

*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)</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>



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I Mina'Trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE*



MAY 02 2014

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

*I Mina'Trentai Dos Na Liheslaturan Guahan*

155 Hesler Place

Hagatna, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 296-32 (COR), as Introduced**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 296-32 (COR), as Introduced - An act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

Committee votes are as follows:

4

TO DO PASS

\_\_\_

TO NOT PASS

5

TO REPORT OUT ONLY

\_\_\_

TO ABSTAIN

\_\_\_

TO PLACE IN INACTIVE FILE

Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman of Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*

2014 MAY -5 AM 9:22

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Lintlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
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**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

## **COMMITTEE REPORT**

### **BILL NO. 296-32 (COR)** **Introduced by: V. Anthony Ada** **As Introduced**

**An act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



April 21, 2014

**MEMORANDUM**

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**To: ALL MEMBERS**  
Committee on Guam U.S. Military Relocation, Homeland Security,  
Veterans Affairs, and Judiciary

**From: Senator Frank B. Aguon, Jr.**  
Committee Chairperson

**Subject: Committee Report on Bill No. 296-32 (COR), as Introduced**

Transmitted herewith for your consideration is the Committee Report on Bill No. 296-32 (COR), as Introduced - An act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 296-32 (COR), as Introduced
- Public Hearing Sign-in Sheet
- Referral of the Bill No. 296-32 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse' !



COMMITTEE ON

GUAM U.S. MILITARY RELOCATION VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



COMMITTEE VOTING SHEET

Bill No. 296-32 (COR), as Introduced - An act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

Senator FRANK B. AGUON, JR. Committee Chairperson

Senator Tina Muna-Barnes Committee Vice Chairperson

Speaker Judith T. Won Pat, Ed.D. Committee Member

Senator Rory J. Respicio Committee Member

Senator Thomas C. Ada Committee Member

Senator Dennis G. Rodriguez, Jr. Committee Member

Senator V. Anthony Ada Committee Member

Senator Michael Limtiaco Committee Member

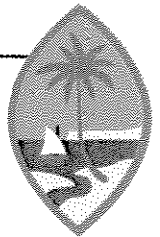
Senator Thomas Morrison Committee Member

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR. Committee Chairperson 4/24/14						
MUNA BARNES, TINA ROSE Committee Vice Chairperson				✓		
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member				✓		
RESPICIO, RORY J. Committee Member		4-29-14 ✓				
ADA, THOMAS C. Committee Member				✓		
RODRIGUEZ, DENNIS G. JR. Committee Member				4/27 ✓		
ADA, V. ANTHONY Committee Member		4-30 ✓				
LIMTIACO, MICHAEL Committee Member				5/2 ✓		
MORRISON, THOMAS Committee Member		✓				



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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**COMMITTEE REPORT DIGEST**

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Lintiac**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**I. OVERVIEW**

Bill No. 296-32 (COR) was introduced on March 25, 2014, by Senator V. Anthony Ada , and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on March 26, 2014.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 296-32 (COR) on April 3, 2014 at 9:00AM in / *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the April 3, 2014 hearing on March 27, 2014 (5-Day Notice), and again on March 31, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the April 3, 2014 hearing on March 27, 2014 and March 31, 2014.

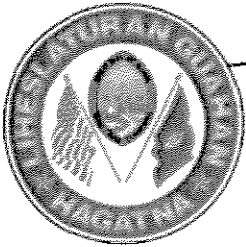
Senators Present

- Senator Frank B. Aguon, Jr., Chairperson
- Senator V. Anthony Ada
- Senator Christopher M. Duenas
- Senator Thomas C. Ada
- Senator Brant T. McCreadie
- Senator Tommy Morrison
- Senator Vicente (ben) C. Pangelinan

Appearing Before the Committee

- Fred Bordallo, Chief Guam Police Department
- Phil Tydingco, Chief Deputy Attorney General of Guam
- Stanley Wilson
- Brian Schnabel
- Jason Young
- Kenneth Gibbons
- Robert Gibbons
- Rohry Tenorio
- Scott Bachelder
- Sylvie Alvarez
- Gary Hickenbottom
- Greg Massey
- Darryl Pierce

The public hearing was Called-to-Order at 9:00AM.

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**II. TRANSCRIPTION OF TESTIMONY & DISCUSSION****Senator Frank B. Aguon, Jr.**

"Ladies and gentlemen we do have a good number of individuals who have signed up for this particular measure and Mr. Tydingco I think I found your name on the final sheet so we are going to go based on the line up of the individuals who have signed. I'd like to invite the following individuals up to the table please, Robert Gibbons, Kenneth Gibbons, Gary Hickenbottom, Darren Alvarez, and Romeo Delos Santos. Once again, gentlemen if I can invite you up to the front, Mr. Robert Gibbons, Mr. Kenneth Gibbons, Gary Hickenbottom, Mr. Darren Alvarez and Mr. Romeo Delos Santos and then we'll. okay, but he his allowed to sign the roster sheet expressing his support for the measure, I'm I correct? That's it, but not providing testimony. Okay, understood. Can I invite also Mr. Stanley Wilson and Brian Schnabel. Is there a Brian Schnabel in the audience? Schnabel, Schnabel? I apologize if by any chance I mispronounce any of your names. And because there's an extra seat, can I invite Jason Young to the front. Okay, and we still have a few other individuals who have signed up. We can begin with the sequence of names who were called earlier, Mr. Gibbons? Robert? I apologized, let me allow the sponsor of the legislation to provide some comments on Bill 296 which is relevant to Concealed Firearms Licensing. Senator Tony Ada if you can provide some comments."

**Senator V. Anthony Ada**

"Thank you Mr. Chairman and thank you Mr. Chairman for including Bill 296 in today's public hearing agenda. The cosponsors and I of 296 believe that the right to bear arms includes the right to carry a concealed firearm. We believe that Guam's firearms law does not recognize this since an applicant for a concealed carry will show exceptional cause for the permit. Further, the determination of who can be granted a permit rest with one person. The fact that a person carries a large sum of money cannot be given more weight than a law abiding citizen who wants the protection a concealed firearm affords. While some may argue against any government regulation or the constitutional right I believe certain controls must be implemented on the issue of who can legally carry a concealed firearm. These controls must be legally stated in law and not be subjected and this is what Bill 296 seeks to do. Thank you Mr. Chair."

**Senator Frank B. Aguon, Jr.**

"Thank you very much Senator Ada. Mr. Robert Gibbons."

**Mr. Robert Gibbons**

"Thank you very much, thank you all for coming. I actually signed up as a supporter I didn't check if I was going to speak but I'd like to say that in the existing system as it is, I have in the past the implications of a concealed firearms id, when I went to renew it the last time it was denied. The same justifications previously. The system today seems to not have any continuity. Its difficult and the police can't be everywhere and I am not trying to be a cop but I do want to be able to protect myself. The crimes that are happening lately. You got these guys with the shops. I mean walking around Tumon, people are getting assaulted. I feel I have the right to protect myself and my family."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Gibbons for providing your testimony this morning. If I can ask you we will start from the left, your left going to your right, but if I can please ask you to identify yourself for the record initially and provide your comments. Sir?"

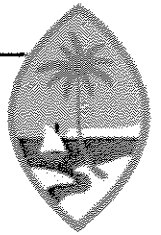
**Mr. Kenneth Gibbons**

"Hafa Adai and Good Morning Mr. Chairman and Honorable senators. My name is Kenneth Gibbons. I am the President of the Guam Gun Owners Association. I've come here this morning to share our views on Bill 296. With how our crime rate has sky rocketed in the last 18 months and with 9 homicides in 2013, we feel law-abiding citizens need to be able to protect themselves and their families. Our outstanding officers of the Guam Police Department, through no fault of their own, are unfortunately not able to be everywhere at the same time. We as citizens need the ability to protect ourselves outside the home as well as inside. Currently, Guam has what is known as a "May Issue" concealed licensing system. That means that I need to show "good cause", besides just personal protection or self-defense, so that I may be issued a concealed firearm identification card. The decision solely rests with the Chief of Police. He and his staff make the determination whether or not I "MAY" have permission to carry a firearm concealed. Unfortunately, there is not always consistency with how permits are given out. As an example, I myself applied with another colleague a few years ago. We filled out the IDENTICAL "good cause" or "reason to carry" on each application short of name and address of course. I was approved while my colleague was denied. Maybe it was something in his past, you say? But now let me share that both of us were at that time Federal Law Enforcement Officers with the U.S. Customs and Border Protection. Obviously we both had been through extensive background checks in the process of our employment as Sworn Federal Officers. This ability for "subjectiveness" in the decision process allows "have's" and "have-nots", which can obviously be based on political connections or family name instead of the facts of the individual. This "Shall Issue" law changes that, based on a set of requirements which must be met in order to get a concealed firearms ID. This law is modeled after the "Shall Issue" concealed carry law passed in Florida over 25 years ago in 1987. This law has allowed many law-abiding citizens to carry a concealed firearm legally and have the ability to protect themselves and their families if they have that unthinkable situation occur. This bill stipulates detailed criteria that citizens must meet, like being a non-felon, no history of illegal drug use or domestic abuse, and not be mentally incompetent. It also requires that to get a concealed firearm ID, you must show that you are competent with a firearm by showing training has been done, whether given by a military, police or civilian accredited course. You obviously must be able to legally own a firearm here in Guam before you can get a concealed Firearm ID. It does not allow citizens in ANY WAY to act as police officers or vigilantes just because they have a concealed firearm ID. Nor does it change any of the self-defense or deadly force laws if someone is forced to use their firearm. Deadly force should ALWAYS remain an absolute last resort as it currently does in Guam law- this bill does not change that. Florida's law served as an example to other states and now 41 out of 50 states (YES, 41 out of 50 states) now have "Shall Issue" statutes allowing their citizens to lawfully carry as per the intent of the 2<sup>nd</sup> Amendment. At this time, there is an estimated 10 MILLION concealed carry permit holders in the United States out of approximately 280 million people. That is an awful lot of people who are NOT misusing their concealed permits on a day-to-day basis. The biggest reason people are normally against this idea, is that they think there will be blood in the streets and Guam will these laws, dire predictions of gunfights in the streets also were brought up, and once the law passed, NONE OF THE BAD PREDICTIONS TOOK PLACE. In fact, crime rates usually go down following passage of these laws because criminals



**GUAM U.S. MILITARY RELOCATION  
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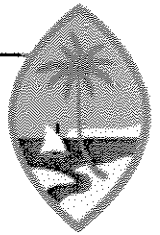
are now worried about robbing some armed citizen instead of getting an easy target, like accosting a jogger out for a run in Tumon! The last reason to pass Bill 296 is to come into compliance with the 9<sup>th</sup> Circuit Court of Appeals. On February 14<sup>th</sup>, of this year, The 9<sup>th</sup> Circuit Court published a decision in *Peruta vs. San Diego County*. San Diego County was found that their "May Issue" laws for concealed carry which required showing "good cause" were UN-Constitutional and struck down as illegal. The San Diego Sherriff's office has since begun to issue concealed permits on a "Shall Issue" basis. A little over 30 days later on Mar 21, 2014, a little over 1 week ago, the U.S. 9th Circuit Court of Appeals released a decision in the case of *Baker v. Kealoha*, which vacated a lower court decision that upheld Hawaii's restrictive "may-issue" carry permit system and required the lower court to reexamine the issue in light of the Ninth Circuit's recent *Peruta* decision. In other words, Hawaii's "May Issue" system is also Un-Constitutional and will need to be changed to be in compliance with established law. In light of these decisions, Guam is currently NOT in compliance, and it is only a matter of time before the law is challenged here as well. Instead of spending money on the defense of a law we know is NOT constitutional, we should pass this bill which lays framework for the proper regulation in line with an established and successful system of "Shall Issue" for Guam Firearm Identification Cards. Myself and the members of the Guam Gun Owners Association whom I represent, are fully in support of Bill 296 and urge you to pass it with little to no delay. We feel this law is important enough to pay attention to the voting record before we make our decisions for whom to vote for in the upcoming election in November. Our membership includes approximately 1000 affiliate members who feel as we do on the importance of this Bill. Thank you for your time. "

**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Gibbons."

**Mr. Jason Young**

"My name is Jason Young and I'd like to testify in support of this bill. Under current Guam law there is no clear process transparency and applications for Concealed Weapons Permit language and administrative bureaucracy for weeks or months at a time before you hear anything from the police department and even if you call it's they don't have anything to tell you. I personally believe that a clear process that's defined by law will be beneficial to both the people of Guam to protect themselves with a concealed weapon and the police department as it should cut down on their work load. It's an application a clear set of criteria. If you meet the criteria you get issued a permit. Currently, everything goes to one lieutenant who reviews everything. I was able to contain a consealed weapons permit which I talk to a lot of people and they find that kind of amazing. But, I got a call about six weeks later and the officer requested a lot of additional information from me about what I wanted to do even including such as what is my income and I didn't feel that my income made any difference in the right to protect myself. It doesn't matter if I make 100 thousandsd dollars a year or ten. Someone trying to stab me is still someone trying to stab me and money is not going to protect me from that. I had written remarks that I forgot to bring, but everywhere where we have seen these concealed weapons permits issued on a shall issue basis crimes decreased statistically. These

**GUAM U.S. MILITARY RELOCATION  
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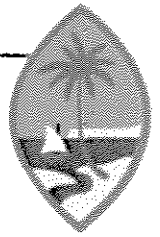
are statistics from the FBI. This bill is considered a win win for the community. I know not everybody is not in support of firearms. We definitely are and that is why we are here today. But under current law there is not training requirement like ken said that one of his colleagues is a sworn federal officer was denied a weapons permit and he's a training federal officer, I'm a real estate agent. I don't have a military background or law enforcement background and I was asked to provide any information on my competency or use of a firearm even if I have done it before. Oh you have a Guam Firearms ID, you are okay. It's just kind of staggering that I can get a permit but a federal officer can't. I just think the clear process can benefit. But everywhere that we've seen these concealed weapons permits issued on a shall issue bases have crimes decreased statistically this isn't just us talking totally this isn't statistics from the NRA, this is statistics from the FBI and the bill I think considered a win, win for the community, we know not everybody is in support of the firearms we definitely are that's why we are here today but under current law there's no training requirement like Kent said that one of his colleagues who is a sworn federal officer I'm a real estate agent I don't have a military background or a law enforcement background and I was not asked to provide any information on my competency or use of firearm even if I've done it before. It was like oh you have a Guam firearms I.D. your ok and it's just kind of staggering that I can get a permit but a federal officer can't, you know I'm happy I got one but I just think the clear process would benefit everyone as a whole including the police department and the civilians alike, thank you."

