

*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
<b>296-32 (COR), P.L. 32-150</b>	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	04/03/14 9 a.m.	5/5/14 9:22 a.m.	<b>Fiscal Note Request 3/28/14</b> <b>Fiscal Note Waived 4/22/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	5/9/2014	AN ACT TO AMEND § 60109, AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING.	5/12/14	2:43 p.m.	5/22/2014	5/21/2014	32-150	As amended on the Floor.



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

MAY 23 2014

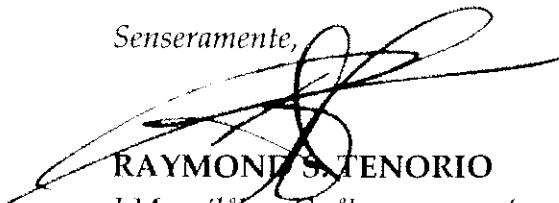
Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-14-1670  
5:23.14  
4:44pm  
2014 MAY 27 AM 8:55  
MRB

Dear Madame Speaker:

Transmitted herewith is Bill No. 296-32 (COR) "AN ACT TO AMEND § 60109, AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING" which I signed into law on May 21, 2014 as **Public Law 32-150**.

*Senseramente,*

  
**RAYMOND S. TENORIO**  
*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam

1670

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

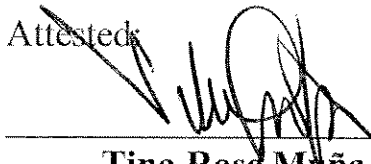
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Bill No. 296-32 (COR)**, "AN ACT TO *AMEND* § 60109, AND TO *ADD* A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING," was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.



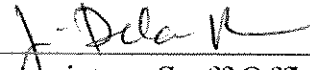
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



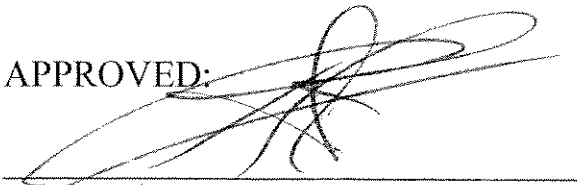
Tina Rose Maña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12<sup>th</sup> day of May,  
2014, at 2:43 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's* Office

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-150

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

**Bill No. 296-32 (COR)**

As amended on the Floor.

Introduced by:

V. Anthony Ada  
Aline A. Yamashita, Ph.D.  
Chris M. Dueñas  
Tommy Morrison  
R. J. Respicio  
Brant T. McCreddie  
Michael F. Q. San Nicolas  
T. C. Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Michael T. Limtiaco  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
Dennis G. Rodriguez, Jr.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 60109, AND TO ADD A NEW  
§60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO CONCEALED  
FIREARMS LICENSING.**

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

2 **Section 1.** § 60109 of Chapter 60 of Title 10, Guam Code Annotated, is  
3 *amended* to read as follows:

4 **“§ 60109. Concealed Firearms.**

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

1 (a) the applicant shows exceptional cause therefore. Such  
2 exceptional causes *shall* include, but *not* be limited to, facts which  
3 show that such concealment is absolutely necessary for an individual  
4 who is engaged in the protection of persons or property, or who shows  
5 that he has a genuine reason to fear for the safety of his person or  
6 property and that a concealed firearm would materially lessen the  
7 danger. Such permission, once stated upon the identification card,  
8 *shall not* be renewed unless, at the time for renewal, the application  
9 shows a continuing need for such permission, using the standards for  
10 such permission as they exist at the time for renewal. It *shall* be  
11 unlawful for any person to carry any firearm concealed unless he has  
12 received permission to carry such firearm and such permission is  
13 stated upon the face of his identification card; or

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

16 **Section 2.** A new § 60109.1 is *added* to Chapter 60 of Title 10, Guam  
17 Code Annotated, to read as follows:

18 **“§ 60109.1. Concealed Firearms; Shall Issue License.**

19 (a) The Guam Police Department is authorized to issue licenses to  
20 carry concealed firearms to persons qualified as provided in this Section.  
21 Each such license must bear a color photograph of the licensee. For the  
22 purposes of this Section, concealed firearms are defined as a handgun,  
23 shotgun or rifle, but the term *does not* include a machine gun. For the  
24 purposes of this Section, *machine gun* means any firearm which shoots, or is  
25 designed to shoot, automatically more than one shot, without manually  
26 reloading, by a single function of the trigger. Such licenses *shall* be valid for  
27 a period of three (3) years from the date of issuance and *shall* coincide with

1 the date of the Firearms Identification Card. Any person in compliance with  
2 the terms of such license may carry a concealed weapon or concealed  
3 firearm. The licensee must carry the license, together with valid  
4 identification, at all times in which the licensee is in actual possession of a  
5 concealed weapon or firearm and must display such upon demand by a law  
6 enforcement officer. The license *shall* be in the form of an endorsement  
7 upon the licensee's Guam Firearms Identification Card. Violations of the  
8 provisions of this Subsection, by lawfully licensed concealed firearms  
9 licensees, *shall* constitute a noncriminal violation with a penalty of Twenty  
10 Five Dollars (\$25.00).

11 (b) The Guam Police Department *shall* issue a license if the  
12 applicant:

- 13 (1) is a resident of Guam and a citizen of the United States;
- 14 (2) is twenty one (21) years of age or older;
- 15 (3) does not suffer from a physical or mental infirmity which  
16 prevents the safe handling of a weapon or firearm;
- 17 (4) is not ineligible to possess a firearm by virtue of having  
18 been convicted of a felony;
- 19 (5) has not been committed for the abuse of a controlled  
20 substance or been found guilty of a crime under the laws of Guam or  
21 similar laws of any other state relating to controlled substances within  
22 a three-year period immediately preceding the date on which the  
23 application is submitted;
- 24 (6) does not chronically and habitually use alcoholic  
25 beverages or other substances to the extent that his or her normal  
26 faculties are impaired. It *shall* be presumed that an applicant  
27 chronically and habitually uses alcoholic beverages or other

1 substances to the extent that his or her normal faculties are impaired if  
2 the applicant has been convicted of a violation of 16GCA Chapter 18  
3 within the three-year period immediately preceding the date on which  
4 the application is submitted;

5 (7) desires a legal means to carry a concealed firearm for  
6 lawful self-defense;

7 (8) demonstrates competence with a firearm by any one of  
8 the following:

9 (A) completion of any hunter education or hunter  
10 safety course approved by the Department of Agriculture (Fish  
11 and Wildlife Division) or a similar agency of another state;

12 (B) completion of any National Rifle Association  
13 firearms safety or training course;

