

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
359-38 (COR)	Telo T. Taitague V. Anthony Ada Chris Barnett Shelly V. Calvo Jesse A. Lujan Sabrina Salas Matanane	AN ACT TO <i>AMEND</i> §§ 81101, 81102, 81103, 81104, 81106 AND 81111 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; TO <i>ADD</i> NEW §§ 81103.2 AND 81115 TO CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING AN EXECUTIVE DIRECTOR OF THE OFFICE OF POST-MORTEM EXAMINATIONS, STRENGTHENING ADMINISTRATIVE AND FISCAL OVERSIGHT, ENSURING CONTINUITY OF OPERATIONS, AND PRESERVING THE PROFESSIONAL INDEPENDENCE OF THE CHIEF MEDICAL EXAMINER.	9/8/26 12:10 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 359-38 (COR)

Introduced by:

Telo T. Taitague
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AN ACT TO AMEND §§ 81101, 81102, 81103, 81104, 81106 AND 81111 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; TO ADD NEW §§ 81103.2 AND 81115 TO CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING AN EXECUTIVE DIRECTOR OF THE OFFICE OF POST-MORTEM EXAMINATIONS, STRENGTHENING ADMINISTRATIVE AND FISCAL OVERSIGHT, ENSURING CONTINUITY OF OPERATIONS, AND PRESERVING THE PROFESSIONAL INDEPENDENCE OF THE CHIEF MEDICAL EXAMINER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Post-Mortem Examinations is an essential component of Guam's public health, public safety, and criminal justice systems and is responsible for investigating deaths that include violent, suspicious, sudden, unexplained, and other deaths within its statutory jurisdiction.

I Liheslatura finds that Guam has experienced recurring periods of instability in the Office resulting from vacancies and turnover in the position of Chief Medical Examiner, difficulty recruiting and retaining qualified personnel, dependence upon

1 off-island forensic pathologists and locum-tenens services, limited administrative
2 staffing, facility and equipment deficiencies, and delays in converting appropriated
3 resources into needed personnel, contracts, equipment, and services. The existing
4 statutory structure places the Office under the control and supervision of the
5 Commission on Post-Mortem Examinations, while directing the Office through the
6 Chief Medical Examiner and assigning the Chief Medical Examiner administrative
7 responsibilities in addition to the professional, scientific, and medicolegal
8 responsibilities of the position. *I Liheslatura* finds that the Commission has relied
9 upon assistance from other government agencies and Commission members to
10 support personnel recruitment, procurement, contracting, and other administrative
11 functions necessary to maintain the operations of the Office, highlighting the need
12 for dedicated administrative capacity within the Office.

13 *I Liheslatura* further finds that the professional expertise required of a Chief
14 Medical Examiner is distinct from the administrative expertise necessary to manage
15 budgeting, procurement, personnel administration, contracts, facilities, grants,
16 reporting, and the day-to-day business operations of a government office.

17 It is therefore the intent of *I Liheslatura* to: (1) establish a permanent
18 Executive Director responsible for the administrative, fiscal, and operational
19 management of the Office of Post-Mortem Examinations; (2) maintain the Chief
20 Medical Examiner's authority and independence over medicolegal, forensic,
21 scientific, and professional medical matters; (3) place both the Executive Director
22 and Chief Medical Examiner under the control and supervision of the Commission
23 on Post-Mortem Examinations within their respective areas of responsibility; (4)
24 ensure that a vacancy, absence, incapacity, or other unavailability of the Chief
25 Medical Examiner does not prevent the Office from hiring employees, managing
26 appropriations, procuring necessary goods and services, or otherwise maintaining its
27 administrative operations; (5) strengthen the Commission's oversight through

1 regular meetings and financial and operational reporting; (6) facilitate the use of
2 existing Government of Guam administrative, medical, personnel, procurement, and
3 technical resources without transferring control of the Office to another agency; and
4 (7) establish reliable continuity-of-operations and temporary forensic pathology
5 capacity so that Guam is not required to rebuild emergency arrangements during a
6 vacancy or other unavailability of the Chief Medical Examiner.

7 **Section 2.** § 81101 of Chapter 81, Title 10, Guam Code Annotated, is
8 *amended* to read:

9 **“ § 81101. Commission on Post-Mortem Examinations.**

10 (a) Establishment and Membership. A Commission on Post-Mortem
11 Examinations is hereby established. The members of the Commission shall be the
12 Attorney General, the Chief of Police, the Director of the Department of Public
13 Health and Social Services, the President of the Guam Medical Society, and the
14 Administrator of Guam Memorial Hospital. The Commission shall elect one of its
15 members as Chairman and one as Vice-Chairman. Members of the Commission shall
16 receive no compensation but they shall be repaid their actual expenses incurred in
17 service of the Commission.

