

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

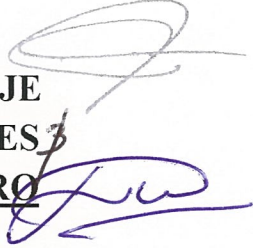
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
183-35 (COR)	Jose "Pedro" Terlaje Tina Rose Muña Barnes William M. Castro	AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 90 OF TITLE 9 GCA RELATIVE TO THE CREATION OF A CIVILIAN CORRECTIONS RESERVE PROGRAM AT THE DEPARTMENT OF CORRECTIONS.	7/24/19 4:17 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN
2019 (FIRST) Regular Session

BILL NO. 183 -35 (COR)

INTRODUCED BY:

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AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 90
OF TITLE 9 GCA RELATIVE TO THE CREATION OF A
CIVILIAN CORRECTIONS RESERVE PROGRAM AT
THE DEPARTMENT OF CORRECTIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Article 6 Chapter 90 of Title 9 GCA shall be *added to*
2 read;

3 ARTICLE 6

4 CIVILIAN CORRECTION RESERVE PROGRAM

5 § 90200. Creation.

6 § 90201. Functions and Duties.

7 § 90202. Recruitment.

8 § 90203. Training, Equipping and Maintenance of Records.

9 § 90204. Reservist: Authority.

10 § 90204.1. Same: Allowance.

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1 § 90204.2. Authorization for Full-Time CCR Officers.

2 § 90205. Same: Eligibility and Oath.

3 § 90206. Rules and Regulations: Recommendations.

4 **§ 90200. Creation.**

5 (a) There is *hereby* created within the Department of Corrections herein
6 referred to as DOC of the territory of Guam the Civilian Corrections Reserve
7 Program, which shall be headed by the Director of DOC, hereinafter referred
8 to as the Director.

9 (b) The Director, subject to the advice and control of the Governor, *shall* be
10 responsible for carrying out the purpose of this Chapter, and shall have such
11 additional duties and responsibilities as are authorized herein, or as may be
12 prescribed by the Governor.

13 **§ 90201. Functions and Duties.**

14 (a) The general functions and duties of the Civilian Correction Reserve
15 Program *shall* be to provide backup manpower to protect the public from the
16 destructive action of law offenders through control and rehabilitation. It *may*
17 provide staff services for the judiciary, the Parole Board, probation officers
18 and interested agencies of the Executive Branch.

19 (b) The Director shall formulate a program whereby the Civilian Correction
20 Reserve Program *shall* adhere to the functions and duties herein prescribed.
21 From time to time the Director shall review and revise the functions and
22 duties of the Civilian Correction Reserve Program to ensure an amicable

1 discharge of responsibilities and duties knowing the fact that their roles are
2 the extension of duties of the regular personnel.

3 **§ 90201. Recruitment.**

4 (a) The Director *shall* recruit on an entirely volunteer basis, local residents
5 who desire to make available their services to assist the Department of
6 Corrections in carrying out the function of protecting the public from the
7 destructive action of law offenders through control and rehabilitation.

8 (b) The Director *shall* further promulgate rules and regulations regarding the
9 age, health and other requirements for recruitment purposes.

10 (c) Nothing in this Section *shall* prohibit the Director from recruiting a
11 resident who is a non-immigrant alien admitted into Guam under the
12 Compacts of Free Association between the United States and the Federated
13 States of Micronesia, the Republic of the Marshall Islands, and the Republic
14 of Palau.

15 **§ 90203. Training, Equipping and Maintenance of Records.**

16 (a) Training for the Civilian Correction Reserve Program members shall be
17 conducted pursuant to the provision of the Peace Officer Standards and
18 Training (POST) Commission in Chapter 51 of 17 GCA. Initial training
19 requirements shall be identical to those required of DOC cadets.

20 (b) The Director *shall* maintain a roster of reservists who have received the
21 training prescribed by Chapter 51 of 17 GCA. In order to maintain
22 membership in the Reserve, each member must keep up with his scheduled
23 training, and no reservist may remain in the Reserve if he or she is unable to

1 keep up with or otherwise absorb the training. Additionally, basic supplies
2 and equipment *shall* be provided to assure a constant operability of the
3 Civilian Correction Reserve Program, including a continuing program for
4 replacement.

5 (c) Any member of the Civilian Correction Reserve Program who has not
6 met the minimum qualifications/certifications for firearms safety and
7 proficiency, physical fitness, recruitment clearances (police, court, etc.), and
8 background checks shall not be allowed to serve in the Civilian Correction
9 Reserve Program.