14 (C) completion of any firearms safety or training  
15 course or class available to the general public offered by a law  
16 enforcement, junior college, college, or private or public  
17 institution or organization or firearms training school, utilizing  
18 instructors certified by the National Rifle Association, the  
19 Criminal Justice Standards and Training Commission, or the  
20 Guam Police Department;

21 (D) completion of any law enforcement firearms safety  
22 or training course or class offered for security guards,  
23 investigators, special deputies, or any division or subdivision of  
24 law enforcement or security enforcement;

25 (E) presents equivalent experience with a firearm as  
26 evidenced by United States Armed Forces training record, or

1 DD214 with a notation of firearms training and honorable  
2 discharge; or

3 (F) completion of any firearms training or safety  
4 course or class conducted by a Guam-certified or National Rifle  
5 Association certified firearms instructor;

6 A photocopy of a certificate of completion, within the  
7 past five (5) years, of any of the courses or classes; or an  
8 affidavit from the instructor, school, club, organization, or  
9 group that conducted or taught said course or class attesting to  
10 the completion of the course or class by the applicant; or a copy  
11 of any document which shows completion of the course or class  
12 or evidences participation in firearms competition *shall*  
13 constitute evidence of qualification under this paragraph; any  
14 person who conducts a course pursuant to subparagraph (B),  
15 subparagraph (C), or subparagraph (F), or who, as an instructor,  
16 attests to the completion of such courses, must maintain records  
17 certifying that he or she observed the student safely handle and  
18 discharge the firearm;

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

23 (10) has not been committed to a mental institution under  
24 Guam law, or similar laws of any other state, unless the applicant  
25 produces a certificate from a licensed psychiatrist that he or she has  
26 not suffered from disability for at least five (5) years prior to the date  
27 of submission of the application;



1 (11) has not had adjudication of guilt withheld or imposition  
2 of sentence suspended on any felony, *unless* ten (10) years have  
3 elapsed since probation or any other conditions set by the court have  
4 been fulfilled; or a misdemeanor crime of family violence, *unless*  
5 three (3) years have elapsed since probation or any other conditions  
6 set by the court have been fulfilled.

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

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

12 (14) has been issued a current valid Guam Firearms  
13 Identification Card.

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

1 application for a license if the licensee or applicant is issued an injunction  
2 that restrains the licensee or applicant from committing acts of domestic  
3 violence or acts of repeat violence.

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

6 (1) the name, address, place and date of birth, ethnicity, and  
7 occupation of the applicant;

8 (2) a statement that the applicant is in compliance with  
9 criteria contained within Subsections (b) and (c);

10 (3) a statement that the applicant has been furnished a copy  
11 of this Chapter and is knowledgeable of its provisions;

12 (4) a conspicuous warning that the application is executed  
13 under oath and that a false answer to any question, or the submission  
14 of any false document by the applicant, subjects the applicant to  
15 criminal prosecution; and

16 (5) a statement that the applicant desires a concealed weapon  
17 or firearms license as a means of lawful self-defense.

18 (e) The applicant *shall* submit to the Guam Police Department:

19 (1) A completed application as described in Subsection (d).

20 (2) The fee charged for a concealed firearms license *shall* be  
21 the same fee charged for a concealed firearms authorized in  
22 Subsection (a) of §60109 of this Chapter. The difference between  
23 non-concealed and concealed carry fees *shall* be prorated, on a  
24 monthly bases, for individuals who receive a concealed carry license  
25 subsequent to the issuance of a non-concealed Firearms Identification  
26 Card. However, an individual holding an active certification from the  
27 Criminal Justice Standards and Training Commission as a “law

1 enforcement officer,” “correctional officer,” or “correctional  
2 probation officer” is exempt from the licensing requirements of this  
3 Section. If any individual holding an active certification from the  
4 Criminal Justice Standards and Training Commission as a “law  
5 enforcement officer,” a “correctional officer,” or a “correctional  
6 probation officer” wishes to receive a concealed weapons or firearms  
7 license, such person is exempt from the background investigation and  
8 all background investigation fees, but *shall* pay the current license  
9 fees regularly required to be paid by nonexempt applicants. Further, a  
10 person who meets the qualifications as a *Qualified Law Enforcement*  
11 *Officer* or *Qualified Retired Enforcement Officer* under the provisions  
12 of the *Law Enforcement Officers Safety Act* (LEOSA, 18 U.S.C  
13 §§926B & C) are exempt from the required fees of this Chapter for a  
14 Firearms Identification Card and a Concealed Firearms License.

15 (3) A photocopy of a certificate or an affidavit or document  
16 as described in Subsection (b)(8).

17 (f) (1) The Guam Police Department, upon receipt of the items  
18 listed in Subsection (e), *shall* forward the full set of fingerprints of the  
19 applicant to the Federal Bureau of Investigation (FBI) or other appropriate  
20 federal law enforcement agency.

21 (2) The Guam Police Department *shall* provide  
22 fingerprinting service if requested by the applicant, and may charge a  
23 fee *not to exceed* Twenty Dollars (\$20.00) for this service.  
24 Fingerprinting, including fingerprinting fees, *shall* be waived if the  
25 applicant has fingerprints on file from an application for a new or  
26 renewal of a Guam Firearms Identification Card.

1                   (3) The Guam Police Department *shall*, within ninety (90)  
2 days after the date of receipt of the items listed in Subsection (e):

3                   (A) issue the license; or

4                   (B) deny the application based solely on the ground  
5 that the applicant fails to qualify under the criteria listed in  
6 Subsection (b) or Subsection (c). If the Guam Police  
7 Department denies the application, it *shall* notify the applicant  
8 in writing, stating the grounds for denial and informing the  
9 applicant of any right to a hearing.

10                  (C) In the event the Department receives criminal  
11 history information with no final disposition on a crime which  
12 may disqualify the applicant, the time limitation prescribed by  
13 this paragraph may be suspended until receipt of the final  
14 disposition or proof of restoration of civil and firearm rights.

15                  (D) In the event a legible set of fingerprints, as  
16 determined by the Guam Police Department or the Federal  
17 Bureau of Investigation, cannot be obtained after two attempts,  
18 the Guam Police Department *shall* determine eligibility based  
19 upon the name checks.

20                  (E) A consular security official of a foreign  
21 government that maintains diplomatic relations and treaties of  
22 commerce, friendship, and navigation with the United States,  
23 and is certified as such by the foreign government and by the  
24 appropriate embassy in this country, must be issued a license  
25 within twenty (20) days after the date of the receipt of a  
26 completed application, certification document, color  
27 photograph as specified in Subsection (e)(5), and a

1 nonrefundable license fee of Three Hundred Dollars (\$300.00).  
2 Consular security official licenses *shall* be valid for one (1) year  
3 and may be renewed upon completion of the application  
4 process as provided in this Section.

