

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
296-32 (COR)	V. Anthony Ada A. A. Yamashita, Ph.D. C. M. Duenas T. A. Morrison R. J Respicio Brant T. McCreadie Michael F.Q. San Nicolas	AN ACT TO AMEND §60109 AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF 10GCA RELATIVE TO CONCEALED FIREARMS LICENSING.	3/25/14 2:49 p.m.	03/26/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



COMMITTEE ON RULES

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March 26, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 296-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 296-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

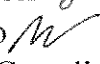
Si Yu'os Ma'åse!

Attachment

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 296-32 (COR)

Introduced by:

V. Anthony Ada 
A. A. Yamashita, Ph.D. 
C. M. Duenas 
T. A. Morrison 
R. J Respicio 
Brant T. McCreadie 
Michael F.Q. San Nicolas 

**AN ACT TO AMEND §60109 AND TO ADD A NEW
§60109.1 TO CHAPTER 60 OF 10GCA RELATIVE TO
CONCEALED FIREARMS LICENSING.**

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

2

3 **Section 1.** Section 60109 of 10GCA is *amended* to read as follows:

4

5 **§60109. Concealed Firearms.**

6 No identification card shall be issued permitting the holder to carry a concealed
7 firearm of any nature unless

8

9 (a) the applicant shows exceptional cause therefor. Such exceptional causes shall
10 include, but not be limited to facts which show that such concealment is absolutely
11 necessary for an individual who is engaged in the protection of persons or property , or
12 who shows that he has a genuine reason to fear for the safety of his person or property
13 and that a concealed firearm would materially lessen the danger . Such permission,
14 once stated upon the identification card, shall not be renewed unless, at the time for
15 renewal, the application shows a continuing need for such permission, using the

60109.1
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standards for such permission as they exist at the time for renewal. It shall be unlawful for any person to carry any firearm concealed unless he has received permission to carry such firearm and such permission is sated upon the face of his identification card.
or

(b) An applicant meets the requirements for a concealed firearms license as defined in §60109.1 of this Chapter.

Section 2. Section 60109.1 is *added* to 10GCA to read as follows:

§60109.1 Concealed Firearms, shall issue license.

(1) The Guam Police Department is authorized to issue licenses to carry concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed firearms are defined as a handgun, shotgun or rifle but the term does not include a machine gun. For purposes of this section, “Machine gun” means any firearm, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger. Such licenses shall be valid for a period of six (6) years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display such upon demand by a law enforcement officer. The license shall be in the form of an endorsement upon the licensee's Guam Firearms Identification Card. Violations of the provisions of this subsection, by lawfully licensed concealed firearms licensees, shall constitute a noncriminal violation with a penalty of Twenty Five Dollars (\$25).

(2) The Guam Police Department shall issue a license if the applicant:

- 1 (a) Is a resident of Guam and a citizen of the United States;
- 2 (b) Is twenty one (21) years of age or older;
- 3 (c) Does not suffer from a physical infirmity which prevents the safe handling of
- 4 a weapon or firearm;
- 5 (d) Is not ineligible to possess a firearm by virtue of having been convicted of a
- 6 felony;
- 7 (e) Has not been committed for the abuse of a controlled substance or been
- 8 found guilty of a crime under the laws of Guam or similar laws of any other
- 9 state relating to controlled substances within a three-year (3-year) period
- 10 immediately preceding the date on which the application is submitted;
- 11 (f) Does not chronically and habitually use alcoholic beverages or other
- 12 substances to the extent that his or her normal faculties are impaired. It shall be
- 13 presumed that an applicant chronically and habitually uses alcoholic beverages
- 14 or other substances to the extent that his or her normal faculties are impaired if
- 15 the applicant has been convicted of a violation of 16GCA Chapter 18 within the
- 16 three-year (3-year) period immediately preceding the date on which the
- 17 application is submitted;
- 18 (g) Desires a legal means to carry a concealed firearm for lawful self-defense;
- 19 (h) Demonstrates competence with a firearm by any one of the following:
- 20 1. Completion of any hunter education or hunter safety course approved
- 21 by the Department of Agriculture (Fish and Wildlife Division) or a similar
- 22 agency of another state;
- 23 2. Completion of any National Rifle Association firearms safety or
- 24 training course;
- 25 3. Completion of any firearms safety or training course or class available
- 26 to the general public offered by a law enforcement, junior college,
- 27 college, or private or public institution or organization or firearms training
- 28 school, utilizing instructors certified by the National Rifle Association,

