

I MINA'TRENTA NA LIHESLATURÁN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 270-30(LS)

Introduced by:

Adolpho B. Palacios, Sr.



2009 NOV -11 AM 9:47 M

AN ACT TO AMEND §3401.1 (f) and (h), ARTICLE 4, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY THEIR IDENTIFICATION CARD AND TO BE IN PRESCRIBED UNIFORM ATTIRE WHILE ISSUING CITATIONS FOR THE PURPOSE OF IMMEDIATE RECOGNITION OF AUTHORITY.

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

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the volunteers under the Guam Police Departments Community Assisted Policing Effort
4 (C.A.P.E.) program serve to augment the Guam Police Department (GPD) officers in the
5 enforcement of Title 16 Guam Code Annotated, Chapter 3, Article 4, commonly known
6 as the “Accessible Parking for Persons with Disabilities.” Although these volunteer were
7 trained by the department prior to duty assignment, complaints were registered with *I*
8 *Liheslaturan Guåhan* that some volunteers issue citations while in attire not
9 distinguishable from the ordinary person, notwithstanding that GPD General Order 06-03
10 requires that volunteers while on duty shall be identifiable as such.

11 *I Liheslaturan Guåhan* finds that Title 16 Guam Code Annotated, §3401.1, does
12 not explicitly provide for the wearing of distinguishable attire, leaving such policy to be

1 established by GPD. Hence, the adoption of GPD General Order 06-03. However,
2 compliance by the volunteers with GPD General Order 06-03 is not consistent, resulting
3 in the issuance of citations by plainclothes volunteers for which cited disable persons
4 paid \$300.00.

5 *I Liheslaturan Guåhan* finds that volunteers who issue citations shall be easily
6 recognizable and identifiable by the public. This will provide immediate visual
7 recognition of authority by the persons against whom the issuance of a citation is being
8 contemplated and thus avoid unnecessary confrontation.

9 It is therefore the intent of *I Liheslaturan Guåhan* to provide for the visual
10 recognition of volunteers who are authorized to issue citations by requiring the volunteers
11 to display their identification card and be appropriately attired and distinguishable as such
12 when issuing citations by amending §3401.1 (f) and (h), Article 4, Chapter 3, Title 16
13 Guam Code Annotated.

14 **SECTION 2. §3401.1 (f), Article 4, Chapter 3, Title 16, Guam Code Annotated**
15 **is hereby amended to read:**

16 “(f) Citations. Law enforcement “*uniformed personnel*,” as defined within 4 GCA
17 § 8104(p), and volunteers appointed by the Chief of Police shall issue citations for
18 vehicles parked in violation of this Section. The Chief shall issue identification cards and
19 uniform attire to volunteers recruited under Subsection (h) hereof, ~~that shall be carried by~~
20 ~~the~~ The identification card shall be visibly displayed and the uniform attire shall be
21 properly worn by the volunteer when he issues citations. The display of a metal badge is
22 prohibited. Citations issued not consistent with this provision shall not be valid and shall

1 be dismissed by the courts. The Chief shall distribute citation forms for use in the
2 enforcement of this Section.”

3 **SECTION 3. §3401.1 (h), Article 4, Chapter 3, Title 16, Guam Code Annotated**
4 **is hereby amended to read:**

5 “(h) Volunteers Authorized to Issue Citations. The Chief of Police shall recruit
6 volunteers who desire to assist the Guam Police Department in the enforcement of this
7 Section. The volunteer shall:

8 (1) be at least eighteen (18) years of age;

9 (2) be a citizen of the United States and a resident of Guam;

10 (3) not have been convicted of a felony or crime of family violence;

11 (4) obtain a certificate from the Chief of Police demonstrating the completion of a
12 required course of instruction and training that includes training in measures to avoid
13 dangerous confrontations with violators of this Section. The course of instruction and
14 training shall be at no cost to the volunteer. Retired “*uniformed personnel*” are exempted
15 from this subsection; and

16 (5) satisfy any other qualifications and requirements established by the Chief of
17 Police.

18 (6) When issuing citations, the volunteer shall be in compliance with §3401.1 (f)
19 supra.