18 (b) Meetings. The Commission shall meet as often as the duties require, ~~and~~
19 ~~upon call of the Chief Medical Examiner.~~ but not less than once every three (3)
20 months. A meeting may be called by the Chairman, the Chief Medical Examiner, the
21 Executive Director, or any three (3) members of the Commission.

22 (c) Powers and Responsibilities. The Commission shall exercise control and
23 supervision over the Office of Post-Mortem Examinations and shall establish policy
24 and provide governance and oversight consistent with this Chapter. The Commission
25 shall:

26 (1) establish policies and priorities for the Office consistent with this Chapter;

1 (2) review and approve the proposed annual budget and staffing plan of the
2 Office;

3 (3) establish qualifications for positions as required pursuant to this Chapter;

4 (4) exercise appointment, designation, and approval authority expressly
5 assigned to the Commission by this Chapter or other law;

6 (5) approve interagency agreements pursuant to § 81115 of this Chapter;

7 (6) oversee the performance of the Chief Medical Examiner and Executive
8 Director; and

9 (7) exercise such other governance and oversight authority as provided by
10 law.

11 (d) Exercise of Commission Authority. Except as otherwise expressly
12 provided by law, the Commission shall exercise its authority as a body. No
13 individual member of the Commission shall independently exercise the authority of
14 the Commission or direct the Chief Medical Examiner, Executive Director, or
15 employees of the Office solely by virtue of membership on the Commission.

16 (e) Executive Secretary. The Executive Director shall serve as Executive
17 Secretary to the Commission and shall coordinate meeting notices, agendas,
18 minutes, records, reports, and the administrative implementation of actions approved
19 by the Commission.

20 (f) Protection of Independent Medical Judgment. Nothing in this Section shall
21 authorize the Commission, Executive Director, or any individual member of the
22 Commission to direct, alter, or interfere with the independent professional medical
23 judgment of the Chief Medical Examiner or another duly authorized medical
24 examiner concerning an individual death investigation, autopsy, forensic
25 examination, or determination of cause or manner of death.”

26 **Section 3.** § 81102 of Chapter 81, Title 10, Guam Code Annotated, is
27 *amended to read:*

1 **“ § 81102. Office of Post-Mortem Examinations.**

2 (a) Establishment and Supervision. The Office of Post-Mortem Examinations,
3 also known as the Office of the Chief Medical Examiner (OCME), is hereby
4 established, to be operated under the control and supervision of the Commission.
5 ~~The Office shall be directed by a Chief Medical Examiner, and may employ such~~
6 ~~assistant medical examiners, pathologists, toxicologists, laboratory technicians,~~
7 ~~regional medical examiners and other staff members as the Commission may~~
8 ~~specify.~~

9 (b) Medical and Forensic Authority. The professional medicolegal, forensic,
10 scientific, and medical functions of the Office shall be directed by the Chief Medical
11 Examiner. The Chief Medical Examiner shall exercise independent professional
12 medical judgment in the performance of such functions, including death
13 investigations, autopsies, forensic examinations, and determinations of cause and
14 manner of death.

15 (c) Administrative and Operational Authority. The administrative, fiscal,
16 personnel, and operational functions of the Office shall be directed by the Executive
17 Director pursuant to § 81103.2 of this Chapter. The Executive Director shall perform
18 such duties subject to the control and supervision of the Commission and shall have
19 no authority to interfere with or direct the independent professional medical
20 judgment of the Chief Medical Examiner or another medical examiner.

21 (d) Personnel. The Office may employ assistant medical examiners,
22 pathologists, toxicologists, laboratory technicians, regional medical examiners,
23 medicolegal death investigators, administrative personnel, morgue personnel, and
24 such other staff members as the Commission may specify, subject to applicable law
25 and the availability of appropriations.

26 (e) Qualifications and Civil Service. The Commission shall in advance of
27 appointments specify the qualifications required for each position in terms of

1 education, experience and other relevant considerations. Staff members, other than
2 the Chief Medical Examiner and the Executive Director, shall be subject to such
3 rules, as the Commission may prescribe, provided that such rules shall conform to
4 the Civil Service laws of Guam.