**Mr. Gary Hickenbottom**

"I'm Gary Hickenbottom and I come in support and I really wasn't prepared with anything written but I just wanted to give you my background and how I feel about this. I'm in strong support of this, I am, have been very upset in Guam with the laws the way that they have been applied, I came here on 2005 and to give you a little background on myself. I am an ex Navy Ordinance Specialist and I spent thirty-seven years in the Navy and the Department of Defense as a contractor managing a company. I came here and managed Naval Magazines Ammunitions Logistics ok, when I came here and applied and I told them that I had, had a federal firearms license in my hometown for thirteen years and that I carried a concealed weapons permit in Washington State for twenty years they laughed at me. I was carrying a secret clearance transferring back and forth for the highly classified work every day. I have gone through two civilian police academies one in Washington which is sixteen weeks long and we had our own volunteer force that supported the police in our town we were even allowed to carry weapons by approval of the sheriff and the chief of police. If the officer we were riding with shot with us and trusted us, for four years I did ride a long's with police, very involved with it and I did carry my weapon a lot and never had to use it, never had to use my weapon I was trained in the Navy how to do it, I was trained as an expert but that's a long time ago, I have owned weapons since I was fifteen years old when I was in the mainland and owned my business I dealt and sold to police, military, law enforcement for exclusively, it was a small town but a very large county, when I got here I was insulted by the laws, I was insulted by Hawaii's laws because I came here from Hawaii and Hawaii laws were written the

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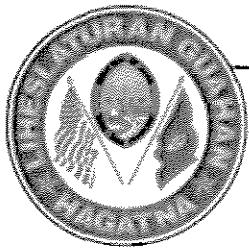
the same way you either had to have special permissions from somebody you know or somebody who had some clout then you could get it. I take objection to the word shall, I agree with this law, I support, I want it to go through but whenever you say shall in a technical meaning that I was trained in the military that steal leaves it up to the discretion of somebody under are Constitution if we are a law abiding citizen and we can prove it and I have no problem of proving it, I have no problem of identification, trading, and everything all my experience, I've gone through training classes, in Hawaii I had to go to safety training classes again, I had no problem with that but this law should say will issue if you are a legal citizen of the United States and you're a law abiding citizen we have the right to protect ourselves. The police cannot protect you, you cannot even in a small island expect to be caught in a situation and yell for help and have a policeman get there before your knocked down or kicked or stabbed, ok so I really do take, I'm insulted by the word shall, for thirty-seven years I dealt with technicalities dealing in explosives shall, will, may they all have very, very specific technical meanings and can be construed in different ways, the second amendment does not say shall, it says will not be infringed and like I said I currently support this bill I want it to go through I have no problem with all the requirements and I'll meet them and I'm gonna go through another course here but I think the island needs to come out like the forty-one states have already done it, I carried, like I said twenty years in Washington State with law enforcement personnel. I was trained with law enforcement personnel and you come here and you find this shall and it always comes down to the same way in Hawaii it's personality and only certain people can get by this shall we have the people that are highly trained, highly certified, highly qualified, very experienced, very mature people, they should be able to protect themselves so I don't want to be redundant sorry I didn't come prepared but this is from the gut, I'm a life member of the NRA, I strongly support concealed carry, I'm applying now for Florida concealed weapons permit over the internet and I intend to go to Utah too, to get it before I go back to the mainland because of those states your covered under other states laws, Guam really needs to do this, we are getting to the point, I just heard recently or months ago where a Japanese tourist was walked up to and asked for money he said no, they cold cocked him right in the street at Tumon stole his money and ran off, you know it happens here and the police men will not be there to protect you or protect a women that's protecting herself or her children, if she's qualified and certified she should be able to carry her own concealed weapons permit and it should not be a shall it should be a will because of second amendment and that's all I say if you have any questions or anything you know."

**Senator Frank B. Aguon, Jr.**

"Thank you very much for you testimony this morning Mr. Hickenbottom, Mr. Wilson."

**Mr. Stanley Wilson**

"I think Constitutionally what this does is put's in place a structure so that the Chief of Police has a process to say yeah this person is qualified, criminal record is clean, no history of mental health, he's had sufficient training and therefore he has the legal permit to own a gun already Guam already has probably some of the most stringent gun ownership rules and regulations in the United States. That man over there can go look up at his records and find out

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not just that I own guns but he could find out how many guns I own, what type of guns they are, what their serial numbers are, that's not the case in most jurisdictions, States don't maintain records of individuals gun ownership, we do, I don't have a problem with that. The problem of crime on Guam isn't a problem of registered legal gun owners having guns. The problem is criminals having guns, that's always sort of the national problem. The people at this table that all have guns and are registered, several of us have concealed carry permits we're not the problem but if we had more people have concealed carry permits I think it would in fact lower crime so I am in favor of the bill thank you for your time. "

**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Wilson for your testimony this morning."

**Mr. Brian Schnable**

"I have a few feelings about the matter. One thing is that Guam is family, we are all pretty closely associated with each other, we see each other on a daily basis and we have a responsibility to each other to maintain that sense of family and community and one of the things that I think is important with that is that we foster a sense of trust amongst our fellow law abiding citizens, to be a law abiding citizen is an act of choice and that all of us work constantly on a daily basis to represent the law. So one of the instances that comes to mind is the Chad De Soto incident that happened in Tumon, he was violent, he was quick, and he harmed a lot of people and he killed some people and in that situation I would not have the ability to defend myself. There are two reasons one is most likely I would not be carrying a firearm in that situation because the open carry regulations on Guam are not very effective it's not a popular thing to carry a firearm openly in the community. One of the reasons is the level of education on firearms in our community is not as strong as it could be how we have excellent firearms training on Guam, we have a United States Marine Corps active duty national rifle association firearms instructor on Guam and he intends to be here for the duration of his life and he takes his job very seriously and I have obtained three separate individual trainings in firearms on Guam and there's a fourth training that's being offered soon, so we have the ability to take these trainings and they're expensive, several hundred dollars apiece and you have to bring your own ammunition which is another couple hundred dollars. So we put tremendous effort into making sure that we're appropriately trained and armed and it's a personal obligation for us. Another thing that I find is really important to the issue is we have senior citizens, we have disabled people, we have women in society who are not always equally able to protect themselves and in our current situation those people, senior citizens, women, and disabled people don't, aren't armed in Guam. There's not a high level of armament with those people and one of the reasons is because our concealed carry law is so limited and if we open that up and require the training not only will that allow them to be more educated about the policies and procedures and requirements but it will empower them to protect themselves and their families, that's perhaps all I have to say at this time thank you."

**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Schaible . If I could ask Senator Tony Ada if you have any questions or comments initially."

**Senator V. Anthony Ada**

"Nothing Mr. Chair I just like to thank the gentlemen for coming up to provide their testimony."

**Senator Frank B. Aguon, Jr.**

"Thank you very much Senator Ada, Senator Duenas."

**Senator Christopher Duenas**

"Thank you Mr. Chairman I have a question I'm sorry I forgot your name, the gentlemen, Kenny, yea as the testimony was being discussed earlier by the immediate returning speaker, it was brought to my attention by some folks that I know very well too, that are highly trained in the use of firearms and alike and understand the issue greatly. One of the reasons this gentlemen expressed the need for this type of legislation, is because of, there is individuals actually that if there forced to carry well being licensed exposed carry, sometimes that's a greater threat to the community because if you have some criminally minded individuals just seeing that weapon available becomes a bigger problem, to access that weapon because it's in a holster or whatever also or displayed and you don't know whose around you a lot of times so the concealed permit by a person whose eligible to carry is actually a safer situation for the community that a person who would be going around with a holster and a sidearm that you don't know who the other guys are around you that could obtain your weapon easily, is that an observation that you share."

**Mr. Kenneth Gibbons**

"Senator Duenas yes it is, that's absolutely correct. Speaking hypothetically from a criminal mind set, if I was a hardened criminal intent on committing a crime and I walk into a location to commit that crime and I see somebody with a firearm openly presented in a holster believe me I'm going for him first, because he's a threat, one, two that's another weapon I can use speaking from a criminal mind set so having a law abiding citizen legally licensed to carry concealed makes it a safer environment."

**Senator Frank B. Aguon, Jr.**

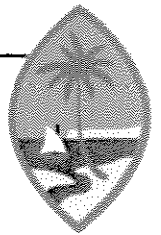
"Thank you very much Senator Duenas, to gentlemen that were here initially I know senator Tom Ada wanted to pose a general question so this would be also inclusive of yourselves if you would like to respond I would like to invite you back, Senator Tom Ada."

**Senator Thomas C. Ada**

"Thank you very much, first of all I thank the, a lot of testimony that was given this morning, it was very well presented I do have, I presume organizations such as yours and maybe members of the NRA probably had some."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

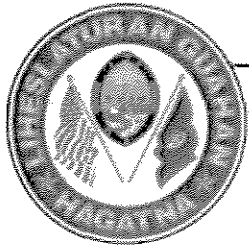
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**Mr. Kenneth Gibbons**

"Yes it is sir."

**Senator Thomas C. Ada**

"Ok, I just have some questions about, I know that during the testimony here somebody had mentioned about a person who has had a history of certain crimes would not be eligible for, to get a concealed license permit, but in the bill it seems that there's this magical number three years, if you've, haven't beat up your wife in the past three years, then you're ok to get it but you have had a record of that and for example family violence is not a felony I guess until after the third time but the first or the first one or two incidents is just the misdemeanor, you know the guy who beat his wife one or two times, tendency is there probably, but can still be eligible for that so, I'm just kinda, even the, if I guess, if you've been charged with a D.U.I. before there's that magical three or five years or I guess after that period your clean so I have concern about that, I have a concern about the fact that I'm glad that the bill requires that the individual receives a permit is gonna have to undergo training and produce some kind of evidence either from the NRA or from whoever is allowed to provide training but it, the bill doesn't seem to provide a currency you know it just says I may have had a NRA training certificate from ten years ago and the way I read the bill is that, that's good enough and I this that's even further evidence by the fact as a veteran if I can show my DD214 and shows that I'm honorably discharged, I can qualify for all that but I haven't touched a weapon in decades, I wouldn't consider myself qualified, I would have to undergo training so I'm concerned about how stringent we are with the training requirements. Regarding the training, when the castle doctrine bill first come out I really had the idea that boy, people are gonna run out and start buying guns and I'm afraid that if we don't require training to go with that we may run into problems and I was visited by a reputable member from the local organizations and basically discouraged me from, you know it's already going to be expensive enough to own a weapon now to require then to undergo this training is just, you know it's a requirement that really we should not have to mend. So I'm just kinda concerned about why has it not, why is it a bad idea to require it for those who are running out to, to implement the castle doctrine and be able to protect themselves and require it here and finally just the one criteria that jumped out at me, is that one of the criteria is that the individuals applying for a license must be a resident of Guam and a U.S. Citizen, well that kind of segments the community and if you are not a U.S. citizen then I can't, I could be living here thirty years but by virtue of some compact agreement I can never be a U.S. Citizen so that means I can never carry a concealed weapon, so I'm concerned about that. Finally I just want to state my position that I do support the bill provided that we kind of adjust some of the concerns that I've raised but I also ask that the advocates for this sort of bill, that they probably really need to refrain from sending emails to Senators with some veil threats and it's emails like that maybe I'll go out and get my own concealed weapon to but I don't think that really helps the cause and I'm looking at you but I'll say right now I did not get the email from you but that really does not help the cause at all and I hope that those who are doing it and you know who you are that you stop that sort of thing because it does not help the cause. So I've stated my concerns maybe if you kind of educate me more then on, maybe why these concerns are unfounded."

**Mr. Stanley Wilson**

"It is my understanding that federal law dictates that family violence, a perpetrator convicted of family violence are not allowed to own a firearm period and Guam follows that. Guam law also indicates that in order to get a permit to have a gun not even just to own a gun, not a concealed carry permit you must be a U.S. citizen, so that's in Guam law. So I don't know which would trump it but the fact citizenship is already required this law doesn't really effect it, you know obviously you could change it, to change the law to make it long time permanent residents be able to own guns on Guam, which I believe they are in the U.S. but just not on Guam."

**Senator Thomas C. Ada**

"Okay, so it's not clear on the bill then."

**Mr. Stanley Wilson**

"Well it's clear in the bill that they have to be a citizen, it's also clear in the existing legislation regarding getting a firearms I.D. card that you be a citizen. You have to change the law or another portion of the code. I understand and I almost agree with your worry about training being current and I wouldn't have a problem with the law being amended to clarify that when we are talking about training as defined in this legislation that be relatively current and maybe even renewed over, once every ten years or something, maybe not every single time you re-apply for a renewal but currency certainly wouldn't be harmful I don't think and you said, you made a comment about people, castle doctrine, people rushing out to buy guns, well I don't think you really have to worry about that cause I've been trying to buy a particular gun for over eight months now and I'm dealing with the Smith and Wesson dealer, distributor for the island of Guam and Micronesia and for the last eight months he has not been able to acquire that revolver for me, guns are not readily available period. If you go to Moylan's which is FFI they don't have any inventory, Karada up in Dededo has very little, guns that have lots of dust on them, that have been around a long time that's not really going to be an issue, I don't think because this doesn't encourage people to run out and buy guns, cause you can't buy them anyhow, it's very difficult that you indicated but family violence is covered under federal law, which would also."