5 (g) The Guam Police Department *shall* maintain an automated  
6 database listing of licensees and pertinent information, and such information  
7 *shall* be available online, upon request, at all times to all law enforcement  
8 agencies.

9 (h) Within thirty (30) days after the changing of a permanent  
10 address, or within thirty (30) days after having a license lost or destroyed,  
11 the licensee *shall* notify the Guam Police Department of such change.  
12 Failure to notify the Guam Police Department pursuant to the provisions of  
13 this Subsection *shall* constitute a noncriminal violation with a penalty of  
14 Twenty Five Dollars (\$25.00).

15 (i) In the event that a concealed weapon or firearm license is lost  
16 or destroyed, the license *shall* be automatically invalid, and the person to  
17 whom the same was issued may, upon payment of Fifteen Dollars (\$15.00)  
18 to the Guam Police Department, obtain a duplicate, or substitute thereof,  
19 upon furnishing a notarized statement to the Guam Police Department that  
20 such license has been lost or destroyed.

21 (j) A license issued under this Section *shall* be suspended or  
22 revoked if the licensee:

23 (1) is found to be ineligible under the criteria set forth in  
24 Subsection (b);

25 (2) develops or sustains a physical infirmity which prevents  
26 the safe handling of a weapon or firearm;

1           (3) is convicted of a felony which would make the licensee  
2 ineligible to possess a firearm;

3           (4) is found guilty of a crime under the provisions of Chapter  
4 67 of 9GCA, or similar laws of any other state, relating to controlled  
5 substances;

6           (5) is committed as a substance abuser, or is deemed a  
7 habitual offender under public law, or similar laws of any other state;

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

13           (7) is adjudicated an incapacitated person under public law,  
14 or similar laws of any other state; or

15           (8) is committed to a mental institution under public law, or  
16 similar laws of any other state.

17           (k) (1) *No less than* ninety (90) days before the expiration date  
18 of the license, the Guam Police Department *shall* mail to each licensee a  
19 written notice of the expiration and a renewal form prescribed by the Guam  
20 Police Department. The licensee must renew his or her license on or before  
21 the expiration date by filing with the Guam Police Department the renewal  
22 form containing a notarized affidavit stating that the licensee remains  
23 qualified pursuant to the criteria specified by this Section. The license *shall*  
24 be renewed upon receipt of the completed renewal form. Additionally, a  
25 licensee who fails to file a renewal application on or before its expiration  
26 date must renew his or her license by paying a late fee of Fifteen Dollars  
27 (\$15.00). A license may *not* be renewed one hundred eighty (180) days or

1 more after its expiration date, and such a license is deemed to be  
2 permanently expired. A person whose license has permanently expired may  
3 reapply for licensure; however, an application for licensure and fees under  
4 Subsection (e) must be submitted, and a background investigation *shall* be  
5 conducted pursuant to this Section. A person who knowingly files false  
6 information under this Subsection is subject to criminal prosecution.

7 (2) A license issued to a member of the United States Armed  
8 Forces, is subject to paragraph (1); however, such a license does *not* expire  
9 while the member of the United States Armed Forces is serving on active  
10 duty military orders and deployed outside of Guam. The member of the  
11 United States Armed Forces must present to the Guam Police Department a  
12 copy of his or her official military orders or a written verification from the  
13 member's commanding officer before the end of the 180-day period in order  
14 to qualify for the extension, unless the member of the United States Armed  
15 Forces is subject to a deployment of greater than the 180-day period, then  
16 within 30 days of returning to Guam.

17 (l) (1) A license issued under this Section does *not* authorize  
18 any person to openly carry a handgun or carry a concealed firearm into:

19 (A) any detention facility, prison, or jail;

20 (B) any courthouse;

21 (C) any courtroom, except that nothing in this Section  
22 would preclude a judge from carrying a concealed weapon or  
23 determining who will carry a concealed weapon in his or her  
24 courtroom;

25 (D) *I Liheslaturan Guåhan*;

26 (E) private property or business premises where  
27 carrying of firearms is prohibited by the property owner, lessee,

1 or business owner, and said prohibition is posted on the  
2 premises;

3 (F) while under the influence of alcohol (blood alcohol  
4 content of .08% or higher) or a controlled substance;

5 (G) any place where the carrying of firearms is  
6 prohibited by federal law; or

7 (H) as stated in Title 9 GCA Chapter 71, "The Guam  
8 Gun Free School Zone Act of 2004."

9 (2) A person licensed under this Section *shall not* be  
10 prohibited from carrying or storing a firearm in a vehicle for lawful  
11 purposes.

12 (3) Nothing in this statute shall be construed to prohibit a  
13 property owner or lessee of a residential or business property to carry a  
14 firearm, concealed or otherwise within their own property with a valid non-  
15 concealed firearm identification, or allow any person employed and/or  
16 authorized by the owner, operator, or manager to carry a firearm on such  
17 premises with a valid non-concealed firearm identification.

18 (4) Any person who knowingly and willfully violates any  
19 provision of this Subsection commits a petty misdemeanor.

20 (m) All moneys collected by the Department pursuant to this  
21 Section *shall* be deposited in the Police Services Fund.

22 (n) The Guam Police Department *shall* maintain statistical  
23 information on the number of licenses issued, revoked, suspended, and  
24 denied."





EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

FOR ROUTING		
OFFICE	INITIAL	DATE
LEGAL	SON	5/23/14
COS		
SON		
LEGAL	SON	5/23/14

Dear Madame Speaker:

Transmitted herewith is Bill No. 296-32 (COR) "AN ACT TO AMEND § 60109, AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING" which I signed into law on May 21, 2014 as **Public Law 32-150**.

*Senseramente,*

**RAYMOND S. TENORIO**  
*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam



***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR  
CENTRAL FILES  
*Tina Rose*  
RECEIVED BY  
TIME *2:43 pm* DATE *5/12/14*

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

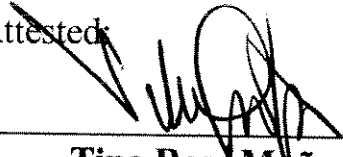
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 296-32 (COR), "AN ACT TO AMEND § 60109, AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING,"** was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Maña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 12<sup>th</sup> day of May, 2014, at 2:43 o'clock P.M.



**Assistant Staff Officer**  
***Maga'lahaen's* Office**

APPROVED:

**EDWARD J.B. CALVO**  
***I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 296-32 (COR)**  
As amended on the Floor.