5 (f) Administrative Continuity. A vacancy, absence, incapacity, or other
6 unavailability of the Chief Medical Examiner shall not suspend or impair the
7 administrative, fiscal, personnel, procurement, contractual, or operational functions
8 of the Office. During such vacancy, absence, incapacity, or unavailability, the
9 Commission and Executive Director shall continue to exercise their respective
10 powers and duties pursuant to this Chapter. Nothing in this Subsection shall
11 authorize the Executive Director to exercise a power expressly reserved by law to
12 the Commission or Chief Medical Examiner.

13 (g) Continuity of Professional Medical Services. During a vacancy, absence,
14 incapacity, or other unavailability of the Chief Medical Examiner, the Commission
15 shall arrange for the continued performance of professional medical and
16 medicolegal functions necessary to maintain the operations of the Office. The
17 Commission may designate one (1) or more qualified medical examiners or
18 forensic pathologists, including through a rotating, on-call, temporary, or other
19 supplemental coverage arrangement, or may contract for such services pursuant to
20 § 81103(b) of this Chapter, as applicable, subject to applicable law and the
21 availability of appropriations.”

22 **Section 4.** § 81103 of Chapter 81, Title 10, Guam Code Annotated, is
23 *amended* to read:

24 **“ § 81103. Chief Medical Examiner.**

25 (a) The Chief Medical Examiner shall be named by the Commission to serve
26 for such term and at such salary as the Commission may fix. He may as part of his
27 duties teach medical or law school classes, conduct special classes for police

1 investigators, and engage in other activities related to the work of his office to such
2 extent and on such terms as may be authorized by the Commission. Similar
3 authorizations may be given by the Commission to other members of the staff. He
4 ~~shall serve as Secretary to the Commission.~~ The Chief Medical Examiner shall direct
5 the medicolegal, forensic, scientific, and professional medical functions of the
6 Office and shall exercise independent professional judgment in matters concerning
7 death investigations, autopsies, forensic examinations, and determinations of cause
8 and manner of death.

9 (b) Locum Tenens Exemption ~~During the Absence of the Chief Medical~~
10 ~~Examiner ;~~ Temporary and Supplemental Medical Examiner Services. The Office of
11 the Chief Medical Examiner is exempt from the government of Guam Procurement
12 Law in contracting for the professional services of a qualified medical examiner ~~to~~
13 ~~be provided when the Chief Medical Examiner is absent from work.~~ or forensic
14 pathologist when:

15 (1) the position of Chief Medical Examiner is vacant;

16 (2) the Chief Medical Examiner is absent, incapacitated,
17 unavailable, or otherwise unable to perform the required services;

18 (3) additional medical examiner or forensic pathology services are
19 reasonably necessary to prevent or reduce a backlog in examinations,
20 autopsies, reports, or other professional services; or

21 (4) an emergency or extraordinary circumstance requires temporary
22 or supplemental professional coverage.

23 Contracts for temporary or supplemental medical examiner or forensic
24 pathology services authorized pursuant to this Subsection shall be subject to
25 approval by the Commission. The Executive Director may coordinate the
26 procurement, negotiation, execution, and administration of such contracts in
27 accordance with applicable law and Commission approval.

1 Contracts authorized pursuant to this Subsection may include standing, on-
2 call, regional, or multi-year arrangements, subject to the availability of
3 appropriations and applicable fiscal-control requirements. The exemption provided
4 by this Subsection shall apply only to the procurement of professional medical
5 examiner or forensic pathology services and shall not exempt the Office from
6 procurement requirements applicable to other goods or services.”

7 **Section 5.** A new § 81103.2 is hereby *added* to Chapter 81, Title 10, Guam
8 Code Annotated, to read:

9 “ **§ 81103.2. Executive Director.**

10 (a) Establishment. There is hereby established within the Office of Post-
11 Mortem Examinations the position of Executive Director.

12 (b) Appointment and Accountability. The Executive Director shall be
13 appointed by the Commission and shall serve at the pleasure of the Commission.
14 The Executive Director shall report and be accountable to the Commission as a body
15 and shall not be under the exclusive supervision or control of any individual member
16 of the Commission or any department, agency, instrumentality, or public corporation
17 represented on the Commission.

18 (c) Employment Status. The Executive Director shall be in the unclassified
19 service pursuant to applicable law.

20 (d) Qualifications. The Commission shall establish the minimum
21 qualifications for the Executive Director prior to recruitment. Such qualifications
22 shall be commensurate with the duties, responsibilities, and level of authority of
23 the position. In establishing the minimum and preferred qualifications, the
24 Commission shall consider, as appropriate, education, professional experience,
25 executive or management experience, and demonstrated knowledge or experience
26 in the following areas:

27 (1) government or organizational administration and management;

1 (2) budgeting and financial management;
2 (3) procurement and contract administration;
3 (4) personnel and human resources administration;
4 (5) grants or federal program administration;
5 (6) interagency coordination;
6 (7) facilities, equipment, and continuity-of-operations management;
7 and
8 (8) healthcare, public safety, forensic, medicolegal, or other operations
9 relevant to the functions of the office.

