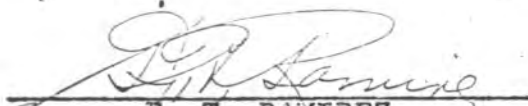


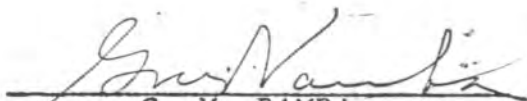
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 566, An Act to amend Section 1001 of the Civil Code of Guam relative to the territorial power of eminent domain, and to repeal and reenact Chapter X of Title IX of the Government Code of Guam relative to registration and regulation of firearms", was on the 21th day of February, 1974 duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 26th day
of February, 1974 at 10:20 o'clock a.M.


/s/ KEITH L. ANDREWS
KEITH L. ANDREWS
Attorney General of Guam

APPROVED:

61
CARLOS G. CAMACHO
Governor of Guam

DATED: 2/28/74
9:45 A.M.

Public Law
12-107


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TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 566

Introduced by

P. J. Bordallo

AN ACT TO AMEND SECTION 1001 OF THE
CIVIL CODE OF GUAM RELATIVE TO THE
TERRITORIAL POWER OF EMINENT DOMAIN,
AND TO REPEAL AND REENACT CHAPTER X
OF TITLE IX OF THE GOVERNMENT CODE
OF GUAM RELATIVE TO REGISTRATION AND
REGULATION OF FIREARMS.

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

2 Section 1. Section 1001 of the Civil Code of Guam is
3 hereby amended to read as follows:

4 "Section 1001. Acquisition of property by exercise
5 of eminent domain. The government of Guam shall have
6 power to acquire property by the exercise of eminent
7 domain."
8

9 Section 2. Chapter X of Title IX of the Government Code
of Guam is hereby repealed and reenacted to read as follows:

10 "CHAPTER X

11 Firearms

12 Section 8900. As used in this Chapter:

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

20 (b) 'Pistol' or 'revolver' means any firearm of
21 any shape whatever, and designed to be fired with one
22 hand with a barrel less than twelve inches (12") in
23 length and capable of discharging loaded ammunition
24 or any noxious gas.

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

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

18 (e) The terms 'Director' and 'Department' means
19 the Director of Public Safety and the Department of
20 Public Safety respectively.

21 Section 8900.1. This Chapter shall not apply to:

22 (a) Law enforcement officers when using firearms
23 authorized by the Director in their official duty.

24 (b) Persons in the Armed Forces of the United
25 States engaged in official duty.

26 (c) Devices which are not designed or redesigned for
27 use as a weapon. Any device, although originally designed
28 as a firearm, which has been redesigned, or was designed
29 initially for use as, a signalling, pyrotechnic, line-
30 throwing, safety, industrial or similar device, surplus
31 ordnance sold, loaned or given by the Secretary of the
32 Army pursuant to the provisions of Sections 4684(2),

1 4685 or 4686 of Title 10 of the United States Code is
2 not covered by this Chapter.

3 Section 8901. Ownership, etc. of certain firearms
4 prohibited. The manufacture, possession, sale, barter,
5 trade, gift, transfer, or acquisition of any machine guns,
6 sub-machine guns, automatic rifles or any other firearm
7 not a rifle having a barrel length of sixteen (16) inches
8 or greater, or not a shotgun having a barrel length of
9 eighteen (18) inches or greater, or a revolver or pistol
10 having a barrel length of more than twelve (12) inches
11 is prohibited. Mufflers, silencers, or devices for
12 deadening the sound of discharged firearms are also
13 prohibited. Any person violating this section shall be
14 imprisoned for a term of not less than two years nor
15 more than five years, without probation.

16 Section 8901.1. Ownership, etc. permitted. Any person
17 who qualifies under this Chapter may lawfully own, possess,
18 use or carry any rifle, shotgun, pistol or revolver not
19 prohibited by Section 8901 subject to the conditions and
20 penalties provided in this Chapter.

21 Section 8901.2. Dealer, etc. must register. Any person
22 who is in the business of selling, buying, renting, or
23 trading any firearm shall register with the Department
24 of Public Safety under the terms and conditions set forth
25 in this Chapter and the rules and regulations adopted
26 hereunder before engaging in any of the above activities.
27 The term 'in the business of' shall mean any person,
28 natural or legal, who engages in the above activities
29 for profit or who so engages on behalf of others, but
30 shall not include private sales, loans, gifts or transfers
31 of lawfully possessed firearms which have been registered
32 and possessed under the provisions of Sections 8901.1 and

1 8903 of this Chapter.

