

*I Mina'trentai Siette 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
40-37 (COR)	William A. Parkinson	AN ACT TO ADD A NEW 3104.1 OF CHAPTER 3 OF TITLE 27 GUAM ADMINISTRATIVE RULES AND REGULATION AND A NEW § 51104.01 OF CHAPTER 51 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A MORATORIUM ON THE PRE-EMPLOYMENT REQUIREMENTS AS A CORRECTIONAL OFFICER OF THE DEPARTMENT OF CORRECTIONS.	2/13/23 4:12 p.m.						

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 40-37 (COR)**

Introduced by:

William A. Parkinson



**AN ACT TO *ADD* A NEW 3104.1 OF CHAPTER 3 OF TITLE 27 GUAM ADMINISTRATIVE RULES AND REGULATION AND A NEW § 51104.01 OF CHAPTER 51 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A MORATORIUM ON THE PRE-EMPLOYMENT REQUIREMENTS AS A CORRECTIONAL OFFICER OF THE DEPARTMENT OF CORRECTIONS.**

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

**Section 1. Legislative Findings and Intent.**

*I Liheslaturan Guåhan* finds that the Department of Corrections has been experiencing the severe effects of a shortage in manpower at their facilities, which has led to sometimes-unconventional and lengthy working hours for the department's limited Correctional Officers.

*I Liheslaturan* further finds that Correctional Officers have had to occasionally work upwards of 24 hours straight, and often in units where the ratio is one Correctional Officer to upwards of 50 inmates, creating a high-risk environment at the Department's facilities. The Department's management and employees have also voiced concerns about the increased risks to their safety and wellbeing as a result of the shortage in manpower.

It is the intent of *I Liheslaturan Guåhan* to alleviate the distressed work environment at the Department of Corrections and enhance the safety of

1 Correctional Officers by establishing a moratorium on the pre-employment  
2 requirements for Correctional Officers, which will enable the Department to  
3 streamline and expedite their recruitment process to meet their needs.

4 **Section 2.** A new § 3104.1 of Chapter 3 of Title 27 Guam  
5 Administrative Rules and Regulation is *added* to read:

6 **§ 3104.1. Temporary Moratorium on Pre-Employment**  
7 **Requirements for Correctional Officers of the Department of**  
8 **Corrections.**

9 A temporary moratorium shall be placed upon the pre-employment  
10 requirement for Correctional Officers in reference to a psychological  
11 evaluation to determine absence of mental and emotional conditions as  
12 annotated in § 3104(c) of Chapter 3 of Title 27 GARR. The temporary  
13 moratorium does not waive qualification to be certified as a Peace Officer in  
14 the Territory of Guam, but defer the background investigation and  
15 psychological evaluation to be conducted during the recruit cycle training.  
16 Temporary moratorium in this section shall follow said guidelines recognized  
17 in § 51104.01 of Chapter 51 of Title 17 GCA.

18 **Section 3.** A new § 51104.01 of Chapter 51 of Title 17 Guam Code  
19 Annotated is *added* to read:

20 **§ 51104.01 Temporary Moratorium on Qualification for**  
21 **employment as a Correctional Officer of the Department of Corrections.**

22 Temporary moratorium shall be placed upon the qualification for  
23 employment as Correctional Officers recognized in § 51104 (b) (5 & 6) of  
24 Chap 51 of Title 17 and § 3104 of Chapter 3 of Title 27 GARR with the  
25 following guidelines:

26 (a) Temporary moratorium as a pre-employment requirement  
27 shall not go beyond October 1, 2024;

1           (b) All Correctional Officer recruits under this section shall  
2 maintain a recruit status until he or she become in compliance with §  
3 51104 of Chapter 51 of Title 17 GCA and all requirements recognized  
4 in § 3104 of Chapter 3 of Title 27 GARR;

5           (c) Director of the Department of Corrections shall ensure that  
6 Correctional Officer recruits are in compliance with § 51104 ((b)  
7 (5&6), Chapter 51, Title 17 GCA and all requirements recognized in §  
8 3104 of Chapter 3 of Title 27 GARR before October 1, 2026;

9           (d) No recruit shall receive an appointment on a permanent  
10 basis or hold an appointment on a permanent basis as a peace officer  
11 unless awarded and certified by the Executive Director of the P.O.S.T  
12 Commission attesting to his satisfactory completion of all  
13 requirements.

14           **Section 4. Severability.** If any provision of this Act or its application to any  
15 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*  
16 *not* affect other provisions or applications of this Act that can be given effect without  
17 the invalid provision or application, and to this end the provisions of this Act are  
18 severable.

19           **Section 5. Effective Date.** All sections of this Act *shall* be effective upon  
20 enactment.