

**Guam Code Annotated**  
Current through P.L. 33-106, 12/02/2015

**Office of the Attorney General**  
Administrative Section  
ITC Bldg., Suite 706  
590 S. Marine Corps Drive  
Tamuning, Guam 96913  
<http://www.guamag.org/>



**Seattle Field Division**  
915 2nd Avenue, Room 790  
Seattle, Washington 98174  
**Voice:** (206) 204-3205  
<https://www.atf.gov/seattle-field-division>



## Table of Contents

### **TITLE 9, Chapter 30. Family Violence**

§ 30.50. Authority of Peace Officer to Seize Weapons.

### **Chapter 70, Article 1. General**

§ 70.42. Discharge of Firearms.

### **Chapter 71. The Guam Gun-Free School Zone Act of 2004**

§ 71.10. Title.

§ 71.20. Definitions.

§ 71.30. Person Not Allowed to Possess Firearms.

§ 71.40. Prohibition on Discharge of Firearm.

§ 71.50. Firearms Prohibited on University or College Property.

§ 71.60. Punishment.

§ 71.70. What Constitutes a Loaded Firearm.

§ 71.80. Notice.

§ 71.81. Not Applicable to Peace Officers and Military.

§ 71.82. Not Applicable to Security Guards.

§ 71.83. Not Applicable to Existing Shooting Ranges.

§ 71.90. Severability.

### **TITLE 10, Division 3, Chapter 60. Firearms**

§ 60100. Definitions.

§ 60101. Chapter Not Applicable.

§ 60102. Ownership, etc., of Certain Firearms Prohibited.

§ 60103. Ownership, etc., Permitted.

§ 60104. Dealer: Register: Dealer, etc., Must Register.

§ 60105. Shooting Gallery.

§ 60106. Identification Card: Required.

§ 60107. Same: Contents.

§ 60108. Same: Restrictions.

§ 60109. Concealed Firearms.

§ 60109.1. Concealed Firearms; Shall Issue License.

§ 60110. Registration.

§ 60110.1. Firearms.

§ 60111. Transfer of Firearm: Private.

§ 60112. Same: Pawnbroker.

§ 60113. Loss, Destruction or Theft of Identification Card or Firearm.

§ 60114. Identification Card: Possession.

§ 60115. Dealer: Registration.

§ 60116. Conduct of Dealer's Business.

§ 60117. Repair.

§ 60118. Private Sale or Transfer.

§ 60119. Shooting Gallery: Registration.

§ 60120. Rules and Regulations.

§ 60121. Prohibitions and Penalties.

§ 60121.1. Same: Restricted Bullets.

§ 60121.2. Same: Same.

§ 60122. Fees.

§ 60123. Revalidation of Previous Weapon Registration.

§ 60124. Registration of Prohibited Firearms.

§ 60125. Firearms Forfeited: When.

§ 60126. Registry.

§ 60127. New Residents.

- § 60128. Exceptions.
- § 60129. Severability.

**TITLE 9. Crimes and Corrections**  
**Chapter 30. Family Violence**

- § 30.50. Authority of Peace Officer to Seize Weapons.** For a crime involving family violence, a peace officer:
- (a) Shall, incident to an arrest, seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
  - (b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to consensual search, as necessary for the protection of the officer or other persons.

**Chapter 70. Miscellaneous Crimes**  
**Article 1. General**

- § 70.42. Discharge of Firearms.** A person commits a misdemeanor who willfully discharges a firearm:
- (a) At any occupied dwelling, building or other structure;
  - (b) At any utility pole or light fixture, or line or device for transmittal of power or communications of any kind;
  - (c) At any sign, signboard or notice placed upon or affixed to any property belonging to the government of the territory;
  - (d) Into the air.
  - (e) Any individual found to commit a misdemeanor within the provisions of this section shall be assessed a fine of no less than \$500 and no more than \$1,000 per offense, the firearm used shall be confiscated and its registration certificate, and all rights thereunder, shall be suspended for 1 year. Any individual so convicted who has legal possession of more than 1 firearm shall have only the firearm used in the commission of the crime confiscated and its registration suspended.
  - (f) Any firearm so confiscated shall not be sold or transferred to another prior to completion of the sentence imposed.
  - (g) No individual found guilty under the provisions of this section shall purchase any other firearm during the duration of the suspension of his or her firearm's registration card.