2 Section 8902. Identification card required. No person
3 shall own, possess, use, carry or acquire any firearm which
4 is lawful under Section 8901.1 unless he shall have first
5 obtained from the Department an identification card
6 evidencing his right to such ownership, possession, use
7 or carrying, concealed or otherwise, as stated upon the
8 face of the Card. Said Card shall be in the possession
9 of the holder and on his person whenever he is using or
10 has in his possession a firearm.

11 Section 8902.1. Identification cards shall have on
12 their face all the following:

13 1. The name, address, sex, height, and weight of the
14 holder, his birthdate, Social Security number, if any,
15 or Guam I.D. number, if any, and the expiration date of
16 the card which shall be three years after the holder's
17 next birthday.

18 2. A photograph of the holder taken immediately prior
19 to issuance.

20 3. An indication of the type of firearm which may be
21 owned, used, carried, possessed or acquired by the
22 holder, and whether or not the holder may carry the
23 firearm concealed.

24 4. A number, unique to the holder, which shall also
25 be assigned to all registration records concerning firearms
26 possessed by the holder.

27 Section 8902.2. (a) No identification card shall issue
28 unless the Department is satisfied that the applicant may
29 lawfully possess, use, carry, concealed or otherwise,
30 own, or acquire the type of firearm stated in the
31 application and upon the face of the identification
32 card.

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

2 (1) Who has been convicted by any court of the
3 United States, a state, territory, possession,
4 Trust Territory or political subdivision thereof
5 of any felony, or

6 (2) Who is an alien, except temporary permits
7 may be issued aliens for use only at target ranges
8 operated by persons possessing permits therefor and
9 who are citizens, or only for use at authorized
10 sporting events, and except for official represen-
11 tatives of foreign governments in their official
12 capacities, or

13 (3) Who is under indictment for any crime stated
14 in (b) (1) above, or

15 (4) Who has been adjudicated incompetent, has
16 been committed to any mental institution, or

17 (5) Who is under the age of eighteen (18)
18 years, or

19 (6) Who has been convicted of any violation of
20 the Uniform Controlled Dangerous Substances Act or
21 any misdemeanor where personal injury or use of fire-
22 arms was an element or factor of the offense unless
23 the Director has determined that the offense was
24 committed more than ten (10) years previously and
25 that the applicant would not endanger the public
26 safety by receiving an identification card, or

27 (7) Who, in the determination of the Director,
28 appears to suffer from a physical or mental disease
29 or defect which would adversely affect the safe use
30 of the firearm applied for, unless the person obtains
31 a certificate from a licensed physician stating that

1 the physical or mental disease or defect would not
2 adversely affect his safe operation of the firearm
3 or the public safety.

4 (c) An applicant for an identification card shall
5 apply therefor on a form supplied by the Department and
6 shall supply such information as may be necessary to afford
7 the Department reasonable opportunity to ascertain the
8 facts required to appear upon the card and facts relevant
9 to the applicant's eligibility for a card, and facts
10 necessary to determine whether the applicant may carry a
11 concealed weapon if such permission is sought.

12 (d) If the application is not denied, the identifi-
13 cation card shall issue within thirty (30) days, except
14 where application has been made to carry a concealed
15 weapon, in which case the card shall issue within sixty
16 (60) days.

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

1 Section 8902.3. Concealed firearms. No identification
2 card shall issue permitting the holder to carry a concealed
3 firearm of any nature unless the applicant shows exceptional
4 cause therefor. Such exceptional causes shall include, but
5 not be limited to facts which show that such concealment is
6 absolutely necessary for an individual who is engaged in
7 the protection of persons or property, or who shows that
8 he has a genuine reason to fear for the safety of his person
9 or property and that a concealed firearm would materially
10 lessen the danger. Such permission, once stated upon the
11 identification card, shall not be renewed unless, at the
12 time for renewal, the application shows a continuing
13 need for such permission, using the standards for such
14 permission as they exist at the time for renewal. It shall
15 be unlawful for any person to carry any firearm concealed
16 unless he has received permission to so carry such firearm
17 and such permission is stated upon the face of his
18 identification card.

