

7 GCA CIVIL PROCEDURES
CH. 8 MINISTERIAL OFFICERS OF THE COURT

INTRODUCTORY NOTE FOR
TITLE 7 - JUDICIARY AND CIVIL PROCEDURE

2015 NOTE: The judicial branch of Guam was established on August 1, 1950 by the Organic Act of Guam, codified at 48 U.S.C. § 1424-1. The branch was reorganized pursuant to P.L. 12-085 (Jan. 16, 1974), known as the Court Reorganization Act, with appellate jurisdiction vested in a newly created the Supreme Court of Guam. However, after a legal challenge to P.L. 12-085, the Supreme Court of Guam was abolished when the U.S. Supreme Court determined that the Guam Legislature could not divest the District Court of Guam of appellate jurisdiction and transfer appellate jurisdiction to Supreme Court of Guam. *See Guam v. Olsen*, 431 U.S. 195 (1977). Subsequent amendments to the Organic Act authorized the Guam Legislature to create an appellate court, and in 1985, legislation was drafted to create Chapters 1 through 10 of Title 7 of the Guam Code Annotated. This draft legislation was eventually enacted into law by P.L. 21-147:2 (Jan. 14, 1993), known as the Frank G. Lujan Memorial Court Reorganization Act of 1992. Although P.L. 21-147:2 expressly stated that it was adding Chapters 1 through 10 of Title 7, the law itself enacted only Chapters 1 through 9. The provisions in the draft version of Chapter 10 were enacted as uncodified provisions; specifically, Sections 1 through 7 of P.L. 21-147.

Past print publications of the GCA included annotations from the 1985 draft legislation, which were not included in Bill 102, the draft legislation introduced to the 21st Guam Legislature that was eventually signed into law as P.L. 21-147. These annotations, designated “1985 Source” and “1985 Comment,” have been retained as they provide background information as to the source and legislative drafting history.

CHAPTER 8
MINISTERIAL OFFICERS OF THE COURT

SOURCE: Entire chapter added by P.L. 21-147:2 (Jan. 14, 1993).

2015 NOTE: Annotations designated “1985 Source” and “1985 Comment” refer to draft legislation, and have been retained to provide background information as to the source and legislative drafting history. *See* Introductory Note for Title 7 - Civil Procedure. Other annotations included in past publications of the GCA have been updated or deleted, after review for necessity and relevance.

- § 8101. Clerks of Court, Duties Generally.
- § 8101.1. Prompt Transmission of Family Violence Orders.
- § 8102. Official Reporters; Appointment; Qualifications.
- § 8103. Official Reporters; Duties.
- § 8104. Official Reporters; Compensation, Fee.
- § 8105. Marshal of the Court; Appointment; Salary.
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- § 8108. Special Deputy Marshal; Duties, Compensation.
- § 8108.1. Uniform, Insignia and Badge of the Superior Court Marshals.
- § 8109. Chief Probation Officer; Appointment, Salary.
- § 8110. Probation Officers; Duties.
- § 8111. Bonds of Clerks.
- § 8112. Bond of Marshal.
- § 8113. Other Court Personnel.
- § 8114. Volunteer Deputy Marshal Reserve Program.
- § 8114.1. Eligibility and Recruitment.
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§ 8101. Clerks of Court, Duties Generally.

(a) Superior Court clerk. The clerk of the Superior Court shall perform duties required of him or her by law as the clerk of that court and of the Small Claims and Traffic Divisions of the Superior Court. He or she shall:

(1) Take charge of and safely keep, or dispose of according to law all books, papers and records which may be filed and deposited in this office;

(2) Supervise and direct the work of his or her deputies and assistants;

(3) Attend in person or by deputy each session of the Superior Court, Small Claims Division and the Traffic Division;

(4) Issue all process and notices required to be issued, enter a synopsis of all orders, judgments and decrees proper to be entered at length, keep in the Superior Court a docket in which must be entered the title of each cause, with the date of its commencement, and enter a memorandum of every subsequent proceedings therein with the date thereof and a record of all the fees charged; and

(5) Keep such other indices and records and make such reports as may be necessary in the performance of the duties of his or her office and as may be required by law.

