

STATE OF CALIFORNIA
GOVERNOR'S OFFICE

RECEIVED
This document is a copy of a letterhead memorandum prepared by the Governor's Office for the use of the Governor. It is not to be distributed outside the Governor's Office.

Joseph F. Barrett
Governor

RECEIVED

Joseph F. Barrett
Governor

This document was received by the Governor this 16th day of December, 1975 at 4:52 o'clock P.M.

Bob E. Weir-Pat
Assistant Staff Officer
Governor's Office

RECEIVED

Joseph F. Barrett
Governor of California

DATE: DEC 22 1975

1:55 P.M.

P. L. 13-117

1 and consent of the Legislature. The Governor may remove
2 the Attorney General for cause.

3 Section 7001. Department of Law, Cognizance. The
4 Attorney General shall have cognizance of all legal
5 matters in which the Government of Guam is in anywise
6 interested. Where any other law permits any agency or
7 autonomous public corporation to retain counsel other
8 than the Attorney General, this shall not preclude said
9 agency or public corporation from requesting the services
10 of the offices of the Attorney General, provided that
11 said agency or autonomous public corporation shall
12 reimburse the Office of the Attorney General for such
13 services from funds of said agency or autonomous public
14 corporation. Said reimbursement shall be deposited in
15 the General Fund and credited to the office of the
16 Attorney General. In addition, and notwithstanding any
17 other law to the contrary, any agency or autonomous
18 public corporation of the Government of Guam may advance
19 funds to the office of the Attorney General for services
20 and incidental travel to be rendered by said office on
21 behalf of said agency or autonomous public corporation.

22 Section 7002. Same. The Attorney General shall
23 have, in addition to the powers expressly conferred upon
24 him by this Act, those common law powers which include,
25 but are not limited to, the right to bring suit to
26 challenge laws which he believes to be unconstitutional
27 and to bring action on behalf of the territory repre-
28 senting the citizens as a whole for redress of grievances
29 which the citizens individually cannot achieve, unless
30 expressly limited by any law of Guam to the contrary.

1 The Attorney General may permit attorneys admitted to
2 private practice in Guam or licensed collection agents
3 to collect accounts or other obligations owing to the
4 Government of Guam, or to any agency or instrumentality
5 thereof, if such procedure would be in the interest of
6 the Government and expedite the collection of said
7 account or obligation. Any agency or instrumentality
8 not operating under yearly appropriations from the
9 Legislature may retain counsel of its choice for the
10 collection of obligations in the same manner as it may
11 be permitted to retain counsel in other matters as
12 permitted by its enabling legislation.

13 Section 7003. Same. The Attorney General shall
14 have cognizance of all matters pertaining to public
15 prosecution, including the prosecution of any public
16 officials.

17 Section 7004. Divisions of Office. The Department
18 of Law shall be composed of a Criminal Division, a
19 Civil Division and the Consumer Counsel Division.

20 Section 7005. Deputies; Transfer of Office of
21 Consumer Counsel. All divisions shall be under the
22 general cognizance of the Attorney General, and each
23 division shall be headed by a Deputy Attorney General.
24 Each Deputy Attorney General shall be in the classified
25 service. The Deputy heading the Consumer Counsel
26 Division shall be governed by and operate under the
27 authority given the Consumer Counsel by Title IV of
28 this Code, but under the cognizance of the Attorney
29 General.

30 Section 7006. Opinions. The Attorney General

1 shall give, when requested or required, and without fee,
2 except as provided in Section 7001, his opinion in
3 writing to public officers or matters relating to the
4 duties of their respective offices, and oral or written
5 instructions to commissioners or others acting for the
6 courts of Guam on all matters relating to service of
7 writs and process. The Attorney General shall also,
8 when requested, give, without fee, his opinion to the
9 Legislature, or members thereof, regarding matters
10 relating to enacted law or the status of case law on
11 a given subject. All legal memoranda or opinions,
12 except those prepared in a pending or anticipated
13 case, issued by the Attorney General or a deputy in
14 response to persons who are authorized to request such
15 opinions shall become public documents.

16 Section 7007. Defense of Judges, Officers, and
17 Employees. (a) Whenever any action for damages is
18 instituted against any officer or employee of the
19 Government of Guam in his individual capacity for the
20 performance of an authorized official act, the officer
21 or employee may request the Attorney General to under-
22 take the defense of such action. If the Attorney
23 General finds that the officer or employee acted in
24 good faith, then, subject to the approval of the Governor,
25 he shall appear and defend the officer or employee.

26 (b) Nothing herein shall be interpreted to pre-
27 clude the participation of the Attorney General in any
28 litigation in order to protect the interests of the
29 Government of Guam, nor to prohibit the Attorney General
30 to decline the defense of any of the above officers or

1 employees on the grounds that criminal prosecution or
2 disciplinary action requiring action by the Attorney
3 General may proceed from the acts which are also the
4 subject of the civil action for damages herein referred.

5 Section 7808. Duties. The Attorney General is the
6 public prosecutor and, by himself, a Deputy or assistant,
7 shall:

8 (a) Conduct on behalf of the Government of Guam the
9 prosecution of all offenses against the laws of Guam which
10 are prosecuted in any of the courts of Guam, the District
11 Court of Guam, and any appeals therefrom;

12 (b) Draw all informations, conduct grand jury
13 proceedings, prosecute all recognizances forfeited in
14 the courts and all actions for the recovery of debts,
15 fines, penalties, and forfeitures accruing to the
16 Government of Guam, except as otherwise provided in this
17 Act;

18 (c) Conduct on behalf of the Government of Guam all
19 civil actions in which the government is an interested
20 party; provided that those departments or agencies which
21 are authorized to employ their own legal counsel may use
22 them instead of the Attorney General in civil actions
23 where the interest of that department or agency is in
24 conflict with that of another department or agency.