10 The Commission may establish additional qualifications, preferred
11 qualifications, education or experience requirements, and other standards it
12 determines necessary for the effective administration of the Office. The Executive
13 Director shall not be required to be a physician or other licensed medical
14 professional.

15 (e) Compensation. The Executive Director shall be compensated at a rate
16 established in accordance with the applicable provisions of Chapter 6, Title 4, Guam
17 Code Annotated. The Department of Administration shall evaluate the position
18 based upon its duties, responsibilities, qualifications, scope of authority, the pay plan
19 and pay grade recommended by the Commission, and comparable government of
20 Guam executive positions and shall assign the position to the appropriate pay grade
21 or compensation range authorized by law.

22 (f) Powers and Duties. Except for matters expressly reserved by law to the
23 Commission or Chief Medical Examiner, the Executive Director shall be responsible
24 for the day-to-day administrative, fiscal, personnel, procurement, contractual, and
25 operational management of the Office, in accordance with applicable law and
26 policies established by the Commission. The Executive Director shall:

1 (1) serve as Executive Secretary to the Commission and implement the
2 policies, directives, and administrative actions approved by the Commission;

3 (2) prepare the proposed annual budget and staffing plan for approval by the
4 Commission and oversee the administration of appropriations, allotments,
5 expenditures, revenues, and other funds lawfully available to the Office;

6 (3) oversee personnel administration, including recruitment, staffing,
7 employee management, and the processing and administration of personnel actions,
8 consistent with applicable Civil Service laws and the authority reserved to the
9 Commission;

10 (4) oversee procurement and the administration of contracts, grants, and other
11 agreements in accordance with applicable law, and execute, on behalf of the Office,
12 contracts, procurement documents, grant documents, fiscal documents, and other
13 administrative instruments within the authority of the Office, including agreements
14 approved by the Commission pursuant to this Chapter, subject to all applicable
15 procurement, fiscal, and other requirements of law;

16 (5) oversee the administrative and operational needs of the Office, including
17 facilities, equipment, vehicles, information systems, supplies, property and other
18 resources necessary for its operations;

19 (6) coordinate the administrative aspects of recruitment, contracting,
20 credentialing, and other support necessary for medical, forensic, and other
21 professional services, in consultation with the Chief Medical Examiner and
22 Commission, as applicable;

23 (7) develop and coordinate interagency agreements and other cooperative
24 arrangements pursuant to § 81115 of this Chapter for approval by the Commission,
25 and oversee their implementation and administration;

1 (8) prepare and submit financial, staffing, operational, and other reports
2 required by law or the Commission, and timely advise the Commission of material
3 deficiencies or needs affecting the Office;

4 (9) develop and maintain the continuity-of-operations plan required by §
5 81115 of this Chapter, in consultation with the Chief Medical Examiner and subject
6 to approval by the Commission; and

7 (10) perform such other non-medical administrative and operational duties as
8 may be required by law or assigned by the Commission consistent with this
9 Chapter.”

10 **Section 6.** § 81104 of Chapter 81, Title 10, Guam Code Annotated, is
11 *amended* to read:

12 **“ § 81104. Deaths to Be Investigated.**

13 The Office of Post-Mortem Examinations shall investigate all human deaths
14 ~~providing such deaths when,~~ in the opinion of the Chief Medical Examiner or a
15 qualified medical examiner or forensic pathologist duly designated by the
16 Commission pursuant to § 81102(g) of this Chapter, such deaths arose from the
17 following causes:

18 (a) Violent deaths, whether apparently homicidal, suicidal or accidental,
19 including but not limited to deaths due to thermal, chemical, electrical or radiational
20 injury, and deaths due to criminal abortion, whether apparently self-induced or not;

21 (b) Sudden deaths not caused by readily recognizable disease;

22 (c) Deaths under suspicious circumstances;

23 (d) Deaths of persons whose bodies are to be cremated, dissected, buried at
24 sea, or otherwise disposed of so as to be thereafter unavailable for examinations.”