Introduced by:

V. Anthony Ada  
Aline A. Yamashita, Ph.D.  
Chris M. Dueñas  
Tommy Morrison  
R. J. Respicio  
Brant T. McCreadie  
Michael F. Q. San Nicolas  
T. C. Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Michael T. Limtiaco  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
Dennis G. Rodriguez, Jr.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 60109, AND TO ADD A NEW  
§60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO CONCEALED  
FIREARMS LICENSING.**

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

2 **Section 1.** § 60109 of Chapter 60 of Title 10, Guam Code Annotated, is  
3 *amended* to read as follows:

4 **“§ 60109. Concealed Firearms.**

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

1 (a) the applicant shows exceptional cause therefore. Such  
2 exceptional causes *shall* include, but *not* be limited to, facts which  
3 show that such concealment is absolutely necessary for an individual  
4 who is engaged in the protection of persons or property, or who shows  
5 that he has a genuine reason to fear for the safety of his person or  
6 property and that a concealed firearm would materially lessen the  
7 danger. Such permission, once stated upon the identification card,  
8 *shall not* be renewed unless, at the time for renewal, the application  
9 shows a continuing need for such permission, using the standards for  
10 such permission as they exist at the time for renewal. It *shall* be  
11 unlawful for any person to carry any firearm concealed unless he has  
12 received permission to carry such firearm and such permission is  
13 stated upon the face of his identification card; or

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

16 **Section 2.** A new § 60109.1 is *added* to Chapter 60 of Title 10, Guam  
17 Code Annotated, to read as follows:

18 “§ 60109.1. **Concealed Firearms; Shall Issue License.**

19 (a) The Guam Police Department is authorized to issue licenses to  
20 carry concealed firearms to persons qualified as provided in this Section.  
21 Each such license must bear a color photograph of the licensee. For the  
22 purposes of this Section, concealed firearms are defined as a handgun,  
23 shotgun or rifle, but the term *does not* include a machine gun. For the  
24 purposes of this Section, *machine gun* means any firearm which shoots, or is  
25 designed to shoot, automatically more than one shot, without manually  
26 reloading, by a single function of the trigger. Such licenses *shall* be valid for  
27 a period of three (3) years from the date of issuance and *shall* coincide with

1 the date of the Firearms Identification Card. Any person in compliance with  
2 the terms of such license may carry a concealed weapon or concealed  
3 firearm. The licensee must carry the license, together with valid  
4 identification, at all times in which the licensee is in actual possession of a  
5 concealed weapon or firearm and must display such upon demand by a law  
6 enforcement officer. The license *shall* be in the form of an endorsement  
7 upon the licensee's Guam Firearms Identification Card. Violations of the  
8 provisions of this Subsection, by lawfully licensed concealed firearms  
9 licensees, *shall* constitute a noncriminal violation with a penalty of Twenty  
10 Five Dollars (\$25.00).

11 (b) The Guam Police Department *shall* issue a license if the  
12 applicant:

- 13 (1) is a resident of Guam and a citizen of the United States;
- 14 (2) is twenty one (21) years of age or older;
- 15 (3) does not suffer from a physical or mental infirmity which  
16 prevents the safe handling of a weapon or firearm;
- 17 (4) is not ineligible to possess a firearm by virtue of having  
18 been convicted of a felony;
- 19 (5) has not been committed for the abuse of a controlled  
20 substance or been found guilty of a crime under the laws of Guam or  
21 similar laws of any other state relating to controlled substances within  
22 a three-year period immediately preceding the date on which the  
23 application is submitted;
- 24 (6) does not chronically and habitually use alcoholic  
25 beverages or other substances to the extent that his or her normal  
26 faculties are impaired. It *shall* be presumed that an applicant  
27 chronically and habitually uses alcoholic beverages or other

1 substances to the extent that his or her normal faculties are impaired if  
2 the applicant has been convicted of a violation of 16GCA Chapter 18  
3 within the three-year period immediately preceding the date on which  
4 the application is submitted;

5 (7) desires a legal means to carry a concealed firearm for  
6 lawful self-defense;

7 (8) demonstrates competence with a firearm by any one of  
8 the following:

9 (A) completion of any hunter education or hunter  
10 safety course approved by the Department of Agriculture (Fish  
11 and Wildlife Division) or a similar agency of another state;

12 (B) completion of any National Rifle Association  
13 firearms safety or training course;

14 (C) completion of any firearms safety or training  
15 course or class available to the general public offered by a law  
16 enforcement, junior college, college, or private or public  
17 institution or organization or firearms training school, utilizing  
18 instructors certified by the National Rifle Association, the  
19 Criminal Justice Standards and Training Commission, or the  
20 Guam Police Department;

21 (D) completion of any law enforcement firearms safety  
22 or training course or class offered for security guards,  
23 investigators, special deputies, or any division or subdivision of  
24 law enforcement or security enforcement;

25 (E) presents equivalent experience with a firearm as  
26 evidenced by United States Armed Forces training record, or

1 DD214 with a notation of firearms training and honorable  
2 discharge; or

3 (F) completion of any firearms training or safety  
4 course or class conducted by a Guam-certified or National Rifle  
5 Association certified firearms instructor;

6 A photocopy of a certificate of completion, within the  
7 past five (5) years, of any of the courses or classes; or an  
8 affidavit from the instructor, school, club, organization, or  
9 group that conducted or taught said course or class attesting to  
10 the completion of the course or class by the applicant; or a copy  
11 of any document which shows completion of the course or class  
12 or evidences participation in firearms competition *shall*  
13 constitute evidence of qualification under this paragraph; any  
14 person who conducts a course pursuant to subparagraph (B),  
15 subparagraph (C), or subparagraph (F), or who, as an instructor,  
16 attests to the completion of such courses, must maintain records  
17 certifying that he or she observed the student safely handle and  
18 discharge the firearm;

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

23 (10) has not been committed to a mental institution under  
24 Guam law, or similar laws of any other state, unless the applicant  
25 produces a certificate from a licensed psychiatrist that he or she has  
26 not suffered from disability for at least five (5) years prior to the date  
27 of submission of the application;



1           (11) has not had adjudication of guilt withheld or imposition  
2 of sentence suspended on any felony, *unless* ten (10) years have  
3 elapsed since probation or any other conditions set by the court have  
4 been fulfilled; or a misdemeanor crime of family violence, *unless*  
5 three (3) years have elapsed since probation or any other conditions  
6 set by the court have been fulfilled.

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

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

12          (14) has been issued a current valid Guam Firearms  
13 Identification Card.

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

1 application for a license if the licensee or applicant is issued an injunction  
2 that restrains the licensee or applicant from committing acts of domestic  
3 violence or acts of repeat violence.