25 (d) Deliver receipts of money or property received
26 by him in his official capacity and file duplicates thereof
27 with the Director of Administration;

28 (e) As soon as practical after the receipt of any
29 money in his official capacity, turn the money over to
30 the Director of Revenue and Taxation, and on the first

1 Monday of each month file with the Director of Administra-
2 tion, an account, verified by his oath, of all monies
3 received by him in his official capacity for the Govern-
4 ment of Guam during the preceding month;

5 (f) Be diligent in protecting the rights and
6 properties of the Government of Guam;

7 (g) Institute by any appropriate action proceedings
8 on behalf of himself or any other public officer (not an
9 employee) to have determined by the courts the validity of
10 any law, rule or regulation of the Government of Guam; and

11 (h) Perform such other duties as are required by law
12 or assigned to him by the Governor.

13 Section 7009. Abating Public Nuisances. The
14 Attorney General shall bring civil actions to abate
15 public nuisances in Guam.

16 Section 7010. Attorney General Not to Favor Claims.
17 The Attorney General, except for his own services, may
18 not present any claim, account or demand for allowance
19 against the Government of Guam nor in any way advocate
20 the relief asked on any claim or demand made by another,
21 except as provided in the Government Claims Act.

22 Section 7011. Not to Defend Persons Accused of Crime.
23 The Attorney General, during his incumbency, shall not
24 defend or assist in the defense of, or act as counsel in a
25 criminal action for any person or persons, association or
26 corporation indicted of any crime in Guam.

27 Section 7012. Outside Employment Regulated. Neither
28 the Attorney General nor any person employed in the
29 Department of Law shall engage in any outside employment
30 which shall conflict with his duties within the Department

1 of Law. Prior to engaging in any outside employment,
2 the Attorney General shall obtain written authorization
3 for such activities from the Governor. Any other person
4 employed in the Department of Law shall, prior to engaging
5 in any outside employment obtain written authorization
6 to engage in such activities from the Attorney General.
7 Any person who engages in outside employment without
8 first obtaining the required written approval may be
9 suspended or dismissed from government service.

10 Section 7013. Rules and Regulations. The Attorney
11 General shall make rules and regulations, not inconsistent
12 with law, for the conduct of the Department of Law, but
13 such rules and regulations shall become effective only
14 upon the approval of the Governor. The Administrative
15 Adjudication Act shall not apply to rules and regulations
16 promulgated under this Section which concern only the
17 internal management of the Department of Law and which do
18 not directly affect the rights or procedures available to
19 the public; provided that in all other respects it shall
20 apply. Rules and regulations shall not be inconsistent
21 with the personnel rules and regulations of the Government
22 of Guam."

23 Section 3. Section 851 of the Penal Code is amended to
24 read:

25 "Section 851. The following are Peace Officers:

- 26 (a) All other magistrates.
27 (b) All municipal commissioners.
28 (c) All assistant municipal commissioners.
29 (d) All members of the police force.
30 (e) All officers of the Department of

1 Corrections.

2 (E) The Attorney General and those persons
3 employed by him whom he specially designates in the
4 Attorney General's Office.

5 (G) Customs and Quarantine Officers of the
6 Department of Commerce.

7 (H) Conservation Officers of the Department
8 of Agriculture.

9 (I) Compliance Officers of the Department
10 of Revenue and Taxation."

11 Section 4. Section 4106 of the Government Code is
12 amended to delete the following reference to the Attorney
13 General:

14 "Attorney General - 1 \$10,000."

15 Section 5. A new Section 4106.1 is added to the Govern-
16 ment Code to read:

17 "Section 4106.1. The salary of the Attorney General
18 shall be Twenty-Nine Thousand Dollars \$29,000. No salary
19 of any other attorney in the Department of Law shall be
20 greater than Twenty-Seven Thousand Five Hundred Dollars
21 (\$27,500) per year."

22 Section 6. Administrative Provisions Regarding Transfer
23 of the Office of Consumer Counsel. No position transferred
24 to the Attorney General from the Office of the Consumer
25 Counsel by this Act shall have its compensation decreased by
26 such transfer.

27 (a) Each employee of the Office of the Consumer
28 Counsel upon the effective date of this Act shall be
29 offered employment by and transferred to the Office
30 of the Attorney General.

1 (b) Any person accepting employment under this
2 Section shall receive not less than the straight time
3 rate of compensation he was receiving immediately before
4 the transfer date.

5 (c) The other employment benefits and rights,
6 including retirement and leave, of such transferred
7 employees shall be continued in force as if the transfer
8 had not been made.

9 Section 7. Sections 1 through 3 and Section 6 of this
10 Act shall take effect sixty days after this Act shall have
11 been signed into law to allow time for the necessary adminis-
12 trative changes. Sections 4 and 5 of this Act shall take
13 effect only after the budget of the Department of Law has been
14 increased to reflect the changes made to the compensation of
15 the Attorney General by Sections 4 and 5 of this Act.