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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 571, "An Act to repeal Subchapter E, of Chapter II, of Title X, of the Government Code of Guam and to add a Title LXIII, Chapter I, to said Code to establish an independent office of the Public Defender, and making an appropriation therefor", was on the 10th day of March, 1972, duly and regularly passed.



G. M. BAMBA  
Acting Speaker

ATTESTED:



JOAQUIN A. PEREZ  
Acting Legislative Secretary

This Act was received by the Governor this 22<sup>nd</sup> day  
of March, 1972 at 4:25 o'clock p. M.



VINCENT T. PEREZ  
Attorney General of Guam

APPROVED:



CARLOS G. CAMACHO  
Governor of Guam

*Public Law 11-178*

DATED: MAR 30 1972

3:05 p.m.

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ELEVENTH GUAM LEGISLATURE  
1971 (FIRST) Regular Session

Bill No. 571

Introduced by \_\_\_\_\_  
F. G. Lujan

AN ACT TO REPEAL SUBCHAPTER E, OF CHAPTER II, OF TITLE X, OF THE GOVERNMENT CODE OF GUAM AND TO ADD A TITLE LXIII, CHAPTER I, TO SAID CODE TO ESTABLISH AN INDEPENDENT OFFICE OF THE PUBLIC DEFENDER, AND MAKING AN APPROPRIATION THEREFOR.

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

2 Section 1. Subchapter "E" of Chapter II, Title X of the  
3 Government Code of Guam is hereby repealed.

4 Section 2. A new Title LXIII, Chapter I, is hereby added  
5 to the Government Code of Guam to read as follows:

6 "Title LXIII

7 Public Defender

8 Chapter I

9 Section 58000. Public Defender. There is hereby  
10 established within the government of Guam the Office of  
11 the Public Defender of Guam. The Public Defender shall  
12 be appointed by the Governor and shall be a member  
13 of the Classified Service of the government of Guam with  
14 pay range 38. For purposes of performing his official  
15 duties, the Public Defender, the Deputy Public Defender,  
16 and the Assistant Public Defenders may practice before  
17 the courts of Guam on the same basis as other govern-  
18 ment attorneys under Section 28002.2, Government Code  
19 of Guam. No Public Defender shall be eligible for any  
20 local elective office within two (2) years after his  
21 relinquishment of the Office of the Public Defender.

22 Section 58001. Personnel. The Public Defender  
23 is authorized to appoint a Deputy Public Defender,  
24 Assistant Public Defenders, an Administrative Assistant,  
25 and such other personnel and fix their duties, under



1 and in accordance with Title V, Government Code of  
2 Guam, as may be necessary for purposes of this Chapter.

3 Section 58002. Duties: Criminal cases. It shall  
4 be the duty of the Public Defender to defend indigent  
5 defendants charged in criminal cases before the courts  
6 of Guam, the determination as to whether a defendant  
7 be indigent and his referral to the Public Defender to  
8 be at the discretion of the judges before whom such  
9 defendant is appearing. The Public Defender may assist  
10 the judges of the courts of Guam in ruling on cases of  
11 indigency and in establishing criteria for determining  
12 whether the services of the Public Defender are appropriate.

13 Section 58003. Duties: Civil matters. The Public  
14 Defender shall render legal aid and assistance to those  
15 persons in the territory of Guam, who, under rules es-  
16 tablished by the Judicial Council of Guam, are in need  
17 of legal counselling and who are unable to afford an  
18 attorney in private practice. The Public Defender is  
19 not authorized to compete with attorneys engaged in the  
20 private practice of law in the territory of Guam and  
21 shall give legal assistance in civil matters only to  
22 those who would otherwise not receive such assistance.

23 Section 58004. Rules and regulations. The Public  
24 Defender shall make and may alter, amend or repeal rules  
25 and regulations as required to carry out the purposes of  
26 this Chapter which, after approval and promulgation by  
27 the Governor as Executive Order, shall have the force  
28 and effect of law."

29 Section 3. There is hereby appropriated from any available  
30 funds in the Unappropriated Surplus of the General Fund the sum  
31 of Six Thousand Dollars (\$6,000.00) for the rental of office  
32 space for the Public Defender.

1           Section 4. All appropriations previously made to the  
2 Division of Public Welfare in the Department of Public Health and  
3 Social Services for the operation of the Office of the Public  
4 Defender are hereby transferred to the Office of the Public  
5 Defender established pursuant to this Act.