25 **Section 7.** § 81106 of Chapter 81, Title 10, Guam Code Annotated, is
26 *amended* to read:

27 **“ § 81106. Same: Traffic Deaths.**

1 In the event a person who was driving the car dies within four (4) hours as a
2 result of a traffic_accident_related injury from the time of its occurrence and there is
3 reasonable cause to believe that such person was driving under the influence of
4 alcohol, a blood sample will be immediately obtained under the supervision of the
5 Chief Medical Examiner or a qualified medical examiner or forensic pathologist
6 duly designated by the Commission pursuant to § 81102(g) of this Chapter for the
7 purpose of determining the blood alcohol level of the deceased person which blood
8 analysis test is to be conducted by or under the supervision and direction of the Chief
9 Medical Examiner or such duly designated qualified medical examiner or forensic
10 pathologist. The results of the test ~~are to~~ shall be provided to the Guam Police
11 Department.”

12 **Section 8.** § 81111 of Chapter 81, Title 10, Guam Code Annotated, is
13 *amended* to read:

14 **“ § 81111. Records as Evidence.**

15 The records of the Office of Post-Mortem Examinations, or transcripts thereof
16 certified by the Chief Medical Examiner or, during a vacancy, absence, incapacity,
17 or other unavailability of the Chief Medical Examiner, by a qualified medical
18 examiner duly designated by the Commission pursuant to § 81102(g) of this Chapter,
19 are admissible in evidence in any court of Guam, except that statements by witnesses
20 or other persons and conclusions upon extraneous matters are not hereby made
21 admissible. The person preparing a report or record given in evidence hereunder may
22 be subpoenaed as a witness, in any civil or criminal case, by any party to the cause.”

23 **Section 9.** A new § 81115 is hereby *added* to Chapter 81, Title 10, Guam
24 Code Annotated, to read:

25 **“ § 81115. Administrative Support; Interagency Agreements; Continuity**
26 **of Operations.**

1 (a) The Commission may approve memoranda of understanding, interagency
2 service agreements, cooperative agreements, or other lawful arrangements with
3 government entities for administrative, legal, medical, forensic, fiscal, personnel,
4 procurement, technical, logistical, or operational support necessary or appropriate
5 for the Office. The Executive Director may develop and negotiate such agreements
6 for consideration by the Commission and, upon approval, shall coordinate their
7 implementation and administration. Such agreements may include agreements with
8 the Office of the Attorney General, Guam Police Department, Guam Fire
9 Department, Guam Memorial Hospital Authority, Department of Public Health and
10 Social Services, Department of Administration, Bureau of Budget and Management
11 Research, and other government of Guam, federal, regional, or other governmental
12 entities, consistent with their respective statutory authority.

13 (b) An agreement entered into pursuant to this Section shall identify, as
14 applicable, the services and responsibilities of the parties; funding, reimbursement,
15 or cost-sharing obligations; responsibility for personnel, property, records, facilities,
16 or equipment; and the duration and terms of the agreement.

17 (c) No agreement under this Section shall transfer the statutory control or
18 supervision of the Office from the Commission, alter or interfere with the
19 professional medical authority or independent professional medical judgment of the
20 Chief Medical Examiner, or require an assisting entity to permanently assume a
21 function assigned by law to the Office. Personnel provided by another agency shall
22 remain employees of that agency unless otherwise provided by law. Interagency
23 support may supplement the staffing and operational capacity of the Office,
24 including through shared-service arrangements approved by the Commission.

25 (d) The Executive Director, in consultation with the Chief Medical Examiner
26 and subject to approval by the Commission, shall develop and maintain a written

1 continuity-of-operations plan addressing reasonably foreseeable circumstances that
2 may materially interrupt the operations of the Office, including:

3 (1) vacancy, absence, incapacity, or other unavailability of the Chief
4 Medical Examiner and temporary or off-island forensic pathology coverage;

5 (2) staffing shortages and continuity of administrative and death
6 investigation functions;

7 (3) transportation, forensic laboratory, toxicology, refrigeration,
8 storage, facility, equipment, and other critical operational needs; and

9 (4) emergency procurement, contractual arrangements, and succession
10 of administrative authority.

11 The Commission shall review the continuity-of-operations plan at least
12 annually and may require revisions as necessary.

13 (e) Nothing in this Section shall limit or supersede the duties or authority
14 established pursuant to §§ 81107 and 81108 of this Chapter.”

15 **Section 10. Rules and Regulations.** The Commission on Post-Mortem
16 Examinations shall review and update its rules and regulations, as necessary, to
17 ensure consistency with this Act, in accordance with the Administrative
18 Adjudication Law.

19 **Section 11. Effective Date.** This Act shall take effect upon enactment.