10 **§ 90204. Reservist: Authority.**

11 Whenever members of the Civilian Correction Reserve Program, and the
12 members thereof are rendering assistance to DOC, as the case may be, such
13 volunteers shall have the same powers, duties, rights (including coverage
14 under the Worker's Compensation Act), privileges and immunities, as if
15 they were paid, full-time members of the Department of Corrections, except
16 that they shall earn recruitment credit for services performed as volunteers.

17 **§ 90204.1. Same: Allowance.**

18 Each member of the Civilian Correction Reserve Program who successfully
19 completes probationary requirements as established by the Director, and
20 who serve a minimum of twenty (20) hours to maintain their good standing
21 as a CCRP officer, and forty two (42) hours hours per month to receive an
22 allowance of Five Hundred Dollars (\$500) per month, to defray the cost of
23 maintenance of their equipment and uniforms. The Department of

1 Corrections shall identify funds within their department appropriations to
2 satisfy the intent of this Section.

3 **§ 90204.2. Authorization for Full-Time CVCR Officers.**

4 (a) The Department of Corrections (DOC) may employ CCRP Officers on a
5 temporary, full-time basis, if such Officers are active members and have
6 attained at least two thousand eighty (2,080) cumulative service hours, if a
7 critical need arises because of military activation of DOC officers or absence
8 due to a long-term disability status which has been certified by a medical
9 doctor. The DOC may exercise this authority provided its authorized budget
10 for personnel is not exceeded. The CCRP Officer shall return to reservist
11 status pursuant to this Chapter when the incumbent returns from military
12 service or long-term disability, or at the discretion of the Director.

13 (b) CCRP Officers may only serve as equivalent of Corrections Officer I and
14 be compensated hourly only as a Corrections Officer I, Step I, and shall be
15 eligible to receive sick leave, and be eligible for the Government of Guam
16 Health Insurance Program, and shall not be eligible for a stipend as a
17 Reserve Officer for the duration of their temporary employment by the
18 Department.

19 (c) CCRP reservist *shall* be offered permanent employment in the event a
20 permanent position becomes available at DOC, provided the reservist meets
21 all qualifications as prescribed in this act. The Director *shall* promulgate in
22 the rules and regulations to determine the order in which reservists are
23 selected for permanent service should that opportunity arise.

1 (d) Notwithstanding § 77114(a)(1) of Article 1, Chapter 77 of Title 10 GCA,
2 a CVCR Officer who serves as a Corrections Officer I, Step I, under this
3 Section may be a non-immigrant alien admitted into Guam under the
4 Compacts of Free Association between the United States and the Federated
5 States of Micronesia, the Republic of the Marshall Islands, and the Republic
6 of Palau.

7 **§ 90205. Same: Eligibility and Oath.**

8 (a) No person shall be a volunteer member of the Civilian Volunteer
9 Correction Reserve established under this Chapter who advocates a change
10 by force or violence in the constitutional form of the Government of the
11 United States or in this Territory or the overthrow of any government in the
12 United States by force, or who has been convicted of or is under indictment
13 or information charging any subversive act against the United States.

14 (b) Every volunteer shall, entering upon his duties, take an oath, in writing,
15 before a person authorized to administer oaths in this Territory, which oath
16 shall be substantially as follows:

17 “I _____, do solemnly swear (or affirm) that I will
18 support and defend the Constitution of the United States and the laws of the
19 territory of Guam, against all enemies, foreign or domestic; that I will bear
20 true faith and allegiance to the same; that I take this obligation freely,
21 without any mental reservation or purpose of evasion; and that I will well
22 and faithfully discharge the duties upon which I am about to enter and I do
23 further swear (or affirm) that I do not advocate, nor am I a member of any
24 political party or organization that advocates the overthrow of the

1 Government of the United States or of this Territory by force or violence;
2 and that during such time as I am a member of the Civilian Volunteer
3 Correction Reserve I will not advocate nor become a member of any
4 political party or organization that advocates the overthrow of the
5 Government of the United States or of this Territory by force or violence.”

6 **§ 90206. Rules and Regulations: Recommendations.**

7 The Director is authorized and empowered to recommend to the Governor
8 for issuance as executive orders the making, amendment and recession of
9 such orders, rules and regulations as may be necessary to carry out the
10 provisions of this Chapter.

11 **Section 2. Date of Enactment.** This Act shall become effective upon
12 enactment.

13 **Section 3. Severability.** If any of provision of this law or its
14 application to any person or circumstance is found to be invalid or contrary
15 to law, that invalidity *shall not* affect other provisions or applications of this
16 law, which can be given effect without the invalid provisions or applications
17 and to this end the provisions of this act are severable.