

# I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN

## 2021 (FIRST) Regular Session

### VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown		✓				
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telena Cruz Nelson		✓				
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin		✓				
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Senator Jose "Pedro" Terlaje					✓	✓
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres	✓					

**TOTAL**

**7**

**6**

**2**

**2**

**Aye**

**Nay**


**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**Absent**

**Excused**

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNAE V. C. MENO  
 Clerk of the Legislature

I = Pass

***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

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

As amended on the Floor.

\*

Introduced by:

V. Anthony Ada  
Frank Blas Jr.  
Christopher M. Dueñas  
James C. Moylan  
Joanne Brown  
Telo T. Taitague  
Mary Camacho Torres

**AN ACT TO AMEND §§ 60102 AND 60103 OF CHAPTER  
60, TITLE 10, GUAM CODE ANNOTATED, RELATIVE  
TO REMOVING THE RESTRICTIONS ON OWNERSHIP  
OF SUPPRESSORS AND SILENCERS FROM GUAM  
LAW; AND TO BE KNOWN AS THE “*HEARING  
PROTECTION ACT OF 2021.*”**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the public perception of the effects of firearm silencers or suppression devices  
4 have largely been exaggerated by movies and pop culture. In reality, the reduction  
5 of noise produced by silencers and suppression devices is about thirty (30) decibels.

6           *I Liheslatura* further finds that a June 19, 2017 article in the Washington Post  
7 utilized the following analogy:

8           “How much is the noise reduced? By up to 30 decibels, depending on  
9 the type of gun, ammunition and suppressor. Currently, gun control  
10 lobbies are claiming that if “silencers” are available, people will not be

1 able to hear a mass shooting that is going on nearby. To test the claim,  
2 let's consider last week's attack on Republicans who were practicing  
3 baseball in Alexandria.

4 The criminal used a SKS rifle, with 7.62mm ammunition.  
5 Without a suppressor, the sound of a shot from such a gun is 165  
6 decibels. This is more than twice as loud as a jet take-off, if you are 25  
7 meters from the jet. With a suppressor, the SKS would be about 140db.  
8 That's equivalent to being on an active aircraft carrier deck.

9 The would-be assassin also had a Smith & Wesson 9mm  
10 handgun. In handguns, 9mm is an intermediate caliber — smaller and  
11 quieter than larger calibers such as .44 or .45 (inches). Without a  
12 suppressor, the S&W handgun is about 157 to 160 db. With a  
13 suppressor, that handgun would be around 127 to 130 db. That's about  
14 the same as a jackhammer. Thus, the assertions that people will not be  
15 able to hear criminal gunfire are not well supported by physics,  
16 although the assertions are consistent with how 'silencers' are  
17 portrayed in movies."

18 *I Liheslatura* further finds that suppressors are legal in forty-two (42) states  
19 and all but two (2) of these states (Connecticut and Vermont) allow their use for  
20 hunting. There are three (3) main reasons people own suppressors and silencers:  
21 reduction of noise pollution, hearing protection, and safety training. Suppressors  
22 reduce noise by about as much as earmuffs do. No one would ever suggest that a  
23 suppressor is an acceptable replacement for earmuffs, but suppressors are a very  
24 good supplement to reduce the sound that reaches the inner ear. Using a combination  
25 of a suppressor, earmuffs, and earplugs can reduce the perceived sound to around  
26 one hundred (100) to one hundred twenty-five (125) decibels, the same as a power  
27 lawnmower or a jackhammer.

1 Under federal law, purchasers of suppressors and silencers must go through  
2 the same procedures as those required for the purchase of an ordinary firearm and  
3 several more. Therefore, those with felony criminal records, a history of mental  
4 illness, or a history of alcohol and substance abuse will be unable to secure clearance  
5 to purchase these devices.

6 Suppressors are regulated under the National Firearms Act (NFA) of 1934,  
7 which falls under the purview of the Bureau of Alcohol, Tobacco, Firearms and  
8 Explosives (ATF). To legally purchase or possess a suppressor you must:

- 9 1. Be at least twenty-one (21) years of age to purchase a suppressor  
10 from a dealer;
- 11 2. Be at least eighteen (18) years of age to purchase a suppressor  
12 from an individual on a Form 4 to Form 4 transfer (contingent on state laws);
- 13 3. Be at least eighteen (18) years of age to possess a suppressor as  
14 a beneficiary of a trust or as a member of a corporation (contingent on state  
15 laws);
- 16 4. Be a resident of the United States;
- 17 5. Be legally eligible to purchase a firearm;
- 18 6. Pass a Bureau of Alcohol, Tobacco, Firearms and Explosives  
19 (ATF) background check with a typical process time of eight (8) to ten (10)  
20 months;
- 21 7. Pay a one-time two hundred dollar (\$200) transfer tax; and
- 22 8. Reside in one of the forty-two (42) states that currently allows  
23 civilian ownership of suppressors.

24 *I Liheslatura* further finds that earplugs or earmuffs or both should be used at  
25 all times even when using a suppressor. These devices are generally effective in  
26 conditions where noise levels are less than one hundred five (105) decibels. Their

1 effectiveness decreases with an increase in the number of shooters on a firing range  
2 at any given time and the length of time one spends on the firing range.

3 Therefore, it is the intent of *I Liheslatura* to remove the restrictions on  
4 silencers and suppressors in Guam’s firearm laws, subject to the provisions of  
5 federal laws, rules, and regulations. The combination of silencers/suppressors and  
6 traditional hearing protection such as earplugs and earmuffs will reduce the risk of  
7 noise-induced hearing loss from firearms training and hunting.

8 **Section 2. Short Title.** This Act shall be known as the “*Hearing Protection*  
9 *Act of 2021.*”

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

12 **“§ 60102. Ownership, etc., of Certain Firearms Prohibited.**

13 The manufacture, possession, sale, barter, trade, gift, transfer or  
14 acquisition of any machine guns, sub-machine guns, automatic rifles or any  
15 other firearm not a rifle having a barrel length of sixteen (16) inches or greater  
16 or not a shotgun having a barrel length of eighteen (18) inches or greater or a  
17 revolver or pistol having a barrel length of more than twelve (12) inches is  
18 prohibited. Any person violating this Section shall be guilty of a felony which  
19 shall be punishable for a term of imprisonment of not less than three (3) years  
20 and a fine of not less than One Thousand Dollars (\$1,000). Imposition of  
21 sentence shall not be suspended and the offender shall not be eligible for  
22 parole nor work release until the term of imprisonment prescribed herein has  
23 been completed nor may probation be imposed in lieu of this portion of the  
24 offender’s sentence. Provided, however, that in the case of an offender not  
25 previously convicted of a felony, the court may sentence the offender to not  
26 more than two (2) years imprisonment and the provisions of this Section

1 prohibiting probation, suspension, parole or work release shall not be  
2 applicable to such offender.”

3 **Section 4.** § 60103 of Chapter 60, Title 10, Guam Code Annotated, is  
4 hereby *amended* to read as follows:

5 **“§ 60103. Ownership, etc., Permitted.**

6 Any person who qualifies under this Chapter may lawfully own,  
7 possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by §  
8 60102 subject to the conditions and penalties provided in this Chapter.  
9 Mufflers, silencers, or devices for deadening the sound of discharged firearms  
10 are permitted; provided, that the specifications, purchase, ownership, and  
11 possession of the device complies with applicable federal laws, rules, and  
12 regulations.”