

THE THIRTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eighth of January
two thousand and twenty four

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DIRECTOR OF THE DEPARTMENT OF PORT ADMINISTRATION TO DESIGNATE EMPLOYEES WITH RESTRICTED AUTHORITY FOR ARREST AS SECURITY OFFICERS; AMENDING CHAPTER 2 OF TITLE 46 AND SECTION 46.0202, A.S.C.A."

Preamble

WHEREAS, Since 9/11, billions of dollars, nation-wide, have been poured into heightening airport security, while the Port continues to be neglected. The Port is a vital government infrastructure, with over 70% of our Territory's imports, more than double the cargo received at the Pago Pago Airport, entering by way of the Port. Furthermore, the Port generates millions of dollars, each year, for the American Samoa Government (ASG). Thus, ASG must elevate the level of security at all posts of entry of the Territory; and

WHEREAS, American Samoa faces increasingly complex and specialized crimes that warrant the need for law enforcement services in the Department of Port Administration (DPA) to reinforce the protection of our ports of entry, both at the Pago Pago Airport and Ports; and

WHEREAS, allowing the Director of Port Administration to designate employees who have successfully completed a police officer training program as provided by local, state, federal or territory law as security officers with arrest powers restricted to within the buildings, grounds and property that are managed, occupied or secured by the Department subject to the criminal procedures with respect to warrants and arrests set out in current law will ensure these officers act appropriately and safely in every situation; and

WHEREAS, upon passage of this bill, the terms "airport police" and "security guards" will be replaced with the term "Department of Port Administration security

officers” for consistency, so there is a need to amend A.S.C.A. section 13.1030 to remove references to the term “airport police”.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. Chapter 2 of Title 46 is amended to read:

“Chapter 02

LAW ENFORCEMENT

Sections:

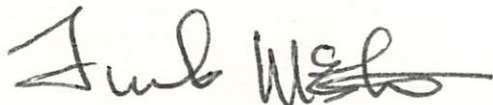
- 46.0201 Appointment of officers.
- 46.0202 Security ~~guards-officers~~-Appointment and powers.
- 46.0203 Firearms.”

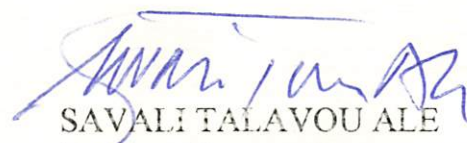
Sec 2. Section 46.0202 is amended to read:

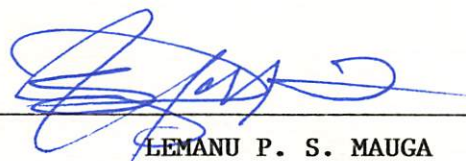
“46.0202 Security ~~guards-officers~~-Appointment and powers.

(a) Employees of the ~~airport manager~~ Department of Port Administration engaged as security guards-officers, upon specific authorization and direction of the Police Commissioner, shall have all of the powers of police officers, including the power of arrest; provided, that such powers shall remain in force and effect only while the security guard-officers are in actual performance of their duties as security guards-officers within the confines, control and jurisdiction of the Department of Port Administration.

(b) Authorization by the Police Commissioner of security officers granted in (a) shall only be granted to those security officers who have completed and passed a police academy, either with local or federal authority.”


TUAOLO MANAIA E. FRUEAN
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives


LEMANU P. S. MAUGA
Governor of American Samoa

NOFOAIGA TOLUSEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Ianuari
Lua afe luasefulufa

O SE PILI MO SE TULAFONO E FA'AULUTALAINA: "O SE TULAFONO E FAATAGA AI LE FAATONUSILI O LE MATAGALUEGA O LE PULEGA O LE TAULAGA E TOFIA AI NI TAGATA FAIGALUEGA E I AI LE PULE FAATAPULAA FAAOFISA MO LE SAOGALEMU E PU'E FAAPAGOTA AI. SUIA AI LE MATAUPU 2 O LE ULUTALA 46 MA LE MAGA 46.0202, TTAS."