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

6 (1) the name, address, place and date of birth, ethnicity, and  
7 occupation of the applicant;

8 (2) a statement that the applicant is in compliance with  
9 criteria contained within Subsections (b) and (c);

10 (3) a statement that the applicant has been furnished a copy  
11 of this Chapter and is knowledgeable of its provisions;

12 (4) a conspicuous warning that the application is executed  
13 under oath and that a false answer to any question, or the submission  
14 of any false document by the applicant, subjects the applicant to  
15 criminal prosecution; and

16 (5) a statement that the applicant desires a concealed weapon  
17 or firearms license as a means of lawful self-defense.

18 (e) The applicant *shall* submit to the Guam Police Department:

19 (1) A completed application as described in Subsection (d).

20 (2) The fee charged for a concealed firearms license *shall* be  
21 the same fee charged for a concealed firearms authorized in  
22 Subsection (a) of §60109 of this Chapter. The difference between  
23 non-concealed and concealed carry fees *shall* be prorated, on a  
24 monthly bases, for individuals who receive a concealed carry license  
25 subsequent to the issuance of a non-concealed Firearms Identification  
26 Card. However, an individual holding an active certification from the  
27 Criminal Justice Standards and Training Commission as a “law

1 enforcement officer,” “correctional officer,” or “correctional  
2 probation officer” is exempt from the licensing requirements of this  
3 Section. If any individual holding an active certification from the  
4 Criminal Justice Standards and Training Commission as a “law  
5 enforcement officer,” a “correctional officer,” or a “correctional  
6 probation officer” wishes to receive a concealed weapons or firearms  
7 license, such person is exempt from the background investigation and  
8 all background investigation fees, but *shall* pay the current license  
9 fees regularly required to be paid by nonexempt applicants. Further, a  
10 person who meets the qualifications as a *Qualified Law Enforcement*  
11 *Officer* or *Qualified Retired Enforcement Officer* under the provisions  
12 of the *Law Enforcement Officers Safety Act* (LEOSA, 18 U.S.C  
13 §§926B & C) are exempt from the required fees of this Chapter for a  
14 Firearms Identification Card and a Concealed Firearms License.

15 (3) A photocopy of a certificate or an affidavit or document  
16 as described in Subsection (b)(8).

17 (f) (1) The Guam Police Department, upon receipt of the items  
18 listed in Subsection (e), *shall* forward the full set of fingerprints of the  
19 applicant to the Federal Bureau of Investigation (FBI) or other appropriate  
20 federal law enforcement agency.

21 (2) The Guam Police Department *shall* provide  
22 fingerprinting service if requested by the applicant, and may charge a  
23 fee *not to exceed* Twenty Dollars (\$20.00) for this service.  
24 Fingerprinting, including fingerprinting fees, *shall* be waived if the  
25 applicant has fingerprints on file from an application for a new or  
26 renewal of a Guam Firearms Identification Card.

1                   (3) The Guam Police Department *shall*, within ninety (90)  
2 days after the date of receipt of the items listed in Subsection (e):

3                   (A) issue the license; or

4                   (B) deny the application based solely on the ground  
5 that the applicant fails to qualify under the criteria listed in  
6 Subsection (b) or Subsection (c). If the Guam Police  
7 Department denies the application, it *shall* notify the applicant  
8 in writing, stating the grounds for denial and informing the  
9 applicant of any right to a hearing.

10                  (C) In the event the Department receives criminal  
11 history information with no final disposition on a crime which  
12 may disqualify the applicant, the time limitation prescribed by  
13 this paragraph may be suspended until receipt of the final  
14 disposition or proof of restoration of civil and firearm rights.

15                  (D) In the event a legible set of fingerprints, as  
16 determined by the Guam Police Department or the Federal  
17 Bureau of Investigation, cannot be obtained after two attempts,  
18 the Guam Police Department *shall* determine eligibility based  
19 upon the name checks.

20                  (E) A consular security official of a foreign  
21 government that maintains diplomatic relations and treaties of  
22 commerce, friendship, and navigation with the United States,  
23 and is certified as such by the foreign government and by the  
24 appropriate embassy in this country, must be issued a license  
25 within twenty (20) days after the date of the receipt of a  
26 completed application, certification document, color  
27 photograph as specified in Subsection (e)(5), and a

1 nonrefundable license fee of Three Hundred Dollars (\$300.00).  
2 Consular security official licenses *shall* be valid for one (1) year  
3 and may be renewed upon completion of the application  
4 process as provided in this Section.

5 (g) The Guam Police Department *shall* maintain an automated  
6 database listing of licensees and pertinent information, and such information  
7 *shall* be available online, upon request, at all times to all law enforcement  
8 agencies.

9 (h) Within thirty (30) days after the changing of a permanent  
10 address, or within thirty (30) days after having a license lost or destroyed,  
11 the licensee *shall* notify the Guam Police Department of such change.  
12 Failure to notify the Guam Police Department pursuant to the provisions of  
13 this Subsection *shall* constitute a noncriminal violation with a penalty of  
14 Twenty Five Dollars (\$25.00).

15 (i) In the event that a concealed weapon or firearm license is lost  
16 or destroyed, the license *shall* be automatically invalid, and the person to  
17 whom the same was issued may, upon payment of Fifteen Dollars (\$15.00)  
18 to the Guam Police Department, obtain a duplicate, or substitute thereof,  
19 upon furnishing a notarized statement to the Guam Police Department that  
20 such license has been lost or destroyed.

21 (j) A license issued under this Section *shall* be suspended or  
22 revoked if the licensee:

23 (1) is found to be ineligible under the criteria set forth in  
24 Subsection (b);

25 (2) develops or sustains a physical infirmity which prevents  
26 the safe handling of a weapon or firearm;

1 (3) is convicted of a felony which would make the licensee  
2 ineligible to possess a firearm;

3 (4) is found guilty of a crime under the provisions of Chapter  
4 67 of 9GCA, or similar laws of any other state, relating to controlled  
5 substances;

6 (5) is committed as a substance abuser, or is deemed a  
7 habitual offender under public law, or similar laws of any other state;

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

13 (7) is adjudicated an incapacitated person under public law,  
14 or similar laws of any other state; or

15 (8) is committed to a mental institution under public law, or  
16 similar laws of any other state.

