

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)	V. Anthony Ada Frank Blas Jr. Christopher M. Dueñas James C. Moylan	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.						

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

Bill No. **73-36 (COR)**

Introduced by:

V. Anthony Ada 
Frank F. Blas, Jr. 
Christopher M. Duenas 
James C. Moylan 

**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*.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 public perception of the effects of firearm silencers or suppression devices have
4 largely been exaggerated by movies and pop culture. In reality, the reduction of
5 noised produced by silencers and suppression devices is about 30 decibels (30 db).
6 *I Liheslaturan* further finds that June 19, 2017 article in the *Washington Post* utilized
7 the following analogy:

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

14 The criminal used a SKS rifle, with 7.62mm ammunition. Without a
15 suppressor, the sound of a shot from such a gun is 165 decibels. This is
16 more than twice as loud as a jet take-off, if you are 25 meters from the

1 jet. With a suppressor, the SKS would be about 140db. That's
2 equivalent to being on an active aircraft carrier deck.

3 The would-be assassin also had a Smith & Wesson 9mm handgun. In
4 handguns, 9mm is an intermediate caliber — smaller and quieter than
5 larger calibers such as .44 or .45 (inches). Without a suppressor, the
6 S&W handgun is about 157 to 160 db. With a suppressor, that handgun
7 would be around 127 to 130 db. That's about the same as a jackhammer.
8 Thus, the assertions that people will not be able to hear criminal gunfire
9 are not well supported by physics, although the assertions are consistent
10 with how “silencers” are portrayed in movies.”

11 *I Liheslatura* further finds that suppressors are legal in 42 states and all but two of
12 these states (Connecticut and Vermont) allow their use for hunting. There are three
13 main reasons people own suppressors and silencers: reduction of noise pollution,
14 hearing protection, and safety training. Suppressors reduce noise by about as much
15 as earmuffs do. No one would ever suggest that a suppressor is an acceptable
16 replacement for muffs, but suppressors are a very good supplement to reduce the
17 sound the reaches the inner ear. Using a combination of a suppressor, earmuffs, and
18 ear plugs can reduce the perceived sound to around 100 to 125 decibels, the same as
19 a power lawn mower to a jackhammer.

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

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

- 4 1. Be at least 21 years of age to purchase a suppressor from a dealer.
- 5 2. Be at least 18 years of age to purchase a suppressor from an individual on a
6 Form 4 to Form 4 transfer (contingent on state laws).
- 7 3. Be at least 18 years of age to possess a suppressor as a beneficiary of a trust
8 or as a member of a corporation (contingent on state laws).
- 9 4. Be a resident of the United States.
- 10 5. Be legally eligible to purchase a firearm.
- 11 6. Pass a Bureau of Alcohol Tobacco Firearms and Explosives (BATFE)
12 background check with a typical process time of 8 to 10 months.
- 13 7. Pay a one-time \$200 Transfer Tax.
- 14 8. Reside in one of the 42 states that currently allows civilian ownership of
15 suppressors.

16 *I Liheslatura* further finds that ear plugs or ear muffs or both should be used at all
17 times even when using suppressor. These devices are generally effective in
18 conditions where noise levels are less than 105 decibels. Their effectiveness
19 decreases with increase in the number of shooters on a firing range at any given time
20 and the length of time one spends on the firing range.

21 It is the intent of *I Liheslatura* to remove the restrictions on silencers and suppressors
22 in Guam's firearm laws subject to the provisions of federal laws, rules, and
23 regulations. The combination of silencers/suppressors and traditional hearing
24 protection such as ear plugs and ear muffs will reduce the risk of noise-induced
25 hearing loss from firearms training and hunting.

26

1 **Section 2. Short Title.** This Act shall be known as the “*Hearing Protection Act of*
2 *2021.*”

3
4 **Section 3.** § 60102 of Chapter 60, 10 GCA is hereby *amended* to read as follows:

5 **“§ 60102. Ownership, etc., of Certain Firearms Prohibited.**

6 The manufacture, possession, sale, barter, trade, gift, transfer or acquisition of any
7 machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle
8 having a barrel length of sixteen (16) inches or greater or not a shotgun having a
9 barrel length of eighteen (18) inches or greater or a revolver or pistol having a barrel
10 length of more than twelve (12) inches is prohibited. ~~Mufflers, silencers or devices~~
11 ~~for deadening the sound of discharged firearms are also prohibited.~~ Any person
12 violating this Section shall be guilty of a felony which shall be punishable for a term
13 of imprisonment of not less than three (3) years and a fine of not less than One
14 Thousand Dollars (\$1,000). Imposition of sentence shall not be suspended and the
15 offender shall not be eligible for parole nor work release until the term of
16 imprisonment prescribed herein has been completed nor may probation be imposed
17 in lieu of this portion of the offender's sentence. Provided, however, that in the case
18 of an offender not previously convicted of a felony, the court may sentence the
19 offender to not more than two (2) years imprisonment and the provisions of this
20 Section prohibiting probation, suspension, parole or work release shall not be
21 applicable to such offender.”

22
23 **Section 4.** § 60103 of Chapter 60, 10 GCA is hereby *amended* to read as follows:

24 **“§ 60103. Ownership, etc., Permitted.**

25 Any person who qualifies under this Chapter may lawfully own, possess, use or carry
26 any rifle, shotgun, pistol or revolver not prohibited by § 60102 subject to the

1 conditions and penalties provided in this Chapter. Mufflers, silencers or devices for
2 deadening the sound of discharged firearms are permitted provided that the
3 specifications, purchase, ownership and possession of the device complies with
4 applicable federal laws, rules and regulations.”