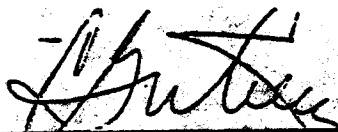


SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 25, AN ACT TO ADD A NEW CHAPTER 71 TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE USE OF FIREARMS BY PRIVATE SECURITY OFFICERS, returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 27th day of June 1983, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of 14 members.


CARL T. C. GUTIERREZ
Speaker

Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 27th day of June
1983, at o'clock .m.


Assistant Staff Officer
Governor's Office

PUBLIC LAW 17-14

(By legislative override
June 27, 1983.)

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Substitute Bill No. 25

Introduced by:

F. R. Santos

AN ACT TO ADD A NEW CHAPTER 71 TO TITLE 10,
GUAM CODE ANNOTATED, RELATIVE TO REGULATING
THE USE OF FIREARMS BY PRIVATE SECURITY
OFFICERS.

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

2 Section 1. A new Chapter 71 is added to Title 10, Guam Code

3 Annotated to read as follows:

4 "CHAPTER 71

5 Private Security Organizations

6 Article 1

7 Title, Purpose and Definitions

8 Section 70200. Title. This Act shall be known and may be cited
9 as 'The Private Security Regulatory Statute.'

10 Section 70201. Purpose. The purpose of this Chapter is to
11 prescribe uniform procedures and qualifications throughout the
12 territory for: establishing training standards in the use of firearms by
13 Private Security Officers and restricting the hiring of certain persons
14 as Private Security Officers.

15 Section 70202. Definitions. For the purposes of this Chapter the
16 following terms, phrases, words and their derivations shall have the
17 meaning given herein. When not inconsistent with the context, words
18 used in the plural number shall include the singular number and words
19 in the singular number shall include the plural number. *

20 (a) The term 'Private Security Officer' means an individual
21 employed by any person, duly licensed and authorized to conduct
22 business in the territory of Guam, to protect a person or persons
23 and/or property from criminal activity and other hazards; whose
24 principal duty is that of a security director, manager, supervisor or

1 guard; armored car service guard, courier service guard, alarm
2 response guard, store detective, private investigator, and who may if
3 legally authorized to do so wear, carry or possess or have access to a
4 firearm in the performance of his duties.

5 (b) The term 'Certified Trainer' means any person approved and
6 certified by the Certifying Authority as qualified to administer and
7 certify to successful completion of the firearms training requirements
8 for Private Security Officers by Section 70204 of this Chapter.

9 (c) The term 'Persons' includes individuals, firms, associations,
10 companies, partnerships, corporations, non-profit organizations,
11 institutions, or similar entities.

12 (d) The term 'Firearms Identification Card' means a pocket card
13 issued by the Department of Public Safety to an individual authorizing
14 that individual to own, use or possess a firearm in the territory of
15 Guam.

16 (e) The term 'Certifying Authority' means the Department of
17 Public Safety.

18 (f) The term 'Temporary Firearms Identification Card' means a
19 pocket card issued by the Department of Public Safety to a resident
20 alien employed as a Private Security Officer authorizing that person to
21 use or possess a firearm in the territory of Guam.

22 Article 2

23 Firearms Training of Private Security Officers

24 Section 70203. Firearms Identification Card.

25 (a) All Private Security Officers required to carry a firearm
26 while performing security duties shall be the holder of a valid
27 Government of Guam Firearms Identification Card.

28 (b) Upon the written request of an employee, the Director,
29 Department of Public Safety, shall issue a temporary Firearms
30 Identification Card.

31 (c) The temporary Firearms Identification Card shall entitle the
32 holder to use or possess a firearm while actively employed as a Private
33 Security Officer in the territory of Guam.

1 (d) Upon issuance of a permanent Firearms Identification Card or
2 in the event the individual is no longer employed as a Private Security
3 Officer, the holder of a temporary Firearms Identification Card shall
4 surrender the card to the Department of Public Safety.

5 (e) A Private Security Officer in possession of a valid Firearms
6 Identification Card may carry a firearm concealed while on official duty
7 or while traveling to and from his place of duty.

8 (f) A Private Security Officer may carry his personally owned
9 firearm while on official security duty provided that the firearm is
10 legally registered and shall first be approved for such use by his
11 employer.