Faatomuaga:

TALUAI, mai le 9/11, ua faitau piliona tala tupe ua sasaa mai i le atunuu atoa e siitia ai le tulaga o le saogalemu i malaevaalele, o lea lava e le o amana'ia le Taulaga. O le Taulaga o se vaega taua tele lea o ie fausaga o le malo, o loo taunuu i ai le silia i le 70% o oloa mai fafo a le Teritori; e silia i le faaluaina o uta e taunuu i le Malaevaalele i Pago Pago lea e ulufale mai i le Taulaga. I le ma le isi, o le Taulaga lea o loo maua ai ie faitau o miliona tala o tupe maua mai ai i tausaga taitasi mo le Malo o Amerika Samoa. O le mea lea, ua matua tatau ai lava ona siitia le tulaga o le saogalemu i taulaga uma o loo ulufale mai ai i le Teritori; ma

TALUAI, o loo faafesagai pea Amerika Samoa ma le tulaga faaopoopo pea o solitulafono lavelave ua alagata ai ona siitia le tulaga o auaunaga tau faamalosi tulafono i le Matagaluega o le Pulega o le Taulaga e faamalosi ai le puipuia o taulaga uma e ulufale mai ai. e le gata i le Malaevaalele a o Taulaga/uafu; ma

TALUAI, o le faatagaina o le Faatonusili o le Pulega o le Taulaga e tofia i latou ua faamanuiaina la latou porokalama o toleniga faaleoleo, e pei ona aiaia ai i tulafono faalelotoifale poo le feterele foi e pue faapagota ai i totonuu o fale, o lotoa ma meatotino o loo pulea ma vaaia e le Matagaluega, e faatali ai tualumaga tau solitulafono e faatatau i tusi saisai ma le pulefaapagota o loo aumaia i le tulafono o le a mautinoa ai o loo galulue nei ofisa e tusa ai ma aiaiga ma tulafono; ma

TALUAI a pasia lenei pili, o le a suia loa le faaupuga nei, "leoleo malaevaalele" ma "leoleo saogalemu" e ta'ua o "Ofisa o le saogalemu a le Matagaluega o le Pulega o le Taulaga" ina ia le toe i ai se feeseesea'iga, o le mea lea ua tatau ai ona suia le maga 13.1030 e aveesea ai le faaupuga "leoleo malaevaalele".

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua suia nei le Mataupu 2 o le Ulutala 46 e faitauina faapea:

"Mataupu 02

FAAMALOSI TULAFONO

Maga:

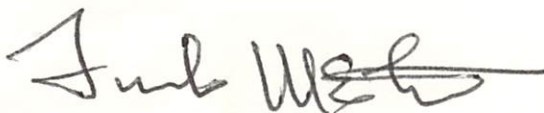
- 46.0201 Tofiga o ofisa.
- 46.0202 LeoleoOfisa o le saogalemu – Tofiga ma malosi.
- 46.0203 Fana.

Maga 2.

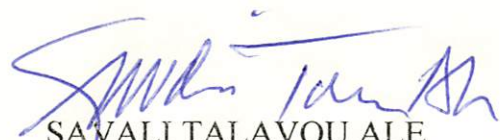
"46.0202 LeoleoOfisa mo le saogalemu – tofiaina ma malosi

(a) Tagata faigaluega a le pule Matagaluega o le Pulega o le Taulaga o loo galulue avea ma leoleo ofisa mo le saogalemu/puipuiga i le taimi e faia ai latou tiute faaleoleo-ofisa i totonu o fale, o nofoaga e pulea ma au i ai le vaaiga a le Pulega o le Taulaga.

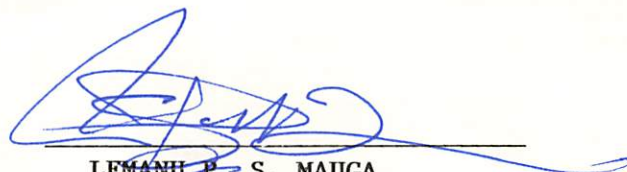
(e) O le pule o loo tuuina mai e le Komesina o Leoleo i ofisa o le saogalemu i le (a) o le a tuuina mai lea na o ofisa o le saogalemu ua mae'a lelei ma pasia le a'oga faaleoleo i le lotoifale poo le feterale foi."



TUAOLO MANAIA E. FRUEAN
Peresetene, Maota Maualuga



SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui



LEMANU P. S. MAUGA
Kovana o Amerika Samoa