**Chapter 71. The Guam Gun-Free School Zone Act of 2004**

**§ 71.10. Title.** This Chapter shall be known, and may be cited, as >>The Guam Gun- Free School Zone Act of 2004”.

**§ 71.20. Definitions.** As used in this Chapter, the following definitions shall apply:

- (a) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.
- (b) “Firearm” shall mean as defined in 10 GCA § 60100.
- (c) “Concealed firearm” shall mean as defined in 9 GCA § 60108(e).

**§ 71.30. Person Not Allowed to Possess Firearms.** Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (a) of Subdivision § 71.20, shall be punished as specified in Subdivision § 71.60.

**§ 71.40. Prohibition on Discharge of Firearm.** It shall be unlawful for any person to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (a) of Subdivision § 71.20. The prohibition contained in this Subdivision does not apply to the discharge of a firearm if the firearm is discharged in an area that is designated as a shooting range at a University or College.

**§ 71.50. Firearms Prohibited on University or College Property.**

- (a) It shall be unlawful for any person to bring or possess a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.
- (b) It shall be unlawful for any person to bring or possess a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding Section § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

**§ 71.60. Punishment.** Any person who violates § 71.30, § 71.40, or § 71.50 of this Act shall be guilty of a felony of the third degree and any person who is convicted of an offense pursuant to § 71.30, § 71.40, or § 71.50 shall be sentenced as follows:

(a) For a first offense, the Court shall impose a sentence of imprisonment of no more than 3 years, a fine of not less than \$1,000, and mandatory community service of no less than 150 hours.

(b) In cases where the person has been convicted of felonies under any provision of this Chapter, the person shall be sentenced to a term of imprisonment which shall not be less than 5 years and in addition, may be fined not more than \$15,000. The sentence, if for a term of years, shall include a special parole term of not less than 1 year in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Sentence in these cases must also include mandatory community service of no less than 150 hours unless the term of imprisonment is for life.

(c) The Court shall apply any minimum sentence, fine or community service specified in this Section, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment, fine or community service required in this Subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this Section, in which case the Court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

**§ 71.70. What Constitutes a Loaded Firearm.** For purposes of this Chapter, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

**§ 71.80. Notice.**

(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, >>Warning this is a Gun-Free Zone” at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

(b) The Guam Police Department within 60 days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

**§ 71.81. Not Applicable to Peace Officers and Military.** This Chapter does not apply to a duly appointed peace officer as defined in § 5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

**§ 71.82. Not Applicable to Security Guards.** This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security purposes.

**§ 71.83. Not Applicable to Existing Shooting Ranges.** This Chapter does not apply to an existing shooting range at a public or private school or university or college campus.

**§ 71.90. Severability.** If any provision of this Act or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.

**TITLE 10. Health and Safety**  
**Division 3. Public Safety**  
**Chapter 60. Firearms**

**§ 60100. Definitions.** As used in this Chapter:

(a) **Firearm** means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) **Pistol or revolver** means any firearm of any shape whatever and designed to be fired with one hand with a barrel less than 12 inches in length and capable of discharging loaded ammunition or any noxious gas.

(c) **Rifle** means a firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) **Shotgun** means any firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above- mentioned projectiles.

- (e) The terms **Chief of Police** and **department** mean the Chief of Police and the Guam Police Department, respectively.
- (f) **Body armor** means a commercially available, soft, lightweight material with penetration resistance equal to or greater than that of 18 layers of KEVLAR.
- (g) **Restricted bullet** means a bullet that, as determined by the Chief of Police, when fired from a pistol or revolver with a barrel 5 inches or less in length, is capable of penetrating body armor.
- (h) **Putative Owner** means a person who were it not for the requirements of this Chapter, would be the owner of a firearm, or one who acquires possession of a firearm, or one who acquires possession of a firearm by theft.
- (i) **Lawful Owner** means a person whose right to a firearm have been perfected in accordance with § 60103 of this title.

