

I Mina'trentai Sais 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
73-36 (COR) As amended on the Floor.	V. Anthony Ada Frank Blas Jr. Christopher M. Dueñas James C. Moylan Joanne Brown Telo T. Taitague Mary Camacho Torres	AN ACT TO AMEND §§ 60102 & 60103 OF CHAPTER 10, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW BY ENACTING THE HEARING PROTECTION ACT OF 2021.	3/9/21 9:37 a.m.	3/10/21	Committee on Public Safety, Emergency Response, Military and Veteran Affairs, Mayors Council, and Public Transit	4/5/21 2:00 p.m.	9/21/21 2:10 p.m.	Request: 3/10/21 Waiver: 3/17/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED	NOTES		
	12/6/21	AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW; AND TO BE KNOWN AS THE "HEARING PROTECTION ACT OF 2021."	12/15/21	12/15/21	12/27/21	12/22/21	Received: 12/22/21 Mess and Comm. Doc. No. 36GL-21-1444		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

December 22, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: BILL NO. 73-36 (COR) – “AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW; AND TO BE KNOWN AS THE “HEARING PROTECTION ACT OF 2021”

Dear Madame Speaker,

Bill No. 73-36, the “Hearing Protection Act of 2021,” seeks to remove existing restrictions on the ownership of suppressors and silencers in Guam law. The Bill points out that such devices do not actually “silence” guns, but rather reduce the noise guns produce by tens of decibels. Advocates of the Bill further point out that the stigma associating the use of such devices with criminal activity is unfair, and that in reality, the main reasons people own such devices is to reduce noise pollution, for hearing protection, and in safety training. While hearing protection devices are available, proponents of this Bill preach that layering use of earmuffs with suppressor use substantially reduces the impact on a shooter’s inner ear. Finally, addressing the concern that the availability of suppressors may lead to misuse or criminal activity, the Bill points out that federal safeguards exist to screen purchasers for criminal history, mental illness and substance abuse.

I have considered the factors and supporting information proffered in the Bill to determine whether the benefit to removing restrictions on suppressor-ownership in Guam outweigh the associated risks, and I find that it does not. The very reason proponents of the Bill advocate for lifting of the restrictions is the reason the restriction must remain in place – while they do not eliminate it, suppressors and silencers, by design, substantially suppress the sound of gunfire, which is one of the most easily recognizable warnings that a gun has been fired in a person’s vicinity, lawfully or unlawfully, and enables that person to get to safety.

The non-lethal auditory safety concerns for hobbyists and hunters may be mitigated by the proper use of protective items such as earplugs and earmuffs, but the safety concerns for the wider population associated with the broad availability of suppressors include potentially lethal consequences and simply cannot be mitigated. The existence of federal regulations affecting the

To: Speaker Terlaje
Fr: Governor of Guam
Date: December 22, 2021
Re: Bill No. 73-36 (COR)

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purchase of suppressors does not alleviate this concern – bills to amend the National Firearms Act to remove registration and licensing requirements for suppressors are periodically introduced before the U.S. Congress, including the most recent version introduced in June 2021, also called the Hearing Protection Act. And again, while the use of suppressors in violent crime does in fact occur, restricting their use also protects people who find themselves in the vicinity of lawful shooters.

On the balance, we must continue to prioritize the community's safety from potentially life-threatening harm over the auditory safety of the few. For this reason, I veto Bill No. 73-36, and urge our hobbyist and hunting communities to exercise appropriate safety measures to protect their hearing while shooting, including the use of safety devices intended for this purpose.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

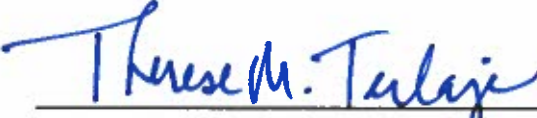
Enclosure: VETOED Bill No. 73-36 (COR)

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that Bill No. 73-36 (COR), "AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW; AND TO BE KNOWN AS THE "*HEARING PROTECTION ACT OF 2021*," was on the 15th day of December 2021, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 15th day of December
2021, at 6:50 o'clock P.M.

P01 D. Cruz
Assistant Staff Officer
Maga'håga's Office

APPROVED:

VETO

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

2021-15256
RCVD AT CENTRAL FILES
DEC 16 '21 AM 9:27
Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 73-36 (COR)

As amended on the Floor.

Introduced by:

V. Anthony Ada
Frank Blas Jr.
Christopher M. Dueñas
James C. Moylan
Joanne Brown
Telo T. Taitague
Mary Camacho Torres
Tina Rose Muña Barnes
Telen Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Jose “Pedro” Terlaje

AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW; AND TO BE KNOWN AS THE “*HEARING PROTECTION ACT OF 2021*.”

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the public perception of the effects of firearm silencers or suppression devices have largely been exaggerated by movies and pop culture. In reality, the reduction of noise produced by silencers and suppression devices is about thirty (30) decibels.

I Liheslatura further finds that a June 19, 2017 article in the Washington Post utilized the following analogy:

1 “How much is the noise reduced? By up to 30 decibels, depending on
2 the type of gun, ammunition and suppressor. Currently, gun control
3 lobbies are claiming that if “silencers” are available, people will not be
4 able to hear a mass shooting that is going on nearby. To test the claim,
5 let’s consider last week’s attack on Republicans who were practicing
6 baseball in Alexandria.