1 Criminal Justice Standards and Training Commission, or the Guam Police
2 Department;

3 4. Completion of any law enforcement firearms safety or training course
4 or class offered for security guards, investigators, special deputies, or any
5 division or subdivision of law enforcement or security enforcement;

6 5. Presents equivalent experience with a firearm as evidenced by United
7 States Armed Forces training record or DD214 with notation of firearms
8 training and honorable discharge;

9 6. Completion of any firearms training or safety course or class conducted
10 by a Guam-certified or National Rifle Association certified firearms
11 instructor;

12 A photocopy of a certificate of completion of any of the courses or classes; or an
13 affidavit from the instructor, school, club, organization, or group that conducted
14 or taught said course or class attesting to the completion of the course or class
15 by the applicant; or a copy of any document which shows completion of the
16 course or class or evidences participation in firearms competition shall constitute
17 evidence of qualification under this paragraph; any person who conducts a
18 course pursuant to subparagraph 2., subparagraph 3., or subparagraph 6., or who,
19 as an instructor, attests to the completion of such courses, must maintain records
20 certifying that he or she observed the student safely handle and discharge the
21 firearm;

22 (i) Has not been adjudicated an incapacitated person under Guam law, or similar
23 laws of any other state, unless five (5) years have elapsed since the applicant's
24 restoration to capacity by court order;

25 (j) Has not been committed to a mental institution under Guam law, or similar
26 laws of any other state, unless the applicant produces a certificate from a

1 licensed psychiatrist that he or she has not suffered from disability for at least
2 five (5) years prior to the date of submission of the application;

3 (k) Has not had adjudication of guilt withheld or imposition of sentence
4 suspended on any felony or misdemeanor crime of family violence unless three
5 (3) years have elapsed since probation or any other conditions set by the court
6 have been fulfilled, or the record has been sealed or expunged;

7 (l) Has not been issued an injunction that is currently in force and effect and that
8 restrains the applicant from committing acts of family violence or acts of repeat
9 violence;

10 (m) Is not prohibited from purchasing or possessing a firearm by any other
11 provision of Guam law or federal law; and

12 (n) Has been issued a current valid Guam Firearms Identification card.

13 (3) The Guam Police Department shall deny a license if the applicant has been found
14 guilty of, had adjudication of guilt withheld for, or had imposition of sentence
15 suspended for one or more crimes of violence constituting a misdemeanor, unless three
16 (3) years have elapsed since probation or any other conditions set by the court have
17 been fulfilled or the record has been sealed or expunged. The Guam Police Department
18 shall revoke a license if the licensee has been found guilty of, had adjudication of guilt
19 withheld for, or had imposition of sentence suspended for one or more crimes of
20 violence within the preceding three (3) years. The department shall, upon notification
21 by a law enforcement agency, or a court, and subsequent written verification, suspend
22 a license or the processing of an application for a license if the licensee or applicant is
23 arrested or formally charged with a crime that would disqualify such person from
24 having a license under this section, until final disposition of the case. The department
25 shall suspend a license or the processing of an application for a license if the licensee
26 or applicant is issued an injunction that restrains the licensee or applicant from
27 committing acts of domestic violence or acts of repeat violence.

1 (4) The application shall be completed, under oath, on a form promulgated by the
2 Guam Police Department and shall include:

3 (a) The name, address, place and date of birth, race, and occupation of the
4 applicant;

5 (b) A statement that the applicant is in compliance with criteria contained within
6 subsections (2) and (3);

7 (c) A statement that the applicant has been furnished a copy of this chapter and
8 is knowledgeable of its provisions;

9 (d) A conspicuous warning that the application is executed under oath and that a
10 false answer to any question, or the submission of any false document by the
11 applicant, subjects the applicant to criminal prosecution; and

12 (e) A statement that the applicant desires a concealed weapon or firearms license
13 as a means of lawful self-defense.