**§ 60101. Chapter Not Applicable.** This Chapter shall not apply to:

- (a) Law enforcement officers when using firearms authorized by the Chief of Police in their official duty.
- (b) Persons in the Armed Forces of the United States engaged in official duty.
- (c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as a signaling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordinance sold, loaned or given by the Secretary of the Army pursuant to the provisions of §§ 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.
- (d) Those firearms that cannot fire fixed ammunition but are loaded through the muzzle or cylinder with a combination of ball and black powder.

**§ 60102. Ownership, etc., of Certain Firearms Prohibited.** The manufacture, possession, sale, barter, trade, gift, transfer or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of 16 inches or 3 greater or not a shotgun having a barrel length of 18 inches or greater or a revolver or pistol having a barrel length of more than 12 inches is prohibited. Mufflers, silencers or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this Section shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than 3 years and a fine of not less than \$1,000. Imposition of sentence shall not be suspended and the offender shall not be eligible for parole nor work release until the term of imprisonment prescribed herein has been completed nor may probation be imposed in lieu of this portion of the offender's sentence. Provided, however, that in the case of an offender not previously convicted of a felony, the court may sentence the offender to not more than 2 years imprisonment and the provisions of this Section prohibiting probation, suspension, parole or work release shall not be applicable to such offender.

**§ 60103. Ownership, etc., Permitted.** Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by § 60102 subject to the conditions and penalties provided in this Chapter.

**§ 60104. Dealer: Register: Dealer, etc., Must Register.** Any person who is in the business of selling, buying, renting or trading any firearm shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term in the business of shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of §§ 60103 and 60110 of this Chapter.

**§ 60105. Shooting Gallery.** Any person who is in the business of operating a shooting gallery shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in the business of a shooting gallery.

**§ 60106. Identification Card: Required.** No person shall own, possess, use, carry or acquire any firearm which is lawful under § 60103 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the card; except that any person may use and possess a firearm at any shooting gallery licensed pursuant to § 60105, et seq., without first obtaining a permit as otherwise required by this Section. Said card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm.

**§ 60107. Same: Contents.** Identification cards shall have on their face all the following:

- (a) The name, address, sex, height and weight of the holder, his birth date, Social Security number, if any, or Guam I.D. number, if any, and the expiration date of the card which shall be 3 years after the holder's next birthday.
- (b) A photograph of the holder taken immediately prior to issuance.
- (c) An indication of the type of firearm which may be owned, used, carried, possessed or acquired by the holder, and whether or not the holder may carry the firearm concealed.
- (d) A number, unique to the holder, which shall also be assigned to all registration records concerning firearms possessed by the holder.

**§ 60108. Same: Restrictions.**

- (a) No identification card shall issue unless the Department is satisfied that the applicant may lawfully possess, use, carry, concealed or otherwise, own or acquire the type of firearm stated in the application and upon the face of the identification card.

**(b)** No person shall be issued an identification card:

**(1)** Who has been convicted by any court of the United States, a state, territory, possession, trust territory or political subdivision thereof of any felony; or

**(2)** Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefor and who are citizens, or only for use at authorized sporting events and except for official representatives of foreign governments in their official capacities; or

**(3)** Who is presently charged by information or indictment with any crime stated in (b)(1) above; or

**(4)** Who has been adjudicated incompetent, has been committed to any mental institution; or

**(5)** Who is under the age of 18 years; or

**(6)** Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Chief of Police has determined that the offense was committed more than 10 years previously and that the applicant would not endanger the public safety by receiving an identification card; or

**(7)** Who, in the determination of the Chief of Police appears to suffer from a physical or mental disease or defect which would adversely affect the safe use of the firearm applied for, unless the person obtains a certificate from a licensed physician stating that the physical or mental disease or defect would not adversely affect his safe operation of the firearm or the public safety.

