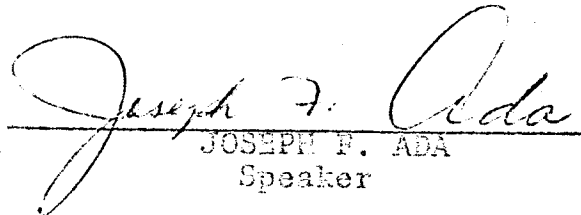



FOURTEENTH GUAM LEGISLATURE  
1978 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

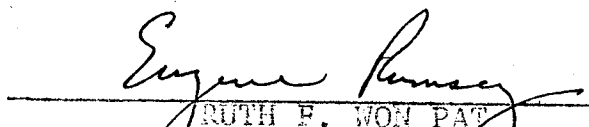
This is to certify that Bill No. 855, "An Act to add a new Title XLVIII to the Government Code relative to establishing the Guan Criminal Justice Planning Agency", was on the 29th day of September, 1978, duly and regularly passed.

  
\_\_\_\_\_  
JOSEPH F. ADA  
Speaker

ATTESTED:

  
\_\_\_\_\_  
ERNESTO M. ESPALDON  
Legislative Secretary

-----  
This Act was received by the Governor this 30th day of  
September, 1978, at 8:15 o'clock A. .M.

  
\_\_\_\_\_  
RUTH F. WON PAT  
Assistant Staff Officer  
Governor's Office

APPROVED:

/s/ RICARDO J. BORDALLO  
\_\_\_\_\_  
RICARDO J. BORDALLO  
Governor of Guam

DATED: September 30, 1978  
10:57 A.M.

Public Law 14-148

FOURTEENTH GUAM LEGISLATURE  
1978 (SECOND) Regular Session

Bill No. 855

Introduced by

J. M. Rivera  
E. R. Duenas

AN ACT TO ADD A NEW TITLE XLVIII TO THE  
GOVERNMENT CODE RELATIVE TO ESTABLISHING  
THE GUAM CRIMINAL JUSTICE PLANNING AGENCY.

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

2 Section 1. A new Title XLVIII is added to the Government  
3 Code to read:

4 "TITLE XLVIII

5 Guam Criminal Justice Planning Agency

6 Section 64000. Findings and Purpose. The Legislature  
7 finds and declares that:

8 (a) the control of crime and delinquency are  
9 essentially local problems;

10 (b) crime and delinquency are complex social  
11 phenomena requiring the attention and coordinated  
12 effort of the criminal justice system, territorial  
13 government, and private citizens alike;

14 (c) the establishment of appropriate goals, objec-  
15 tives and standards for the reduction of crime and  
16 delinquency and for the administration of justice must  
17 be a priority concern;

18 (d) the functions of the criminal justice system  
19 must be coordinated more efficiently and effectively;

20 (e) the full and effective use of resources  
21 affecting the criminal justice system requires the  
22 complete cooperation of all relevant government agencies;

1 (f) training, research, evaluation, technical  
2 assistance, and public education activities are necessary  
3 for the improvement of the criminal justice system and  
4 the generation of effective methods for the prevention  
5 and reduction of crime and delinquency; and

6 (g) for continued access to funds available through  
7 the Omnibus Crime Control and Safe Streets Act of 1968,  
8 as amended in 1976, it is required in Section 203.(a)(1)  
9 of this Act that a criminal justice planning commission  
10 or agency for Guam be authorized by statute no later  
11 than December 31, 1978.

12 Section 64001. Guam Criminal Justice Planning Agency.

13 There is within the Office of the Governor of Guam the 'Guam  
14 Criminal Justice Planning Agency', which is designated as  
15 the state planning agency for carrying out Title 1, Law  
16 Enforcement Assistance Administration, of the Omnibus Crime  
17 Control and Safe Streets Act of 1968, U. S. Public Law 90-351,  
18 as amended, and the Juvenile Justice and Delinquency Preven-  
19 tion Act of 1974, U. S. Public Law 93-415, as amended, and  
20 other Federal Acts as required by the Law Enforcement  
21 Assistance Administration. The Agency shall have all powers  
22 granted by such Acts to state planning agencies and shall be  
23 subject to the jurisdiction of the Governor of Guam as  
24 required by the Safe Streets Act.