19 Section 8903. Registration. Any person purchasing,
20 receiving by gift, devise or otherwise, acquiring or
21 otherwise coming into permanent possession of a firearm,
22 the possession of which is permitted by this Chapter, shall
23 register the same with the Department within three (3)
24 working days after acquiring said firearm on forms
25 specified by the Department. Such facts and information
26 shall be given so as to enable the Department to record
27 for identification purposes the firearm so registered.
28 It shall be unlawful for any person to own or possess
29 any firearm which has not been registered. No firearm
30 may be registered by the Department unless the person
31 presenting the firearm also displays a current identifi-
32 cation card evidencing his eligibility to own, possess,

1 use or carry the firearm presented for registration. All
2 firearms to be registered shall be presented to the
3 Department for inspection as to the facts required for
4 registration. Registration of firearms under this Chapter
5 shall be valid so long as the weapon is in the possession
6 of the registrant.

7 Section 8903.1. Upon the transfer of any firearm from
8 one person not a dealer, manufacturer, wholesaler or
9 repairer to another not a dealer, manufacturer, wholesaler
10 or repairer, other than on loan, a new registration must
11 be obtained by the new owner or one permanently possessing
12 the firearm, indicating the prior owner or possessor, and
13 his identification card number, as well as all information
14 pertinent to the new owner or possessor.

15 Section 8903.2. Upon transfer to a pawnbroker, and
16 upon retransfer from the pawnbroker to either the owner
17 or to another person, a new registration must be obtained.

18 Section 8904. (a) Upon the destruction, mutilation,
19 loss or theft of any identification card, the holder
20 shall report the event to the Department and may obtain
21 a duplicate card upon the payment of the fee required
22 therefor and upon proof of loss, mutilation, destruction or
23 theft. If any portion of the original card remains, the
24 holder must surrender it to the Department before receiving
25 a duplicate.

26 (b) Upon the loss, theft, damage beyond repair to
27 any firearm registered under this Chapter, the holder
28 of the identification card applicable to the weapon in
29 question shall report the event to the Department, along
30 with the nature of the disposition of the firearm, if
31 lost, destroyed or damaged beyond repair, and the same
32 information shall be recorded upon the registration

1 records kept by the Department applicable to the firearm
2 involved.

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

8 (d) The holder shall report any of the events
9 required to be reported by Subsections (a) and (b) above
10 within three (3) working days of their occurrence and any
11 of the events required to be reported by Subsection (c)
12 within ten (10) days of their occurrence.

13 Section 8904.1. (a) No person may use or possess a
14 firearm, regardless of ownership of the firearm, without
15 possession of an identification card evidencing his
16 eligibility to possess, use or carry such firearms.

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

24 (c) No person shall use, display, or carry with the
25 intent to use or display, any identification card issued
26 to another person, or any identification card which has
27 expired, which has been suspended or revoked, or for
28 which a duplicate has been issued, or which has been
29 defaced or altered. No person shall use any of the above
30 for the purpose of obtaining any firearm.

31 (d) No person shall wilfully alter, remove, or
32 obliterate the name of the make, model, manufacturer's

1 number, or other mark of identity of any firearm or
2 ammunition. Possession of a firearm or ammunition upon
3 which any mark of identity has been altered, removed,
4 or obliterated shall be presumptive evidence that the
5 possessor has altered, removed, or obliterated the same.

6 (e) If any person, in complying with any of the
7 requirements of this Chapter, knowingly gives false
8 information, or knowingly offers false evidence of any
9 of the facts required by the Department or by this Chapter,
10 he shall be guilty of perjury and punished therefor as
11 provided by Section 126 of the Penal Code. Additionally,
12 upon conviction, such person shall not be eligible for
13 an identification card for a period of ten years,
14 and any existing identification card issued to such
15 person shall be revoked, and any firearms possessed
16 pursuant to such identification card forfeited.

17 Section 8905. Dealers, etc. must register. Any person
18 who is a dealer, manufacturer, wholesaler, or retailer
19 of firearms or ammunition within the territory of Guam
20 who must register pursuant to Section 8901.2 shall do
21 so by supplying the Department with information required
22 by it relative to the name of the business, name or names
23 of the owners, whether the business is a corporation,
24 sole proprietorship, partnership or any other form,
25 relative to the types of firearms sold, manufactured,
26 bought or repaired by such business, to the security
27 of the storage areas of the business wherein the firearms
28 are stored and any other information deemed necessary
29 by the Department. Upon receipt of the necessary
30 information, the Department shall issue a registration
31 card, which shall be prominently displayed at the place
32 of business of the person or firm so registered, and

1 copies to be displayed at each location where firearms
2 are sold.