**(c)** An applicant for an identification card shall apply therefore on a form supplied by the Department and shall provide such information as may be necessary to afford the Department reasonable opportunity to ascertain the facts required to appear upon the card and facts relevant to the applicant's eligibility for a card, and facts necessary to determine whether the applicant may carry a concealed weapon if such permission is sought. The applicant is required to submit to a national criminal background check conducted by the Federal Bureau of Investigation to process such background checks.

A fingerprint card, or electronic fingerprint data, if so utilized, shall be transmitted to Guam's State Identification Bureau as classified by the Federal Bureau of Investigation for processing of fingerprints.

**(d)** If the application is not denied, the identification card shall issue within 30 days, except where application has been made to carry a concealed weapon, in which case the card shall issue within 60 days.

**(e)** For purposes of this Chapter, the term concealed when used in connection with any firearm whatsoever shall mean a firearm which is carried on a person or within a vehicle in such a manner that it cannot be seen by the naked eye, but would be available for use by the person concealing or attempting to conceal the firearm or any other person aware of the firearm's existence. A firearm is not concealed when it is within a locked portion of any vehicle, unloaded, with the ammunition stored outside of the firearm or any clip or ammunition storage chamber attached to the firearm, and outside of the immediate reach of the person so placing the weapon or any other person knowing of its existence. A firearm is concealed if, among other things, it is hidden beneath any article of clothing so that only the shape is visible, but not the firearm itself.

**§ 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 danger. Such permission, once stated upon the identification card, shall not be renewed unless, at the time for renewal, the application shows a continuing need for such permission, using the 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 stated 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.

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

**(a)** 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 the purposes of this Section, machine gun means any firearm which shoots, or is designed to shoot, automatically more than 1 shot, without manually reloading, by a single function of the trigger. Such licenses shall be valid for a period of 3 years from the date of issuance and shall coincide with the date of the Firearms Identification Card. 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 \$25.

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

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

**(2)** is 21 years of age or older;

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

- (4)** is not ineligible to possess a firearm by virtue of having been convicted of a felony;
  - (5)** has not been committed for the abuse of a controlled substance or been found guilty of a crime under the laws of Guam or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
  - (6)** does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been convicted of a violation of 16GCA Chapter 18 within the 3-year period immediately preceding the date on which the application is submitted;
  - (7)** desires a legal means to carry a concealed firearm for lawful self-defense;
  - (8)** demonstrates competence with a firearm by any one of the following:
    - (A)** completion of any hunter education or hunter safety course approved by the Department of Agriculture (Fish and Wildlife Division) or a similar agency of another state;
    - (B)** completion of any National Rifle Association firearms safety or training course;
    - (C)** completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, the Criminal Justice Standards and Training Commission, or the Guam Police Department;
    - (D)** completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
    - (E)** presents equivalent experience with a firearm as evidenced by United States Armed Forces training record, or DD214 with a notation of firearms training and honorable discharge; or
    - (F)** completion of any firearms training or safety course or class conducted by a Guam-certified or National Rifle Association certified firearms instructor;A photocopy of a certificate of completion, within the past 5 years, of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph (B), subparagraph (C), or subparagraph (F), or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;
  - (9)** has not been adjudicated an incapacitated person under Guam law, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
  - (10)** has not been committed to a mental institution under Guam law, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
  - (11)** has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, unless 10 years have elapsed since probation or any other conditions set by the court have been fulfilled; or a misdemeanor crime of family violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled.
  - (12)** has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of family violence or acts of repeat violence;
  - (13)** is not prohibited from purchasing or possessing a firearm by any other provision of Guam law or federal law; and
  - (14)** has been issued a current valid Guam Firearms Identification Card.
- (c)** The Guam Police Department shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled. The Guam Police Department shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The Department shall, upon notification by a law enforcement agency, or a court, and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this Section, until final disposition of the case. The Department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.
- (d)** The application shall be completed, under oath, on a form promulgated by the Guam Police Department, and shall include:
- (1)** the name, address, place and date of birth, ethnicity, and occupation of the applicant;
  - (2)** a statement that the applicant is in compliance with criteria contained within Subsections (b) and (c);
  - (3)** a statement that the applicant has been furnished a copy of this Chapter and is knowledgeable of its provisions;
  - (4)** a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution; and
  - (5)** a statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.
- (e)** The applicant shall submit to the Guam Police Department:
- (1)** A completed application as described in Subsection (d).