25 Section 64002. Powers and Duties of Agency. The Agency  
26 shall:

27 (a) advise and assist the Governor in developing  
28 policies, plans, programs, and budgets for improving the  
29 coordination, administration, and effectiveness of the  
30 criminal justice system in Guam;

1 (b) establish goals, priorities, and standards  
2 for the reduction of crime and the improvement of the  
3 administration of justice in Guam;

4 (c) assist law enforcement and criminal justice  
5 agencies in identifying their needs and problems and in  
6 establishing and achieving their objectives and goals by  
7 means of the development of long-range plans;

8 (d) encourage and coordinate comprehensive criminal  
9 justice planning efforts;

10 (e) develop programs for the effective utilization  
11 of existing facilities, for the encouragement of coopera-  
12 tive arrangements between law enforcement, criminal  
13 justice, and other related agencies, and for innovations  
14 in the design of institutions and facilities;

15 (f) prepare and update, as necessary, a State Com-  
16 prehensive Criminal Justice Plan, on behalf of the  
17 Governor, for submission to the Law Enforcement Assistance  
18 Administration, U. S. Department of Justice;

19 (g) provide for the production and dissemination of  
20 necessary data, analysis and projections to assist in  
21 the establishment of priorities, selection of programs,  
22 and identification of needs and problem areas within  
23 Guam's Criminal Justice System;

24 (h) monitor and evaluate programs and projects,  
25 funded in whole or in part by the territorial government  
26 aimed at reducing crime and delinquency and improving  
27 the administration of justice;

28 (i) provide recommendations to local criminal  
29 justice agencies on the use of advanced techniques and  
30 practices for reducing crime;

1 (j) assist and advise in the development and pro-  
2 motion of programs directly relating to crime prevention,  
3 detection, deterrence, apprehension, and confinement, as  
4 well as non-institutional rehabilitation programs out-  
5 side the institutional settings;

6 (k) assist in public education efforts relating to  
7 juvenile delinquency, crime prevention, and functions of  
8 the law enforcement and criminal justice system by means  
9 of programs for children and adults in the school system,  
10 and provide forums in the villages, and encourage  
11 creative use of the media to increase community awareness  
12 in relation to these concerns;

13 (l) assist and provide for guidance and technical  
14 assistance to aid in the education and training of law  
15 enforcement officials and criminal justice officials;

16 (m) have the authority to collect from any local  
17 governmental entity information, data, reports, statis-  
18 tics or such other material which are necessary to carry  
19 out the Agency functions;

20 (n) provide information and outline procedures for  
21 grant applications to prospective aid recipients;

22 (o) coordinate the Comprehensive State Plan with  
23 other federally-supported programs relative to or having  
24 an impact on law enforcement and criminal justice;

25 (p) establish priorities for providing funds and  
26 technical assistance in the areas of juvenile delinquency  
27 prevention, crime control, and improvement of law enforce-  
28 ment and criminal justice agencies;

1 (q) set forth policies and procedures designed to  
2 ensure that Federal funds will be used to supplement  
3 rather than supplant local funds for law enforcement  
4 and criminal justice;

5 (r) apply and account for, receive, allocate,  
6 monitor, audit, and disburse or subgrant funds made  
7 available by the U. S. Federal Government and the govern-  
8 ment of Guam for the purposes provided for in this Title;  
9 and

10 (s) perform such other duties as may be necessary  
11 to carry out the purposes of this Title, or as the  
12 Governor may assign.

13 Section 64003. Executive Director and Staff. (a) The  
14 Governor may appoint an Executive Director for the Agency,  
15 with the advice and consent of the Legislature, who shall  
16 serve at the pleasure of the Governor. The Executive Director  
17 shall be paid a salary in accordance with Section 4106 of  
18 the Government Code. The Executive Director may employ such  
19 personnel and contract for such consulting services, as may  
20 be necessary and authorized to carry out the purpose of this  
21 Title.