14 (5) The applicant shall submit to the Guam Police Department:

15 (a) A completed application as described in subsection (4).

16 (b) A nonrefundable license fee not to exceed One Hundred Dollars (\$100) or a
17 nonrefundable license fee not to exceed Seventy Five Dollars (\$75) for renewal
18 of a license. Such fees are in addition to fees assessed for a Guam Firearms
19 Identification. However, an individual holding an active certification from the
20 Criminal Justice Standards and Training Commission as a “law enforcement
21 officer,” “correctional officer,” or “correctional probation officer” is exempt
22 from the licensing requirements of this section. If any individual holding an
23 active certification from the Criminal Justice Standards and Training
24 Commission as a “law enforcement officer,” a “correctional officer,” or a
25 “correctional probation officer” wishes to receive a concealed weapons or
26 firearms license, such person is exempt from the background investigation and
27 all background investigation fees, but shall pay the current license fees regularly
28 required to be paid by nonexempt applicants. Further, a law enforcement officer,

1 a correctional officer, or a correctional probation officer is exempt from the
2 required fees and background investigation for a period of one (1) year
3 subsequent to the date of retirement of said officer as a law enforcement officer,
4 a correctional officer, or a correctional probation officer.

5 (c) A photocopy of a certificate or an affidavit or document as described in
6 paragraph (2)(h).

7 (6) (a) The Guam Police Department, upon receipt of the items listed in subsection
8 (5), shall forward the full set of fingerprints of the applicant to the Federal
9 Bureau of Investigation (FBI) or other appropriate Federal law enforcement
10 agency.

11 (b) Guam Police Department shall provide fingerprinting service if requested by
12 the applicant and may charge a fee not to exceed Twenty (\$20) for this service.
13 Fingerprinting, including fingerprinting fees, shall be waived if the applicant has
14 fingerprints on file from an application for a new or renewal of a Guam Firearms
15 Identification Card.

16 (c) The Guam Police Department shall, within ninety (90) days after the date of
17 receipt of the items listed in subsection (5):

18 1. Issue the license; or

19 2. Deny the application based solely on the ground that the applicant fails
20 to qualify under the criteria listed in subsection (2) or subsection (3). If
21 the Guam Police Department denies the application, it shall notify the
22 applicant in writing, stating the grounds for denial and informing the
23 applicant of any right to a hearing.

24 3. In the event the department receives criminal history information with
25 no final disposition on a crime which may disqualify the applicant, the
26 time limitation prescribed by this paragraph may be suspended until
27 receipt of the final disposition or proof of restoration of civil and firearm
28 rights.

1 (d) In the event a legible set of fingerprints, as determined by the Guam Police
2 Department or the Federal Bureau of Investigation, cannot be obtained after two
3 attempts, the Guam Police Department shall determine eligibility based upon the
4 name checks.

5 (e) A consular security official of a foreign government that maintains
6 diplomatic relations and treaties of commerce, friendship, and navigation with
7 the United States and is certified as such by the foreign government and by the
8 appropriate embassy in this country must be issued a license within twenty (20)
9 days after the date of the receipt of a completed application, certification
10 document, color photograph as specified in paragraph (5)(e), and a
11 nonrefundable license fee of Three Hundred Dollars (\$300). Consular security
12 official licenses shall be valid for one (1) year and may be renewed upon
13 completion of the application process as provided in this section.

14 (7) The Guam Police Department shall maintain an automated listing of licensees and
15 pertinent information, and such information shall be available online, upon request, at
16 all times to all law enforcement agencies.

17 (8) Within thirty (30) days after the changing of a permanent address, or within thirty
18 (30) days after having a license lost or destroyed, the licensee shall notify the Guam
19 Police Department of such change. Failure to notify the Guam Police Department
20 pursuant to the provisions of this subsection shall constitute a noncriminal violation
21 with a penalty of Twenty Five Dollars (\$25).

22 (9) In the event that a concealed weapon or firearm license is lost or destroyed, the
23 license shall be automatically invalid, and the person to whom the same was issued
24 may, upon payment of Fifteen Dollars (\$15) to the Guam Police Department, obtain a
25 duplicate, or substitute thereof, upon furnishing a notarized statement to the Guam
26 Police Department that such license has been lost or destroyed.