**(2)** The fee charged for a concealed firearms license shall be the same fee charged for a concealed firearms authorized in Subsection (a) of § 60109 of this Chapter. The difference between non-concealed and concealed carry fees shall be prorated, on a monthly bases, for individuals who receive a concealed carry license subsequent to the issuance of a non-concealed Firearms Identification Card. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” “correctional officer,” or “correctional probation officer” is exempt from the licensing requirements of this Section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” a “correctional officer,” or a “correctional probation officer” wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but shall pay the current license fees regularly required to be paid by nonexempt applicants. Further, a person who meets the qualifications as a Qualified Law Enforcement Officer or Qualified Retired Enforcement Officer under the provisions of the Law Enforcement Officers Safety Act (LEOSA, 18 U.S.C §§926B & C) are exempt from the required fees of this Chapter for a Firearms Identification Card and a Concealed Firearms License.

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

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

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

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

**(A)** issue the license; or

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

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

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

**(E)** A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States, and is certified as such by the foreign government and by the appropriate embassy in this country, must be issued a license within 20 days after the date of the receipt of a completed application, certification document, color photograph as specified in Subsection (e)(5), and a nonrefundable license fee of \$300. Consular security official licenses shall be valid for 1 year and may be renewed upon completion of the application process as provided in this Section.

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

**(h)** Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the Guam Police Department of such change. Failure to notify the Guam Police Department pursuant to the provisions of this Subsection shall constitute a noncriminal violation with a penalty of \$25.

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

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

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

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

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

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

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

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

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

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

**(k) (1)** No less than 90 days before the expiration date of the license, the Guam Police Department shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Guam Police Department. The licensee must renew his or her license on or before the expiration date by filing with the Guam Police Department the renewal form

containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified by this Section. The license shall be renewed upon receipt of the completed renewal form. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of \$15. A license may not be renewed 180 days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has permanently expired may reapply for licensure; however, an application for licensure and fees under Subsection (e) must be submitted, and a background investigation shall be conducted pursuant to this Section. A person who knowingly files false information under this Subsection is subject to criminal prosecution.

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

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

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

(B) any courthouse;

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

(D) I Liheslaturan Guåhan;

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

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

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

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

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

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

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

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

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

**§ 60110. Registration.** Any person purchasing, receiving by gift, device or otherwise, acquiring or otherwise coming into permanent possession of a firearm, the possession of which is permitted by this chapter, shall register the same with the Department within 3 working days after acquiring said firearm on the forms specified by the Department. Such facts and information shall be given so as to enable the Department to record for identification purposes the firearm so registered. It shall be unlawful for any person to own or possess any firearm which has not been registered. No firearm may be registered by the Department unless the person presenting the firearm also displays current identification card evidencing his eligibility to own, possess, use or carry the firearm presented for inspection as to the facts required for registration. Any firearm registration which expires on or after March 1, 1988 or which is thereafter issued under this chapter shall be permanent for as long as the registrant retains the firearm. The Chief of Police shall promulgate rules and regulations establishing a permanent firearms identification card and a reasonable fee to cover the cost incurred.

**§ 60110.1. Firearms.** A grace period for payment of fees due for renewal of registration for a firearm for a member of the Guam National Guard or Reserves, or a dependent of a member of the Guam National Guard or Reserves, while that member is on active service outside Guam and for the next 180 days after completion of such service. No interest or penalties shall be assessed for any period prior to expiration of the 180 days.

**§ 60111. Transfer of Firearm: Private.** Upon the transfer of any firearm from one person not a dealer, manufacturer, wholesaler or repairer to another not a dealer, manufacturer, wholesaler or repairer, other than on loan, a new registration must be obtained by the new owner or one permanently possessing the firearm, indicating the prior owner or possessor, and his identification card number, as well as all information pertinent to the new owner or possessor.