(b) Supreme Court clerk. The clerk of the Supreme Court shall perform duties required of him or her by law as the clerk of that court. In addition, he or she shall:

(1) Take charge of and safely keep, or dispose of according to law all books, papers and records which may be filed and deposited in this office;

(2) Supervise and direct the work of his or her deputies and assistants;

(3) Attend in person or by deputy each session of the Supreme Court;

(4) Issue all process and notices required to be issued, enter a synopsis of all orders, judgments, decisions, and decrees proper to be entered at length, keep in the Supreme Court a docket in which must be entered the title of each appeal, with the date of its commencement, and enter a memorandum of every subsequent proceedings therein with the date thereof and a record of all the fees charged; and

(5) Keep such other indices and records and make such reports as may be necessary in the performance of the duties of his or her office and as may be required by law or by the Chief Justice.

2015 NOTE: Subsection designations were altered to adhere to the Compiler's alpha-numeric scheme in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 191 as modified to reflect the Superior and Supreme Court structures.

§ 8101.1. Prompt Transmission of Family Violence Orders.

The Clerk of the Superior Court shall forward certified copies of all protective orders, restraining orders, criminal pre-trial release orders and probation conditions which will be entered or scanned into the Criminal Justice Information System (CJIS) on the same day the order is issued by the Court.

SOURCE: Added by P.L. 24-239:8 (Aug. 14, 1998).

§ 8102. Official Reporters; Appointment; Qualifications.

The Judicial Council may appoint Official Reporters for the Courts, or may share Reporters, as the need is made known, in such number as the Judicial Council may designate who shall be subject to removal as provided in the Personnel Rules for the Judicial Branch. The qualifications of the Reporters shall be determined by standards formulated by the Judicial Council.

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SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:35 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:25 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d* by *Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 193 modified to refer to the Supreme and Superior Court structure.

§ 8103. Official Reporters; Duties.

(a) Each reporter shall, whenever requested by a party to any action or proceeding, or directed by the court, attend the sessions of the court and record verbatim by shorthand, by mechanical means, or by electronic means, or any combination thereof, all the proceedings had in open court in the action or proceeding.

(b) The reporter shall attach his or her official certificate to the original shorthand notes or other original records so taken, or to the tapes involved if taken electronically, and promptly file them with the clerk upon the request of a party to any such action or proceeding who has agreed to pay the fee therefor, or of a Judge of the court.

(c) The reporter, or if the original has been transcribed by electronic means, then such person as has been designated for the purpose, shall promptly transcribe the original records of the requested part of the proceedings and attach to the transcript his or her official certificate and deliver the same to the party or Judge making the request and a copy, certified by him or her, to the clerk for the records of the court.

(d) The transcript in any case certified by the reporter shall be deemed *prima facie* a correct statement of the testimony taken and proceedings had.

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 194 as modified.

1985 COMMENT: This Section is modified to include provision for the electronic taking of court proceedings. The court has already established electronic taping as the means of taking testimony within the Superior Court building. Note that the original, in such cases where electronic means is used, is the tape of the proceedings. If the court wishes a reporter to be present and take down the proceedings via shorthand or mechanical (stenotype) means, and use these as the official record and the electronic media as a backup, the court is free to do so under this Section. The official record will be whichever means of recording the proceeding that the court specifies.

§ 8104. Official Reporters; Compensation, Fee.

Each Reporter shall receive a salary pursuant to the Personnel Rules on compensation of the Judicial Council, and may charge and collect fees, at rates fixed by the Judicial Council, for transcripts requested by the parties, but not for the certified copy filed with the Clerk for the records of the Court. No fee shall be assessed for transcripts for use by the Court appointed attorney in such case, and the Office of the Attorney General. Each Reporter shall make such reports as the Judicial Council may require as to the transcripts prepared and fees charged by him or her.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:36 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:26 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d* by *Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 195 changed only with reference to the source (Supreme Court) of the rules.

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§ 8105. Marshal of the Court; Appointment; Salary.