**Senator Thomas C. Ada**

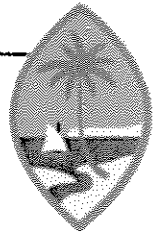
"The one point was the, in the bill throughout, there's, you know if you've been clean for the last three years from D.U.I., charge of family violence your ok. Versus and some of the testimonies there was the, if you've had a history of family violence, you know then that kind of disqualifies you. So it's a question of history vs. in the past three years."

**Mr. Stanley Wilson**

"I'm not a lawyer, I don't know how to read the bill, I don't know how to address that, I think somebody does here."

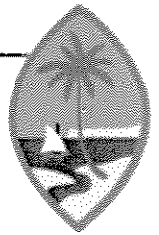
**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Mr. Rohry Tenorio**

"Senator my name is Rohry Tenorio. I'm a retired Army Officer, I'd like to make some comment in regards your questions. First off sir it is predicated upon your ability to own a firearm legally to begin with, issuance of a concealed carry permit would not occur unless you're already eligible. We need to put that in that context. This is part of a process which is really what we are trying to do is clarify this existing process, if you're not eligible to own a firearm to begin with, it doesn't matter if it's three months, three weeks, three years, whatever, you have to be eligible to own a firearm to begin with. To apply for that secondary part of the process which is a concealed carry permit, so that should alleviate that concern. I know this legislation is written, is also predicated upon that, that the first parts of the process have to be met, the criteria has to be met before any of this would take place to begin with so we need to put it back into that context. This is part of the process which we are really trying to do here is to clarify an existing process. If you are not eligible to own a firearm to begin with it doesn't matter if its three months, three weeks, three years or whatever you have to be eligible to own a firearm to begin with in order to apply for the secondary part of that process, which is a concealed firearms permit so that should alleviate that concern. I know this legislation is written is also predicated on the first parts of the process the criteria have to be met before any of this takes place or begin with so we need to put it back into that context. You concerns about people running out to buy weapons. Again, that may not be a true concern that's a perception that is basically kind of invalid if an individual cannot afford a firearm now it's not going to change if this changes. Now, when I say an individual, I am referring to a law abiding individual, someone that follows the established laws of our territory, our country and our nation. If you are a law abiding citizen, which majority of the people here are have this concern. We are going to follow that laws and go through the proper societal and judicial process to own a firearm as guaranteed by our constitutional right. the problem that Mr. Wilson stated is a criminal element. They do not adhere to any of those elements. They do not adhere to our societal or moral codes like the majority of our people like the elected officials. That's a judicial and a legislative process that we all follow and to abide by our laws. You stated another concern, now I am having a senior moment, Training, I don't mean to make this personal. In my military career, I was, you may remember, you were in the reserves at the time sir. Guam Territorial command, which is now called Durang Elements. Our command has changed I was the marchmanship coordinator program manager for over five years. I trained the soldiers for competition. I managed the money, I manage the training. I did that. I did all of that. I had to qualify export training weapon that we used in our competition. I am a certified weaponeers trainer. I have been a competitor not only in the military but also the army. My weaponeer certification, my army certification, those may be years ago but there's one thing that never changes, the knowledge. Once I gained that knowledge, that knowledge can never be taken away. It never changes. Sir, you mentioned you haven't touched a weapon in so many years. Your military career, you handled that weapon in over 20 years even if it was an annual qualification at the minimum. Senator Aguon same thing, most recently his tour in Afghanistan, my term in Afghanistan. That's knowledge we will have for the rest of our lives. How current is it? Yeah, we may get a little rusty, but the basics for responsible firearms handling never disappears. It never disappears, because especially for



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY***I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*

because especially for those of us in the military it is so engrained. So that should negate some of that concern there. General population, non veteran individuals yes it's part of responsible firearms ownership that you become familiar with the weapon, make the time to learn it, set aside the money to purchase the ammo so you can practice with it that firearm so you can responsibly handle it. That's all part of the responsibility of the individual whether they be a law abiding citizen or what ever. Some of your concerns sir, that you take it out of that perception stage and actually try to put it back into perspective and make it more relevant. So, hopefully, I stated some things that state the gesture, your perceptions on it. I thank you for the time. I didn't intend on getting into this. Again, I thank you for your time."

**Mr. Stanley Wilson**

"I just have one more comment that was brought to my attention regarding the currency of training. I'm sure that you, just like me, last time I renewed my driver's license we finished that driving class all over again and took the test. Your training in turn getting a drivers license is enhanced in my case the 56 years that I had a drivers license. Everytime I get into a car and the same thing as scuba diving. I am an avid scuba diver a couple thousand, two thousand dives I go through a mental process every time I jump into the water. What do I do if this happens? What do I do then if this happened? I go through this process to be really on top and aware of what I am doing. I own a bunch of guns. I shoot often. Every time I touch one I go through the process. Is it loaded? Is it unloaded? Is it really unloaded? Every time I handle a firearm, I think about my training, my knowledge, my skill set. So while I don't particularly have an issue with having training current and I'm not sure it's really necessary. Just like when you get into a car or go scuba diving that training comes back. It is with you and it stay with you and actually is enhanced every time you participate in that activity. Thank you."

**Senator Frank B. Aguon, Jr.**

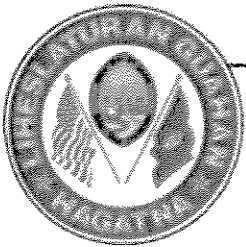
"Thank you Mr. Wilson, Mr. Gibbons."

**Mr. Robert Gibbons**

"Yes, actually I just wanted to expand on that a little bit. 22 years in the air force. I started firing firearms when I was five when I started learning how to fire 22's. 22 years in the air force, fire expert 18 times. I am never going to forget how to do that. Retired from the air force in 88. I go to the range probably once every two months or so. To say that I have to have recurring training to continue something that I have been doing for 60 years and in 60 years I never had a misfire. I've never had a gun go off accidentally when cleaning or breaking down or whatever making sure your gun is empty whatever. These are all just in inherit things that are just there. You will never forget it."

**Senator Frank B. Aguon, Jr.**

"Thank you very much, Mr. Gibbons. Speaker Pangelinan. Senator Ada to close out the bill."

**Senator Thomas C. Ada**

"I just want to commend the panel for all the testimonies you gave. I think I did a good job in promoting the bill to move it forward and if I was a little off mark I think I have a better focus now on the bill itself. I thank you very much for that."

**Senator Frank B. Aguon, Jr.**

"Thank you very much senator Ada. Gentlemen if you can just stand by for a little bit."

**Senator Vicente (ben) C. Pangellinan**

"Thank you very much if you can forgive my ignorance I guess on this issue but when you say concealed armed permits, it's a loaded concealed arm permit?"

**Mr. Stanley Wilson**

"There's no reason to have it unloaded."

**Senator Vicente (ben) C. Pangellinan**

"That's what I thought and so it's ready to fire."

**Mr. Rohry Tenorio**

"Actually senator in reference to your question. Depending on the type of firearm whether it be a revolver and or a pistol you can carry a pistol in what they call certain levels of conditions of safety where it is not ready to fire even if you are carrying it. One you have to chamber around to prepare it to fire of you can carry it with an empty chamber. Where as a revolver, a revolver is a different story. If you have all the cylinders filled with ammunition then yes you are ready to go, but most people practice to safety feature of a carried weapon with one of the revolver chambers empty so you have to actually cycle it to make it ready to fire. So that is the nature of your knowledge and your safety protocol that you learned and that you practice. So, a perception, is this ready to go?"

**Senator Vicente (ben) C. Pangellinan**

"So the difference is a revolver has a revolving chamber? And a pistol has a magazine?"

**Mr. Rohry Tenorio**

"The difference is a revolver has a revolving chamber and a pistol has a magazine."

**Senator Vicente (ben) C. Pangellinan**

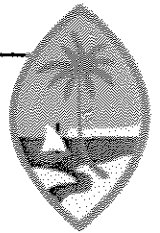
"Ok."

**Mr. Rohry Tenorio**

"The thing is that they can both be rendered safe by not having a round in the chamber and not ready to go."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Vicente (ben) C. Pangelinan**

"I just want to know what to buy and what not to buy."

**Mr. Rohry Tenorio**

"Again, sir, its in material which one you buy what is important is that you make the time and put aside the money to buy the ammuniton so that you can learn that weapon and understand it, become familiar with it and be able to handle it responsibly."

**Senator Vicente (ben) C. Pangelinan**

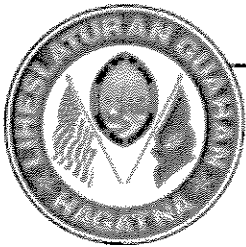
"I'm saying that eventhough I've had people burgularize my home while I am in my home over three times in the last 18 months maybe 12 months and we have not caught a single one yet. so I didn't know about phil saying the guy that they catch committed 20 burgularies, 3 of those are mine.'

**Mr. Rohry Tenorio**

"Well senator, you have been very fortunate."

**Senator Vicente (ben) C. Pangelinan**

"Yes, absolutely, I am fortunate. I didn't have a gun he could take and use against me. I am fortunate he didn't have a gun coming in. at least I don't know he did cause we never caught him. But it's been fortunate and luck and a lot of prayers that go. One of the things that I also want to take a look at. I understand the training and all that and the people in this room are responsibl;e gun owners. We don't have any criminals coming in here and testifying on this bill, so everyone here testifying and present are given the benefit of the doubt and presume that all are responsible gun ownbers. They want to see that gun ownership requires responsibility and they want to assure the community and this is something good because of the requirement for responsible ownership. The philosophy of owning guns is completely separate, debate in terms on what it does and so fourth. But I do want to say that even though we have responsible gun owners, on the issue of currency and training and reminding of the process, the checklist that you go through, we've had police officers cleaning their guns and they go off, they handle it everyday, they qualify. I don't know how often they have to qualify but accidents do occur and repetition is the key to learning so maybe the currency of the training should be something to be considered just because even though the knowledge never disappears, the proficiency may do so with out handling it on consistency basis so that's where this issue of maybe some kind of currency or recentness of the training program be beneficial to enhance responsibility in the gun ownership. So that's just my perspective of that as I've read stories of tragic accidents. You know young boys take his dad's gun. A police officer goes out and shoots his neighbor and again there is nobody that should be more of a responsible gun owner than a police officer cause it s a matter of life and death for ownership of that gun and the safety of the community, but those kind of things occur so again maybe some kind of continued and maybe those are just tragic accidents that. Well, accidents can always be avoided with training. Maybe that's where this issue can be looked at more carefully. As Stan had mentioned and the individuals that

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



mentioned that you are doing that on your own because of your desire to ensure that not only are you safe but your family are safe when you have a weapon in the house or available to be accessed. So I just want to thank the panel again it was very informative for me who is not familiar with many of our community's on guns and their ownership and responsibilities associated with those ownerships. I thank you for those very important testimonies."

**Mr. Stanley Wilson**

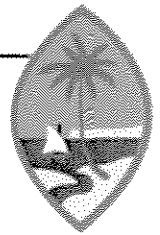
"Also, I would like to add one thing. I took two NRA classes locally and recently. The first one was general gun safety. The second one was focused basically on concealed carry by the NRA licensed instructor following NRA guidelines and materials. It focused to some extent on the local law and we learned a little bit about Guam Law as it leads to gun ownership but it also focused on a lot on the duties and responsibilities. If there's any options to walk away to get away and you're not a policeman, you are not a police officer, but it's really the last resort and that class was useful to me in anticipation to getting my concealed carry permit. It really makes you think about the fact that when I leave my home put my gun underneath my shirt and walk out of the house. I think about the fact that this is something. This is not a toy. It's not that I can be macho now and tell that guy that he can go to hell too. It's not that at all. It's that last resort and so it's conceivable to me and I am going against what some of my fellow gun owners are saying is that somehow or another maybe the law would be tweaked a bit to say that a course focusing on concealed carrying should be part of your background whether it's last month or ten years ago that doesn't leave you. I mean it really doesn't. Similar to the driving course we took years ago when we learned to drive mom's car. It does stick with you and I want to indicate that the class I did take was very useful concealed carry permit holder."

**Mr. Rohry Tenorio**

"Senator, just a couple of things. You mentioned that in your personal experience you didn't experience having a weapon that they could take and use against you. I don't want to make light of a situation. In many cases, most recently, Miss Nancy Mafnas where it wasn't a fire arm used against her it was the pipe she was using to defend herself. So again we don't want to generalize and attribute that only to fire arms. Within our homes we have many instruments that we can use to defend ourselves, brass lamps, kitchen utensils, but more importantly it's our mind that we have to use our minds to defend ourselves. That is inherent in our genetic make up to survive whatever it will take. As a service member, having been in combat zone maybe my thought process is influenced by that, but again it's the material anything can be used against us to defend yourself. You mentioned the currency of your training, I don't have a problem but this is all part of the process. We are just trying to refine an existing process. We are not trying to take it away. We are trying to keep from stumbling over our feet in regards to the process. One thing we need to be careful of when we talk about required training eventually that we have to be careful that does not incur additional cost to the government to ensure that that training is done. If there is no private sector to do that then it becomes the responsibility of the government of Guam, i.e., GPD to provide that training because it is required by law. So we want to make sure we do not incur anymore cost to our taxpayers by creating a new law duplicitous in

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



in nature and really not necessary which is creating more problems for ourselves. So I have a little concern for making a required training."