22 (b) Staff, other than the Executive Director, must be  
23 included within the territory's existing personnel system.  
24 This requirement is not meant to preclude exemption for other  
25 key personnel if appropriate under territorial law.

26 Section 64004. Supervisory Board. The Governor shall  
27 establish a Supervisory Board which shall be responsible for  
28 the general oversight of the operation of the Agency.

29 (a) The Supervisory Board shall consist of the following  
30 members or their designees:

31 (1) The Attorney General of the territory of Guam;

- 1 (2) The Director of the Department of Public
- 2 Safety;
- 3 (3) The Director of the Department of Corrections;
- 4 (4) The Director of the Public Defender Service
- 5 Corporation;
- 6 (5) The Chairman of the Juvenile Justice Advisory
- 7 Group;
- 8 (6) The Presiding Judge of the Superior Court;
- 9 (7) The Executive Director of the Department of
- 10 Youth Affairs;
- 11 (8) The Chief Judicial Administrative Officer;
- 12 and
- 13 (9) The Executive Director of the Agency.

14 Each of the members serving pursuant to this Section shall  
15 serve by virtue of his position with the designated agency  
16 or institution and shall serve as long as he remains in that  
17 position. Should any cease to hold the position by whose  
18 virtue he is a member of the Supervisory Board, membership  
19 on the Supervisory Board shall terminate immediately. The  
20 successor to any of the above listed positions will succeed  
21 to membership on the Supervisory Board.

22 (b) The Governor shall appoint the remaining six (6)  
23 Supervisory Board members, which shall include one (1)  
24 Municipal Commissioner and five (5) representatives of the  
25 general public, none of which shall be fulltime employees of  
26 the government. Two (2) of these five (5) representatives  
27 shall also serve on the Juvenile Justice Advisory Group.  
28 The remainder shall represent citizen, professional and  
29 community organizations.

30 (c) Members shall serve for a term of five (5) years,  
31 and may be reappointed for no more than one (1) additional  
32 consecutive term; except that the terms of those members who

1 serve by virtue of the office they hold shall be concurrent  
2 with their services in the office from which they derive  
3 Supervisory Board membership.

4 (d) Vacancies occurring, other than by those of members  
5 who are on the Supervisory Board by virtue of their position  
6 or the expiration of a term, shall be filled in the same  
7 manner as the original appointment within thirty (30) days  
8 of the vacancy.

9 (e) The Governor, or his designee, shall serve as con-  
10 vener of the Supervisory Board until such time as a Chairman  
11 can be selected by a majority vote of the Supervisory Board  
12 membership.

13 Section 64005. Same: Compensation and expenses. Members  
14 of the Supervisory Board shall receive the amount of \$50 per  
15 meeting, but not to exceed \$100 per month, and shall be  
16 reimbursed for the expenses actually and necessarily incurred  
17 by them in the performance of their duties as required under  
18 this Chapter, provided funds are available.

19 Section 64006. Powers and Duties of Supervisory Board.

20 (a) The Supervisory Board shall:

21 (1) act as an advisory body to the Governor and  
22 Executive Director of the Agency in identifying problems  
23 and developing policies, plans, programs, and budgets  
24 for improving the coordination, administration, and  
25 effectiveness of the criminal justice in Guam; and

26 (2) have the responsibility for reviewing, appro-  
27 ving, and maintaining general oversight of the state  
28 plan and its implementation.

29 Section 64007. Meetings; Quorum; Committees; By-Laws.

30 (a) The Supervisory Board shall meet at such times and places  
31 as prescribed by rules or regulations. All supervisory Board  
32 meetings shall be opened to the public.



1 (b) Eight (8) members shall constitute a quorum.

2 (c) The Supervisory Board may establish committees and/  
3 or task forces as it deems advisable and feasible to assist  
4 in the completion of its duties and responsibilities.

