

I Mina Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
265-34 (COR)	Therese M. Terlaje Telena C. Nelson	AN ACT TO ADD A NEW § 60100(j) AND AMEND § 60102, ALL OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE AND USE OF BUMP-FIRE STOCK FIREARM ATTACHMENTS AND INCREASING PENALTIES AND FINES FOR ILLEGAL FIREARM POSSESSION.	3/20/18 2:19 p.m. AS AMENDED 3/21/18 3:10 p.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018(SECOND) Regular Session

Bill No. 265 -34 (COR)

As Amended by the Prime Sponsor

Introduced by:

Therese M. Terlaje
Telena C. Nelson

AN ACT TO *ADD* A NEW § 60100(j) AND *AMEND* § 60102, ALL OF CHAPTER 60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE AND USE OF BUMP-FIRE STOCK FIREARM ATTACHMENTS AND INCREASING PENALTIES AND FINES FOR ILLEGAL FIREARM POSSESSION.

RS 2018 MAR 21 PM 3:10

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guahan* finds that the United States Department of Justice
4 announced on March 13, 2018 that in order to support the President of the United
5 States' call to prevent violence in schools and to better enforce gun laws, the
6 Department of Justice is taking immediate action to aggressively prosecute Federal
7 Gun Laws by proposing regulations to clarify that bump-fire stock attachments are
8 machine guns under federal law and by ordering federal prosecutors to swiftly and
9 aggressively prosecute appropriate cases against people who are prohibited from
10 having firearms. It is the intent of *I Liheslatura Guahan* to support the efforts of
11 the United States Justice Department to prevent violence in schools and to better
12 enforces gun laws by strengthening current Guam Firearms laws through a ban on

1 bump-fire stock firearm attachments and by increasing illegal firearm possession
2 penalties and fines.

3 *I Liheslaturan Guahan* finds that a bump-fire stock firearm attachment is a
4 device used to increase a firearm’s cyclic firing rate to mimic nearly continuous
5 automatic fire or to mimic the firing rate of a machine gun, for which the
6 manufacture, possession, sale, barter, trade, gift, transfer or acquisition thereof is
7 prohibited pursuant to § 60102 of Chapter 60, Title 10, Guam Code Annotated.

8 *I Liheslaturan Guahan* further finds that the possession of prohibited
9 firearms and bump-fire stock attachments or any device that increases a firearm’s
10 cyclic firing rate to mimic nearly continuous automatic fire or to mimic the firing
11 rate of a machine gun, poses a great threat to the safety of the community and to
12 law enforcement, by arming persons with the capability to cause serious personal
13 injury or mass injury, including the ultimate injury, death- to other individuals.
14 Therefore, in an effort to comply with current firearm prohibitions and to deter the
15 illegal manufacture, possession, sale, barter, trade, gift, transfer or acquisition of
16 any machine guns, sub-machine guns, automatic rifles, to include bump-fire stock
17 attachments or devices, it is the intent of *I Liheslaturan Guahan* to ban the use of
18 bump-fire stock attachments or any other attachment or device designed to enhance
19 a firearm’s cyclic firing rate to mimic nearly continuous automatic fire or to mimic
20 the firing rate of a machine gun and to impose penalties and fines that correspond
21 to the severe level of danger, injury and risk of death imposed upon the
22 community.

23 **Section 2.** A new §60100(j) is hereby added to Chapter 60, Title 10, Guam
24 Code Annotated, to read as follows:

25 “ (j) *Bump-Fire Stock (Bump Stocks) Firearm Attachment*
26 means a device used to increase the firearm’s cyclic firing rate

1 to mimic nearly continuous automatic fire or to mimic the firing
2 rate of a machine gun.”

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

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

6 The manufacture, possession, sale, barter, trade, gift, transfer or
7 acquisition of any machine guns, sub-machine guns, automatic rifles
8 or any other firearm not a rifle having a barrel length of sixteen (16)
9 inches or greater or not a shotgun having a barrel length of eighteen
10 (18) inches or greater or a revolver or pistol having a barrel length of
11 more than twelve (12) inches is prohibited. Mufflers, silencers or
12 devices for deadening the sound of discharged firearms are also
13 prohibited. Bump-Fire Stock Firearm Attachments or any other
14 attachment or device used to increase a cyclic firing rate to mimic
15 nearly continuous automatic fire or to mimic a machine gun is also
16 prohibited. Any person violating this Section shall be guilty of a
17 felony, which shall be punishable for a term of imprisonment of not
18 less than ~~three~~ five (35) years and a fine of not less than ~~One~~
19 ~~Thousand Dollars~~ Ten Thousand Dollars (~~\$1000~~ 10,000). Imposition
20 of sentence shall not be suspended and the offender shall not be
21 eligible for parole nor work release until the term of imprisonment
22 prescribed herein has been completed nor may probation be imposed
23 in lieu of this portion of the offender’s sentence. ~~Provided, however,~~
24 ~~that in the case of an offender not previously convicted of a felony,~~
25 ~~the court may sentence the offender to not more than two (2) years~~
26 ~~imprisonment and the provisions of this Section prohibiting probation,~~
27 ~~suspension, parole or work release shall not be applicable to such~~

1 ~~offender.~~” Any persons in possession of a Bump-Fire Stock Firearm
2 Attachment or any other attachment or device used to increase a
3 cyclic firing rate to mimic nearly continuous fire or to mimic a
4 machine gun, prior to the enactment of this act, will be required to
5 surrender such devices to the Guam Police Department, without
6 compensation, within ninety (90) days upon enactment. On and after
7 the date that is ninety (90) days after the date of enactment of this
8 subsection, it shall be unlawful for any person to manufacture,
9 possess, sale, barter, trade, gift, transfer or acquire a bump-fire stock
10 firearm attachment or similar devices or attachments.