

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

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MWW

Bill No. 466-30(Cor)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO AMEND §77109, CHAPTER 77, TITLE 10, GUAM
CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS
FOR THE APPOINTMENT OF THE CHIEF OF POLICE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that recent events
3 referenced to the process for the confirmation of the Chief of Police posed a question as to who
4 should pay for the tests and examinations, and background investigation services required under
5 §77109, Chapter 77, Title 10 Guam Code Annotated. §77109 established the qualifications for the
6 Chief of Police. Some of the enumerated qualifications require tests and service for which payment
7 of fees may be required.

8 In the confirmation of Mr. Frankie Ishizaki in 2004, and in the confirmation of Mr. Paul Suba
9 in 2008, the question as to who would pay for the airfare to Hawaii for the police chief nominee, to
10 submit to a polygraph examination were not dealt with, as both nominees respectively were already
11 in Hawaii on an official business of their own. However, in both nominations, *I Liheslaturan*
12 *Guåhan* chose to pay for the polygraph service because it chose to select the polygrapher. The fees
13 for the drug screening tests were paid by the Department of Administration. The psychological
14 examination and the background investigation were provided by government of Guam officials at no
15 cost.

1 So that *I Liheslaturan Guåhan* can conduct an efficient and expeditious processes for the
2 confirmation of the Chief of Police, *I Liheslaturan Guåhan* sees it fit, and timely, to provide clarity
3 as to which authority, i.e. the appointing authority or the confirming authority, is responsible for the
4 arrangement and costs associated for compliance with the requirements of §77109, Chapter 77, Title
5 10, Guam Code Annotated.

6 It is therefore the intent of *I Liheslaturan Guåhan* to establish more clarity with respect to the
7 responsibility for compliance with all the requirements of §77109, Chapter 77, Title 10, Guam Code
8 Annotated, by amending §77109.

9 **Section 2.** §77109, Chapter 77, Title 10, Guam Code Annotated, is hereby amended as
10 follows:

11 **“§ 77109. Appointment of the Chief of Police.**

12 The Chief of Police *shall* be appointed by *I Maga’lahi* with the advice and consent of *I*
13 *Liheslaturan Guåhan* and *shall* meet the following qualifications:

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

15 (b) have *no less than* fifteen (15) years of progressive experience in a
16 governmental law enforcement position, including at least five (5) years at the
17 supervisory command level and five (5) years in a senior position with law enforcement
18 management responsibilities;

19 (c) graduation with a bachelor’s degree or higher in Police Science, Criminal
20 Justice Administration, Public Administration, Law, *or* closely related field *or* discipline,
21 at an accredited institution recognized by the Council of Higher Education Accreditation
22 (CHEA) *or* its successors;

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

1 (e) have no misdemeanor conviction involving moral turpitude;

2 (f) ~~(e)~~ submit to and pass a drug screening test, including, but *not*
3 *limited to*, urinalysis testing;

4 (g) ~~(f)~~ be of good health and good moral character;

5 (h) ~~(g)~~ submit to psychological testing; and

6 ~~(h) submit to and pass a polygraph examination;~~

7 (i) *No person shall* be appointed as Chief of Police before a thorough
8 investigation of the appointee’s background and moral character is completed. The
9 investigation processes may include the use of a polygraph examination, the result of
10 which may be utilized as a guidance in furtherance of the investigation required herein.

11 The scheduling for the tests and services required under this Section shall be the
12 responsibility of the appointing authority. All tests and services shall be conducted by a
13 licensed professional.

14 The nomination letter and attachments to be transmitted to *I Liheslaturan Guåhan*
15 pursuant to §2103.5, Chapter 2, Title 4, Guam Code Annotated “Submission for
16 Legislative Advice and Consent”, for Chief of Police, shall include a certification that the
17 tests and services have been conducted on the appointee by a licensed professional, and
18 that the result of each test and service will be transmitted directly from the office of the
19 licensed professional to *I Liheslaturan Guåhan*.

20 No nomination package for Chief of Police may be accepted by *I Liheslaturan*
21 *Guåhan* unless the requirements of §77109, Chapter 77, Title 10, Guam Code Annotated,
22 and §2103.5, Chapter 2, Title 4, Guam Code Annotated, are first met.”

23 **Section 3. Effective Date.** This Act shall become effective upon enactment.