3 Section 8905.1. Any person or firm licensed pursuant
4 to Section 8901.2 shall, in the conduct of his business:

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

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

11 (3) Permit only persons who are holders of identifi-
12 cation cards making them eligible to purchase, possess and
13 use the firearms sold by the registrant or repaired by
14 the repair facility to have access to the firearms or
15 ammunition, except that nothing in this section shall
16 be construed to require a customer to show an identifi-
17 cation card prior to his engaging in a transaction
18 for which an identification card is required by this
19 Chapter.

20 (4) Sell only to persons who have a valid identifi-
21 cation card making them eligible to purchase, own,
22 possess, use and carry the firearm or ammunition which
23 is the subject of the transaction.

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

29 Section 8905.2. No person, other than the owner or
30 possessor of a firearm, may accept any firearm for repair
31 without having first been shown a valid identification card
32 showing the person delivering the firearm to such person

1 accepting it for repair to be eligible to possess the
2 firearm in question. No firearm shall be returned to any
3 person after repair or other work done on it without
4 the repairer having seen the identification card of the
5 one to whom the firearm is to be given.

6 Section 8905.3. Any person engaging in a private sale,
7 loan or other transfer of a firearm shall be shown by the
8 person receiving the firearm an identification card
9 evidencing the receiver's right to own, possess, use
10 and carry such firearm. It shall be unlawful for a person
11 to transact a private sale, loan, gift or transfer without
12 having seen the valid identification card of the person
13 receiving the firearm.

14 Section 8906. Rules and regulations. The Director may
15 adopt, pursuant to the Administrative Adjudication Act,
16 rules and regulations to implement this Chapter. Neverthe-
17 less, the absence of such rules and regulations shall not
18 affect the implementation of this Chapter.

19 Section 8907. Prohibitions and penalties. ✓

20 (a) For any violation of this Chapter or the rules
21 and regulations adopted hereunder, where another penalty
22 is not set forth specifically, any person, corporation,
23 firm or business found guilty shall be punished by
24 imprisonment for not more than one year, a fine of
25 not more than One Thousand Dollars (\$1,000.00), or both
26 such fine and imprisonment. In the case of a corporation,
27 business or other firm convicted of a violation of this
28 Chapter, as a legal person, then the individual actually
29 performing the acts forbidden or omitting the acts required
30 shall be guilty in addition to the corporation, firm
31 or business as an entity.

1 (b) Any person who carries a concealed firearm without
2 a valid identification card evidencing permission to carry
3 a concealed weapon shall be punishable by a fine not to
4 exceed One Thousand Dollars (\$1,000.00), or by imprisonment
5 of not less than two nor more than five years, without
6 probation, or both such fine and imprisonment.

7 (c) Any person who knowingly removes, obliterates or
8 alters the identifying marks of a firearm shall be
9 punishable by a fine of not to exceed One Thousand Dollars
10 (\$1,000.00) or imprisonment of not to exceed two (2) years
11 or both such fine and imprisonment.

12 (d) Any person purchasing, possessing, using or
13 carrying a firearm without an applicable identification
14 card shall be punishable by a fine of not to exceed Five
15 Hundred Dollars (\$500.00) or imprisonment of not to
16 exceed one year or both such fine and imprisonment.

17 (e) Any person who uses a firearm in the commission
18 or attempted commission of any crime shall have his
19 sentence increased by the amount of One Thousand Dollars
20 (\$1,000.00) if a fine be imposed, or by two years
21 of imprisonment without parole or suspension if
22 imprisonment is imposed.

23 (f) Any person, legal or natural, who transfers, ✓
24 gives, returns, sells, or loans any firearm to any
25 person without a valid identification card is guilty
26 of a misdemeanor and shall be punished by a fine of
27 not more than One Thousand Dollars (\$1,000.00) or
28 imprisonment for not more than one year or both such
29 fine and imprisonment. In the case of violation by a
30 legal person, the natural persons liable for punishment
31 under this section in addition to said legal person shall
32 be the person or persons performing the forbidden acts

1 or omitting the required acts and any responsible officer
2 of the legal person who knew or should have known of the
3 acts or omissions committed.

4 Section 8908. Fees. (a) The fee for each identification
5 card, duplicate or renewal thereof shall be Five Dollars
6 (\$5.00) and shall be paid to the Treasurer of Guam for
7 the account of the Department of Public Safety before any
8 identification card may be issued or renewed.

