

THIRTEENTH GUAM LEGISLATURE  
1975 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 291, "An Act to repeal and reenact Title LXIV of the Government Code to establish a Public Defender Service Corporation", was on the 26th day of June, 1975, duly and regularly passed.

Joseph F. Ada  
JOSEPH F. ADA  
Speaker

ATTESTED:

Concepcion Cruz Barrett  
CONCEPCION CRUZ BARRETT  
Legislative Secretary

This Act was received by the Governor this 30th day of June, 1975 at 8:30 o'clock A.M.

7s/ Ruth F. Won Pat  
RUTH F. WON PAT  
Assistant Staff Officer  
Governor's Office

APPROVED:

7s/ RUDOLPH G. SABLAN

ACTING Governor of Guam

DATED: JUL 10 1975

8:45 A.M.

P. L. 13-51

THIRTEENTH GUAM LEGISLATURE  
1 1975 (FIRST) Regular Session

Bill No. 291

Introduced by

G. R. Salas  
C. C. Barrett  
F. P. Santos  
R. F. Taitano

AN ACT TO REPEAL AND REENACT TITLE LXIV  
OF THE GOVERNMENT CODE TO ESTABLISH A  
PUBLIC DEFENDER SERVICE CORPORATION.

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

2 Section 1. Title LXIV of the Government Code is repealed  
3 and a new Title LXIV is enacted to read:

4 "Title LXIV

5 Public Defender Service Corporation Act

6 Section 60000. Short Title. This Chapter may be cited  
7 as the 'Public Defender Service Corporation Act of 1975.'

8 Section 60001. Definitions. (a) 'Corporation' means  
9 the Public Defender Service Corporation.

10 (b) 'Board' means the Board of Trustees of the Public  
11 Defender Service Corporation.

12 (c) 'Director' means the Director of the Public  
13 Defender Service Corporation.

14 Section 60002. Establishment. In order to provide  
15 effective legal aid and assistance to those persons in Guam  
16 who are unable to afford counsel, there is created a public  
17 corporation to be known as Public Defender Service Corpo-  
18 ration.

19 Section 60003. Duties: Criminal Cases. It shall be  
20 the duty of the Corporation to defend indigent persons  
21 charged in criminal cases before the courts of Guam. The  
22 determination of whether a defendant is indigent and whether  
23 his case is to be referred to the Corporation shall be at  
24 the discretion of the judge before whom such defendant is  
25 appearing. The Corporation may assist the judges of the  
26 courts of Guam in ruling on cases of indigency and in  
27 establishing criteria for determining when the services

TITLE (NAME) OF THE CORPORATION  
INCORPORATED IN THE TERRITORY OF GUAM

of the Corporation are appropriate.

Section 60004. Duties: Civil Matters. The Corporation shall render legal aid and assistance to those persons in Guam, who, under rules established by the Corporation, are in need of legal assistance and representation, and who are unable to afford an attorney in private practice. The Corporation shall not compete with attorneys engaged in the private practice of law in Guam and shall give legal assistance in civil matters only to those who would otherwise not receive such assistance.

Section 60005. Powers. The Corporation has the power to do any and all things necessary to further the purposes of this Chapter and to perform the duties imposed by Sections 60003 and 60004.

Section 60006. Board of Trustees. (a) All powers vested in the Corporation, except as otherwise provided in this Chapter shall be exercised by the Board. The Board shall consist of five (5) trustees: the Chief Justice of the Supreme Court of Guam, who shall be chairman; the Presiding Judge of the Superior Court of Guam, who shall be vice-chairman; the Chairman of the Committee on Judiciary of the Legislature; the President of the Guam Bar Association; and one (1) member appointed by the Governor of Guam, whose term shall be for three (3) years. The person appointed by the Governor shall not be the Attorney General nor a member of his staff. The Trustees shall not be employees of the Corporation.

(b) Three (3) Trustees shall constitute a quorum of the Board for the transaction of all business. Subject to the provisions of the Administrative Adjudication Act, the Board may adopt rules and regulations governing the conduct of its affairs.