5 (d) All meetings of the Supervisory Board, or any  
6 committee or task force thereof, at which public business is  
7 discussed or formal action is taken shall conform to all  
8 territorial laws and regulations requiring public access to  
9 such meetings.

10 (e) The Supervisory Board and any other committee or  
11 organization established to carry out the purposes of this  
12 Title shall provide for public access to all records except  
13 as are required to be kept confidential by any other provision  
14 of territorial or Federal law.

15 (f) The Supervisory Board shall promulgate rules of  
16 procedures governing its operations, provided they are in  
17 accordance with the provisions of this Act and laws and  
18 regulations of the territory of Guam relevant to administra-  
19 tive procedure.

20 Section 64008. Legislative Review. The Agency shall  
21 make available to the Legislature the Comprehensive State  
22 Plan, and substantial modifications and updates thereto, for  
23 its advisory review of the goals, priorities, and policies  
24 contained therein. This Plan shall be submitted at the re-  
25 quest of the Legislature to the Legislative Committee on the  
26 Judiciary & Criminal Justice. The Agency shall provide noti-  
27 fication to the Legislature of the Comprehensive State Plan  
28 readiness for review.

1           Section 64009. Cooperation of other departments. Each  
2 agency, department, office, commission, or part of the  
3 government of Guam is authorized and instructed to render  
4 assistance, information, and cooperation to the Agency as  
5 is necessary for it to perform its duties as provided in  
6 this Title.

7           Section 64010. Limitations. Nothing in this Title  
8 shall be construed as authorizing Guam Criminal Justice  
9 Planning Agency to undertake direct administration or opera-  
10 tion of any criminal justice or law enforcement agency."

11          Section 2. On the effective date of this Act, all previous  
12 directives and executive orders pertaining to the establishment  
13 and operation of the Territorial Crime Commission are rescinded  
14 and null and void. All personnel, property, and budget items of  
15 the Territorial Crime Commission are transferred to the Guam  
16 Criminal Justice Planning Agency.

17          Section 3. A new Section 49003.1 is added to the Government  
18 Code to read:

19               "Section 49003.1. Notwithstanding the provisions of  
20 any law to the contrary, the schedule of fees (causing an  
21 increase of approximately 20.5% over fees previously in  
22 effect) to be charged for care and services at or by the  
23 hospital, including care and services for the mentally-ill,  
24 to be implemented during October 1978 shall be suspended  
25 for one (1) year from the date of enactment of this Act.

26               The Board of Trustees shall study and reevaluate the  
27 current fee schedule to determine if it can be revised to  
28 reduce fees in light of appropriation of local funds to  
29 the Guam Memorial Hospital Authority and receipt of Federal  
30 funds in the amount of Twenty-Five Million Dollars  
31 (\$25,000,000) by the end of this calendar year and another  
32 Ten Million Dollars (\$10,000,000) within six (6) months. The  
33 Board of Trustees shall report its findings to the Governor  
34 and the Legislature."

1           Section 4. Section 3 of Public Law 14-5, as amended by  
2 Public Laws 14-57 and 14-92, and further amended by Public Law  
3 14-137, is again amended to read:

4           "Section 3. The Board of Commissioners of Guam Housing  
5 and Urban Renewal Authority is directed to create a special  
6 fund for the Authority and to deposit into it the proceeds of  
7 sales it makes at the GHURA 500 project. The fund so  
8 created shall be reserved by the Authority to reimburse the  
9 General Fund of the government for the \$1.0 Million appro-  
10 priated by Section 2 of this Act not later than December 30,  
11 1978."

12          Section 5. Subsection (a) of Section 8981 of the Government  
13 Code is amended to read:

14           "(a) Every person who served in active duty in the  
15 Armed Forces of the United States in World War II, the  
16 Korean War, or the Indo-China Conflict, who at the time of  
17 entering such service, was a resident of Guam, and who was  
18 separated or discharged from his or her respective branch  
19 of service under conditions other than dishonorable or who  
20 is still in active or reserve service shall be entitled to  
21 receive a bonus of Thirty Dollars (\$30.00) for each month  
22 of active service during World War II, the Korean War or  
23 Indo-China Conflict. The bonus for a fraction of a month  
24 of service shall be determined on the basis of One Dollar  
25 (\$1.00) for each day of service, except that bonuses shall  
26 not be given to any person who received from another state  
27 or territory of the United States a bonus of a like nature  
28 as is provided in this Chapter. The maximum payment under  
29 this Chapter shall not exceed the sum of Seven Hundred  
30 Twenty Dollars (\$720.00)."

