

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

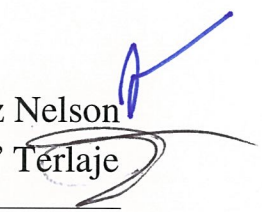
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
223-35 (COR)	Telena Cruz Nelson Jose "Pedro" Terlaje	AN ACT TO ADD NEW §§ 90.36, 90.36.01, AND 90.36.02, ALL OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE RENAMING AND RECLASSIFICATION OF THE CORRECTIONAL FACILITY SUPERINTENDENT POSITION TO THE TITLE OF WARDEN; AN ACT TO ADD A NEW § 90.17.02 OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE PROCEDURE AND REQUIREMENTS FOR THE APPOINTMENT OF A WARDEN.	10/22/19 3:47 p.m.						

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

**Bill No. 223-35 (COR)**

Introduced by:

Telena Cruz Nelson  
Jose "Pedo" Terlaje



**AN ACT TO ADD NEW §§ 90.36, 90.36.01, AND 90.36.02, ALL OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE RENAMING AND RECLASSIFICATION OF THE CORRECTIONAL FACILITY SUPERINTENDENT POSTION TO THE TITLE OF WARDEN; AN ACT TO ADD A NEW § 90.17.02 OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE PROCEDURE AND REQUIREMENTS FOR THE APPOINTMENT OF A WARDEN.**

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


**Section 1. Legislative Findings and Intent.**

*I Liheslaturan Guåhan* finds that correctional facilities are paramount to ensuring the safety of the public. *I Liheslatura* finds that the Correctional Facility Superintendent serves a crucial role in Guam's corrections system.

*I Liheslatura* also finds that the leaders of a correctional facility must possess the necessary knowledge and experience to efficiently carry out the functions of corrections systems.

*I Liheslatura* also finds that the Warden's ideology of penal correction needs to be aligned with the Director of Correction. When the leaders' vision for the agency are synonymous, the barriers of resistance are reduced and potential for success is strengthened.

2019 OCT 22 PM 3:47



1           Therefore, it is the intent of *I Liheslaturan Guåhan* to rename and reclassify  
2 the position of the Correctional Facility Superintendent to Warden. It is also the  
3 intent of *I Liheslatura* to establish qualification and compensation provisions for  
4 the position of Warden.

5           **Section 2.** A new § 90.36 of Article 1, Chapter 90, Title 9, Guam Code  
6 Annotated, is hereby *added* to read:

7                   **“§ 90.36 Renaming and Reclassification of the Correctional Facility**  
8                   **Superintendent.**

9           The current position of Correctional Facility Superintendent, position number  
10 One Nine Five Six (1956), of the Adult Correction Facility, Department of Corrections,  
11 shall be renamed to the position title of Warden.

12           (a) Upon immediate vacancy of the current holder of the position of Warden  
13           through retirement, resignation, transfer, termination, or any action that  
14           determines the position as vacant, the position shall be reclassified from a  
15           Permanent Classified position to an Unclassified Appointed position;

16           (b) Vacancy of the position of Warden shall be filled in accordance with §  
17           90.36.01 of this Chapter.

18           (c) *I Liheslaturan Guåhan* shall ensure full allocation for the position of Warden  
19           in the Department of Corrections fiscal budget.”

20           **Section 3.** A new § 90.36.01 of Article 1, Chapter 90, Title 9, Guam Code  
21 Annotated, is *added* to read:

22                   **“§ 90.36.01 Appointment of the Warden of Correctional Facilities.**

23           (a) The Warden of a correctional facility shall be appointed by the Director of  
24 Corrections, subject to the confirmation of *I Liheslaturan Guåhan*, shall serve at the  
25 pleasure of the Director of Corrections, and shall meet the following qualifications:

26                   (1) have no less than ten (10) years of progressive experience in a  
27                   correctional facility, and three (3) years in a senior law enforcement

1 position, or equivalent executive management experience in the field  
2 of public administration, criminal justice, or a closely related field or  
3 discipline;

4 (2) graduated with a Bachelor's degree or higher in criminal justice  
5 administration, public administration, sociology, or a closely related  
6 field or discipline from an accredited institution recognized by the  
7 Council for Higher Education Accreditation (CHEA) or its successors;

8 (3) have no felony, domestic or family violence convictions;

9 (4) have no misdemeanor convictions involving moral turpitude;

10 (5) submit to and pass a drug screening test, including, but not limited to,  
11 urinalysis testing, unless the appointee is a current employee of the  
12 Government of Guam registered with the Peace Officer Standards and  
13 Training (P.O.S.T) as a peace officer occupying a Test-Designated  
14 Position (TDP) pursuant to the Department's Drug-Free Workplace  
15 Program;

16 (6) submit to psychological testing;

17 (7) submit to a polygraph examination; and

18 (8) submit to a thorough investigation of his or her background and moral  
19 character.

20 (b) Compensation of Warden of Corrections.

21 Notwithstanding any other provision of law, a person appointed by the Director  
22 of Corrections and confirmed by *I Liheslaturan Guåhan* to be Warden of a Correctional  
23 facility, and who at the time of appointment is an active member of the classified service  
24 shall receive a salary established by the government of Guam compensation schedule  
25 for heads of agencies equal to the Deputy Director of Corrections, or a salary equivalent  
26 to the three (3) year average of the annual income earned immediately prior to  
27 appointment as a Warden, whichever is greater. The three (3) year average shall be

1 reviewed annually to determine if mandated pay increases would have affected the three  
2 (3) year average.”

3 **Section 4.** A new §90.36.02 of Article 1, Chapter 90, Title 9, Guam Code  
4 Annotated, is hereby *added* to read:

5 **“§ 90.36.02. Reinstatement of the Warden to Classified Service.**

6 A person who is an active, classified employee of the Government of Guam,  
7 immediately prior to appointment by the Director of Corrections and confirmation by *I*  
8 *Liheslaturan Guåhan* to be Warden of Correctional Facility *shall*, if not removed for  
9 cause, be reinstated to the position he or she previously held immediately prior to such  
10 appointment or to an equivalent position upon expiration of appointment as a Warden.”

11 **Section 5. Effective Date.** All sections of this Act *shall* be effective upon  
12 enactment.