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<th>BILL NO.</th>
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<th>FISCAL NOTES</th>
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<tbody>
<tr>
<td>183-35 (COR)</td>
<td>Jose “Pedo” Terlaje, Tina Rose Muña Barnes, William M. Castro</td>
<td>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.</td>
<td>7/24/19 4:17 p.m.</td>
<td>10/9/19</td>
<td>Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors 11/8/19 10:00 a.m.</td>
<td>11/25/19 4:40 p.m.</td>
<td>9/6/19</td>
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SESSION DATE | 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. |
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<tr>
<th>DATE PASSED</th>
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<th>PUBLIC LAW NO.</th>
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<td>1/27/20</td>
<td>2/4/20</td>
<td>2/15/20</td>
<td>35-64</td>
<td>2/11/20</td>
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HAND-DELIVERED

February 11, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina’rentai Singko Na Lihesluran Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

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
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,

[Signature]

JOSHUA F. TENORIO
Station Maga'lhên 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
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÂGAN 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
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN

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:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02-11-20

Public Law No. 35-64
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

"ARTICLE 6
CIVILIAN CORRECTIONS RESERVE PROGRAM
§ 90.200. Creation."
§ 90.201. Functions and Duties.


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

§ 90.204. Reservist Authority.

§ 90.204.1. Same: Allowance.

§ 90.204.2. Authorization for Full-Time CCRP Officers.

§ 90.205. Same: Eligibility and Oath.


§ 90.200. Creation.

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

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

§ 90.201. Functions and Duties.

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

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

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

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

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

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

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

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

(c) Any member of the CCRP who has not met the minimum qualifications/certifications for firearms safety and proficiency, physical fitness, recruitment clearances, and background checks shall not be allowed to serve in the CCRP.
§ 90.204. Reservist: Authority.

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

§ 90.204.1. Same: Allowance.

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

§ 90.204.2. Authorization for Full-Time CCRP Officers.

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

(b) When employed by DOC, a CCRP officer may only serve as an equivalent of Corrections Officer I and be compensated as a Corrections Officer I,
Step I. Said CCRP officer shall be eligible to receive sick leave, be eligible for the
Government of Guam Health Insurance Program, and shall not be eligible for a
stipend as a Reserve officer for the duration of their temporary employment with
DOC.

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

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

§ 90.205. Same: Eligibility and Oath.

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

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

"I____________________, do solemnly swear (or affirm) that
I will support and defend the Constitution of the United States and the
laws of Guam, against all enemies, foreign or domestic; that I will bear
true faith and allegiance to the same; that I take this obligation freely, 
without any mental reservation or purpose of evasion; and that I will 
well and faithfully discharge the duties upon which I am about to enter 
and I do further swear (or affirm) that I do not advocate, nor am I a 
member of any political party or organization that advocates the 
overthrow of the Government of the United States or of Guam by force 
or violence; and that during such time as I am a member of the Civilian 
Corrections Reserve Program I will not advocate nor become a member 
of any political party or organization that advocates the overthrow of 
the Government of the United States or Guam by force or violence.”


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

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

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