17 (k) (1) *No less than* ninety (90) days before the expiration date  
18 of the license, the Guam Police Department *shall* mail to each licensee a  
19 written notice of the expiration and a renewal form prescribed by the Guam  
20 Police Department. The licensee must renew his or her license on or before  
21 the expiration date by filing with the Guam Police Department the renewal  
22 form containing a notarized affidavit stating that the licensee remains  
23 qualified pursuant to the criteria specified by this Section. The license *shall*  
24 be renewed upon receipt of the completed renewal form. Additionally, a  
25 licensee who fails to file a renewal application on or before its expiration  
26 date must renew his or her license by paying a late fee of Fifteen Dollars  
27 (\$15.00). A license may *not* be renewed one hundred eighty (180) days or

1 more after its expiration date, and such a license is deemed to be  
2 permanently expired. A person whose license has permanently expired may  
3 reapply for licensure; however, an application for licensure and fees under  
4 Subsection (e) must be submitted, and a background investigation *shall* be  
5 conducted pursuant to this Section. A person who knowingly files false  
6 information under this Subsection is subject to criminal prosecution.

7 (2) A license issued to a member of the United States Armed  
8 Forces, is subject to paragraph (1); however, such a license does *not* expire  
9 while the member of the United States Armed Forces is serving on active  
10 duty military orders and deployed outside of Guam. The member of the  
11 United States Armed Forces must present to the Guam Police Department a  
12 copy of his or her official military orders or a written verification from the  
13 member's commanding officer before the end of the 180-day period in order  
14 to qualify for the extension, unless the member of the United States Armed  
15 Forces is subject to a deployment of greater than the 180-day period, then  
16 within 30 days of returning to Guam.

17 (l) (1) A license issued under this Section does *not* authorize  
18 any person to openly carry a handgun or carry a concealed firearm into:

19 (A) any detention facility, prison, or jail;

20 (B) any courthouse;

21 (C) any courtroom, except that nothing in this Section  
22 would preclude a judge from carrying a concealed weapon or  
23 determining who will carry a concealed weapon in his or her  
24 courtroom;

25 (D) *I Liheslaturan Guåhan*;

26 (E) private property or business premises where  
27 carrying of firearms is prohibited by the property owner, lessee,

1 or business owner, and said prohibition is posted on the  
2 premises;

3 (F) while under the influence of alcohol (blood alcohol  
4 content of .08% or higher) or a controlled substance;

5 (G) any place where the carrying of firearms is  
6 prohibited by federal law; or

7 (H) as stated in Title 9 GCA Chapter 71, "The Guam  
8 Gun Free School Zone Act of 2004."

9 (2) A person licensed under this Section *shall not* be  
10 prohibited from carrying or storing a firearm in a vehicle for lawful  
11 purposes.

12 (3) Nothing in this statute shall be construed to prohibit a  
13 property owner or lessee of a residential or business property to carry a  
14 firearm, concealed or otherwise within their own property with a valid non-  
15 concealed firearm identification, or allow any person employed and/or  
16 authorized by the owner, operator, or manager to carry a firearm on such  
17 premises with a valid non-concealed firearm identification.

18 (4) Any person who knowingly and willfully violates any  
19 provision of this Subsection commits a petty misdemeanor.

20 (m) All moneys collected by the Department pursuant to this  
21 Section *shall* be deposited in the Police Services Fund.

22 (n) The Guam Police Department *shall* maintain statistical  
23 information on the number of licenses issued, revoked, suspended, and  
24 denied."



# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Bill No. 296-32 (COR)  
As amended on the Floor.

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ		✓			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.		✓			
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

13

2

Yea

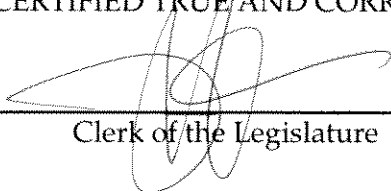
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

I = Pass

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

**Bill No. 296-32 (COR)**

As amended on the Floor.

\*

Introduced by:

V. Anthony Ada  
Aline A. Yamashita, Ph.D.  
Chris M. Dueñas  
Tommy Morrison  
R. J. Respicio  
Brant T. McCreadie  
Michael F. O. San Nicolas

**AN ACT TO *AMEND* § 60109, AND TO *ADD* A NEW  
§60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO CONCEALED  
FIREARMS LICENSING.**

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

**Section 1.** § 60109 of Chapter 60 of Title 10, Guam Code Annotated, is  
*amended* to read as follows:

**“§ 60109. Concealed Firearms.**

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

(a) the applicant shows exceptional cause therefore. Such  
exceptional causes *shall* include, but *not* be limited to, facts which  
show that such concealment is absolutely necessary for an individual  
who is engaged in the protection of persons or property, or who shows  
that he has a genuine reason to fear for the safety of his person or  
property and that a concealed firearm would materially lessen the

1 danger. Such permission, once stated upon the identification card,  
2 *shall not* be renewed unless, at the time for renewal, the application  
3 shows a continuing need for such permission, using the standards for  
4 such permission as they exist at the time for renewal. It *shall* be  
5 unlawful for any person to carry any firearm concealed unless he has  
6 received permission to carry such firearm and such permission is  
7 stated upon the face of his identification card; or

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

10 **Section 2.** A new § 60109.1 is *added* to Chapter 60 of Title 10, Guam  
11 Code Annotated, to read as follows:

12 **“§ 60109.1. Concealed Firearms; Shall Issue License.**

13 (a) The Guam Police Department is authorized to issue licenses to  
14 carry concealed firearms to persons qualified as provided in this Section.  
15 Each such license must bear a color photograph of the licensee. For the  
16 purposes of this Section, concealed firearms are defined as a handgun,  
17 shotgun or rifle, but the term *does not* include a machine gun. For the  
18 purposes of this Section, *machine gun* means any firearm which shoots, or is  
19 designed to shoot, automatically more than one shot, without manually  
20 reloading, by a single function of the trigger. Such licenses *shall* be valid for  
21 a period of three (3) years from the date of issuance and *shall* coincide with  
22 the date of the Firearms Identification Card. Any person in compliance with  
23 the terms of such license may carry a concealed weapon or concealed  
24 firearm. The licensee must carry the license, together with valid  
25 identification, at all times in which the licensee is in actual possession of a  
26 concealed weapon or firearm and must display such upon demand by a law  
27 enforcement officer. The license *shall* be in the form of an endorsement

1 upon the licensee's Guam Firearms Identification Card. Violations of the  
2 provisions of this Subsection, by lawfully licensed concealed firearms  
3 licensees, *shall* constitute a noncriminal violation with a penalty of Twenty  
4 Five Dollars (\$25.00).