**§ 60112. Same: Pawnbroker.** Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner or to another person, a new registration must be obtained.

**§ 60113. Loss, Destruction or Theft of Identification Card or Firearm.**

(a) Upon the destruction, mutilation, loss or theft of any identification card, the holder shall report the event to the Department and may obtain a duplicate card upon the payment of the fee required therefor and upon proof of loss, mutilation, destruction or theft. If any portion of the original card remains, the holder must surrender it to the Department before receiving a duplicate.

**(b)** Upon the loss, theft, damage beyond repair to any firearm registered under this Chapter, the holder of the identification card applicable to the weapon in question shall report the event to the Department, along with the nature of the disposition of the firearm, if lost, destroyed or damaged beyond repair, and the same information shall be recorded upon the registration records kept by the Department applicable to the firearm involved.

**(c)** The holder of any identification card or any person in whose name a firearm is registered shall report to the Department any change in the facts stated upon the card and any change in the facts which would effect the holder's eligibility to continue to possess a card.

**(d)** The holder shall report any of the events required to be reported by Subsection (a) and (b) above within 3 working days of their occurrence and any of the events required to be reported by Subsection (c) within 10 days of their occurrence.

**§ 60114. Identification Card: Possession.**

**(a)** No person may use or possess a firearm regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

**(b)** No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry.

**(c)** No person shall use, display, or carry with the intent to use or display, an identification card which has been suspended or revoked, or for which a duplicate has been issued, or which has been defaced or altered. No person shall use any of the above for the purpose of obtaining any firearm.

**(d)** No person shall willfully alter, remove or obliterate the name of the make, model, manufacturer's number or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed or obliterated shall be presumptive evidence that the possessor has altered, removed or obliterated the same.

**(e)** If any person, in complying with any of the requirements of this Chapter, knowingly gives false information or knowingly offers false evidence of any of the facts required by the Department or by this Chapter, he shall be guilty of unsworn falsification and punished therefore as provided by § 52.30 of the Criminal and Correctional Code. Additionally, upon conviction, such person shall not be eligible for an identification for a period of 10 years, and any existing identification card issued to such person shall be revoked, and any firearms possessed pursuant to such identification card forfeited.

**(f)** The registered owner shall report to the Guam Police Department the loss, theft, sale or transfer of a firearm within 3 working days thereof.

**§ 60115. Dealer: Registration.** Dealers, etc., must register. Any person who is a dealer, manufacturer, wholesaler or retailer of firearms or ammunition within the territory of Guam who must register pursuant to § 60104 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered and copies to be displayed at each location where firearms are sold.

**§ 60116. Conduct of Dealer's Business.** Any person or firm licensed pursuant to § 60104 shall, in the conduct of his business:

**(a)** Display no firearms or ammunition in any place where they can be seen from outside the premises.

**(b)** Keep all firearms and ammunition in a securely locked place at all times except when they are actually being shown to a customer or when actually being repaired or worked on.

**(c)** Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this Section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

**(d)** Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction.

**(e)** Keep a continuing and up-to-date inventory of all firearms and ammunition in his possession and report the loss, theft, damage or destruction of the same to the Department immediately upon the discovery of the event.

**(f)** Deliver a written warning to the purchaser or transferee of a firearm a written warning which states in block letters not less than 1/4 inch in height:

It is unlawful and punishable by imprisonment and a fine for any adult to store or leave a firearm without placing it in a secure locked cabinet or closet, or without a trigger lock in place.

**(g)** Conspicuously post at each purchase counter the following warning in block letters not less than 1 inch in height:

It is unlawful to store or leave a firearm without placing it in a secure locked cabinet or closet, or without a trigger lock in place.

**§ 60117. Repair.** No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

**§ 60118. Private Sale or Transfer.** Any person engaging in a private sale, loan or other transfer of a firearm shall be shown by the person receiving the firearm an identification card evidencing the receiver's right to own, possess, use and carry such firearm. It shall be unlawful for a person to transact a private sale, loan, gift or transfer without having seen the valid identification card of the person receiving the firearm.