12 Section 70204. Private Security Officer Firearms Training
13 Requirements. (a) All Private Security Officers in possession of a
14 valid Firearms Identification Card shall receive pre-issue firearms
15 instructions as prescribed in subsection (b) of this Section before
16 being authorized to carry a firearm on duty.

17 (b) Pre-issue firearms instructions shall consist of two (2) hours
18 of training including, but not limited, to the following subjects:

19 (1) Legal limitations on the use of firearms;

20 (2) Handling of a firearm; and

21 (3) Safety and Maintenance.

22 (c) All Private Security Officers authorized and required to
23 carry a firearm on duty shall also receive initial firearms marksmanship
24 training on an approved firearms target course prescribed by the
25 Certifying Authority. Individuals must obtain a minimum score of
26 sixty percent (60%) on an approved silhouette target.

27 (d) All Private Security Officers authorized and required to
28 carry a firearm on duty shall receive annual firearms refresher
29 training as prescribed by subsections (b) and (c) of this Section.

30 (e) Upon completion of any training required by Section 70204,
31 the employer shall within thirty (30) days forward a recorded copy of
32 such completion signed by a certified trainer to the Certifying
33 Authority. The original training record document shall be maintained

1 by the Person employing a Private Security Officer. Such records
2 shall be made available for examination by the Certifying Authority
3 upon request.

4 (f) All training required by this Chapter shall be administered
5 by a certified trainer who is approved by the Certifying Authority and
6 meets the following minimum requirements:

- 7 (1) He must be a citizen of the United States or a resident
8 alien.
- 9 (2) He must be of legal age.
- 10 (3) He must have a minimum of one (1) year supervisory
11 experience with a private security organization or with
12 any Federal, U. S. military, state or territorial law
13 enforcement agency.
- 14 (4) He must not have been convicted in any jurisdiction of
15 any felony or any crime involving moral turpitude for
16 any of which a full pardon has not been granted.
- 17 (5) He must not have been discharged from the military
18 service under other than honorable conditions.
- 19 (6) He must be currently employed as a Private Security
20 Officer as defined in this Chapter.

21 (g) The certified trainer shall have the authority to appoint one
22 or more instructors to assist in the implementation of the training
23 program.

24 Article 3

25 Employment of Private Security Officers

26 Section 70205. No person shall be employed as a Private Security
27 Officer in Guam unless they first meet the following qualifications:

- 28 (1) He must be at least eighteen (18) years of age;
- 29 (2) He must be a citizen of the United States or a resident
30 alien;
- 31 (3) He must not have been convicted in any jurisdiction of
32 any felony for which a full pardon has not been
33 granted;

- 1 (4) He must not have been declared by any court of
2 competent jurisdiction incompetent by reason of
3 mental disease or defect unless competency has been
4 restored him;
- 5 (5) He must not suffer from habitual drunkenness or from
6 narcotic addiction or dependence;
- 7 (6) He must not possess any medical or physical disability
8 which in the judgement of the employer prevents him
9 from performing the duties of a Private Security
10 Officer; and
- 11 (7) He must not have been discharged from the military
12 service under other than honorable conditions.

13 Article 4

14 General Provisions

15 Section 70206. Unlawful Acts. (a) It shall be unlawful for any
16 person to knowingly:

- 17 (1) Employ any individual as a Private Security Officer
18 if the individual has been convicted in any
19 jurisdiction of a felony for which a full pardon
20 has not been granted;
- 21 (2) Violate any provision of this Title;
- 22 (3) Employ any individual as a Private Security Officer
23 Officer who has been discharged from the military
24 service under other than honorable conditions.

25 (b) The violation of any of the provisions of this Section shall
26 constitute a misdemeanor punishable by a fine of not more than One
27 Thousand Dollars (\$1,000) or up to one (1) year of imprisonment, or
28 both.

29 Section 70207. Reciprocity. Full reciprocity shall be
30 accorded to Private Security Officers who are properly certified in
31 another state having selection and training requirements at least equal
32 to the requirements of the Territory of Guam.