5 (b) The Guam Police Department *shall* issue a license if the  
6 applicant:

7 (1) is a resident of Guam and a citizen of the United States;

8 (2) is twenty one (21) years of age or older;

9 (3) does not suffer from a physical or mental infirmity which  
10 prevents the safe handling of a weapon or firearm;

11 (4) is not ineligible to possess a firearm by virtue of having  
12 been convicted of a felony;

13 (5) has not been committed for the abuse of a controlled  
14 substance or been found guilty of a crime under the laws of Guam or  
15 similar laws of any other state relating to controlled substances within  
16 a three-year period immediately preceding the date on which the  
17 application is submitted;

18 (6) does not chronically and habitually use alcoholic  
19 beverages or other substances to the extent that his or her normal  
20 faculties are impaired. It *shall* be presumed that an applicant  
21 chronically and habitually uses alcoholic beverages or other  
22 substances to the extent that his or her normal faculties are impaired if  
23 the applicant has been convicted of a violation of 16GCA Chapter 18  
24 within the three-year period immediately preceding the date on which  
25 the application is submitted;

26 (7) desires a legal means to carry a concealed firearm for  
27 lawful self-defense;

1 (8) demonstrates competence with a firearm by any one of  
2 the following:

3 (A) completion of any hunter education or hunter  
4 safety course approved by the Department of Agriculture (Fish  
5 and Wildlife Division) or a similar agency of another state;

6 (B) completion of any National Rifle Association  
7 firearms safety or training course;

8 (C) completion of any firearms safety or training  
9 course or class available to the general public offered by a law  
10 enforcement, junior college, college, or private or public  
11 institution or organization or firearms training school, utilizing  
12 instructors certified by the National Rifle Association, the  
13 Criminal Justice Standards and Training Commission, or the  
14 Guam Police Department;

15 (D) completion of any law enforcement firearms safety  
16 or training course or class offered for security guards,  
17 investigators, special deputies, or any division or subdivision of  
18 law enforcement or security enforcement;

19 (E) presents equivalent experience with a firearm as  
20 evidenced by United States Armed Forces training record, or  
21 DD214 with a notation of firearms training and honorable  
22 discharge; or

23 (F) completion of any firearms training or safety  
24 course or class conducted by a Guam-certified or National Rifle  
25 Association certified firearms instructor;

26 A photocopy of a certificate of completion, within the  
27 past five (5) years, of any of the courses or classes; or an

1 affidavit from the instructor, school, club, organization, or  
2 group that conducted or taught said course or class attesting to  
3 the completion of the course or class by the applicant; or a copy  
4 of any document which shows completion of the course or class  
5 or evidences participation in firearms competition *shall*  
6 constitute evidence of qualification under this paragraph; any  
7 person who conducts a course pursuant to subparagraph (B),  
8 subparagraph (C), or subparagraph (F), or who, as an instructor,  
9 attests to the completion of such courses, must maintain records  
10 certifying that he or she observed the student safely handle and  
11 discharge the firearm;

12 (9) has not been adjudicated an incapacitated person under  
13 Guam law, or similar laws of any other state, unless five (5) years  
14 have elapsed since the applicant's restoration to capacity by court  
15 order;

16 (10) has not been committed to a mental institution under  
17 Guam law, or similar laws of any other state, unless the applicant  
18 produces a certificate from a licensed psychiatrist that he or she has  
19 not suffered from disability for at least five (5) years prior to the date  
20 of submission of the application;

21 (11) has not had adjudication of guilt withheld or imposition  
22 of sentence suspended on any felony, *unless* ten (10) years have  
23 elapsed since probation or any other conditions set by the court have  
24 been fulfilled; or a misdemeanor crime of family violence, *unless*  
25 three (3) years have elapsed since probation or any other conditions  
26 set by the court have been fulfilled.

1                   (12) has not been issued an injunction that is currently in force  
2                   and effect and that restrains the applicant from committing acts of  
3                   family violence or acts of repeat violence;

4                   (13) is not prohibited from purchasing or possessing a firearm  
5                   by any other provision of Guam law or federal law; and

6                   (14) has been issued a current valid Guam Firearms  
7                   Identification Card.

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

25                  (d) The application *shall* be completed, under oath, on a form  
26                  promulgated by the Guam Police Department, and *shall* include:

1 (1) the name, address, place and date of birth, ethnicity, and  
2 occupation of the applicant;

3 (2) a statement that the applicant is in compliance with  
4 criteria contained within Subsections (b) and (c);

5 (3) a statement that the applicant has been furnished a copy  
6 of this Chapter and is knowledgeable of its provisions;

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

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

13 (e) The applicant *shall* submit to the Guam Police Department:

14 (1) A completed application as described in Subsection (d).

15 (2) The fee charged for a concealed firearms license *shall* be  
16 the same fee charged for a concealed firearms authorized in  
17 Subsection (a) of §60109 of this Chapter. The difference between  
18 non-concealed and concealed carry fees *shall* be prorated, on a  
19 monthly bases, for individuals who receive a concealed carry license  
20 subsequent to the issuance of a non-concealed Firearms Identification  
21 Card. However, an individual holding an active certification from the  
22 Criminal Justice Standards and Training Commission as a “law  
23 enforcement officer,” “correctional officer,” or “correctional  
24 probation officer” is exempt from the licensing requirements of this  
25 Section. If any individual holding an active certification from the  
26 Criminal Justice Standards and Training Commission as a “law  
27 enforcement officer,” a “correctional officer,” or a “correctional



1           probation officer” wishes to receive a concealed weapons or firearms  
2           license, such person is exempt from the background investigation and  
3           all background investigation fees, but *shall* pay the current license  
4           fees regularly required to be paid by nonexempt applicants. Further, a  
5           person who meets the qualifications as a *Qualified Law Enforcement*  
6           *Officer* or *Qualified Retired Enforcement Officer* under the provisions  
7           of the *Law Enforcement Officers Safety Act* (LEOSA, 18 U.S.C  
8           §§926B & C) are exempt from the required fees of this Chapter for a  
9           Firearms Identification Card and a Concealed Firearms License.

10                   (3)    A photocopy of a certificate or an affidavit or document  
11                   as described in Subsection (b)(8).

12           (f)    (1) The Guam Police Department, upon receipt of the items  
13           listed in Subsection (e), *shall* forward the full set of fingerprints of the  
14           applicant to the Federal Bureau of Investigation (FBI) or other appropriate  
15           federal law enforcement agency.

16                   (2)    The Guam Police Department *shall* provide  
17           fingerprinting service if requested by the applicant, and may charge a  
18           fee *not to exceed* Twenty Dollars (\$20.00) for this service.  
19           Fingerprinting, including fingerprinting fees, *shall* be waived if the  
20           applicant has fingerprints on file from an application for a new or  
21           renewal of a Guam Firearms Identification Card.