**Senator Vicente (ben) C. Pangelinan**

"I understand and I thank you for that. I said I didn't want to debate the issue of gun ownership and non gun ownership but it's kind of driving me into the direction because when you look at it and describe owning guns and its expenses so the average citizen may not be able to afford a gun, a concealed weapon in order to defend himself even if he wants to and it's only reserved for those with better economic needs. Again, I don't want to argue that but the way you presented those arguments are those already creeping in my mind that shouldn't be there based on this bill is what I am trying to say. That is why I want to thank you for the focus on what this bill will do, what the current law allows and doesn't allow, what the current law covers and doesn't cover and how this may enhance the current law with proven gun safety and gun ownership under a concealed weapons permit so I thank you for that kind of input."

**Senator Frank B. Aguon, Jr.**

"Thank you Speaker Pangelinan. Do me a favor Mr. Young if I can just have Senator Morrison pose his question first then if you would like to comment. Senator Morrison?"

**Senator Tommy Morrison**

"Thank you Mr. Chair. I just wanted to touch upon 41 states you say have similar arrangements and guidelines. Do those states have reciprocity agreements or do they handle these in line or can you just go to another state and you also mentioned that he's applying for a permit to florida via the internet so when I read this here by a guam certified international rifle association certified firearms instructor so at least if you had that in place would that also qualify from state to state or?"

**Mr. Kenneth Gibbons**

"Many states do have reciprocity amongst themselves but to gain reciprocity for Guam within the 50 but we are not. That is something that would have to be judicated between the attorney general of each territory and state but yes many states offer reciporocity for concealed permit holders like if I had a concealed carry permit from Florida that would be recognized in Georgia, Washington or what not. So yes there is reciprocity amongst the states."

**Mr. Stanley Wilson**

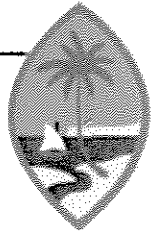
"The president of GSFF just returned from Florida from a shooting match a few days ago an dhe indicated to me on the phone that his concealed carry permit for Guam is valid in Florida so Florida does recognize it."

**Senator Tommy Morrison**

"But those arrangements are made through the attorney general's office, state to state? Thank you Mr. Chair."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Frank B. Aguon, Jr.**

"Mr. Young, I understand you had a comment you wanted to add?"

**Mr. Jason Young**

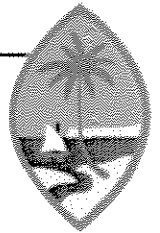
"Just to generally add to this, I just wanted to say a few months back I was in Tumon, it was a Friday Saturday night I don't remember exactly but I've been drinking did not carry my firearm. I leave that at home when I go out. Like I said, I was down in Tumon and a group of guys came just drove into where we were at and hopped out of their car and just started yelling at people walking on the street near the bar where we were at and just started drawing people and attacking people randomly. I got beat up and a couple of my friends got beat up. I mean it was not a great night for us but we were sitting there and like I said I this weren't just people who got a cost of this. These were people who were walking along the street randomly and one of these people pulled a knife and this was before the fight had started and we already called the police and this bar was one hundred yards from a police station. One hundred yards I mean it was that close I could literally hit it with a golf ball. And we called the police and the fight ensued. Someone already had pulled a knife. They didn't stab somebody at this altercation but they when to the immediate bar next door and stabbed an active duty serviceman and it was in the news and we all talked about this. It goes back to saying the police cannot be there all the time even when the police are very, very close. They still cannot be there all the time and it worries me a little bit. I was involved in a situation. I didn't arm myself because I wasn't in the proper state of mind to be carrying a firearm, but in that situation I could have been easily walking in the street as I often do in tumon at that time and that guy could have stabbed me or somebody else and the police had already been called. It's just one of those things to protect yourself is important and it's not just with firearms. We saw the jogger that was attacked just two weeks ago now. It's not just about firearms. It's about knowing how to protect yourself. He should have dropped his wallet and ran the other way but instead he was very trusting and wanted to talk to the guys. He was right across the street from a store he could have ran into or a church or a school. So when we talk about protecting ourselves we obviously advocate very hard on the side of concealed weapons but our group and a lot of other groups also advocates for general self awareness to protect yourself. Firearms is not the only means but is a very important one and in concert with that we are very interested in that and other means to protect ourselves and promote that where as we don't see it a lot with other people where we'll just go after the criminals later."

**Senator Frank B. Aguon, Jr.**

"Thank you very much Mr. Young and gentlemen and thank you very much for your testimony this morning. We are going to proceed. We still have other individuals who would like to provide testimony for this particular legislation on bill 296. If I can invite Mr. Fred Bordallo, Guam Police Department, Scott Bachlder, Chief Deputy Attorney General Phil Tydingco, Gregg Massey and Diane Bachdler and Henry Rafon. Please excuse me if by any chance I mistakenly mispronounce your name. Fred Bordallo, Scott Bachlder, Phil Tydingco, Gregg Massey and Diane Bachdler and Henry Rafon. Chief if you can open up discussion. Please identify yourself for the record and proceed.

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Mr. Fred Bordallo**

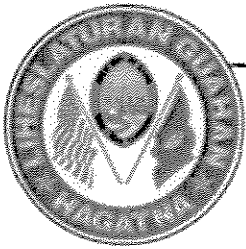
"My name is Fred Bordallo, I am the chief of police for the Guam Police Department. I just want to go ahead and read my testimony for bill 296. Good Morning Senator Frank Aguon, Senator Tom Ada, Senator Ben Pangelinan, Senator Tommy Morrison, Senator Chris Duenas, Senator Brant McCreddie and Senator Tony Ada. Dear Senator Aguon and members of the committee. Buenas yan Hafa Adai. The Guam Police Department, GPD, has reviewed and supports the intent of Bill No. 296-32, an act to amend section 60109 and add a new Section 60109.1 to Chapter 60, Title 10, Guam Code Annotated (GCA), relative to concealed firearms licensing. The Guam Police Department's support is primarily based on the position that the current language of the concealed firearms provision may be judicially challenged by individuals and organizations of the community who advocate their rights to bear arms and their claims that changes of the current language is necessary to be consistent with the 2<sup>nd</sup> amendment of the United States Constitution. However, the Guam Police Department recommends that certain provisions of this legislation be modified for the purpose of effectively reducing firearm safety violations. Furthermore, several GPD Command Staff propose the following amendments and recommendations for your consideration. Concealed firearms license shall be valid for a period of 3 years to coincide with the current non concealed firearms and concealed firearms license. Penalties for violations of this act shall coincide with the initial cost as stipulated in the current fee schedule to possess a concealed firearms license. A repeat violation within the period of validity of the concealed firearms license shall constitute the revocation of the license for a period not to exceed three years. The holder of a concealed firearms license who is formally charged with crime punishable by imprisonment exceeding one year shall have his or her license revoked pending the adjudication process. In the event of a court conviction, the license shall be revoked permanently. A person is ineligible for the concealed firearms license who is undergoing civil and or criminal proceedings with respect to the uniform controlled substance act, safe streets act and criminal offenses involving theft, injury or death. A person is ineligible for the concealed firearms license who has been dishonorably discharged from the United States Military. Firearms training and safety and proficiency. Your consideration of the proposed amendments will enhance some accountability and control mechanisms in the best interest of our community. We thank you for giving us the opportunity to provide our comment on this bill."

**Senator Frank B. Aguon, Jr.**

"Thank you very much chief bordallo. If you can identify yourself for the record."

**Mr. Darryl Pierce**

"Hello Senator, My name is Darryl Pierce. Unlike everyone else here, they have their military background, they have much more experience than me. I am relatively new to the firearms community. I am certified gunsmith. I did work for a firearms manufacturer for a little while. While working with them we had to go through extensive manipulation of the firearm making sure everything was safe not only for us but for the customers. We had quite a few people come in encouraging concealed carrying above open carry because of the fact that it makes you a target. Everything that I thought about saying has already been said. All I can say is that the reason I believe Guam needs

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



to change their policy because there are a lot of people who do own firearms who are not able even though they own firearms who are not able to protect themselves because they are unable to carry because they refuse to open carry. They know that open carry makes you a target. Unless of course you are a business owner, carrying in your business I suppose that is alright as far as everyday normal citizen people freak out when they see a gun. It pulls GPD resources and stuff like that for them to respond to something like that when its lawful to begin with. I guess that is all I really have to say."

**Mr. Greg Massey**

"Morning Senators. I had to take a lunch early because I am representing not as a department as I normally would from this body, but as a private citizen. I though I was going to be the only person in the room but the room was full. All the stuff I was going to say got said already like a lot of speakers but I do have a couple I guess possible amendments. I did notice on page seven of the bill it exempts correctional officers, law enforcement officers, probation officers from the required fees. I'd like to suggest also that maybe adding in regulatory law enforcement officers like myself. Again, I am not representing the department today but in my private life I am sometimes concerned about my safety because if my job in the Government of Guam as a an investigator for the government. In a regulatory field and am sure people in public health and other areas that affect businesses we get into human trafficking issues basically pointing the finger at people who get arrested for immigration violations and things like that. Once you become really effective at the job. Unlike a peace officer you don't have that firearm when you go home. With me, I'd like to be able to protect myself if in the event because maybe some of the reasons I need to do that is because of my job. I would like to suggest maybe adding in regulatory law enforcement officially be a regulatory law enforcement into the list of people getting exempt from the fees. The other thing that I had was I heard a lot about training and I heard this one person say before with the old law those with the money, I don't know where that came from but those with the money are those that can get the permit. This seems to be the case also right now because if the training I heard one guy say that you have to get ammo and it cost hundreds of dollars to get this training. I think that's going to put a lot of people, regular people like me, I consider myself a regular person who works paycheck to paycheck and as much as I need the permit, if I am going to spend six hundred dollars plus on top of that the cost of a gun and the ammunition is expensive and I am going to have to do that constantly I am not going to get the permit just like I don't have it right now. So, that was just something to consider on the training aspect. I don't know if you want to cap the cost of training or maybe make some type of training available though government sources I don't know. It's just something to think about for the person who doesn't have 5 or 10 guns or whop doesn't have a business and wants to be able to protect themselves and that is all I have. Thank you for your time."

**Senator Frank B. Aguon, Jr.**

"Thank you very much for your testimony this morning. Mr. Tydingco."

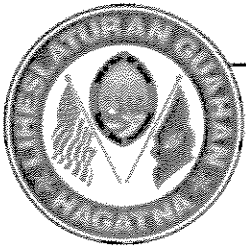


**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Mr. Phil Tydingco**

“Good Morning Chairman Aguon and Honorable Senators. Phil Tydingco on behalf of General Leonardo Rapadas, Office of the attorney general. As part of full disclosure, General Rapadas is also an NRA member so I just wanted to disclose that. However, we support the concept of the bill providing consistency in the law for people who apply for certain license. There should be some objectivity to it to the current statute allows for subjective decision making. Curiously the bill proposes exceptional cause allowance yet it doesn't require any of the requirements under subsection b. You could still request and the chief could still give it to you without having and the way I read this bill, unless there is another lawyer here to dispute that, the way I read the bill, the chief could still give it to me and I wouldn't have to under go any of the requirements that are listed in subsection b. So I point that out if you want to reconcile that or keep it that's fine. It seems to me if the whole purpose is to have these background requirements, training requirements to put some objectivity on it make sure that whoever receives a concealed license, I have a concealed license, but I am not required to undergo any of that training. So it would seem to me that you would want to be consistent. Require that in subsection a even though they have an exceptional cause or just take it out what ever. So again I am just pointing the legal analysis of this bill. The Attorney General and our department also believes that the statute should still require as part of the reapplication process an automatic background check. The background check on seems to occur when your license has expired the way I have read this statute. I am not talking about training cause I heard that whole discussion and that is not where we are coming from because obviously it makes sense, to have the basic training the required training you may not necessarily need it for maintaining or renewing your license but certainly how are we to find out when you are renewing without conducting a background check? Whether you've become an incapacitated mentally or you have a suspended sentence for substance abuse charge or you've committed a crime or any of those factors that would disqualify you from renewing your concealed firearms weapon license. Wherever it references criminal justice standards I believe it's called training commission standards. I believe its called Post. So I think we should make that consistent because there is no such refer to as the Post commission if I recall correctly and all the reference to the fees I think a good suggestion would be to put language there that would let GPD develop those fees. I noticed you put fees in there things like guess work. It seems to me the promulgating fees pursuant to the AAA. You could put that language in there. So it gives it flexibility you know if this becomes law five years from now is it still going to be \$15 I mean, we would have to go back and pass another law to try and meet the administrative cause of that so I would suggest that perhaps we put the language that offers GPD the flexibility to adjust fees pursuant to the AAA process. Wherever there is a reference to the fees. Once you put the fees in there it's carved in stone. We pass another law to change I don't see any reference to renewing to change these fees pursuant to the AAA. So I think there should be some flexibility there. I wasn't quite sure if this was going to be consistent with the other statutes having been amended, for example, the private security, the armed training law, that's out there whether those folks trained will automatically be eligible to meet the training requirement and I think they do when they apply for a concealed weapon. I believe too in page 9 that requiring GPD to mail out written notices to remind people that your license is expired, revenue and tax doesn't even do that

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



anymore because it costs too much money and it would be an unfunded impact on GPD so I think its up to the individual to know when the license will expire. I mean we do that for driver's licenses and registrations. They don't mail them out anymore so I would submit that on line 17 through 28 might be a resource impact upon GPD and I noticed on page 10, line 16-27, about trying to cover circumstances under which a person may not be permitted to carry weapon or concealed firearm into their place. You might want to include some other things that allow any facility whether it's government or public to generally if they decide to prohibit weapons here because you really only identified 7 settings. It seems to me that if I had a business I would prohibit people from having guns on my property. You don't necessarily cover that so perhaps some general language that says more of a premise may prohibit that and have necessary signs up. Once you start putting this into law they're going to say, "well, this is not on the list so I can walk into a movie theater." I don't know maybe the ownership can decide that for themselves. It is something to think about. It is a possibility. And that is more of our technical input to put into the statute but we support the statute which would objectively provide for law abiding folks to receive a concealed firearms license and we just ask that all the technical issues that are raised by people to make it a better statute. Senator, thank you."

