such appointment under §8107 and continue to perform
14 their truancy function. There are five (5) who have *not* been appointed in light of
15 the discovery recently of the provision in §8107. It has come to light that §8107
16 *does not* include the SAOs for such appointment, resulting in the suspension of
17 new appointments of newly hired SAOs.

18 It is, therefore, the intent of *I Liheslaturan Guåhan* to recognize the role of
19 the SAOs, and to include the School Attendance Officers of DOE under the
20 provisions of the special deputy appointment by amending §§8107 and 8108 of
21 Chapter 8, Title 7 Guam Code Annotated.

22 **Section 2.** §8107 of Chapter 8, Title 7, Guam Code Annotated, is *amended*
23 to read:

24 “§8107. **Marshal; Appointment of Special Deputies.** The Chief
25 Justice, at the request of the Marshal of the Court, may appoint employees of
26 the Department of Law, the Department of Revenue & Taxation of the
27 government of Guam, and the School Attendance Officers of the Department

1 of Education as Special Deputy Marshals of the Guam Judiciary. Such
2 appointments *shall* be for as long as such employees remain in their
3 employment with their respective departments, unless sooner revoked by the
4 Chief Justice, whichever is earlier.

5 (a) The School Attendance Officers of the Department of
6 Education *shall* complete a training program developed and adopted
7 by the Judicial Council, that is pertinent to their appointment, prior to
8 such appointment as Special Deputy Marshals of the Guam
9 Judiciary.”

10 **Section 3.** §8108 of Chapter 8, Title 7, Guam Code Annotated, is *amended*
11 to read:

12 **“§8108. Special Deputy Marshal; Duties, Compensation.**

13 (a) The employees of the Department of Law who are appointed as
14 deputies under §8107 of this Chapter *shall* exercise their office *only* in cases
15 wherein the government of Guam is a party. The employees of the
16 Department of Revenue and Taxation who are appointed as deputies under
17 said §8107 *shall* exercise their office *only* in matters concerning the income
18 tax laws and other tax and revenue laws of Guam. The School Attendance
19 Officers of the Department of Education under §8107 *shall* exercise their
20 office *only* in matters concerning truancy proceedings of the Superior Court
21 of Guam. *No* deputies under said §8107 *shall* be entitled to compensation in
22 addition to the compensation they are receiving as employees of the
23 government of Guam.”

24 **Section 4.** §6403 of Article 4, Chapter 6, Title 17, Guam Code Annotated,
25 is hereby *amended* to read:

26 **“§6403. Attendance Officer.**

1 The Superintendent *shall* appoint employees of the Department of
2 Education, as Attendance Officers. The Attendance Officers, any peace
3 officer, principal, or dean may take into custody during school hours,
4 without warrant, any truant found away from the truant’s home and who has
5 been reported truant. For the purposes of Title 10 GCA, Chapter 55,
6 §55102, Attendance Officers are *not* classified as public safety and law
7 enforcement officers.”