

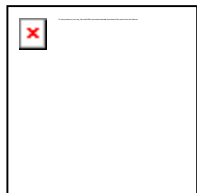
**From:** Committee on Rules 36GL <cor@guamlegislature.org>  
**Sent:** Wednesday, December 22, 2021 3:28 PM  
**To:** Clerks; Rennae Meno  
**Cc:** Speaker Therese M. Terlaje  
**Subject:** 36TH GL Messages and Communications for Doc. No. 36GL-21-1444  
**Attachments:** 36GL-21-1444.pdf

*Håfa Adai* Clerks,

Please see attached M&C Doc. No. 36GL-21-1444 for processing:

36GL-21-1444	Bill No. 73-36 (COR)- VETOED "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"*	Office of the Governor of Guam
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*Si Yu'os Ma'åse',*



## COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes  
36th Guam Legislature  
*I Mina'trentai Sais Na Liheslaturan Guåhan*  
163 Chalan Santo Papa Hågatña Guam 96910  
Email: [cor@guamlegislature.org](mailto:cor@guamlegislature.org)

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----- Forwarded message -----

**From:** Speaker Therese M. Terlaje <[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)>  
**Date:** Wed, Dec 22, 2021 at 12:26 PM  
**Subject:** Fwd: Bill No. 73-36 (COR)- VETOED  
**To:** Legislative Secretary Amanda Shelton <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>, Committee on Rules 36GL <[cor@guamlegislature.org](mailto:cor@guamlegislature.org)>

*Håfa Adai,*

Please see attached M&C Doc. No. 36GL-21-1444.

36GL-21-1444	Bill No. 73-36 (COR)- VETOED "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"*	Office of the Governor of Guam
--------------	--	--------------------------------

*Si Yu'os Ma'åse',*

Maria Abante  
Legislative Assistant

Office of Speaker Therese M. Terlaje  
Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

----- Forwarded message -----

From: **Brianne LG Dunstan** <[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)>

Date: Wed, Dec 22, 2021 at 12:04 PM

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

To: Speaker Therese M. Terlaje <[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)>

Cc: Governor Lourdes A. Leon Guerrero <[governor@guam.gov](mailto:governor@guam.gov)>, Lt. Governor Joshua F. Tenorio

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Eliza G. Dames (Chamber) <[eliza.dames@guam.gov](mailto:eliza.dames@guam.gov)>, Shamra L.A. Chargualaf (Chamber)

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<[josephine.cepada@guam.gov](mailto:josephine.cepada@guam.gov)>, Kathleen C. Cepeda (DCOS) <[kathleen.cepada@guam.gov](mailto:kathleen.cepada@guam.gov)>, Rhea Chang

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Krystal Paco-San Agustin <[krystal.paco@guam.gov](mailto:krystal.paco@guam.gov)>, Logan Reyes <[logan.reyes@guam.gov](mailto:logan.reyes@guam.gov)>, BERTHA

<[bertha.duenas@guam.gov](mailto:bertha.duenas@guam.gov)>, Michael D. Weakley <[michael.weakley@guam.gov](mailto:michael.weakley@guam.gov)>, Lester Carlson

<[lester.carlson@bbmr.guam.gov](mailto:lester.carlson@bbmr.guam.gov)>, BBMR Administrative Staff <[admin@bbmr.guam.gov](mailto:admin@bbmr.guam.gov)>, Analyn Eustaquio

<[analyn.eustaquio@bbmr.guam.gov](mailto:analyn.eustaquio@bbmr.guam.gov)>, Jessica Cruz (CF) <[jessica.cruz@guam.gov](mailto:jessica.cruz@guam.gov)>, Elaine Tajalle

<[elaine.tajalle@guam.gov](mailto:elaine.tajalle@guam.gov)>

*Hafa Adai* Madame Speaker:

Enclosed is a copy of Bill No. 73-36 (COR), which has been VETOED by **the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan** on December 22, 2021.

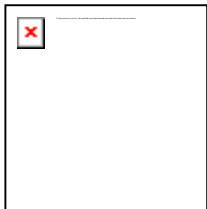
- **Bill No. 73-36 (COR)- VETOED** "AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE RESTRICTIONS ON OWNERSHIP OF SUPPRESSORS AND SILENCERS FROM GUAM LAW; AND TO BE KNOWN AS THE "HEARING PROTECTION ACT OF 2021"

The original Bill will be delivered to your office.

Thank you.

Respectfully,

--



**Brianne LG Dunstan**

Unisifan I Maga'hågan Guåhan

Office of the Governor of Guam

*Office of Legal Counsel*

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

## Bill No. 73-36 (COR)- VETOED

Brianne LG Dunstan <brianne.dunstan@guam.gov>

Wed, Dec 22, 2021 at 12:03 PM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Cc: "Governor Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Governor Joshua F. Tenorio" <joshua.tenorio@guam.gov>, "Geraldine A. Cepeda (Compiler)" <gcedpa@guamcourts.org>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Lisa Ibanez (Compiler Asst.)" <libanez@guamsupremecourt.com>, Jon Junior M Calvo <jon.calvo@guam.gov>, Alice Taijeron <alice.taijeron@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepada@guam.gov>, "Kathleen C. Cepeda (DCOS)" <kathleen.cepada@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "SSD (Legal)" <sophia.diaz@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Cheerful Catunao <cheerful.catunao@guam.gov>, "June M.C. Borja" <june.borja@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Logan Reyes <logan.reyes@guam.gov>, BERTHA <bertha.duenas@guam.gov>, "Michael D. Weakley" <michael.weakley@guam.gov>, Lester Carlson <lester.carlson@bbmr.guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, Elaine Tajalle <elaine.tajalle@guam.gov>

*Hafa Adai* Madame Speaker:

Enclosed is a copy of Bill No. 73-36 (COR), which has been VETOED by the **Honorable Lourdes A. Leon Guerrero, / Maga'hågan Guåhan** on December 22, 2021.

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

The original Bill will be delivered to your office.

Thank you.

Respectfully,



**Brianne LG Dunstan**  
 Unisifan I Maga'hågan Guåhan  
 Office of the Governor of Guam  
*Office of Legal Counsel*  
 513 West Marine Corps Drive  
 Ricardo J. Bordallo Governor's Complex  
 Hagåtña, Guam 96910  
 Office: 671.473.1118  
 brianne.dunstan@guam.gov

36GL-21-1444  
**OFFICE OF THE SPEAKER**  
**THERESE M. TERLAJE**

**-12-22-2021**

Time: 12:04pm

Received:

**COMMITTEE ON RULES**  
**RECEIVED:**

December 22, 2021

12:26 P.M.

**21.1222 Bill No. 73-36 (COR) - VETOED.pdf**  
 299K

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*

36<sup>th</sup> 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)

Page 2 of 2

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 15<sup>th</sup> 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 15<sup>th</sup> 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*.”**

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

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