

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.	10/9/19	Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors	11/8/19 10:00 a.m.	11/25/19 4:40 p.m.	9/6/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	1/27/20	AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF A CIVILIAN CORRECTIONS RESERVE PROGRAM AT THE DEPARTMENT OF CORRECTIONS.	2/4/20	2/4/20	2/15/20	35-64	2/11/20	Received: 2/11/20 Mess and Comm. Doc. No. 35GL-20-1528.	

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

February 11, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

35GL-20-1528

Speaker Tina Rose Muña Barnes

FEB 11 2020

Time 12:51 ()AM (X)PM

Received By: alen

2020 FEB 11 PM 2:53 P.T.

RE: Bill No. 182-35 (COR) – An Act to Add New §§ 90.41, 90.42, and 90.43 to Article 1 of Chapter 90, Title 9, Guam Code Annotated, Relative to Creating an Inmate Commissary at the Department of Corrections

Bill No. 183-35 (COR) – An Act to Add a New Article 6 to Chapter 90 of Title 9, Guam Code Annotated, Relative to the Creation of a Civilian Corrections Reserve Program at the Department of Corrections

Dear Madame Speaker:

I am thankful that the Legislature has taken action on Bills 182-35 and 183-35. Governor Leon Guerrero and I have advocated for the creation of both the Inmate Commissary and a Civilian Corrections Reserve since early last year.

Bill No. 182-35, *An Act to Add New §§ 90.41, 90.42, and 90.43 to Article 1 of Chapter 90, Title 9, Guam Code Annotated, Relative to Creating an Inmate Commissary at the Department of Corrections*, which I have signed into law as **Public Law No. 35-63**, will allow inmates and detainees access to amenities without compromising the safety and security of the prison. Our hard-working corrections officers can now spend more time tending to the needs of the prison inhabitants.

Bill No. 183-35, *An Act to Add a New Article 6 to Chapter 90 of Title 9, Guam Code Annotated, Relative to the Creation of a Civilian Corrections Reserve Program at the Department of Corrections*, which I have signed into law as **Public Law No. 35-64**, provides the Department of

1528

To: Speaker Tina Rose Mufia Barnes
Fr: Acting Governor of Guam
Date: February 11, 2020
Re: Bill No. 182-35 (COR) and Bill No. 183-35 (COR)

Page 2 of 2

Corrections with support similar to the other public safety agencies. This Reserve force will help alleviate the resource strains that have historically plagued the department.

This Administration, together with the Legislature, has made great strides towards addressing the issues at the Department of Corrections. Both these laws are sure signs that the department remains a high priority. They demonstrate our commitment to the protection of the public, safety of our staff, and the security of offenders.

Senseremente,



JOSHUA F. TENORIO
Åkto Maga'låhen Guahan
Acting Governor of Guam

Enclosure(s): Bill No. 182-35 (COR) *nka Public Law 35-63*
Bill No. 183-35 (COR) *nka Public Law 35-64*

cc via email: *Maga'hågan Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 182-35 (COR)**, “AN ACT TO *ADD NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS,*” was on the 4th day of February 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 4th day of Feb.,
2020, at 4:15 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02-11-20

Public Law No. 35-63

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

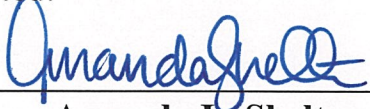
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 183-35 (COR)**, "AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF A CIVILIAN CORRECTIONS RESERVE PROGRAM AT THE DEPARTMENT OF CORRECTIONS," was on the 4th day of February 2020, duly and regularly passed.




Tina Rose Muña Barnes
Speaker

Attested:



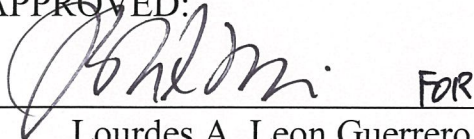
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 4th day of Feb.,
2020, at 4:16 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

 FOR

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02-11-20

Public Law No. 35-64

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

Bill No. 183-35 (COR)

Introduced by:

Jose "Pedo" Terlaje
Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER
90 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO THE CREATION OF A CIVILIAN
CORRECTIONS RESERVE PROGRAM AT THE
DEPARTMENT OF CORRECTIONS.**

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

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

4 **"ARTICLE 6**

5 **CIVILIAN CORRECTIONS RESERVE PROGRAM**

6 § 90.200. Creation.

- 1 § 90.201. Functions and Duties.
- 2 § 90.202. Recruitment.
- 3 § 90.203. Training, Equipping, and Maintenance of Records.
- 4 § 90.204. Reservist: Authority.
- 5 § 90.204.1. Same: Allowance.
- 6 § 90.204.2. Authorization for Full-Time CCRP Officers.
- 7 § 90.205. Same: Eligibility and Oath.
- 8 § 90.206. Rules and Regulations: Recommendations.
- 9 **§ 90.200. Creation.**

10 (a) There is hereby created within the Department of Corrections (DOC)
11 the Civilian Corrections Reserve Program (CCRP), which *shall* be headed by the
12 Director of DOC (Director).

13 (b) The Director, subject to the advice and control of the Governor, *shall*
14 be responsible for carrying out the purposes of this Article, and shall have such
15 additional duties and responsibilities as are authorized herein, or as may be
16 prescribed by the Governor.

17 **§ 90.201. Functions and Duties.**

18 (a) The general functions and duties of the CCRP *shall* be to provide
19 backup manpower to protect the public from the destructive actions of law offenders
20 through control and rehabilitation. It *may* provide staff services to the Judiciary, the
21 Parole Board, probation officers, and interested agencies of the Executive Branch.