**Senator Frank B. Aguon**

"Thank you very much Mr. Tydingco. Before I open the floor I would like to if there are anyone else in the audience who would like to provide testimony on this particular measure. I would like to invite you up to the table. Aside from that Senator Tony Ada any questions for members of the panel?"

**Senator V. Anthony Ada**

"No Mr. Chair. I would just like to thank them for their input. Once again the Chief of Police for his testimony. The AG continue to work with the Committee on Bill 296. Thank you Mr. Chair."

**Senator Frank B. Aguon, Jr.**

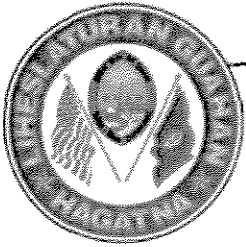
"Thank you Senators. Mr. AG? Please if I can just ask you. Speaker Pangelinan?"

**Senator Vicente (ben) C. Pangelinan**

"Phil, you mentioned of course the background check and so forth. Are any of the states that allow this issue or allow concealed weapons require applicants to be published in the newspaper? I go back to I don't know why but we require marriage license applications to be published in the daily news or in the news paper you know because the back ground check process is just so not perfect, it's very very far from perfect. So given this issue of some of the currency of training. The background on probation up to three years you are okay what would be the general feeling of requiring applicants of concealed permits to be published in the paper as a condition?"

**Mr. Phil Tydingco**

"I don't know the answer to that. I don't know the jurisdictions that require that."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA TRENDAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Vicente (ben) C. Pangelinan**

"How else would...my neighbor and I have been in dispute for many many years and he keeps threatening me and he doesn't have a gun then all of a sudden he goes and applies for a gun then maybe I should be worried. You I am just asking. I know issues like that deserve maybe some discussion and feed back from the responsible gun owners."

**Mr. Robert Gibbons**

"There was recently a case I believe it was Georgia where a sherrif refused to give the names the listing of his county's firearms owners. Not just concealed but firearms owners too. The general consensus is that when new York published in the news paper when they published a list of all the gun owners. When you do that you let all the criminals know all the houses that have the guns so you can go and steal all the guns. Just make sure they go to the movies or a working or something. There's the house that got the guns to steal. And the same thing when we don't want to carry open because we become a target. When we publish in the newspaper "well Rob Gibbons has a concealed carry." You just negated the fact that I have a concealed carry, everyone knows now I have a gun now. And then I am a target again."

**Senator Vicente (ben) C. Pangelinan**

"I'm talking about application just when you apply whether they approve it or not. I'm not saying publish the approve applications so you can get your neighbors input. I don't know. Or you know your boyfriend that is going through a...or you are going through a divorce and your husband is telling you all this stuff and there is nothing there. You know he is making threats and so fourth you know against you and your new boyfriend and all of sudden he is applying for a gun. So that can give some kind of feed back through the process background check."

**Mr. Stanley Wilson**

"Background checks are currently required to get your firearms id card. And so that is being done. The fact is that if the government wants to publish that list, I think they should issue me a sign that I could put on my front yard that says, "Ben doesn't have a gun." So the criminals can go rob you and not me. Pretty much every responsible gun owner according to testimony. The right to own a gun is in the constitution and so if you have potential enemies, next door neighbors you should just presume that they have a gun. I mean you could get a gun if you have a clean criminal record you could own a gun and have it in your house. You cant carry it on your person unless you have a concealed carry permit, which is another process. But, I think it is a terrible idea to publish the list of applicants."

**Senator Vicente (ben) C. Pangelinan**

"So maybe not concealed but just gun."

**Mr. Stanley Wilson**

"I mean that is a terrible idea to publish the list. Either owners or applicants whatever."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Senator Frank B. Aguon, Jr.**

"Thank you Mr. Wilson. Gentlemen can you please?"

**Mr. Gary Hickenbottom**

"Senator, I just want to find out when the stupidity when it happened in New York was that it identified every single law enforcement or person that was required to carry a weapon showed where they lived. That means that every criminal that had been arrested by a cop, police officer, an undercover agent, their homes, their families were now targeted."

**Senator Vicente (ben) C. Pangelinan**

"Well not publish the addresses."

**Mr. Gary Hickenbottom**

"Well, that is what they did. I mean all it does is open the doors for criminals and it's stupid. I mean it's a danger. I don't think police officers would like everybody to know where they live."

**Mr. Fred Bordallo**

"Yes, I would say that we hadn't had any formal request for the list of those who have been issued a firearms carry card which is the first step. We hadn't had a formal request. If we had a formal request from the PDN or any individual saying they want a listing of names of who's been issued the firearms identification card we always coordinate with the attorney generals office whether it's releasable."

**Senator Frank B. Aguon, Jr.**

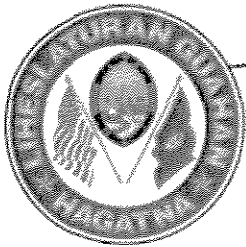
"Mr. Tenorio?"

**Mr. Rohry Tenorio**

"I would ask one question: to what purpose would it serve? And there is a potential for a violation of the privacy act of 1974 by doing so, which would put our police department in violation of federal law and subject to potential civil and federal suits. So again, I would ask to what purpose would that serve to release that information?"

**Senator Vicente (ben) C. Pangelinan**

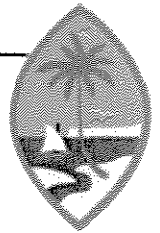
"The purpose is so that if I have a neighbor as I said you know not a good neighbor who we kind of get into it every once in a while and so fourth and then all of a sudden I see that he goes and applies for a gun and I need to get notice that now he has a more effective way of you know settling the argument with me and he may be unstable and you can't tell whether the person is stable or not. It's hard to decide whether that person is unstable at least we now know that the person he is associated with is okay I am going to tell the chief of police make sure you check his mental state, that he provides a certification from a psychiatrist or whatever. You know what I mean? So it enhances the



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



background check over and beyond the current official records and provides the community record of that person and his relationship with people in the community.”

**Mr. Rohry Tenorio**

“I would submit that Senator, we have that process in place where an individual has been threatened by their neighbor or that they feel they are threatened by their neighbor, they can report it to the proper authorities if they have a concern and it could be looked into.”

**Senator Vicente (ben) Pangelinan**

“But that doesn’t show in the background check.”

**Mr. Rohry Tenorio**

“There is an official report that an individual has been reported for having threatened someone and that would show up in the background check because there would now be a police record of that incident or the police.”

**Senator Vicente (ben) C. Pangelinan**

“I think this is saying for those that are convicted, not those who have a charge against them or because even a police clearance doesn’t show an arrest. It only shows a conviction.”

**Mr. Rohry Tenorio**

“if they were arrested sir then they wouldn’t be able to own a firearm to begin with. They would not be able to apply for a conceal weapon permit because they are not eligible.”

**Senator Vicente (ben) C. Pangelinan**

“Is that what’s in the background check requirement now?”

**Mr. Rohry Tenorio**

“I would have to defer that to the chief of police to see what their procedure is. “

**Mr. Fred Bordallo**

“The procedure for the background check for any individuals coming and applying for a firearms identification so they can have a firearm is they have to fill out a particular application which asks several questions. They can be charged for falsification if they are deceptive or put something that is false on that application and it ranges from if you have ever been charged for a misdemeanor, felony or if you have ever been convicted. That’s where it says if you have ever been charged for a misdemeanor or for a felony.”

**Senator Vicente (ben) C. Pangelinan**

“Charged by who?”

**Mr. Fred Bordallo**

"Like arrested by the attorney general's office. The continuation of that is that their finger prints are taken. Then after that it is sent off to the FBI for nor a national crime check up which is a nationwide database that the FBI has that can determine whether they are a military, absent without leave or anything in the data base or have any charges pending against them in any of the other 50 states in terms of the."

**Senator Frank B. Aguon, Jr.**

"I am sorry Mr. Schnable, if you can speak into the mic because everything is being recorded."

**Mr. Brian Schnable**

"If you look at the statistics maybe you can find that concealed firearms owners do not attack, they defend. Wee don't have a record of concealed firearms owners who have gotten concealed firearms permits so that they can attack they're neighbor. And then the other thing is that if you have criminal intent you're not going to take NRA training course and get registered and announce to the community that you're a concealed carry or police department. You are going to get that firearm illegally. That is also statistically proven. I think the senators concerns are not very strongly founded."

**Senator Frank B. Aguon, Jr.**

"That is the nature of the public hearing process, so you can share perspectives. Mr. Gibbons, I noticed you grabbed the chair if you would like to make some final comments."

**Mr. Kenneth Gibbons**

"Senator Pangelinan voiced his concerns or his desires to have the names published of the individual who applied for a concealed firearms id."

**Senator Vicente (ben) C. Pangelinan**

"I am not posing a desire, I am asking a question. To see whether or not it makes sense and what are the reasons why does this happen in other jurisdictions if it doesn't, why not and so fourth. I am not stating a position that I am going to amend the bill through require publication. I am asking is that a good idea or not?"

**Mr. Kenneth Gibbons**

"Okay, to answer your question, in short...No it is not. Definitely not a good idea."

**Senator Vicente (ben) C. Pangelinan**

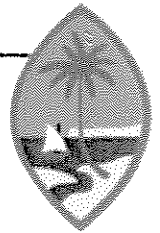
"Thank you."

**Senator Frank B. Aguon, Jr.**

"Thank you very much."

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Mr. Gary Hickenbottom**

"Senator, I know that we already talked about it many times in this national identification check. Guam has some of the most restricted rules and laws that we have in the states. My recent purchase a year and a half ago everytime you go to Carraba to buy a weapon ,they are not going to sell you a weapon til they do a nip check, that means they go all the way to the FBI. Like the chief says, that is up to date. They have access. If I walk in there and say, "my buddy next door is weird," he may not arrest him but he may know. He is going to have a record. He'll be suspicious and if he goes and tries to buy a weapon the chief will know. This thing is going to go nationa wide about tryiong to push for a background check is stupid because we have the nic in place for 25 years. I had this for my business when I was selling weapons for my business in Washington state. The state law there for pistols was I had to call and do my nic check. I had to fill out a form for the state of Washington. I had to wait three days. I had to get follow up from the police. Then I could release the weapon. That has been going on for 25 years. So there is no reason for a background check. It is already in place when you buy a weapon and here because we have such strict laws every time you buy every weapon, they are going to recheck you."

**Senator Vicente (ben) C. Pangelinan**

"I am saying also that when you look at the shooting that have occurred in public places and so forth and a lot of them guns were bought legally. Guns were bought with a nic check and the stability of that person. In that respect it was not the gun. So what I am saying is that shouldn't society be more involved in making a determination whether that individual is mentally stable to own or carry that gun or to have access to that gun? And let's not debate on this bill and I am sorry we are kind of getting into that, but I think those are some of the issues and concerns that we have to face and resolve for ourselves and thanks for the input. I think I have received some very good input here. Certainly, a lot of education when it comes to guns and gun ownership because it hasn't been in my background to be able to deal with these."

**Mr. Stanley Wilson**

"I think with some publication or public input that would prohibit from owning a gun, I think very few divorced men will ever own a gun. I think the system is in place. One of the debates nationally is to require the background check that the gun store to do with the ATF, not the FBI. He call ATF and he gets one of 3 words...No, hold or proceed. And if it is proceed which it normally is then he can transfer to me and I have 3 days to register with the police department. The other thing that Guam has, for example, the issue is gun shows where people are trading among themselves that requirement doesn't exist in the United States. It exist here. I can't sell a gun to anybody unless I bring myself and my gun and the certificate of registration for that gun to the armory and then we fill out paperwork and then that person goes to the firearms and id section in the ITC building and reregisters the gun under his name. So we have some really good strong controls in place and it really isn't the legal registered gun owner that we should all be worried about. It's the people who are getting them from the back of people's pick up or out of Ben's house when they break in. "

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Mr. Fred Bordallo**

"If I can add to the ATF gun tracing program is a very strong thing that we do. We actually had a policy in place in 2004 to implement gun tracing licensing for all firearms that are confiscated and for all firearms that we hold safe keeping. Sometime we get hit. And that just cover any particular gaps because as people do these transactions they're buying a gun owner to another gun owner sometimes you just never know that the other gun owner is selling it to another one if they are trying to do some trick. We have had some people some people sold a car and they found out that car wasn't really the sticker was a fraudulant and had a different sticker. So those are just the gaps that we try to cover and tracing policy that we have in the police department in the event someone gets a hit. It's an investigative process we can use."

**Senator Frank B. Aguon, Jr.**

"Thank you Chief Bordallo. We do have one more individual. Mr. AG I do have a follow up question for you. Please if you can identify yourself and proceed with your statement. "

**Mrs. Sylvie Alvarez**

"Yes, my name is Sofi Alvarez and I just wanted to state in regards to publishing names. Guam is small. If you publish somebody's name, they don't need an address, they don't need a phone number, they most probably will figure out who you are. As a female, I don't want people to know that I am carrying concealed. It is my right. If I pass all the requirements I should be able to carry it and be a responsible person with it and not to have everybody know and my neighbor know that I am carrying or not. That is a privacy issue that I have."

**Senator Frank B. Aguon, Jr.**

"Thank you very much Mrs. Alvarez. Thank you very much folks for your testimony this morning. Just a quick question Mr. AG, the statements and chief I appreciate your perspective in terms of enhancing the legislation but there is one recommendation that you have or two that reads, "holder of a concealed firearms license who was formally charged with a crime punishable by imprisonment exceeding 1 year shall have his or her license revoked pending the adjudication process and then continues in the event of a court conviction the license shall be revoked permanently. Now when someone is charged isn't that where the judge has the discretion to make a decision in fact whether that individual should that individual have a firearm?"

