


I MINA'TRENTA NA LIHESLATURÁN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 346-30(2S)

Introduced by:

Adolpho B. Palacios, Sr. 

2010-11-16 PM 9:32

AN ACT TO AMEND §8107 AND §8108, CHAPTER 8, TITLE 7 GUAM
CODE ANNOTATED; RELATIVE TO INCLUDING SCHOOL
ATTENDANCE OFFICERS UNDER THE PROVISIONS OF SPECIAL
DEPUTY APPOINTMENTS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 and recognizes that School Attendance Officers (SAO) perform critical duties
4 relative to truancy, and truancy proceedings of the Superior Court of Guam
5 (SCOG), as employees of the Department of Education (DOE) in accordance with
6 Title 17 Guam Code Annotated, Chapter 6, Article 4.

7 During 2007-2008, SAO's have responded to over 532 reports of truancy
8 and truancy related matters throughout the schools of which twenty-five (25)
9 were at Elementary, eight (8) were at Middle and five (5) were at High schools,
10 and the rest by providing testimonies before judges of the Superior Court of
11 Guam. Much of their work involves taking minors into custody for attendance

1 problems or behavioral issues and referring them to the schools, the courts or
2 their parents for disciplinary action.

3 *I Liheslaturan Guåhan* finds that in the past these officers would be
4 appointed as special deputy marshals under §8107, Chapter 8, Title 7 Guam
5 Code Annotated. Currently, there are ten (10) School Attendance Officers of
6 which five (5) still retain such appointment under §8107 and continue to perform
7 their truancy function. There are five (5) who have not been appointed in light of
8 the discovery recently of the provision in §8107. It has come to light that §8107
9 does not include the SAO for such appointment, resulting in the suspension of
10 new appointments of newly hired SAO.

11 It is therefore, the intent of *I Liheslaturan Guåhan* to recognize the role of
12 the SAO and to include the School Attendance Officers of DOE under the
13 provisions of the special deputy appointment by amending §§8107 and 8108 of
14 Chapter 8, Title 7 Guam Code Annotated.

15 **Section 2.** §8107, Chapter 8, Title 7, Guam Code Annotated is *amended* to
16 read:

17 **“§8107. Marshal; Appointment of Special Deputies.** The
18 Chief Justice, at the request of the Marshal of the Court, may appoint
19 employees of the Department of Law, ~~and~~ of the Department of
20 Revenue & Taxation of the government of Guam, and the School

1 Attendance Officers of the Department of Education as Special
2 Deputy Marshals of the Guam Judiciary. Such appointments shall be
3 for a term of one (1) year, unless sooner revoked by the Chief Justice,
4 or for as long as such employees remain in their employment with
5 their respective departments, whichever is earlier.”

6 **Section 3.** §8108, Chapter 8, Title 7, Guam Code Annotated is *amended* to
7 read:

8 **“§8108. Special Deputy Marshal; Duties, Compensation.** (a)
9 The employees of the Department of Law who are appointed as
10 deputies under §8107 of this Chapter shall exercise their office only
11 in cases wherein the government of Guam is a party. The employees
12 of the Department of Revenue and Taxation who are appointed as
13 deputies under said §8107 shall exercise their office only in matters
14 concerning the income tax laws and other tax and revenue laws of
15 Guam. The School Attendance Officers of the Department of
16 Education under §8107 shall exercise their office in matters
17 concerning truancy proceedings of the Superior Court of Guam. No
18 deputies under said §8107 shall be entitled to compensation in
19 addition to the compensation they are receiving as employees of the
20 government of Guam.”