**§ 60119. Shooting Gallery: Registration.** Any person who operates a shooting gallery within the Territory who must register pursuant to § 60105 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms used and stored at the shooting gallery and the security of the gallery and storage areas. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business. A separate registration card shall be required for each place where the business is conducted.

**§ 60120. Rules and Regulations.** The Chief of Police may adopt, pursuant to the Administrative Adjudication Act, rules and regulations to implement this Chapter. Nevertheless, the absence of such rules and regulations shall not affect the implementation of this Chapter.

**§ 60121. Prohibitions and Penalties.**

**(a)** Any person who knowingly owns or possesses an unregistered firearm shall be punishable by imprisonment of not less than one (1) year and a fine of not less than \$1,000.

**(b)** For any violation of this Chapter or the rules and regulations adopted hereunder where another penalty is not set forth specifically, any person, corporation, firm or business found guilty shall be guilty of a misdemeanor. In the case of a corporation, business or other firm convicted of a violation of this Chapter, as a legal person, then the individual actually performing the acts forbidden or omitting the acts required shall be guilty in addition to the corporation, firm or business as an entity.

**(c)** Any person who carries a concealed firearm without a valid identification card evidencing permission to carry a concealed weapon shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than 3 years and a fine of not less than \$1,000.

**(d)** Any person who knowingly removes, obliterates or alters the identifying marks of a firearm shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than 3 years and a fine of not less than \$1,000.

**(e)** Any person purchasing, possessing, using or carrying a firearm without an applicable identification card shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than 3 years and a fine of not less than \$1,000.

**(f)** Any person, legal or natural, who transfers, gives, returns, sells or loans any firearm to any person without a valid identification card is guilty of a felony which shall be punishable for a term of imprisonment of not less than 3 years and a fine of not less than \$1,000. In the case of a violation by a legal person, the natural persons liable for punishment under this Section, in addition to said legal person, shall be the person or persons performing the forbidden acts or omitting the required acts and any responsible officer of the legal person who knew or should have known of the acts or omissions committed.

**(g) (1)** Any person legal or natural who transfers, gives, returns, sells, or loans any firearm to any minor is guilty of a felony which shall be punishable by a term of imprisonment not less than 5 years and a fine of not less than \$5,000. In the case of a violation by a legal person or persons performing the forbidden acts, or omitting the required acts and any responsible officer who knew or should have known of the act as omission committed shall be liable for punishment under this section

**(2)** This section does not apply when a minor is being instructed by his parent or guardian in the use of weapons or when that minor, properly licensed, is hunting with his parent or guardian who is also properly licensed and complying with the provisions of Department of Agriculture Hunting Regulations §§ 15300.00 through 15300.29.

**(h)** Any person who negligently entrusts a firearm to a minor is guilty of a felony, which shall be punishable by a term of imprisonment of not less than 1 year and a fine of not less than \$1,000.

**(i)** Imposition of sentence pursuant to the provisions of this Section shall not be suspended nor shall probation be granted and the offender shall not be eligible for parole nor work release until the term of imprisonment prescribed herein has been completed.

**(j)** Notwithstanding provisions of this Section to the contrary, in the case of an offender not previously convicted of a felony, the court may sentence the offender to not more than 2 years imprisonment for an offense established by the provisions of Subsections (b), (c), (d), (e) or (f) of this Section. The provisions of Subsection (i) of this Section prohibiting probation, suspension, parole or work release shall not be applicable to such an offender.

**§ 60121.1. Same: Restricted Bullets.** Any person who imports, manufactures or sells a restricted bullet on Guam, except as specifically authorized by the Chief of Police for purposes of public safety shall be guilty of a felony of the third

degree and if the person holds a business license or is registered under the provisions of this Chapter, such business license and such registration shall be subject to revocation.

**§ 60121.2. Same: Same.** Any person who possesses or carries a restricted bullet not in accordance with the regulations promulgated by the Chief of Police shall be guilty of a felony of the third degree.

**§ 60122. Fees.**

(a) The fee for each identification card, duplicate or renewal thereof shall be \$5.00 and shall be paid to the Treasurer of Guam for the account of the Department of Revenue and Taxation before any identification card may be issued or renewed.