1           Section 6. A new Subsection (c) is added to Section 8981  
2 of the Government Code to read:

3           "(c) If a veteran is entitled to a Guam Veterans bonus  
4 under this Chapter, and he or she was killed in action, the  
5 amount of compensation payable under (b) above shall be  
6 Seven Hundred Twenty Dollars (\$720.00)."

7           Section 7. Section 8982 of the Government Code is amended  
8 to read:

9           "Section 8982. Application for bonuses. All applica-  
10 tions for bonuses authorized by this Chapter must be made  
11 to the Office of Veteran's Affairs on or before December 31,  
12 1978. Each applicant shall furnish to the Office of Veteran's  
13 Affairs evidence of his eligibility for a veteran's bonus.  
14 Eligibility may be evidenced by authenticated copies of  
15 records or certificates issued by the Department of Defense,  
16 U. S. Military Service Department, or any other authorized  
17 agency having such evidence in its possession."

18           Section 8. The Governor is authorized to dedicate government  
19 owned real property not to exceed two (2) hectares to the Guam  
20 Football Association for the construction of a soccer playing  
21 field. Said dedication shall provide if any of the property  
22 dedicated shall not be used and maintained for the aforesaid  
23 purpose, or if any part shall cease to be used and maintained  
24 for such purpose, or if any part shall be used for any other  
25 purpose inconsistent with such purpose, then all right, title,  
26 and interest in and to the property and to the improvements there-  
27 on, shall revert to and revest in dedicator, government of Guam.

1 Section 9. Section 1.g of Public Law 14-132 is hereby amended  
2 to read:

3 "1.g. Office of Aging

4 1. SPCEA 13.633 \$102,108 \$ 62,500

5 (number of positions

6 shall not exceed 11)

7 2. APSS 13.633 \$ in-kind \$378,675

8 (Contr. Services)

9 3. Program for Aging

10 Nutrition Program

11 13.635 \$ in-kind \$618,750

12 (Contr. Services)

13 4. Training Program

14 13.637 \$ - 0 - \$ 15,000".

15 Section 10. The following sums are hereby appropriated from  
16 the General Fund:

17 A. The sum of Two Hundred Thousand Dollars (\$200,000)  
18 for the construction of flood control facilities  
19 on San Miguel Road in Toto.

20 B. The sum of Seventeen Thousand Dollars (\$17,000)  
21 for the resurfacing and upgrading of the multi-  
22 purpose court at the Luis Untalan Junior High  
23 School in Barrigada.

24 C. The sum of Two Hundred Thousand Dollars (\$200,000)  
25 for the construction of flood control facilities  
26 in Barrigada.

27 D. The sum of Two Hundred Thousand Dollars (\$200,000)  
28 to pave all streets in Anigua, starting westward  
29 from the Bank of Guam.

30 E. The sum of Three Thousand Dollars (\$3,000) to pay  
31 for the expenses of sending two (2) Notre Dame  
32 High School scholars to attend the Presidential  
33 Leadership Development training in Washington D. C.

- 1 F. The sum of Twenty-Nine Thousand Five Hundred Dollars  
2 (\$29,500) to Guam Housing and Urban Renewal  
3 Authority to provide local funds necessary to  
4 complete construction of the Yona Community Center.  
5 G. The sum of Fifteen Thousand Dollars (\$15,000) for  
6 the installation of fire hydrants on the Old  
7 Leyang Road in Barrigada.

8 Section 11. There is hereby appropriated from the General  
9 Fund the sum of Five Thousand Dollars (\$5,000.00) to the Depart-  
10 ment of Parks and Recreation to underwrite the study of children's  
11 Zoo.