**Mr. Phil Tydingco**

"It depends like in the family violence law. The statute requires that all their weapons be turned in and all that and I didn't get to have the chance to analyze the chief's suggestions about why he would want to temporarily suspend it prior to you pending charges. Currently, like in the domestic violence situation the law requires that you turn in all your weapons including your firearms license especially in the domestic violence situation. So the statute covers that, but I know when I read the chief's it said any crime punishable by one year or more usually in a felony section so I haven't



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given it anymore thought than that.”

**Senator Frank B. Aguon, Jr.**

“I was just under the impression that the AG’s office or a judge take those items into consideration.”

**Mr. Phil Tydingco**

“Yeah, especially in the domestic violence situation those are the requirements that they turn all those in upon when you are formally charged or you appear. When you are formally charged because when you are arrested there is no judge there.”

**Senator Frank B. Aguon, Jr.**

“Thank you very much gentlemen for your testimony this morning. Once again the committee will be accepting written testimony subsequent to this public hearing bill 296 for the next 10 days and the committee does reserve the right to call for a follow up and a continuous on this particular measure should the committee feel necessary the public is properly informed. This conclude our discussion on that particular legislation.”

*Public Hearing adjourned at 11:33AM*

### III. WRITTEN TESTIMONIES

The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans’ Affairs, Homeland Security and Judiciary before or after the scheduled Public Hearing on April 3, 2014 at 9:00AM:

1. Fred E. Bordallo, Jr., Chief of Police
2. Jason Young, Realtor
3. Brian Schaible, Private Citizen
4. Stanley C. Wilson, C.P.A.
5. Patrick O. Tomlinson, Private Citizen








### IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam US Military Relocation, Veterans’ Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 296-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran’s Affairs and Judiciary, with a recommendation REPORT OUT ONLY

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

Bill No. 296-32 (COR)

Introduced by:

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

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

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

2

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

4

5 **§60109. Concealed Firearms.**

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

8

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

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

4 or

5 (b) An applicant meets the requirements for a concealed firearms license as defined in  
6 §60109.1 of this Chapter.

7  
8  
9 **Section 2.** Section 60109.1 is *added* to 10GCA to read as follows:

10  
11 **§60109.1 Concealed Firearms, shall issue license.**

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

27  
28 (2) The Guam Police Department shall issue a license if the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 1. Issue the license; or

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) 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.

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

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

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

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan 132<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Thursday, April 3, 2014 @ 9:00AM**

**~~Bill No. 296-32 (COR)~~ – An Act to amend §6109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
✓ Gibbons, Robert	Guam Gun owners Assoc	777-2634			X	
✓ KENNETH GIBBONS	Guam Gun Owners Association	888-8848	✓		✓	
✓ Gary Hickenbottom	Retired Disabled Veteran	727-8254			✓	
✓ Darren Alvarez	NRA Instructor	777-1453			✓	
Ronnie Del. Sentes	self	6882214			✓	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
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NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
SYLVIE ALVAREZ		487-4651	✓		✓	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan 132<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
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**Bill No. 296-32 (COR) – An Act to amend §6109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
✓ ROBBY E. TENORIO	SELF	929-5040	Ⓜ ✓	Ⓜ ✓	Ⓜ ✓	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan 132<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Thursday, April 3, 2014 @ 9:00AM**

**~~BILL No. 296-32 (COR)~~ – An Act to amend §6109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
✓ Stanley Wilson	Self	687-7440	✓	✓	✓	
✓ Brian Schauble	Self	797-6707	✓	✓	✓	
✓ Jason Young	Self	685-2059	✓	✓	✓	
✓ FRANK B. AGUON, JR	GSA	475-8500		✓	✓	
SCOTT A. BACHOLDER	SELF	797-9903			✓	



**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan* | 32<sup>nd</sup> Guam Legislature



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Thursday, April 3, 2014 @ 9:00AM**

**~~Bill No. 296-32 (CDR)~~ – An Act to amend §6109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
<del>Phil Tydings</del>	AGO					
<del>Barry Beare</del>						
<del>Greg Massey</del>		415-8805	✓		✓	
Nicole Bachler		797-0534			✓	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS'  
AFFAIRS HOMELAND SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan 132<sup>nd</sup> Guam Legislature*

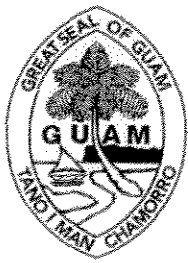


**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Thursday, April 3, 2014 @ 9:00AM**

**Bill No. 296-32 (COR)** – An Act to amend §6109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
HENRY RAFAW		488-7465				



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

# GUAM POLICE DEPARTMENT

*DIPATTAMENTON POLISIAN GUAHAN*

*Government of Guam*



FRED E. BORDALLO, JR.  
Chief of Police

MAURICE J.Q. SAYAMA, Colonel  
Police Commander

Bldg. 13-16A Mariner Avenue, Tiyan  
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Fax: (671) 472-4036

April 2, 2014

The Honorable Senator Frank B. Aguon, Jr., Chairperson; and  
Members, Committee on Guam U.S. Military Relocation,  
Homeland Security, Veterans' Affairs and Judiciary  
32<sup>nd</sup> Guam Legislature  
Suite 104, 155 Hesler Place  
Hågatña, Guam 96910

Subject: **Written Testimony**  
Re: **Bill No. 296-32 (COR)**

Dear Senator Aguon and Members of the Committee:

*Buenas yan Hafa Adai!* The Guam Police Department (GPD) has reviewed and supports the intent of Bill No. 296-32, *an act to amend Section 60109 and add a new Section 60109.1 to Chapter 60, Title 10, Guam Code Annotated (GCA), relative to concealed firearms licensing.* The Guam Police Department's support is primarily based on the position that the current language of the concealed firearms provision may be judicially challenged by individuals and organizations of the community who advocate their rights to bear arms and their claims that changes of the current language is necessary to be consistent with the 2<sup>nd</sup> Amendment of the United States Constitution. However, the Guam Police Department recommends that certain provisions of this legislation be modified for the purpose of effectively reducing firearm safety violations. Furthermore, several GPD Command Staff propose the following amendments and recommendations for your consideration:

- Concealed Firearms License shall be valid for a period of three (3) years to coincide with the current Non-Concealed Firearms and Concealed Firearms License. Penalties for violations of this act shall coincide with the initial cost as stipulated in the current Fee Schedule to possess a Concealed Firearms License. A repeat violation within the period of the validity of the Concealed Firearms License shall constitute the revocation of the license for a period not to exceed three (3) years.

The Honorable Frank B. Aguon, Jr., Chairperson; and Members, Committee on  
Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary  
32<sup>nd</sup> Guam Legislature  
Subject: Written Testimony Re: Bill 296-32(COR)  
April 2, 2014  
Page 2 of 2

- The holder of a Concealed Firearms License who is formally charged with a crime punishable by imprisonment exceeding (1) one year shall have his/her license revoked pending the adjudication process. In the event of a court conviction, the license shall be revoked permanently.
- A person is ineligible for the Concealed Firearms License who is undergoing civil and/or criminal proceedings with respect to the Uniform Controlled Substance Act, Safe Streets Act and criminal offenses involving theft, injury or death.
- A person is ineligible for the Concealed Firearms License who has been dishonorably discharged from the United States Military.
- Firearms Training and Safety Courses shall include firearms handling, safety and proficiency.

Your consideration of the proposed amendments will enhance some accountability and control mechanisms in the best interest of our community.

We thank you for giving us the opportunity to provide our comments on this Bill.  
*Dangkulo na si Yu'os ma'ase!*

Sincerely,



**FRED E. BORDALLO, JR.**  
Chief of Police



Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

**Fwd: public hearing bill 296-32**

Frank Aguon, Jr. <aguon4guam@gmail.com> Wed, Apr 2, 2014 at 5:03 PM  
To: William Iglesias <admin@frankaguonjr.com>  
Cc: Matt Topasna <policy@frankaguonjr.com>, "Fred R. Rico Taitague III" <committee@frankaguonjr.com>

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary  
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)  
155 Hesler Street  
Hagatna, Guam 96910  
email: aguon4guam@gmail.com  
Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Jason Young** <jason.young@guamhome.com>  
Date: Wed, Apr 2, 2014 at 3:03 PM  
Subject: public hearing bill 296-32  
To: "aguon4guam@gmail.com" <aguon4guam@gmail.com>

Buenas yan Håfa Adai,

I would like to submit testimony in support of bill 296-32 for the public hearing tomorrow.

Senseramente,  
Jason Young  
Today's Realty  
I'm never too busy for your referral

267 South Marine Drive Suite 3A  
Tamuning, GU 96913  
Cell: (671) 685-2059  
Email: jason.young@guamhome.com  
<http://www.jasonyoungrealtor.co>

This email message is intended for the use of the person(s) to whom it has been sent, and may contain information that is confidential or legally protected. If you are not the intended recipient or have received this message in error, you are not authorized to copy, distribute, or otherwise use this message or its attachments. Please notify the sender immediately by return e-mail and permanently delete this message and any attachments. The sender makes no warranty that this email is error or virus free. Thank you.  
Today's Realty Revised 10/30/2010

**Bill 296.docx**  
12K

## Bill 296-32

Senators,

Current Guam law regarding the concealed carrying of firearms lacks transparency, a clear process, and can languish in administrative bureaucracy for weeks or months at a time before the applicant is able to get any information from GPD about the status of their application. An overhaul of this system would not only benefit the people of Guam but also the Guam Police department. Bill 296-32 is what is needed to overhaul the current process for applying for a concealed weapons permit. This legislation has been well thought out and written, I would like to thank the senator and his cosponsors for taking up this issue and for reaching out to the stakeholders for input on this legislation. Bill 296-32 will not only apply a clear and transparent process for application of a concealed weapons permit it will include specific criteria and training that is either not defined in current law or absent from it altogether. This law will allow legal gun owners to exercise their second amendment rights in public without alarming others or identifying themselves as targets because they are armed. The passage of this bill furthers the rights of citizens to protect their families and themselves in public places. A requirement that every applicant takes a sanctioned course or has received training before they are able to qualify for the permit means people who carry concealed weapons are qualified to do so. I would also like to note that in no way has the greater availability of concealed weapons lead to an increase in crime of any kind, statistics actually show the opposite. When concealed carry is allowed states have statistically shown not only a reduction in violent crime but an overall reduction in all crime.

Thank you,

Jason Young



Senator Frank B. Aguon, Jr. Legislative Policy &lt;policy@frankaguonjr.com&gt;

---

**Fwd: Comments 4 bill 296**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Wed, Apr 2, 2014 at 5:12 PM

To: William Iglesias &lt;admin@frankaguonjr.com&gt;

Cc: Matt Topasna &lt;policy@frankaguonjr.com&gt;, "Fred R. Rico Taitague III" &lt;committee@frankaguonjr.com&gt;

Respectfully,

**SENATOR FRANK B. AGUON, JR.**Chairman, Committee on Guam-US Military Relocation, Homeland Security, Veterans Affairs, and Judiciary  
Mina Trentai Dos Na Liheslaturan Guahan (Thirty-Second Guam Legislature)

155 Hesler Street

Hagatna, Guam 96910

email: aguon4guam@gmail.com

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Brian Schaible** <brianatguam@yahoo.com>

Date: Wed, Apr 2, 2014 at 11:57 AM

Subject: Comments 4 bill 296

To: "aguon4guam@gmail.com" &lt;aguon4guam@gmail.com&gt;

Senator Augon,

This is Brian Schaible, I will be attending the hearing.

The following are my comments for the hearing. God bless you Senator.

My fellow citizens.

Legislation has been issued jointly by six Guam senators to change the concealed carry firearms regulations to make these regulations shall issue with reasonable provisions.

The passage of this law will allow all law abiding **and trained** citizens to have equal access and protection under the law.

These provisions are supported by the recent decisions in California and Hawaii by the Ninth Circuit Court of Appeals that "may issue policy" is discriminatory and unconstitutional under the Second Amendment.

We have a significant increase in violent crime in Guam. Numerous well established studies have shown that even the presence of a firearm is enough to deter a would be attacker.

Furthermore, those states who have protected the Second Amendment have seen a significant decrease in violent crime.

Women are perhaps our best candidates for concealed carry considering the increase in rape that we have experienced in Guam.

I firmly believe that empowering and training our Guam families to defend their persons and their homes is the best solution to taming the violent nature of our society.

Our good and faithful GPD can not be expected to be present at the imminent juncture of every violent crime. Our law abiding citizens must be trained and armed to defend against violence.

Thank you for your time and sincere consideration of this bill.

Sincerely your fellow Guam citizen,

Brian C. Schaible (Familiian: Esteban-Blaz-Sogue-Delgado)



STANLEY C. WILSON  
CERTIFIED PUBLIC ACCOUNTANT

142 EAST MALATE STREET  
MONGMONG, GUAM 96910

TELEPHONE (671) 477-7440  
FAX (671) 477-7441  
CELL PHONE (671) 687-7440  
E-MAIL scw@teleguam.net

April 1, 2014

By E-mail as an attachment

Senator Frank B. Aguon, Jr.  
Hagåtña, Guam 96910

I would like to add my comments on Bill 296, a bill that would change Guam's concealed carry law from one of "may issue" to "shall issue".

I am a forty year resident of Guam, a Certified Public Accountant, the Secretary/Treasurer of the Guam Sports Shooting Federation (GSSF), a gun owner, and the holder of a valid Concealed Carry Permit. *I am also a NRA member and a member of the Guaman Gun owners club*

I am strongly in favor of the legislation that would change Guam's current "may issue" into a "shall issue" jurisdiction. I speak as a gun owner, a voter, and on behalf of the GSSF.

The current system in place has two major defects as I see it. First it places the decision in the hands of a single person, who has the possibility to issue permits to individuals who may not have sufficient training or may have enough political influence to have the Chief of Police (who is a political appointee) to issue permits simply because of their political power. The second major problem is that there are no guidelines to insure that the permits that are issued are issued only to individuals with a criminal free background and a level of training that makes them understand the duties and responsibilities of concealed carry.