The Judicial Council shall appoint a Marshal of the Court who shall be subject to removal in accordance with the Personnel Rules and Regulations of the Judicial Branch as promulgated by the Judicial Council. The Marshal of the Court shall receive a salary to be fixed by a general Personnel Rules on compensation. The Judicial Council may assign other duties as necessary to the Chief Probation Officer. The Marshal of the Court may assign deputies and assistants in such number as may be approved by the budget. The appointment, removal and salaries of such deputies and assistants shall be governed by the applicable Personnel Rules and Regulations governing employment practices within the Judicial Branch as promulgated by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 23-086:5 (Apr. 29, 1996). Repealed and reenacted by P.L. 24-139:37 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:27 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 196 as modified.

1985 COMMENT: The modification here is to reflect current conditions where there may be more than one deputy marshal of the Superior Court, depending upon the business of the court. The former law indicated that there is to be one deputy marshal. Likewise, this section provides that the salary is to be determined by a general rule on compensation, applicable to all positions within the court system, in much the same manner as 4 GCA § 6201 provides a general scale for executive branch employees.

§ 8106. Marshal; Duties.

The Marshal or his or her deputies shall attend all sessions of the Supreme and Superior Courts, unless excused by a Judge or Justice at whose session the Marshal or Deputy should otherwise attend, and preserve order. He or she shall serve and execute process, writs and orders issued under the laws of Guam by a Court of record when so directed by the Court and for this purpose shall have all the powers conferred by law on the Police Chief of the Guam Police Department and on the Mayors of municipal districts. He or she shall perform such other duties as may be directed by the Judicial Council, or by the Rules and Procedures adopted by the Judicial Council.

1985 SOURCE: CCP § 197 modified.

1985 COMMENT: A clause is added to the first sentence allowing a judge to excuse the marshal or a deputy from attendance at that judge’s session. This is added to that someone does not make attendance of the marshal or deputy a jurisdictional matter upon appeal. (Suggested by Law Revision Commission.) Also references added to include the Supreme Court, which will share marshal services until such time as additional personnel are required.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (b) added by P.L. 24-003:2 (Mar. 19, 1997). Repealed and reenacted by P.L. 24-139:38 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:28 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

§ 8107. Marshal; Appointment of Special Deputies.

- (a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of
- (1) the Department of Law,
 - (2) the Department of Revenue and Taxation of the government of Guam, and

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(3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary.

Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.

(b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 24-139:20 (Feb. 21, 1998) (*But see* Court Decisions annotation below), P.L. 27-031:29 (Oct. 31, 2003), P.L. 30-167:2 (July 16, 2010).

2015 NOTE: Subsection designations were added and altered in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 198 as modified.

1985 COMMENT: Three modifications here. The first relates to the Department of Administration. It appears from former § 199 that the duties of deputies appointed from the Department of Administration relate to the enforcement of the revenue and tax laws of Guam. These functions are now undertaken by the Department of Revenue and Taxation, not the Department of Administration. Secondly, the appointment had been limited to one year or the length of time the employees are with the Department. Considering former § 199 (this Title § 4308) it appears that employees who leave their respective departments should immediately lose their appointments as special deputy marshals. Finally, the Supreme Court may also make appointments under this section.

§ 8108. Special Deputy Marshal; Duties, Compensation.

(a) The employees of the Department of Law who are appointed as deputies under § 8107 of this Chapter shall exercise their office only in cases wherein the government of Guam is a party.

(b) The employees of the Department of Revenue and Taxation who are appointed as deputies under said § 8107 shall exercise their office only in matters concerning the income tax laws and other tax and revenue laws of Guam.

(c) The School Attendance Officers of the Department of Education under § 8107 shall exercise their office only in matters concerning truancy proceedings of the Superior Court of Guam.

(d) No deputies under said § 8107 shall be entitled to compensation in addition to the compensation they are receiving as employees of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 24-139:21 (Feb. 21, 1998) (*But see* Court Decisions annotation below), P.L. 27-031:30 (Oct. 31, 2003), P.L. 30-167:3 (July 16, 2010).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 199 as modified.

1985 COMMENT: The modification here refers to the employment of full-time deputies and distinguishing them from the deputies appointed from within the Executive Branch of the government of Guam. Supreme Court also added to conform with § 6307.