22 (b) The Director *shall* formulate a program whereby the CCRP *shall* adhere
23 to the functions and duties herein prescribed. From time to time, the Director *shall*
24 review and revise the functions and duties of the CCRP to ensure an amicable
25 discharge of responsibilities and duties acknowledging the fact that their roles are an
26 extension of the duties of the regular personnel.

1 **§ 90.202. Recruitment.**

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

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

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

12 **§ 90.203. Training, Equipping, and Maintenance of Records.**

13 (a) Training for the CCRP members *shall* be conducted pursuant to the
14 provisions of the Peace Officer Standards and Training (POST) Commission in 17
15 GCA Chapter 51. Initial training requirements *shall* be identical to those required of
16 DOC cadets.

17 (b) The Director *shall* maintain a roster of reservists who have received the
18 training prescribed by 17 GCA Chapter 51. In order to maintain membership in the
19 CCRP, each member must keep up with his scheduled training, and no reservist may
20 remain in the CCRP if he or she is unable to keep up with or otherwise absorb the
21 training. Additionally, basic supplies and equipment *shall* be provided to ensure a
22 constant operability of the CCRP, including a continuing program for replacement.

23 (c) Any member of the CCRP who has *not* met the minimum
24 qualifications/certifications for firearms safety and proficiency, physical fitness,
25 recruitment clearances, and background checks *shall not* be allowed to serve in the
26 CCRP.

1 **§ 90.204. Reservist: Authority.**

2 Whenever members of the CCRP are rendering assistance to DOC, such
3 volunteers *shall* have the same powers, duties, rights (including coverage under the
4 Worker’s Compensation Act), privileges and immunities, as if they were paid, full-
5 time members of the Department of Corrections, except that they *shall* earn
6 recruitment credit for services performed as volunteers.

7 **§ 90.204.1. Same: Allowance.**

8 Each member of the CCRP who successfully completes probationary
9 requirements as established by the Director, and who serves a minimum of twenty
10 (20) hours to maintain good standing as a CCRP officer, and forty-two (42) hours
11 per month, *shall* receive an allowance of Five Hundred Dollars (\$500) per month to
12 defray the cost of maintenance of their equipment and uniforms. The Department
13 of Corrections *shall* identify funds within their department appropriations to satisfy
14 the intent of this Section.

15 **§ 90.204.2. Authorization for Full-Time CCRP Officers.**

16 (a) The Department of Corrections (DOC) may employ a CCRP officer on
17 a temporary, full-time basis, if such officer is an active member and has attained at
18 least two thousand eighty (2,080) cumulative service hours when a critical need
19 arises due to military activation of DOC officers or absence due to long-term
20 disability status that has been certified by a medical doctor. DOC may exercise this
21 authority provided its authorized budget for personnel is *not* exceeded. The CCRP
22 officer *shall* return to reservist status pursuant to this Article when the incumbent
23 returns from military service or long-term disability or at the discretion of the
24 Director.

25 (b) When employed by DOC, a CCRP officer may only serve as an
26 equivalent of Corrections Officer I and be compensated as a Corrections Officer I,

1 Step I. Said CCRP officer *shall* be eligible to receive sick leave, be eligible for the
2 Government of Guam Health Insurance Program, and *shall not* be eligible for a
3 stipend as a Reserve officer for the duration of their temporary employment with
4 DOC.

5 (c) A CCRP reservist *shall* be offered permanent employment in the event
6 a permanent position becomes available at DOC; provided, that the reservist meets
7 all of the qualifications as prescribed in this Article. The Director *shall* promulgate
8 rules and regulations that determine the order in which reservists are selected for
9 permanent service.

10 (d) Notwithstanding 10 GCA § 77114(a)(1), a CCRP officer who serves as
11 a Corrections Officer I, Step I under this Section may be a non-immigrant alien
12 admitted into Guam under the Compacts of Free Association between the United
13 States and the Federated States of Micronesia, the Republic of the Marshall Islands,
14 and the Republic of Palau.

15 **§ 90.205. Same: Eligibility and Oath.**

16 (a) No person shall be a volunteer member of the CCRP established under
17 this Article who advocates a change by force or violence in the constitutional form
18 of the Government of the United States or of Guam, or the overthrow of any
19 government in the United States by force, or who has been convicted of or is under
20 indictment or information charging any subversive act against the United States.

21 (b) Every volunteer *shall*, entering upon his duties, take an oath, in writing,
22 before a person authorized to administer oaths in Guam, which oath *shall* be
23 substantially as follows:

24 “I _____, do solemnly swear (or affirm) that
25 I will support and defend the Constitution of the United States and the
26 laws of Guam, against all enemies, foreign or domestic; that I will bear

1 true faith and allegiance to the same; that I take this obligation freely,
2 without any mental reservation or purpose of evasion; and that I will
3 well and faithfully discharge the duties upon which I am about to enter
4 and I do further swear (or affirm) that I do not advocate, nor am I a
5 member of any political party or organization that advocates the
6 overthrow of the Government of the United States or of Guam by force
7 or violence; and that during such time as I am a member of the Civilian
8 Corrections Reserve Program I will not advocate nor become a member
9 of any political party or organization that advocates the overthrow of
10 the Government of the United States or Guam by force or violence.”

11 **§ 90.206. Rules and Regulations: Recommendations.**

12 The Director is authorized and empowered to recommend to the Governor for
13 issuance as executive orders the making, amendment, and rescission of such orders,
14 rules and regulations as may be necessary to carry out the provisions of this Article.”

15 **Section 2. Effective Date.** This Act *shall* be effective upon enactment.

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