Bill 296 puts in place guidelines regarding the applicants' background and training. Further, it would put Guam in compliance with current court decisions as they relate to the Constitutional "right to bear arms".

As a part of the process that I went through to obtain my current Concealed Carry Permit I took two classes on gun safety. One course was on general gun safety and another focusing on concealed carry. When I decided to take these two classes I figured that being a long time gun owner and an active sports shooting competitor I assumed that I had little to learn from the classes. Not true! The classes, which took two full days to complete, gave me additional knowledge and experience to be a

STANLEY C. WILSON  
CERTIFIED PUBLIC ACCOUNTANT

Senator Frank B. Aguon, Jr.

2.

April 1, 2014

safer and better informed gun owner. While I do not favor the requirement of classes to own a gun, due to Constitutional issues, the classes should be required for Concealed Carry, and currently they are not.

Guam has changed a lot since my arrival forty years ago. I lived in Malojloj when I first arrived on Guam. I did not lock my doors when I went to Hagåtña to go to work for the day. I did not lock them because it did not seem to be required, and even more importantly, because I did not even have a key to my front door. How things have changed. I believe that if more qualified and trained individuals had Concealed Carry Permits it would have the effect to lower crime on Guam. When criminals are not sure who might have the ability for self-defense they would be more likely to think things over before they acted in a criminal way.

I hope that this body will act favorably on Bill 296 and change Guam law from a "may issue" jurisdiction to a "shall issue" jurisdiction. I think constitutionally, what this thing does is puts in place a structure so that the chief of police has a process to say yeah this person is qualified. Criminal record is cleaned history of mental health issues. I thank you for letting me express my opinion on this important legislation.

Very truly yours



Stanley C. Wilson

I SUPPORT BILL 296, AND HOPE IT <sup>3/31/11</sup>  
PASSES AND BECOMES LAW.

PATRICK O. TOMLINSON, DEDEDO, 632-6914  
P.O. BOX 20281 - GME, GU. 96921 *Patrick O. Tomlinson*

RECEIVED  
RI 3/3/14

*W. T. Jones*



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

## Certification of


## Waiver of

## Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 296-32 (COR)**, "AN ACT TO AMEND §60109 AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF 10GCA RELATIVE TO CONCEALED FIREARMS LICENSING." – on March 28, 2014. COR hereby certifies that BBMR confirmed receipt of this request March 28, 2014 at 8:32 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 296-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

May 5, 2014

**Date**



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
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Senator  
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Vice-Speaker  
Benjamin J.F. Cruz  
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Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

March 28, 2014

**VIA E-MAIL**

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 296-32 (COR) through 300-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
<b>296-32 (COR)</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.
<b>297-32 (COR)</b>	Judith T. Won Pat, Ed.D., Vicente (ben) C. Pangelinan	AN ACT AMEND §1105 OF TITLE 9 GAR RELATIVE TO THE IMPORTATION OF CATTLE.
<b>298-32 (COR)</b>	Brant T. McCreadie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE NCARCERATION REFORM ACT OF 2014"
<b>299-32 (COR)</b>	Michael F.Q. San Nicolas Aline A. Yamashita, Ph.D. Brant T. McCreadie V. Anthony Ada	AN ACT TO INCLUDE FOSTER CHILDREN IN THE GOVERNMENT OF GUAM GROUP HEALTH INSURANCE CONTRACT PROSPECTIVELY BY AMENDING §§4301 (a) AND (b), §4301.1(a), §4302, AND §4302.2(c), AND BY ADDING A NEW SUBSECTION (h) TO §4301.1, EACH OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.
<b>300-32 (COR)</b>	B.J.F. CRUZ	AN ACT TO AMEND § 151004 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO ALLOWING TRAINEES UNDER THE NURSING TRAINING PROGRAM TO AGREE TO ACCEPT EMPLOYMENT WITH A PRIVATE HOSPITAL ON GUAM AS A CONDITION OF SELECTION AND ENROLLMENT IN THE PROGRAM.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

March 26, 2014

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

To: **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

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

Senator  
Dennis G. Rodriguez, Jr.  
Member

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

Vice-Speaker  
Benjamin J.F. Cruz  
Member

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

Legislative Secretary  
Tina Rose Muña Barnes  
Member

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

Senator  
Frank Blas Aguon, Jr.  
Member

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

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
296-32 (COR)	V. Anthony Ada A. A. Yamashita, Ph.D. C. M. Duenas T. A. Morrison R. J Respicio Brant T. McCreddie 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.		Fiscal Note Request 3/28/14





Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

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## FIRST NOTICE of Public Hearing on Thursday, April 3, 2014

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Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

Wed, Mar 26, 2014 at 3:57 PM

To: phnotice@guamlegislature.org

March 26, 2014

### MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing on Thursday, April 3, 2014

### ***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Bill No. 280-32 (LS) - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.**

**Bill No. 282-32 (COR) - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."**

**Bill No. 296-32 (COR) - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.**

**Bill No. 298-32 (COR)- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

***Si Yu'os Ma'åse!***



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN | 32ND GUAM LEGISLATURE



March 26, 2014

**MEMORANDUM**

TO: All Honorable Senators/Media/Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing on Thursday, April 3, 2014

**Buenas yan Hafa Adai!**

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guáhan's* Public Hearing Room in Hagåtña, on the following:

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**Bill No. 296-32 (COR)** - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

**Bill No. 298-32 (COR)**- An Act to amend §§67.401.4 and 67401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guáhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

**Si Yu'os Ma'áse!**

cc: Clerks  
MIS  
Sgt.-at-Arms

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Rory J. Respicio**  
Committee Member

Senator  
**Thomas C. Ada**  
Committee Member

Senator  
**Dennis G. Rodriguez, Jr.**  
Committee Member

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

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## SECOND NOTICE: PUBLIC HEARING ON APRIL 3, 2014 @ 9AM

---

Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

Mon, Mar 31, 2014 at 10:20 AM

To: phnotice@guamlegislature.org

Cc: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>

March 31, 2014

### MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **SECOND NOTICE** of Public Hearing on Thursday, April 3, 2014

### ***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

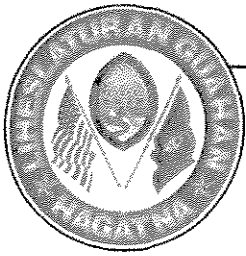
**Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



March 31, 2014

**MEMORANDUM**

TO: All Honorable Senators/Media/Stakeholders  
FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs  
Homeland Security and Judiciary  
SUBJECT: **SECOND NOTICE** of Public Hearing on Thursday, April 3, 2014

**Buenas yan Hafa Adai!**

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

**Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.

**Bill No. 282-32 (COR)** - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."

**Bill No. 296-32 (COR)** - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

**Si Yu'os Ma'åse!**

cc: Clerks  
MIS  
Sgt.-at-Arms

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Rory J. Respicio**  
Committee Member

Senator  
**Thomas C. Ada**  
Committee Member

Senator  
**Dennis G. Rodriguez, Jr.**  
Committee Member

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**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



March 26, 2014

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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

Senator  
**Rory J. Respicio**  
Committee Member

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Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

TO: **THE HONORABLE V. ANTHONY ADA**

FROM: **SENATOR FRANK B. AGUON, JR.**  
Chairman, Committee on Guam U.S. Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary

SUBJECT: **Public Hearing for Bill No. 296-32(COR) scheduled for Thursday, April 3, 2014 at 9:00AM**

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing starting at 9:00AM on Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room, and among the items on the agenda is the following Bill which you are the author:

**Bill No. 296-32(COR)** - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

***Si Yu'os Ma'åse!***



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**Notified Stakeholders**

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Resplcio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Llimtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

- **All Senators of Mina'Trentai Dos Na Liheslaturan Guaha**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres, Jr.**
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
  - Mark Calvo
- **Guam Customs & Quarantine Agency**
  - Pedro Leon Guerrero, Director
  - Raffaele J. M. Sgambelluri, Chief
- **Guam Homeland Security Advisor**
  - Ambrosio Constantino
- **Office of Veterans Affairs**
  - The Honorable John Unpingco, Esq.
- **Office of Civil Defense**
  - James T. McDonald, Administrator
- **Office of the Attorney General**
  - Attorney General Leonardo G. Rapadas
- **Public Defender Service Corporation**
  - Eric D. Miller
- **Media Outlets**



GUAM U.S. MILITARY RELOCATION  
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Senator  
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Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

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Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

March 27, 2014

**The Honorable Eddie Baza Calvo**  
**Governor of Guam**  
513 West Marine Corps Drive  
Hagåtña, Guam 96910

Sent via email to [governor@guam.gov](mailto:governor@guam.gov)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Thursday, April 3, 2014 beginning at 9:00am at *Liheslaturan Guåhan*. Included on the agenda are the following bills:

- **Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.
- **Bill No. 282-32 (COR)** - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."
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If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *Liheslaturan Guåhan*'s website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

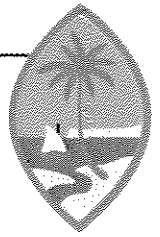
Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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Senator  
**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

March 27, 2014

**The Honorable Madeleine Z. Bordallo**  
**Congresswoman of Guam**  
120 Father Dueñas Avenue Suite 107  
Hagåtña, Guam 96910

Sent via email to [cecilia.blas@mail.house.gov](mailto:cecilia.blas@mail.house.gov)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Thursday, April 3, 2014 beginning at 9:00am at *I Liheslaturan Guåhan*. Included on the agenda are the following bills:

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Respectfully,

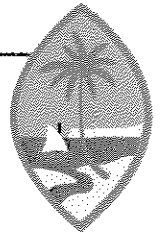
**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guåhan* | 32<sup>nd</sup> Guam Legislature





GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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**V. Anthony Ada**  
Committee Member

Senator  
**Michael Lintiacó**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

March 27, 2014

**The Honorable Robert J. Torres**  
**Chief Justice of Guam**  
Suite 300, Guam Judicial Center 120 West O'Brian Dr.  
Hagåtña, Guam 96910

Sent via email to [rjtorres@guamsupremecourt.com](mailto:rjtorres@guamsupremecourt.com)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

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The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Thursday, April 3, 2014 beginning at 9:00am at *Liheslaturan Guåhan*. Included on the agenda are the following bills:

- **Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.
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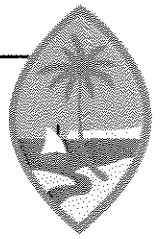
Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
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V. Anthony Ada**  
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**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

March 27, 2014

**Mark Calvo**  
**Special Assistant to the Governor on Military Buildup and Infrastructure**  
513 West Marine Corps Drive  
Hagåtña, Guam 96910

Sent via email to [mark.calvo@guam.gov](mailto:mark.calvo@guam.gov)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

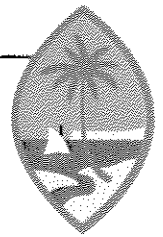
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Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>nd</sup> GUAM LEGISLATURE*

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>ND</sup> GUAM LEGISLATURE

**Senator**  
**FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator**  
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Committee Vice Chairperson

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Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member

March 27, 2014

**Pedro A. Leon Guerrero, Jr.**  
**Director, Guam Customs and Quarantine Agency**  
770 E. Sunset Blvd. Airport Rd.  
AB Won Pat, Guam 96913

Sent via email to [pedro.leonguerrero@cqa.guam.gov](mailto:pedro.leonguerrero@cqa.guam.gov)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

**Buenas yan Hafa Adai!**

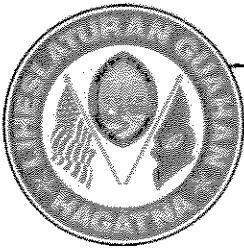
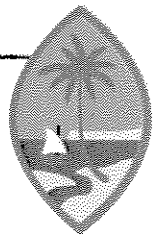
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Respectfully,

  
**SENATOR FRANK B. AGUON, JR.**Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*

**Senator  
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**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
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Committee Member

**Senator  
Michael Lintlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

March 27, 2014

**Raffaele Sgambelluri**  
**Chief, Guam Customs and Quarantine Agency**  
770 E. Sunset Blvd. Airport Rd.  
AB Won Pat, Guam 96913

Sent via email to [raffaele.scambelluri@cqa.guam.gov](mailto:raffaele.scambelluri@cqa.guam.gov)

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature*

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

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**Senator**  
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Committee Chairperson

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Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member

March 27, 2014

**Ambrosio Constantino**  
**Advisor, Guam Homeland Security**  
221B Chalan Palasyo  
Agana Heights, Guam 96910

Sent via email to [ambrosio.constantino@ghs.guam.gov](mailto:ambrosio.constantino@ghs.guam.gov)

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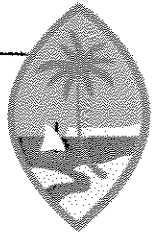
Respectfully,

  
**SENATOR FRANK B. AGUON, JR.**Committee Chairman of Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'trentai Dos Na Liheslaturan Guahan | 32<sup>nd</sup> Guam LegislaturePHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
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Committee Member

**Senator  
Thomas Morrison**  
Committee Member

March 27, 2014

**The Honorable John Unpingco**  
**Administrator, Office of Veterans Affairs**  
172 S. Marine Drive  
Asan, Guam 96932

Sent via email to [john.unpingco@gvao.guam.gov](mailto:john.unpingco@gvao.guam.gov)

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Committee Member

Senator  
**Thomas Morrison**  
Committee Member

March 27, 2014

**James T. McDonald**  
Administrator, Office of Civil Defense  
221B Chalan Palasyo  
Agana Heights, Guam 96910

Sent via email to [jim.mcdonald@ghs.guam.gov](mailto:jim.mcdonald@ghs.guam.gov)

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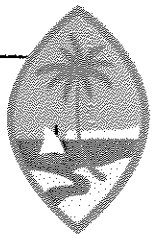
PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

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GUAM U.S. MILITARY RELOCATION  
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Committee Member

March 27, 2014

**The Honorable Leonardo G. Rapadas**  
Attorney General of Guam  
237 W. O'Brian Dr.  
Hagatna, Guam 96910

Sent via email to [law@guamag.gov](mailto:law@guamag.gov)

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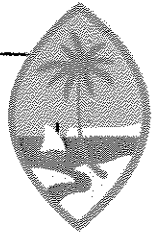
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Senator  
**Thomas Morrison**  
Committee Member

March 27, 2014

**Eric D. Miller**  
Executive Director, Public Defender Service Corporation  
MVP Sinajana Commercial Bldg., Unit B  
Sinajana, Guam 96910

Sent via email to [emiller@guampdsc.net](mailto:emiller@guampdsc.net)

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32nd Guam Legislature

**OFFICE OF SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam US Military Relocation, Homeland Security  
Veterans Affairs and Judiciary

**Public Hearing**  
**THURSDAY, April 3, 2014 | 9:00AM**

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Docomo Pacific TV Channel 117 or GUdTV Channel 21.