§ 8108.1. Uniform, Insignia and Badge of the Superior Court Marshals.

(a) The Superior Court shall provide their Marshals with standard uniforms. Subject to detailed regulations and specifications prescribed by the Courts, the uniform to be worn by Marshals shall be a standard pattern and distinctive design.

(b) Badge Design. The badge shall be a six point star shield, measuring approximately three inches in diameter, in the center of which shall be imposed in relief, a facsimile of the island of Guam and a Scale of Justice weights imposed over the Island. The badge issued to the Chief Marshal and the Supervisors shall be of a composition metal in similitude of gold, and that issued to the Deputy Marshal shall be a composition metal in similitude of silver.

(c) Service Without Wearing Uniform. The Chief Marshal may direct that certain Deputy Marshals serve without wearing uniforms when, in his judgment, law enforcement operations require such.

(d) Wearing Uniforms by Other Persons Prohibited. No person other than a Marshal shall wear, use or order to be worn or used, copy or imitate in any respect or manner, the standard uniform and badge pursuant to regulations and specification prescribed by the Courts.

(e) Penalty. Any person violating Subsection (d) of this Section is guilty of a petty misdemeanor.

SOURCE: Added by P.L. 24-004:3 (Mar. 19, 1997).

§ 8109. Chief Probation Officer; Appointment, Salary.

(a) The Presiding Judge shall nominate a Chief Probation Officer, subject to the approval of the Judicial Council, who shall be subject to removal in accordance with the Personnel Rules and Regulations of the Judicial Branch promulgated by the Judicial Council.

(b) The duties of the Chief Probation Officer shall be established in writing by the Superior Court Administrator and approved by the Judicial Council.

(c) The Judicial Council may assign other duties as necessary to the Chief Probation Officer.

(d) The Chief Probation Officer may assign deputies and assistants in such numbers as may be necessary. The appointment, removal and salaries of such deputies and assistants shall be governed by the applicable Personnel Rules and Regulations governing employment practices within the Judicial Branch as promulgated by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:39 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:31 (Oct. 31, 2003).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 200 modified to reflect new structure of the courts.

§ 8110. Probation Officers; Duties.

(a) The probation officer shall furnish to each probationer under his or her supervision a written statement of the conditions of probation and shall instruct him or her regarding the same. He or she shall keep informed concerning the conduct and condition of each probationer under his or her supervision and shall report thereof to the court. He or she shall use all suitable means not inconsistent with the conditions imposed by the court to aid probationers and to bring about improvement in their conduct and condition. He or she shall keep records of his or her work. He or she shall make pre-sentence investigations when directed by the court, and shall perform such other duties as the Superior Court may direct.

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(b) The probation officer and his or her assistants shall each, in the course of carrying out their duties, have the powers of peace officers under the laws of Guam.

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 201 as added by P.L. 7-123.

CROSS-REFERENCES: 8 GCA § 5.55 (Peace Officer Defined).

§ 8111. Bonds of Clerks.

(a) Each Clerk of the Supreme and Superior Courts, before entering on the duties of his or her office, shall give a bond in the sum of not less than Ten Thousand Dollars (\$10,000.00), for the faithful performance of duty by himself or herself, his or her deputies and assistant clerks during his or her continuance in office and by his or her deputies and assistant clerks after his or her death until his or her successor is appointed and qualified. The amount of the bond shall be set and approved by the Judicial Council and filed and recorded in the office of the Clerk of the Court.

(b) Any person injured by a breach of such bond may sue thereon, in his or her own name, to recover his or her damages. Such action shall be commenced within six (6) years after the right accrues, but a person under legal disability may sue within three (3) years after the removal of his or her disability. After judgment such bond shall remain as security until the whole penalty has been paid.

(c) Such bond shall be a corporate surety bond, and the premium therefor shall be paid out of appropriations for the judicial branch of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (a) amended by P.L. 24-139:22 (Feb. 21, 1998) (*But see* Court Decisions annotation below) and P.L. 27-031:32 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 202 as added by P.L. 5-75.

§ 8112. Bond of Marshal.

