

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
274-36 (COR)	James C. Moylan	AN ACT TO AMEND §77302 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CHIEF OF POLICE'S AUTHORIZATION TO RECRUIT VOLUNTEERS TO ASSIST IN ENFORCING ACCESSIBLE PARKING AND LITTERING LAWS AND THE NATASHA PROTECTION ACT OF 2005.	3/14/22 8:20 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 274-36 (COR)

Introduced by:

James C. Moylan 

AN ACT TO AMEND §77302 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CHIEF OF POLICE'S AUTHORIZATION TO RECRUIT VOLUNTEERS TO ASSIST IN ENFORCING ACCESSIBLE PARKING AND LITTERING LAWS AND THE NATASHA PROTECTION ACT OF 2005.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that the Chief of Police's authorization to recruit volunteers for specific tasks has existed in Guam's mandates since 2012. These tasks have included the assistance in enforcing the island's littering and accessible parking laws, along with the Natasha Protection Act of 2005. With the rising concerns of littering in Guam, along with the need to reallocate resources to other aspects of public safety, it would be beneficial for the Chief of Police to seek out volunteers in the community who would be willing to assist to enhance public service and to keep their communities cleaner and safer. The Chief may consider reaching out to the rising number of Neighborhood Watch Programs to recruit such volunteers.

The objective of this Act is not necessarily to raise revenue through penalties but deter violators of such acts. It is further recommended that such volunteers be vetted, trained, certified, and adequately prepared for their role. Volunteers should

1 also be clearly identified with some documentation or identification specifying
2 their authorization and term.

3 Lastly, §77302(a) also contains language providing volunteers the ability to
4 patrol school campuses during non-school hours. Because of the risk factors
5 associated with such activity, along with potential liabilities that may exist, it may
6 be in the best interest of the community to eliminate this authority under this
7 Article. This is an activity that would be best pursued by armed professionals, and
8 something for *I Liheslaturan Guahan* to explore additional options for.

9 **Section 2.** §77302 of Chapter 77, Title 10, Guam Code Annotated is hereby
10 *amended* to read as follows:

11 **§ 77302. Volunteers.**

12 For purposes of this sub-section a ‘volunteer’ shall be defined as a person
13 who voluntarily offers himself or herself for a service or undertaking willingly and
14 without pay.

15 (a) Pursuant to § 3401.1(h) of Article 4, Chapter 3 of Title 16, Guam
16 Code Annotated, the Chief of Police is authorized to recruit volunteers from
17 the community to assist the Guam Police Department in the enforcement of
18 the accessible parking and littering laws, and the Natasha Protection Act of
19 2005 relative to the regulation of smoking activities pursuant to Chapter 90
20 of Title 10, Guam Code Annotated. ~~In addition to these duties, the Chief of~~
21 ~~Police shall authorize the use of volunteers to patrol the school campuses of~~
22 ~~the Guam Department of Education during non-school hours. The volunteers~~
23 ~~shall take no enforcement action during their patrol of the school campuses,~~
24 ~~and shall notify the police of suspicious activity or crimes in progress. The~~
25 ~~Superintendent of Education shall cooperate with the Chief of Police to~~
26 ~~implement this Section. The volunteers are authorized to issue summons,~~
27 ~~notices to appear, citations, and notices of violation for offenses committed~~

1 under the provisions of §§ 70.10 through 70.85 of Article 1, Chapter 70,
2 Title 9, Guam Code Annotated. The volunteers are also authorized to
3 impound animals subject to § 34127 of Article 1 of Chapter 34, Title 10,
4 Guam Code Annotated if exigent circumstances are established by plain
5 view. Any volunteers recruited by the Chief of Police (hereinafter referred
6 to as ‘the Chief’ in this subsection), pursuant to this subsection, shall be
7 required to clear a background check established by the Chief, complete a
8 course of instruction and training, including any other certifications
9 mandated by public law. An authorized volunteer’s term shall exist for one
10 (1) year and may be renewed by the Chief for an additional one (1) year.
11 The volunteer shall be issued a document or identification specifying their
12 recruitment and term of their authorization. The Chief may terminate the
13 authorization at any time without any justification. The volunteer shall not
14 receive any compensation for their role and shall not have the same benefits
15 provided to police reservists or volunteers identified in this chapter.

16 (b) The volunteers are authorized to issue summons, notices to appear,
17 citations, and notices of violation for offenses committed under the
18 provisions of §§ 70.10 through 70.85 of Article 1, Chapter 70, Title 9, Guam
19 Code Annotated. The volunteers are also authorized to impound animals
20 subject to § 34127 of Article 1 of Chapter 34, Title 10, Guam Code
21 Annotated if exigent circumstances are established by plain view.

22 (c) The Chief of Police is further authorized to recruit volunteers to
23 assist the Guam Police Department with traffic direction, security, and
24 crowd control for events such as, but not limited to, the Guam Ko’ko’ Road
25 Race, the Guam-Micronesia Island Fair, and the Liberation Day Parade.
26 Volunteers are required to obtain a certificate from the Chief of Police

1 demonstrating the completion of a required course of instruction and training
2 that includes training relative to traffic direction and crowd control.

3 **Section 3. Severability.** If any provision of this Act or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity *shall not* affect other provisions or applications of this Act that can be
6 given effect without the invalid provision or application, and to this end the
7 provisions of this Act are severable.

8 **Section 4. Effective Date.** The Act shall be effective upon enactment.