If you require any special accommodations, please contact the Office of  
Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail  
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THURSDAY, MARCH 27, 2014

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32nd Guam Legislature

**OFFICE OF SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Homeland Security,  
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**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)  
As of March 13, 2014**

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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



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FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

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

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

## **PUBLIC HEARING**

Thursday, April 3, 2014 at 9:00AM  
*I Liheslaturan Guahan's Public Hearing Room, Hagåtña*

### **AGENDA**

- I. Call to Order**
- II. Opening remarks/Announcements**
- III. Items for discussion:**
  - **Bill No. 280-32(LS)** – An Act to add a new Chapter 72 to 9GCA relative to biased motivated crimes. (**Sponsored by Senator V. Anthony Ada**)
  - **Bill No. 282-32 (COR)** – An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the “Safer Schools Act of 2014.” (**Sponsored by Senator Brant T. McCreadie**)
  - **Bill No. 296-32 (COR)** – An Act to amend §60109.1 and to add Chapter 60 of 10GCA relative to Concealed Firearms Licensing. (**Sponsored by Senator V. Anthony Ada**)
  - **Bill No. 298-32 (COR)**- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the, “Methamphetamine Incarceration Reform Act of 2014.” (**Sponsored by Senator Brant T. McCreadie**)
- IV. Closing Remarks**
- V. Adjournment**

# Gun owners back bill amending law on concealed firearms

By Louella Losinio  
louella@mvguam.com  
Variety News Staff

PROPOSERS of gun ownership put forward their support for Bill 296, the proposed legislation that would require the Guam Police Department to issue concealed firearms permits to applicants who meet certain requirements.

During the Guam Legislature's public hearing on the bill yesterday, Kenneth Gibbons, president of the Guam Gun Owners Association, said citizens need the ability to protect themselves inside and outside the home.

"Crimes have skyrocketed during the last 18 months, with nine homicides in 2013 alone. We feel law-abiding citizens need to be able to protect themselves and their families," Gibbons said.

He added that with the current process of securing concealed firearm licenses, the applicant has to show exceptional cause besides personal protection and self-defense to be issued an identification card.

"The decision solely rests on the chief of police. He makes the determination whether or not the applicant may have the permission to carry a firearm concealed. Unfortunately, there is not always consistency

with how permits are issued," he said.

He cited an example of how he and his colleague filled out an identical exceptional cause for reason to carry. However, his application was approved while his colleague's was denied.

Current law allows the chief of police to approve concealed firearms applications at his discretion.

Under the bill, while the GPD chief would retain his authority, applicants would no longer need to show cause to have a permit and GPD must issue concealed carry permits to applicants who meet all the requirements set forth in the bill.

## 'Shall Issue'

The bill enables Guam residents to get a controlled "shall issue" authorization to obtain a concealed firearms permit.

If enacted, the bill would prevent the issuance of concealed firearms permits to those who do not have a Guam Firearms ID; have committed most types of misdemeanors within three years of application (felons may not possess a firearm under federal law); are deemed mentally incompetent; or have a history of substance or alcohol abuse within three years of application.

The bill also bans the possession of a concealed firearm while



Sen. Tony Ada, Bill 296's author, said its provision is more in line with the constitutional right to keep and bear arms than current statute allows. Variety file photo.

under the influence of alcohol (.08 or higher) and requires all applicants to complete a course in firearm safety from a credentialed trainer or school.

Police Chief Fred Bordallo said "their support for the intent of the bill is based on the position that the current language of the concealed firearms provision may be judiciously challenged by individuals and organizations in the community who advocate their right to bear arms, and that their claims that changes in the current language is necessary to be consistent with the Second Amendment of the Constitution of the United States."

However, Bordallo also recommended that certain provisions of the legislation be modified for the purpose of effectively reducing firearm safety violations.

GPD recommended that a

holder of a concealed firearms license who is formally charged with a crime punishable by imprisonment exceeding one year shall have his or her license revoked pending the adjudication process.

In the event of a court conviction, the license shall be revoked permanently.

In addition, Bordallo recommended including a provision making those who are undergoing civil and/or criminal proceedings with respect to the Uniform Controlled Substance Act, Safe Streets Act, and criminal offenses involving theft, injury or death ineligible for a concealed-firearms license.

The same goes for those who have been dishonorably discharged from the United States military.

Meanwhile, Chief Deputy Attorney General Phil Tydingco said they support the concept of

the bill, which provides objectivity and consistency in the law, noting that the current statute allows for subjective decision-making.

Tydingco said the legislation should still require, as part of the re-application process, an automatic background check to determine if an applicant had been mentally incapacitated, had a suspended sentence for a substance abuse charge or has committed a crime — factors that would disqualify an applicant from renewing a concealed firearms license.

Sen. Tony Ada, the bill's author, said its provision is more in line with the constitutional right to keep and bear arms than current statute allows.

The bill is co-sponsored by Sens. Aline Yamashita, Chris Duenas, Tommy Morrison, Rory Respeicio, Brant McCreddie and Michael San Nicolas.

# Bill would facilitate issuance of concealed firearms permit

THURSDAY, 27 MAR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF  
HITS: 1467



SHARE    

A BILL has been introduced that would require the Guam Police Department to issue concealed firearms permits to applicants who meet certain requirements.

Bill No. 296-32 is co-sponsored by Sens. Tony Ada, Aline Yamashita, Chris Duenas, Tommy Morrison, Rory Respicio, Brant McCreadie and Michael San Nicolas.

Current law allows the chief of police to approve concealed firearms applications at his discretion. Under the bill, while the GPD chief would retain his authority, applicants would no longer need to show cause to have a permit and GPD must issue concealed carry permits to applicants who meet all the requirements set forth in the bill.

The bill enables Guam residents to get a controlled "shall issue" authorization to obtain a concealed firearms permit. If enacted, the bill would prevent the issuance of concealed firearms permits to:

- those who do not have a Guam Firearms ID;
- those who have committed most types of misdemeanors within three years of application (felons may not possess a firearm under federal law);
- those who are deemed mentally incompetent, and;
- those with a history of substance or alcohol abuse within three years of application.

The bill also bans the possession of a concealed firearm while under the influence of alcohol (.08 or higher) and requires all applicants to complete a course in firearm safety from a credentialed trainer or school.

According to Sen. Tony Ada, the bill is more in line with the constitutional right to keep and bear arms than current statute allows.

"Guam law treats the bearing of firearms as a privilege, not a right. If someone should not carry a concealed firearm, the law should clearly state the reasons. Who may or may not be issued a concealed firearm permit should not be left to the discretion of one person," Ada said in a statement accompanying the bill.

He added that this is important in light of the recent 9th Circuit Court of Appeals ruling that struck down California's "may issue" law leaving little or no regulation as to who may legally carry a concealed firearm.



Sen. Tony Ada said the bill is more in line with the constitutional right to keep and bear arms than current statute allows. Variety file photo



## Senator Tony Ada Proposes Bill to Require GPD to Issue Concealed Firearm Licenses to Those Who Qualify

Last Updated on Wednesday, 26 March 2014 12:31

Written by Kevin Kerrigan

Tuesday, 25 March 2014 16:01



Guam News - Guam News

Guam - Senator Tony Ada has introduced a new bill that would "require" the Guam Police Department to issue a concealed firearms permit "to applicants who meet certain requirements".

Senators Aline Yamashita, Chris Duenas, Tommy Morrison, Rory Respicio, Brant McCreadie and Michael San Nicolas have already signed on as co-sponsors.

If Bill 296 is passed and signed into law, an applicant for a concealed weapons permit would no longer have to show cause to get a permit.

Senator Ada says in a release that under his proposal, GPD must issue concealed carry permits to applicants who meet all the requirements set forth in the bill and the measure "gives Guam residents a controlled 'shall issue' authorization to obtain a concealed firearms permit".

READ Bill No. 296 HERE

Current Guam law allows the Chief of Police to approve a concealed firearms application "at his discretion" and Senator Ada says the GPD Chief would retain his authority under his new bill.

The measure would prohibit the issuance of concealed firearms licenses to:

1. Those who do not have a Guam Firearms ID
2. Those who have committed most types of misdemeanors within three years of application (felons may not possess a firearm under federal law)
3. Those who are deemed mentally incompetent
4. Those with a history substance or alcohol abuse within three years of application

The bill also bans the possession of a concealed firearm while under the influence of alcohol (.08 or higher) and it requires all applicants to complete a course in firearm safety from a credentialed trainer or school.

Senator Ada is quoted in his release as saying that current Guam law "treats the bearing of firearms as a privilege, not a right . If someone should not carry a concealed firearm, the law should clearly state the reasons. Who may or may not be issued a concealed firearm permit should not be left to the discretion of one person." This is important in light of the recent 9th Circuit Court of Appeals ruling that struck down California's "may issue" law leaving little or no regulation as to who may legally carry a concealed firearm."

**READ the release from Senator Ada below:**

*Bipartisan Sponsorship of Concealed Carry Legislation*

*Six senators joined Senator Tony Ada in sponsoring legislation that would require the Guam Police Department to issue concealed firearms permits to applicants who meet certain requirements. Cosponsors of Bill No. 296-32(COR), introduced today, are Senators Aline Yamashita, Chris Duenas, Tommy Morrison, Rory Respicio, Brant McCreadie and Michael San Nicolas.*

*Current law allows the Chief of Police to approve concealed firearms applications at his discretion. While the chief would retain his authority under the provisions of Bill No. 296-32(COR), applicants would no longer need to show cause to have a permit. The Guam*

*Police Department must issue concealed carry permits to applicants who meet all the requirements set forth in the bill. The bill gives Guam residents a controlled "shall issue" authorization to obtain a concealed firearms permit.*

*If enacted, the bill would prevent the issuance of concealed firearms licenses to: (1) Those who do not have a Guam Firearms ID. (2) Those who have committed most types of misdemeanors within three years of application (felons may not possess a firearm under federal law). (3) Those who are deemed mentally incompetent. (4) Those with a history substance or alcohol abuse within three years of application. The bill also bans the possession of a concealed firearm while under the influence of alcohol (.08 or higher). It also will require all applicants to complete a course in firearm safety from a credentialed trainer or school.*

*Senator Tony Ada considers the provisions of Bill No. 296-32(COR) to be more in line with our Constitutional right to keep and bear arms than what current statute allows. According to the senator, "Guam law treats the bearing of firearms as a privilege, not a right. If some one should not carry a concealed firearm, the law should clearly state the reasons. Who may or may not be issued a concealed firearm permit should not be left to the discretion of one person." This is important in light of the recent 9th Circuit Court of Appeals ruling that struck down California's "may issue" law leaving little or no regulation as to who may legally carry a concealed firearm.*

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## COMMITTEE ON RULES

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Michael F.Q. San Nicolas  
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Aline Yamashita  
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March 28, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 296-32 (COR) through 300-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>296-32 (COR)</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.
<b>297-32 (COR)</b>	Judith T. Won Pat, Ed.D., Vicente (ben) C. Pangelinan	AN ACT AMEND §1105 OF TITLE 9 GAR RELATIVE TO THE IMPORTATION OF CATTLE.
<b>298-32 (COR)</b>	Brant T. McCreadie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE “METHAMAPHETAMINE NCARCERATION REFORM ACT OF 2014”
<b>299-32 (COR)</b>	Michael F.Q. San Nicolas Aline A. Yamashita, Ph.D. Brant T. McCreadie V. Anthony Ada	AN ACT TO INCLUDE FOSTER CHILDREN IN THE GOVERNMENT OF GUAM GROUP HEALTH INSURANCE CONTRACT PROSPECTIVELY BY AMENDING §§4301 (a) AND (b), §4301.1(a), §4302, AND §4302.2(c), AND BY ADDING A NEW SUBSECTION (h) TO §4301.1, EACH OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.
<b>300-32 (COR)</b>	B.J.F. CRUZ	AN ACT TO AMEND § 151004 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO ALLOWING TRAINEES UNDER THE NURSING TRAINING PROGRAM TO AGREE TO ACCEPT EMPLOYMENT WITH A PRIVATE HOSPITAL ON GUAM AS A CONDITION OF SELECTION AND ENROLLMENT IN THE PROGRAM.



## COMMITTEE ON RULES

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Senator  
V. Anthony Ada  
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MINORITY LEADER

Senator  
Aline Yamashita  
Member

March 26, 2014

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

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

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

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

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

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








*Si Yu'os Ma'åse!*

Attachment

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

Bill No. 296-32 (COR)

Introduced by:

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

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

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

2

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

4

5 **§60109. Concealed Firearms.**

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

8

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

60109.1  
YAMASHITA  
2-19

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

5 (b) An applicant meets the requirements for a concealed firearms license as defined in  
6 §60109.1 of this Chapter.

7

8

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

10

11 **§60109.1 Concealed Firearms, shall issue license.**

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

27

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 1. Issue the license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) 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.

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

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

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