

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 40-33 (COR)

Introduced by:

FRANK B. AGUON, JR. 

AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING “ATTENDANCE OFFICERS” AS “TRUANCY OFFICERS” TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 14-55 first authorized the appointment of Attendance Officers.
4 Attendance Officers are authorized to “take into custody during school hours,
5 without warrant, any truant found away from the truant’s home and who has
6 been reported truant.” Attendance Officers are appointed by the Unified Judiciary
7 of Guam as Special Deputy Marshals under §8107(a) of Chapter 8, Title 7, Guam
8 Code Annotated. Under that same subsection, they are provided law enforcement
9 training under the Unified Judiciary of Guam.

1 The Attendance Officers are employed to enforce Guam’s laws on truancy,
2 but are not treated as law enforcement under Public Law 29-105.

3 It is therefore the intent of *I Liheslaturan Guåhan* that Attendance Officers
4 be renamed “Truancy Officers” to reflect the practice throughout the United States
5 and to include them under the public safety and law enforcement pay adjustment if
6 they are appointed as special deputy marshals of the court under Public Law 29-
7 105, by amending §§ 8107 and 8108 of Chapter 8, Title 7, and Subsection (d) of
8 §5103, Chapter 5, and § 6403, of Article 4 Chapter 6, Title 17, all of the Guam
9 Code Annotated, and by adding a new (h) to §55102 of Chapter 55, Title 10, Guam
10 Code Annotated.

11 **Section 2. Marshal; Appointment of Special Deputies.** §8107 of Chapter
12 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

13 **“§ 8107. Marshal; Appointment of Special Deputies.**

14 The Chief Justice, at the request of the Marshal of the Court,
15 may appoint employees of the Department of Law, the Department of
16 Revenue & Taxation of the government of Guam, and the Truancy
17 ~~School Attendance~~ Officers of the Department of Education as
18 Special Deputy Marshals of the Guam Judiciary. Such appointments
19 shall be for as long as such employees remain in their employment
20 with their respective departments, unless sooner revoked by the Chief
21 Justice, whichever is earlier.

22 (a) The Truancy School Attendance Officers of the Department
23 of Education shall complete a training program developed and
24 adopted by the Judicial Council, that is pertinent to their appointment,
25 prior to such appointment as Special Deputy Marshals of the Guam
26 Judiciary.”

1 **Section 3. Special Deputy Marshal; Duties, Compensation.** §8108 of
2 Chapter 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

3 **“§ 8108. Special Deputy Marshal; Duties, Compensation.**

4 (a) The employees of the Department of Law who are appointed
5 as deputies under §8107 of this Chapter *shall* exercise their office
6 only in cases wherein the government of Guam is a party. The
7 employees of the Department of Revenue and Taxation who are
8 appointed as deputies under said §8107 *shall* exercise their office only
9 in matters concerning the income tax laws and other tax and revenue
10 laws of Guam. The Truancy School Attendance Officers of the
11 Department of Education under §8107 *shall* exercise their office only
12 in matters concerning truancy proceedings of the Superior Court of
13 Guam. No deputies under said §8107 *shall* be entitled to
14 compensation in addition to the compensation they are receiving as
15 employees of the government of Guam.”

16 **Section 4. Public Safety and Law Enforcement Compensation Review.**

17 A new Subsection (h) is hereby *added* to §55102, Article 1, Chapter 55, Title 10,
18 Guam Code Annotated, to read:

19 “(h) Truancy Officers at the Guam Department of Education
20 *shall* be included in the law enforcement compensation adjustment
21 mandated by this section, provided they are appointed as Special
22 Deputy Marshals of the Unified Judiciary of Guam under §8107 of
23 Chapter 8, Title 7, Guam Code Annotated. Notwithstanding the
24 provision of subsection (e) of this section, the pay adjustment
25 authorized by this subsection *shall* be applied prospectively upon
26 enactment.”

1 **Section 5. Same: Same: Qualifications.** Subsection (d) of §5103, Chapter
2 5, Title 17, Guam Code Annotated, is hereby *amended*, to read:

3 “(d) to act as Truancy school attendance officers; *and*”

4 **Section 6. Truancy Officer.** §6403 of Article 4, Chapter 6, Title 17, Guam
5 Code Annotated, is hereby *amended*, to read:

6 “§ 6403. Truancy Attendance Officer.

7 The Superintendent *shall* appoint employees of the Department
8 of Education, as Truancy Attendance Officers. The Truancy
9 Attendance Officers, any peace officer, principal, or dean may take
10 into custody during school hours, without warrant, any truant found
11 away from the truant’s home and who has been reported truant. ~~For~~
12 ~~the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance~~
13 ~~Officers are not classified as public safety and law enforcement~~
14 ~~officers.”~~

15 **Section 7. Replacement of Terms.** Any references to “Attendance
16 Officer” or “School Attendance Officer” and “Attendance Officers” or “School
17 Attendance Officers” of the Department of Education, whether occurring in public
18 laws, executive orders, or rules and regulations *shall* be construed to mean
19 “Truancy Officer” and “Truancy Officers”, respectively.

20 **Section 8. Judiciary of Guam to Provide Resources to Truancy Officers.**

21 The Unified Judiciary of Guam shall annually provide such uniforms and
22 equipment to deputy marshals serving as Truancy Officers of the Department of
23 Education necessary for them to fulfill their duties and responsibilities as law
24 enforcement personnel.

25 **Section 9. Effective Date.** This Act shall take effect upon enactment. The
26 pay adjustment authorized by §4 of this Act shall be applied prospectively upon
27 enactment.