27 (10) A license issued under this section shall be suspended or revoked if the licensee:

28 (a) Is found to be ineligible under the criteria set forth in subsection (2);

1 (b) Develops or sustains a physical infirmity which prevents the safe handling of
2 a weapon or firearm;

3 (c) Is convicted of a felony which would make the licensee ineligible to possess
4 a firearm;

5 (d) Is found guilty of a crime under the provisions of Chapter 67 of 9GCA, or
6 similar laws of any other state, relating to controlled substances;

7 (e) Is committed as a substance abuser, or is deemed a habitual offender under
8 Public Law, or similar laws of any other state;

9 (f) Is convicted of a second violation of substance or alcohol abuse, or a similar
10 law of another state, within three (3) years of a previous conviction of such
11 section, or similar law of another state, even though the first violation may have
12 occurred prior to the date on which the application was submitted;

13 (g) Is adjudicated an incapacitated person under Public Law, or similar laws of
14 any other state; or

15 (h) Is committed to a mental institution under Public Law, or similar laws of any
16 other state.

17 (11) (a) No less than Ninety (90) days before the expiration date of the license, the
18 Guam Police Department shall mail to each licensee a written notice of the
19 expiration and a renewal form prescribed by the Guam Police Department. The
20 licensee must renew his or her license on or before the expiration date by filing
21 with the Guam Police Department the renewal form containing a notarized
22 affidavit stating that the licensee remains qualified pursuant to the criteria
23 specified by this Section. The license shall be renewed upon receipt of the
24 completed renewal form. Additionally, a licensee who fails to file a renewal
25 application on or before its expiration date must renew his or her license by
26 paying a late fee of Fifteen Dollars (\$15). A license may not be renewed One
27 hundred Eighty (180) days or more after its expiration date, and such a license is
28 deemed to be permanently expired. A person whose license has been

1 permanently expired may reapply for licensure; however, an application for
2 licensure and fees under subsection (5) must be submitted, and a background
3 investigation shall be conducted pursuant to this section. A person who
4 knowingly files false information under this subsection is subject to criminal
5 prosecution.

6 (b) A license issued to a member of the United States Armed Forces, is subject
7 to paragraph (a); however, such a license does not expire while the member of
8 the United States Armed Forces is serving on active duty military orders and
9 deployed outside of the Territory of Guam. The member of the United States
10 Armed Forces must present to the Guam Police Department a copy of his or her
11 official military orders or a written verification from the member's commanding
12 officer before the end of the 180-day period in order to qualify for the extension,
13 unless the member of the United States Armed Forces is subject to a deployment
14 of greater than the 180-day period, then within 30 days of returning to the
15 Territory of Guam.

16 (12) (a) A license issued under this section does not authorize any person to openly
17 carry a handgun or carry a concealed firearm into:

- 18 1. Any detention facility, prison, or jail;
- 19 2. Any courthouse;
- 20 3. Any courtroom, except that nothing in this section would preclude a
21 judge from carrying a concealed weapon or determining who will carry a
22 concealed weapon in his or her courtroom;
- 23 5. While under the influence of alcohol (Blood alcohol content of .08% or
24 higher) or a controlled substance; or
- 25 6. Any place where the carrying of firearms is prohibited by federal law.
- 26 7. As stated in Title 9 GCA Chapter 71, "The Guam Gun Free School
27 Zone Act of 2004."

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2 (b) A person licensed under this section shall not be prohibited from carrying or
3 storing a firearm in a vehicle for lawful purposes.

4 (c) Nothing in this statute shall be construed to prohibit a property owner or
5 lessee of a residential or business property to carry a firearm, concealed or
6 otherwise within their own property with a valid non-concealed firearm
7 identification or allow any person employed and/or authorized by the owner,
8 operator, or manager to carry a firearm on such premises with a valid non-
9 concealed firearm identification.

10 (d) Any person who knowingly and willfully violates any provision of this
11 subsection commits a petty misdemeanor.

12 (13) All moneys collected by the department pursuant to this section shall be deposited
13 in the Police Services Fund.

14 (14) The Guam Police Department shall maintain statistical information on the number
15 of licenses issued, revoked, suspended, and denied.