7 The criminal used a SKS rifle, with 7.62mm ammunition.
8 Without a suppressor, the sound of a shot from such a gun is 165
9 decibels. This is more than twice as loud as a jet take-off, if you are 25
10 meters from the jet. With a suppressor, the SKS would be about 140db.
11 That’s equivalent to being on an active aircraft carrier deck.

12 The would-be assassin also had a Smith & Wesson 9mm
13 handgun. In handguns, 9mm is an intermediate caliber — smaller and
14 quieter than larger calibers such as .44 or .45 (inches). Without a
15 suppressor, the S&W handgun is about 157 to 160 db. With a
16 suppressor, that handgun would be around 127 to 130 db. That’s about
17 the same as a jackhammer. Thus, the assertions that people will not be
18 able to hear criminal gunfire are not well supported by physics,
19 although the assertions are consistent with how ‘silencers’ are
20 portrayed in movies.”

21 *I Liheslatura* further finds that suppressors are legal in forty-two (42) states
22 and all but two (2) of these states (Connecticut and Vermont) allow their use for
23 hunting. There are three (3) main reasons people own suppressors and silencers:
24 reduction of noise pollution, hearing protection, and safety training. Suppressors
25 reduce noise by about as much as earmuffs do. No one would ever suggest that a
26 suppressor is an acceptable replacement for earmuffs, but suppressors are a very
27 good supplement to reduce the sound that reaches the inner ear. Using a combination

1 of a suppressor, earmuffs, and earplugs can reduce the perceived sound to around
2 one hundred (100) to one hundred twenty-five (125) decibels, the same as a power
3 lawnmower or a jackhammer.

4 Under federal law, purchasers of suppressors and silencers must go through
5 the same procedures as those required for the purchase of an ordinary firearm and
6 several more. Therefore, those with felony criminal records, a history of mental
7 illness, or a history of alcohol and substance abuse will be unable to secure clearance
8 to purchase these devices.

9 Suppressors are regulated under the National Firearms Act (NFA) of 1934,
10 which falls under the purview of the Bureau of Alcohol, Tobacco, Firearms and
11 Explosives (ATF). To legally purchase or possess a suppressor you must:

- 12 1. Be at least twenty-one (21) years of age to purchase a suppressor
13 from a dealer;
- 14 2. Be at least eighteen (18) years of age to purchase a suppressor
15 from an individual on a Form 4 to Form 4 transfer (contingent on state laws);
- 16 3. Be at least eighteen (18) years of age to possess a suppressor as
17 a beneficiary of a trust or as a member of a corporation (contingent on state
18 laws);
- 19 4. Be a resident of the United States;
- 20 5. Be legally eligible to purchase a firearm;
- 21 6. Pass a Bureau of Alcohol, Tobacco, Firearms and Explosives
22 (ATF) background check with a typical process time of eight (8) to ten (10)
23 months;
- 24 7. Pay a one-time two hundred dollar (\$200) transfer tax; and
- 25 8. Reside in one of the forty-two (42) states that currently allows
26 civilian ownership of suppressors.

1 *I Liheslatura* further finds that earplugs or earmuffs or both should be used at
2 all times even when using a suppressor. These devices are generally effective in
3 conditions where noise levels are less than one hundred five (105) decibels. Their
4 effectiveness decreases with an increase in the number of shooters on a firing range
5 at any given time and the length of time one spends on the firing range.

6 Therefore, it is the intent of *I Liheslatura* to remove the restrictions on
7 silencers and suppressors in Guam's firearm laws, subject to the provisions of
8 federal laws, rules, and regulations. The combination of silencers/suppressors and
9 traditional hearing protection such as earplugs and earmuffs will reduce the risk of
10 noise-induced hearing loss from firearms training and hunting.

11 **Section 2. Short Title.** This Act shall be known as the "*Hearing Protection*
12 *Act of 2021.*"

13 **Section 3.** § 60102 of Chapter 60, Title 10, Guam Code Annotated, is hereby
14 *amended* to read as follows:

15 **"§ 60102. Ownership, etc., of Certain Firearms Prohibited.**

16 The manufacture, possession, sale, barter, trade, gift, transfer or
17 acquisition of any machine guns, sub-machine guns, automatic rifles or any
18 other firearm not a rifle having a barrel length of sixteen (16) inches or greater
19 or not a shotgun having a barrel length of eighteen (18) inches or greater or a
20 revolver or pistol having a barrel length of more than twelve (12) inches is
21 prohibited. Any person violating this Section shall be guilty of a felony which
22 shall be punishable for a term of imprisonment of not less than three (3) years
23 and a fine of not less than One Thousand Dollars (\$1,000). Imposition of
24 sentence shall not be suspended and the offender shall not be eligible for
25 parole nor work release until the term of imprisonment prescribed herein has
26 been completed nor may probation be imposed in lieu of this portion of the
27 offender's sentence. Provided, however, that in the case of an offender not

1 previously convicted of a felony, the court may sentence the offender to not
2 more than two (2) years imprisonment and the provisions of this Section
3 prohibiting probation, suspension, parole or work release shall not be
4 applicable to such offender.”

5 **Section 4.** § 60103 of Chapter 60, Title 10, Guam Code Annotated, is
6 hereby *amended* to read as follows:

7 **“§ 60103. Ownership, etc., Permitted.**

8 Any person who qualifies under this Chapter may lawfully own,
9 possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by §
10 60102 subject to the conditions and penalties provided in this Chapter.
11 Mufflers, silencers, or devices for deadening the sound of discharged firearms
12 are permitted; provided, that the specifications, purchase, ownership, and
13 possession of the device complies with applicable federal laws, rules, and
14 regulations.”