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SECTION 60007. Director. The Board shall appoint a Director who shall have at least five (5) years experience in the practice of law. The Director shall be a member of the classified service. The Director shall have the sole responsibility to carry out the purposes and duties of the Corporation.

Section 60008. Personnel. The Director is authorized to appoint a Deputy Director, and such other personnel, and fix their duties, under and in accordance with Title V, Government Code, as may be necessary for purposes of this Chapter.

Section 60009. Employment. (a) Pursuant to the provisions of Section 4004 of the Government Code, the Board shall establish rules and regulations governing selection, promotion, performance evaluation, demotion, suspension, and other disciplinary action for the employees of the Corporation.

(b) Employees of the Corporation shall be members of the Government of Guam Retirement Fund, subject to the provisions of Section 4204 of the Government Code, except that for the purposes of Subsection (a) of said Section, the employees of the Corporation shall not be considered employees of a 'public corporation', whereby their membership in the Fund is optional and membership therein must be specifically requested. The Corporation shall contribute to the Government of Guam Retirement Fund on the basis of annual billings as determined by the Board of Trustees, Government of Guam Retirement Fund, for the government share of the cost of the retirement benefits applicable to the Corporation's employees and their beneficiaries. The Corporation shall also contribute to the Workmen's Compensation Fund, on the basis of annual billings as determined

THE HONORABLE MEMBERS OF THE LEGISLATURE OF GUAM  
IN THE DISCRETION OF THE BOARD OF DIRECTORS OF THE CORPORATION  
SECTION 6001. DIRECTOR AND HONORARY EMPLOYEES

1 by the Workmen's Compensation Commissioner, for the benefit  
2 payments made from such Fund on account of the Corporation's  
3 employees.

4 Section 60010. Attorneys. The attorneys employed by  
5 the Corporation may practice before the courts of Guam on  
6 the same basis as other government attorneys pursuant to  
7 Section 28002.2 of the Government Code.

8 Section 60011. Office of the Public Defender of Guam,  
9 Employees of. The Director shall be a successor to the  
10 Public Defender of Guam. All employees of the office of the  
11 Public Defender of Guam shall be transferred to the Public  
12 Defender Service Corporation.

13 Any person accepting employment under this Section shall  
14 receive not less than the straight-time rate of compensation  
15 he was receiving immediately before the transfer date. The  
16 other employment benefits and rights, including retirement  
17 and leave, of such transferred employees shall be governed  
18 by the provisions of Section 50009 of this Chapter.

19 Section 60012. Fiscal Authority Accounting; Expendi-  
20 tures.

21 (a) There is hereby established a fund to be known as  
22 the 'Public Defender Service Corporation Fund', which shall  
23 be maintained by the General Administrative Services of the  
24 Judicial Branch separate and apart from other funds of the  
25 Government, and independent records and accounts shall be  
26 maintained in connection therewith. Every quarter the finan-  
27 cial statement of the Fund shall be furnished the Guam Legis-  
28 lature.

29 (b) All moneys received by the Corporation, from what-  
30 ever source derived, shall be deposited in said Public  
31 Defender Service Corporation Fund in eligible banks as  
32 defined in Section 6311 of the Government Code.

SECTION 60013. TRANSFER OF PROPERTY. THERE IS TRANSFERRED TO THE CORPORATION ALL ITEMS OF PROPERTY NOW ASSIGNED TO THE OFFICE OF THE PUBLIC DEFENDER OF GUAM.

1 (c) All expenditures shall be made from said Public  
2 Defender Service Corporation Fund.

3 (d) The Board shall adopt and maintain a uniform  
4 system of accounting.

5 Section 60013. Transfer of Property. There is trans-  
6 ferred to the Corporation all items of property now assigned  
7 to the Office of the Public Defender of Guam."

8 Section 2. This Act shall take effect 30-days upon its  
9 enactment.