12 Section 12. Section 13971 of the Government Code (Public  
13 Law 14-136) is amended to read:

14 "Section 13971. Creation of Land Survey Fund. There  
15 is within the government of Guam a special fund known as  
16 the 'Land Survey Fund'. The Land Transfer Fund is abolished  
17 and all moneys therein, except those moneys derived from  
18 the program of clearing the fractional lots in the city of  
19 Agana, are transferred to the Land Survey Fund. The Land  
20 Survey Fund shall be under the administration of the Director  
21 of Land Management but no moneys shall be expended therefrom  
22 except by appropriation of the Legislature, provided, how-  
23 ever, that the Legislature shall not make any appropriation  
24 under this Section until the Director of Land Management has  
25 submitted to the Legislature the systematic program of  
26 planned surveys required by Subparagraph (5) of Section 13970  
27 of this Chapter. All proceeds from the sale and lease of  
28 public lands, from land permit fees and all other income  
29 derived from the operation of the Department of Land Manage-  
30 ment, including recording fees but excluding the Document

1 Tax proceeds, shall be covered into the Land Survey Fund;  
2 provided, however, that the maximum amount of said fund  
3 shall not exceed Nine Hundred Thousand Dollars (\$900,000),  
4 all such income in excess of said amount to be covered into  
5 the General Fund. The Land Survey Fund shall cease and  
6 terminate on December 30, 1978 and moneys in said fund at  
7 such time shall be covered into the General Fund."

8 Section 13. Section 7 of Public Law 14-136 is amended to  
9 read:

10 "Section 7. There is hereby appropriated from the  
11 General Fund the sum of Thirty-Eight Thousand Five Hundred  
12 Dollars (\$38,500) to the Land Survey Fund."

13 Section 14. Section 255.1 is added to the Code of Civil  
14 Procedure to read:

15 "Section 255.1. Referees; appointment; term; compensa-  
16 tion; qualifications. The Presiding Judge of the Superior  
17 Court of Guam may appoint one or more juvenile court referees  
18 to serve on a full-time or part-time basis. A juvenile  
19 court referee shall serve at the pleasure of the appointing  
20 judge, and unless the appointing judge makes his order  
21 terminating the appointment of a juvenile court referee, such  
22 juvenile court referee shall serve as such until the appoint-  
23 ment of his successor. The amount and rate of compensation  
24 to be paid juvenile court referees, the qualifications of  
25 juvenile court referees, and the duties and powers of  
26 juvenile court referees, shall be fixed by the Judicial  
27 Council, provided, however, that the individual appointed  
28 as a referee shall be an attorney licensed to practice law  
29 in the Territory of Guam."





1           Section 20. Renoyations made to the Plaza de Espana shall  
2 be inclusive of interior and exterior repairs and shall be  
3 approved by the State Historic Preservation Officer prior to  
4 commencing such restroation.

5           Section 21. There is hereby appropriated from the General  
6 Fund the sum of Two Hundred Seventy-Five Thousand Seventy-Three  
7 Dollars (\$275,073) to adequately provide for critical overtime  
8 payment to the Department of Public Safety accrued in Fiscal Year  
9 1978.

10          Section 22. The new reassignments of pay ranges for Customs  
11 Officer Class Series I and II, as approved by the Civil Service  
12 Commission on July 5, 1978, except that the pay range for Customs  
13 Officer I shall be 22 and the pay range for Customs Officer II  
14 shall be 24, are authorized to be implemented effective upon the  
15 enactment of this Act.

16          Section 23. The Civil Service Commission is directed to  
17 perform a study and recommend to the Legislature the feasibility  
18 of reassignment of all other Customs Officer class series in the  
19 Department of Commerce to receive equal pay with Police Officer  
20 positions.

21          Section 24. Notwithstanding any law, rule or regulation to  
22 the contrary, the Department of Commerce is authorized to use any  
23 unencumbered and unexpended balance in any category for any  
24 division of its FY 1978 appropriation to implement the provisions  
25 of Sections 21 and 22 of this Act.