22                   (3)    The Guam Police Department *shall*, within ninety (90)  
23           days after the date of receipt of the items listed in Subsection (e):

24                           (A)    issue the license; or

25                           (B)    deny the application based solely on the ground  
26           that the applicant fails to qualify under the criteria listed in  
27           Subsection (b) or Subsection (c). If the Guam Police

1 Department denies the application, it *shall* notify the applicant  
2 in writing, stating the grounds for denial and informing the  
3 applicant of any right to a hearing.

4 (C) In the event the Department receives criminal  
5 history information with no final disposition on a crime which  
6 may disqualify the applicant, the time limitation prescribed by  
7 this paragraph may be suspended until receipt of the final  
8 disposition or proof of restoration of civil and firearm rights.

9 (D) In the event a legible set of fingerprints, as  
10 determined by the Guam Police Department or the Federal  
11 Bureau of Investigation, cannot be obtained after two attempts,  
12 the Guam Police Department *shall* determine eligibility based  
13 upon the name checks.

14 (E) A consular security official of a foreign  
15 government that maintains diplomatic relations and treaties of  
16 commerce, friendship, and navigation with the United States,  
17 and is certified as such by the foreign government and by the  
18 appropriate embassy in this country, must be issued a license  
19 within twenty (20) days after the date of the receipt of a  
20 completed application, certification document, color  
21 photograph as specified in Subsection (e)(5), and a  
22 nonrefundable license fee of Three Hundred Dollars (\$300.00).  
23 Consular security official licenses *shall* be valid for one (1) year  
24 and may be renewed upon completion of the application  
25 process as provided in this Section.

26 (g) The Guam Police Department *shall* maintain an automated  
27 database listing of licensees and pertinent information, and such information

1        *shall* be available online, upon request, at all times to all law enforcement  
2 agencies.

3            (h)    Within thirty (30) days after the changing of a permanent  
4 address, or within thirty (30) days after having a license lost or destroyed,  
5 the licensee *shall* notify the Guam Police Department of such change.  
6 Failure to notify the Guam Police Department pursuant to the provisions of  
7 this Subsection *shall* constitute a noncriminal violation with a penalty of  
8 Twenty Five Dollars (\$25.00).

9            (i)    In the event that a concealed weapon or firearm license is lost  
10 or destroyed, the license *shall* be automatically invalid, and the person to  
11 whom the same was issued may, upon payment of Fifteen Dollars (\$15.00)  
12 to the Guam Police Department, obtain a duplicate, or substitute thereof,  
13 upon furnishing a notarized statement to the Guam Police Department that  
14 such license has been lost or destroyed.

15            (j)    A license issued under this Section *shall* be suspended or  
16 revoked if the licensee:

17                    (1)    is found to be ineligible under the criteria set forth in  
18 Subsection (b);

19                    (2)    develops or sustains a physical infirmity which prevents  
20 the safe handling of a weapon or firearm;

21                    (3)    is convicted of a felony which would make the licensee  
22 ineligible to possess a firearm;

23                    (4)    is found guilty of a crime under the provisions of Chapter  
24 67 of 9GCA, or similar laws of any other state, relating to controlled  
25 substances;

26                    (5)    is committed as a substance abuser, or is deemed a  
27 habitual offender under public law, or similar laws of any other state;

1                   (6) is convicted of a second violation of substance or alcohol  
2 abuse, or a similar law of another state, within three (3) years of a  
3 previous conviction of such offense, or similar law of another state,  
4 even though the first violation may have occurred prior to the date on  
5 which the application was submitted;

6                   (7) is adjudicated an incapacitated person under public law,  
7 or similar laws of any other state; or

8                   (8) is committed to a mental institution under public law, or  
9 similar laws of any other state.

10           (k) (1) *No less than* ninety (90) days before the expiration date  
11 of the license, the Guam Police Department *shall* mail to each licensee a  
12 written notice of the expiration and a renewal form prescribed by the Guam  
13 Police Department. The licensee must renew his or her license on or before  
14 the expiration date by filing with the Guam Police Department the renewal  
15 form containing a notarized affidavit stating that the licensee remains  
16 qualified pursuant to the criteria specified by this Section. The license *shall*  
17 be renewed upon receipt of the completed renewal form. Additionally, a  
18 licensee who fails to file a renewal application on or before its expiration  
19 date must renew his or her license by paying a late fee of Fifteen Dollars  
20 (\$15.00). A license may *not* be renewed one hundred eighty (180) days or  
21 more after its expiration date, and such a license is deemed to be  
22 permanently expired. A person whose license has permanently expired may  
23 reapply for licensure; however, an application for licensure and fees under  
24 Subsection (e) must be submitted, and a background investigation *shall* be  
25 conducted pursuant to this Section. A person who knowingly files false  
26 information under this Subsection is subject to criminal prosecution.

1                   (2) A license issued to a member of the United States Armed  
2 Forces, is subject to paragraph (1); however, such a license does *not* expire  
3 while the member of the United States Armed Forces is serving on active  
4 duty military orders and deployed outside of Guam. The member of the  
5 United States Armed Forces must present to the Guam Police Department a  
6 copy of his or her official military orders or a written verification from the  
7 member's commanding officer before the end of the 180-day period in order  
8 to qualify for the extension, unless the member of the United States Armed  
9 Forces is subject to a deployment of greater than the 180-day period, then  
10 within 30 days of returning to Guam.

11                   (l) (1) A license issued under this Section does *not* authorize  
12 any person to openly carry a handgun or carry a concealed firearm into:

13                                 (A) any detention facility, prison, or jail;

14                                 (B) any courthouse;

15                                 (C) any courtroom, except that nothing in this Section  
16 would preclude a judge from carrying a concealed weapon or  
17 determining who will carry a concealed weapon in his or her  
18 courtroom;

19                                 (D) *I Liheslaturan Guåhan*;

20                                 (E) private property or business premises where  
21 carrying of firearms is prohibited by the property owner, lessee,  
22 or business owner, and said prohibition is posted on the  
23 premises;

24                                 (F) while under the influence of alcohol (blood alcohol  
25 content of .08% or higher) or a controlled substance;

26                                 (G) any place where the carrying of firearms is  
27 prohibited by federal law; or

1 (H) as stated in Title 9 GCA Chapter 71, “The Guam  
2 Gun Free School Zone Act of 2004.”

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

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

12 (4) Any person who knowingly and willfully violates any  
13 provision of this Subsection commits a petty misdemeanor.

14 (m) All moneys collected by the Department pursuant to this  
15 Section *shall* be deposited in the Police Services Fund.

16 (n) The Guam Police Department *shall* maintain statistical  
17 information on the number of licenses issued, revoked, suspended, and  
18 denied.”