(b) The annual registration fee for every dealer, shooting gallery, manufacturer, wholesaler, retailer and repairer shall be \$100 and shall be payable to the Treasurer of Guam for the account of the Department of Revenue and Taxation before any such registration may be issued, renewed or a duplicate card issued.

(c) The fee for registration of every firearm by an individual shall be \$2 payable to the Treasurer of Guam for the account of the Department of Revenue and Taxation before any such registration may be issued or a duplicate issued.

(d) Registrations for dealers, shooting galleries, retailers, wholesalers, manufacturers and repairers shall be renewed annually at the same time as the business license is renewed and shall be prorated on the same scale as in the business license for the establishment involved.

**§ 60123. Revalidation of Previous Weapon Registration.** All registrations of weapons issued under any prior law are hereby declared revalidated as of the date of enactment of this Act and shall be valid until the next birthday of the holder, at which time an identification card must be obtained and the firearms registered according to the provisions of this Chapter. This Section does not apply to firearms owned, possessed, used or carried in a manner declared illegal by any previous Act.

**§ 60124. Registration of Prohibited Firearms.** Any firearm which cannot be legally owned, possessed, used or carried pursuant to this Act but which was legally possessed, owned, used or carried prior to the effective date of this Act may not be registered hereafter. However, the owner or possessor may retain said weapons until the time specified in § 60123, at which time he must dispose of the firearm. If he cannot do so without loss to himself, the Department is authorized to purchase the firearm from the legal owner based upon the fair market value at the time of last eligibility to possess or own as stated in § 60123, and keep or dispose of the firearm as the Chief of Police determines.

**§ 60125. Firearms Forfeited: When.** Upon the conviction of any violation of this Chapter or of any crime wherein the use of firearms was an element or part or was involved in the commission thereof, the firearms involved in the violation shall be declared forfeit by the court convicting such person and be given to the Department for its use, sale or destruction. In addition, the court shall either revoke the applicable identification card or business registration or suspend the same for a period of not less than 6 months nor for more than 2 years. In the case of a conviction of a business, the weapons shall be forfeited only where the registration is revoked. In the case of suspension of a business registration no firearms shall be sold.

**§ 60126. Registry.** The Department shall maintain a confidential registry, open only to law enforcement officials, of all firearms registered for the life of the weapon on Guam and for 2 years thereafter. However, once a firearm has been transferred and the registration canceled in the name of the transferor, then the records of the transferor may be destroyed.

**§ 60127. New Residents.** Any United States citizen who is in legal possession of a firearm or ammunition thereof pursuant to the laws of any state, territory, possession or Trust Territory of the United States shall have a period of 30 days after arriving on Guam as a new resident in which to apply for an identification card and during that period may continue to use the firearm and, for that purpose, the gun is legally in his possession until an identification card is issued or denied him. Thereafter, all provisions of this Chapter apply in full to such person and he must purchase, possess or use firearms only in compliance therewith. The Section does not apply to any firearm which may not be legally possessed or used, carried or purchased under this Chapter. With respect to such firearms the provisions of § 60123 shall apply except that under this Section the new resident has 30 days in which to comply. Further, this Section does not apply to persons transiting Guam. Such transiting persons shall not have in their possession any firearm on Guam without first obtaining permission therefor from the Chief of Police.

**§ 60128. Exceptions.** The provisions of Civil Code §§ 1714.2, and 1716.1; and subitems (40) and (41) of § 5107, Title 6, Guam Code Annotated, shall not apply:

(a) If the firearm is stored in a secure, locked cabinet or closet in the home of its lawful owner.

(b) If the minor obtains the firearm as a result of the unlawful entry of the home of the owner of the firearm.

(c) To members of the Armed Forces, National Guard, police or other law enforcement officials with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) If the firearm was properly secured by the owner with a trigger lock.

**§ 60129. Severability.** If any provisions of this Chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of this Chapter which can be given effect without the

invalid provisions or application, and to this end the provisions of this Chapter are severable.