9 (b) The annual registration fee for every dealer,
10 manufacturer, wholesaler, retailer and repairer shall
11 be One Hundred Dollars (\$100.00) and shall be payable
12 to the Treasurer of Guam for the account of the Department
13 of Public Safety before any such registration may be
14 issued, renewed or a duplicate issued.

15 (c) The fee for registration of every firearm by
16 an individual shall be Two Dollars (\$2.00) payable to
17 the Treasurer of Guam for the account of the Department
18 of Public Safety before any such registration may be
19 issued or a duplicate issued.

20 (d) Registrations for dealers, retailers, wholesalers,
21 manufacturers and repairers shall be renewed annually
22 at the same time as the business license is renewed, and
23 shall be prorated on the same scale as is the business
24 license for the establishment involved.

25 Section 8909. All registrations of weapons issued
26 under any prior law are hereby declared revalidated as of
27 the date of enactment of this Act and shall be valid until
28 the next birthday of the holder, at which time an
29 identification card must be obtained and the firearms
30 registered according to the provisions of this Chapter.
31 This section does not apply to firearms owned, possessed,
32 used or carried in a manner declared illegal by any

1 previous Act.

2 Section 8909.1. Any firearm which cannot be legally
3 owned, possessed, used or carried pursuant to this Act
4 but which was legally possessed, owned, used or carried
5 prior to the effective date of this Act may not be
6 registered hereafter. However, the owner or possessor
7 may retain said weapons until the time specified in Section
8 8909, at which time he must dispose of the firearm. If
9 he cannot do so without loss to himself, the Department
10 is authorized to purchase the firearm from the legal
11 owner based upon the fair market value at the time of
12 last eligibility to possess or own as stated in Section
13 8909, and keep or dispose of the firearm as the Director
14 determines.

15 Section 8909.2. Upon the conviction of any violation
16 of this Chapter or of any crime wherein the use of
17 firearms was an element or part or was involved in the
18 commission thereof, the firearms involved in the violation
19 shall be declared forfeit by the court convicting such
20 person and be given to the Department for its use, sale
21 or destruction. In addition, the court shall either revoke
22 the applicable identification card or business registra-
23 tion or suspend the same for a period of not less than
24 six months nor for more than two years. In the case
25 of a conviction of a business, the weapons shall be
26 forfeited only where the registration is revoked. In
27 the case of suspension of a business registration no
28 firearms shall be sold.

29 Section 8909.3. Registry. The Department shall maintain
30 a confidential registry, open only to law enforcement
31 officials, of all firearms registered for the life of
32 the weapon on Guam and for two years thereafter. However,

1 once a firearm has been transferred and the registration
2 cancelled in the name of the transferor, then the
3 records of the transferor may be destroyed.

4 Section 8910. New residents. Any United States
5 citizen who is in legal possession of a firearm or
6 ammunition thereof pursuant to the laws of any state,
7 territory, possession or Trust Territory of the United
8 States shall have a period of thirty (30) days after
9 arriving on Guam as a new resident in which to apply
10 for an identification card and during that period may
11 continue to use the firearm and, for that purpose, the
12 gun is legally in his possession until an identification
13 card is issued or denied him. Thereafter, all provisions
14 of this Chapter apply in full to such person and he
15 must purchase, possess or use firearms only in compliance
16 therewith. This section does not apply to any firearm
17 which may not be legally possessed or used, carried or
18 purchased under this Chapter. With respect to such firearms
19 the provisions of Section 8909 shall apply except that
20 under this section the new resident has thirty (30) days
21 in which to comply. Further, this section does not apply
22 to persons transiting Guam. Such transiting persons
23 shall not have in their possession any firearm on Guam
24 without first obtaining permission therefor from the
25 Director.

26 Section 8910.1 Minors. Any person who is ineligible
27 to possess an identification card solely by reason of
28 his age may use a firearm, if said minor is over the
29 age of ten (10) years, only in the presence and under
30 the direct control of an adult possessing a valid
31 identification card evidencing his eligibility to use
32 the type of firearm being used by the minor.

1 Section 8910.2. If any provisions of this Chapter or
2 the application thereof to any person or circumstances is
3 held invalid, the invalidity shall not effect other
4 provisions or applications of this Chapter which can be
5 given effect without the invalid provision or application,
6 and to this end the provisions of this Chapter are
7 severable."