(a) The Marshal of the Court, before entering on the duties of his or her office, shall give a bond in the sum of not less than Ten Thousand Dollars (\$10,000.00) for the faithful performance of duty by himself or herself and his or her deputies during his or her continuance in office and by his or her deputies after his or her death until his or her successor is appointed and qualified. The amount of the bond shall be set and approved by the Judicial Council and filed and recorded in the Office of the Clerk of the Supreme Court.

(b) Such bond shall be a corporate surety bond, and the premium therefor shall be paid out of appropriations for the judicial branch of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (a) amended by P.L. 24-139:23 (Feb. 21, 1998) (*But see* Court Decisions annotation below) and P.L. 27-031:33 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 203 added by P.L. 5-75.

1985 COMMENT: Both this Section and § 4311 have been modified to refer to the Superior Court, which was created by P.L. 12-85, and to the Supreme Court, created by this Act.

§ 8113. Other Court Personnel.

The Presiding Judge for the Superior Court and the Chief Justice for the Supreme Court may appoint and may remove from their respective Courts, pursuant to all applicable Personnel Rules and Regulations

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of the Judicial Branch as promulgated by the Judicial Council such other officers and personnel as are necessary to carry out the duties of the Courts. If such officers and personnel are appointed to fill new positions or to have duties not already specified in law or in a plan approved by the Judicial Council, no such appointments shall be made or new duties assigned until adoption of such plan by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 23-086:6 (Apr. 29, 1995). Repealed and reenacted by P.L. 24-139:40 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:34 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: New Section.

1985 COMMENT: The Superior Court is continually improving its services and, as a result, is developing new positions and requiring new job titles and descriptions for the positions. For instance, the Court has begun a system of requiring community service instead of a traditional sentence of prison or probation. A new office has been established to coordinate this effort, and lately (P.L. 16-15) adopted into law. Therefore, this general section permits the establishment of new positions and persons to fill the positions as new functions and services are developed by the court. However, such is made subject to the supervision of the Supreme Court.

§ 8114. Volunteer Deputy Marshal Reserve Program.

There is hereby established within the government of Guam, under the auspices of the Superior Court of Guam, a Volunteer Deputy Marshal Reserve Program. Volunteers shall not be considered full-time employees of the government of Guam, and shall not be entitled to receive employee benefits or government of Guam retirement. Volunteers shall be paid on a stipend basis. The Judicial Council of the Superior Court of Guam shall establish rules and regulations for the implementation of the Program, which rules and regulations shall be effective upon promulgation by the Council.

SOURCE: Added by P.L. 25-164:V:13 (Sept. 26, 2000).

§ 8114.1. Eligibility and Recruitment.

(a) A volunteer must be qualified as a Superior Court of Guam Deputy Marshal, and have graduated from the Guam Police Academy, the Basic Law Enforcement Academy, or a qualified law enforcement academic program within Guam.

(b) Volunteers shall be recruited from within this qualified category of eligible candidates.

SOURCE: Added by P.L. 25-164:V:14 (Sept. 25, 2000), and amended by P.L. 33-075:2 (Sept. 15, 2015).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

§ 8114.2. Duties.

Volunteers shall provide additional manpower to the Superior Court of Guam Marshal Division. The Judicial Council of the Superior Court of Guam shall promulgate rules and regulations governing the scope of duties, functions and limitations of the Program to include, but not be limited to, security for patrons, judges, jurors, inmates, witnesses and court property; serving court documents, subpoenas and civil warrants; executing levies and evictions; and such other duties as are authorized by law to the Superior Court of Guam Marshal Division. Volunteers shall also be authorized to assist in times of Guam emergencies.

SOURCE: Added by P.L. 25-164:V:15 (Sept. 25, 2000).

§ 8114.3. Stipends.

Volunteers shall be compensated under stipend for a minimum of forty-two (42) hours or more per month. The Judicial Council of the Superior Court of Guam shall establish the maximum allowance per

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month for a volunteer under the Program. Volunteers must perform a minimum of forty-two (42) hours a month to be eligible for compensation.

SOURCE: Added by P.L. 25-164: V:16 (Sept. 25, 2000).
