

*I Mina'Trentai Kuåttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
338-34 (LS)	Telena C. Nelson	AN ACT TO AMEND § 3113 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS.	8/27/18 4:50 p.m.  <b>AS CORRECTED</b> 9/5/18 2:18 p.m.						

***I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN***  
**2018 (SECOND) Regular Session**

**Bill No. 338-34 (LS)**

As Corrected by the Prime Sponsor

Introduced by:

Telena Cruz Nelson 

**AN ACT TO *AMEND* § 3113 OF ARTICLE 1, CHAPTER 3,  
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO  
MANDATING THE QUALIFICATION REQUIREMENTS  
OF THE DIRECTOR OF THE DEPARTMENT OF  
CORRECTIONS.**

05-2018 SEP -5 PM 2:18

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in order to serve the people of Guam, persons in appointed positions must be able to bring experience directly applicable to the agency they are appointed. This experience becomes paramount in the realm of public safety. Public safety agencies on Guam with positions appointed by *I Maga'låhen Guåhan* are appointed with a certain level of experience to ensure the safety of our people and that those who work in the agency are being led by someone familiar with how an agency like that operates. This model may prove beneficial for the Department of Corrections.

Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that for the safety of the people of Guam and the protection of civil rights, the Department of Corrections is led by someone who holds the experience necessary to understand the mechanisms of the agency for the future of Guam's people.

**Section 2.** § 3113 of Article 1, Chapter 3, Title 5, Guam Code Annotated, is *amended* to read:

1           **“§ 3113.     Department of Corrections.**

2           There is within the Executive Branch of the government of Guam a  
3 Department of Corrections. The Director of Corrections is the head of the  
4 Department of Corrections. The Director of Corrections is appointed by *I*  
5 *Maga'låhi* (the Governor) with the advice and consent of *I Liheslatura* (the  
6 Legislature), and shall meet the following qualifications:

7                   (a)     be at least thirty-five (35) years of age;

8                   (b)     have no less than fifteen (15) years of progressive experience  
9 in a correctional facility or government law enforcement position, and five  
10 (5) years in a senior position with law enforcement management  
11 responsibilities, or equivalent executive management experience in the  
12 field of public administration, corrections, criminal justice administration,  
13 or law, or a closely related field or discipline;

14                   (c)     graduated with a Bachelor's degree or higher in criminal  
15 justice administration, public administration, law, or a closely related field  
16 or discipline from an accredited institution recognized by the Council for  
17 Higher Education Accreditation (CHEA) or its successors;

18                   (d)     have no felony, domestic or family violence convictions;

19                   (e)     have no misdemeanor convictions involving moral turpitude;

20                   (f)     submit to and pass a drug screening test, including, but *not*  
21 limited to, urinalysis testing, unless the appointee is a current employee of  
22 the government of Guam registered with the Peace Officer Standards and  
23 Training (P.O.S.T) Commission as a peace officer occupying a Test-  
24 Designated Position (TDP) pursuant to the Department's Drug-Free  
25 Workplace Program;

26                   (g)     be of good health and good moral character;

- 1                   (h) submit to psychological testing;  
2                   (i) submit to a polygraph examination; and  
3                   (j) submit to a thorough investigation of his or her background  
4                   and moral character.

5                   Compensation of Director of the Department of Corrections.

6                   Notwithstanding any other provision of law, a person appointed by I  
7                   Maga'låhen Guåhan and confirmed by I Liheslaturan Guåhan to be Director of  
8                   Corrections, and who at the time of his or her appointment is an active member  
9                   of the classified service shall receive a salary established by the government of  
10                   Guam compensation schedule for heads of agencies, or a salary equivalent to the  
11                   three (3)-year average of the annual income earned immediately prior to his or  
12                   her appointment as Director of the Department of Corrections, whichever is  
13                   greater. Said three (3)-year average shall be reviewed annually to determine if  
14                   mandated pay increases would have affected the three (3)-year average.

15                   A person who is an active classified employee of the government of Guam  
16                   immediately prior to his or her appointment by I Maga'låhen Guåhan and  
17                   confirmation by I Liheslaturan Guåhan to be Director of the Department of  
18                   Corrections shall, if not removed for cause, be reinstated to the position he or she  
19                   previously held immediately prior to such appointment, or to an equivalent  
20                   position, upon expiration of his/her appointment as Director of Corrections.”

21                   **Section 3. Effective Date.** This Act *shall* be effective on January 1, 2019.

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