1 Article 5

2 Insurance

3 Section 70208. Each employer of Private sSecurity Officers shall
4 file with the Department of Revenue and Taxation a certificate of
5 insurance evidencing comprehensive general liability coverage for
6 bodily injury, personal injury, and property damage with endorsements
7 for assault and battery and personal injury, including false arrest,
8 libel, slander, and invasion of privacy, in the minimum amount of
9 Three Hundred Thousand Dollars (\$300,000) for bodily or personal
10 injury and One Hundred Thousand Dollars (\$100,000) for property
11 damage. The certificate of insurance shall contain an endorsement for
12 damage to property in the care, custody and control of the Private
13 Security Officer. The certificate of insurance shall indicate that
14 coverage of the employer is without any deductible amount. If the
15 Insurance Commissioner certifies that the employer is unable to acquire
16 an insurance policy without a non-deductible clause then the Insurance
17 Commissioner shall certify that the policy acquired by the employer is
18 a policy with the least deductible amount. The department shall not
19 issue a license to the employer until the certificate of insurance is on
20 file. If at any time the certificate of insurance is revoked, then the
21 department shall revoke the business license."

22 Section 2. Severability. If any provision of Chapter 71, Title 10,
23 Guam Code Annotated or the application thereof to any person or
24 circumstance is held invalid, such invalidity shall not affect other
25 provisions or application of Chapter 71 which can be given effect without
26 the invalid provisions or application and to this end the provisions of
27 Chapter 71 are declared to be severable.

28 Section 3. Effective Date. The provisions of Sections 1 and 2 of
29 this Act shall become effective sixty (60) days from the date of its approval
30 by the Governor or by the operation of law within the Governor's approval.

31 Section 4. 1 GCA Section 1013.1(a), enacted by Public Law 17-10,
32 "An Act relative to the duties of the Chamorro Language Commission, and
33 for other purposes," is amended to read:

34 "(a) Whenever the Guam Island Fair is to be held in a location

1 other than the Agana Paseo grounds, than any Civic Organization, as
2 provided herein, may sponsor a Liberation Day Carnival for the same
3 duration as the Guam Island Fair. In this instance, the Commis-
4 sioner's Council shall appoint a Liberation Day Carnival committee to
5 plan and make appropriate arrangements for the celebration of this
6 Carnival. The Committee shall be composed of members of patriotic,
7 religious, or other civic organization."

8 Section 5. New Sections 1013.4 and 1013.5 are added to Title 1 of the
9 Guam Code Annotated to read:

10 "Section 1013.4. Punishment for Obstruction. A person commits
11 a petty misdemeanor if, with intent to prevent the issuance of any
12 license or permit as authorized in Section 1013.1(b), he does any act
13 tending to obstruct or interfere with the issuance of any license or
14 permit for the operation of the Liberation Day Carnival as set out in
15 Section 1013.1 of Title 1 of the Guam Code Annotated. In addition,
16 any person guilty of obstruction as indicated above shall be civilly
17 liable for any losses suffered by any applicant for the arbitrary denial
18 of a license or permit as indicated above, plus cost and reasonable
19 attorneys fees in any civil action to require the proper government
20 officials to issue a permit or license as prescribed. The civil penalty
21 shall be not less than One Thousand Dollars (\$1,000.00) nor more than
22 twice the amount of losses sustained by the applicant for a license or
23 permit as a result of such obstruction.

24 Section 1013.5. Definition of Obstruction. The term 'obstruction'
25 as used in Section 1013.4 of Title 1, GCA, shall mean the refusal of
26 any government official or employee to issue a license or permit when
27 the applicant qualifies for the permit or license as prescribed by law."

28 Section 6. A new Section 8010 is added to the Government Code to
29 read:

30 "Section 8010. Uniform, insignia and badge of the Guam Police.

31 (a) The Government of Guam shall provide the police officers
32 with standard uniforms. Subject to detailed regulations and
33 specifications prescribed by the Director, the uniform to be worn by
34 police officers shall be a standard pattern and distinctive design.

1 (b) The badge shall be a shield measuring approximately three
2 and one-half (3½") inches in length, in the center of which shall be
3 imposed in relief, a facsimile of the seal of the territory of Guam.
4 The badge issued to commissioned officers shall be of a composition
5 metal in similitude of gold and that issued to other officers shall be a
6 composition metal in similitude of silver.

7 (c) Service without wearing uniform. The Director may direct
8 that certain police officers serve without wearing uniform, when in his
9 judgement, law enforcement requires such.

10 (d) Wearing uniforms by other persons prohibited. No person
11 other than a police officer shall wear, use or order to be worn or
12 used, copy or imitate in any respect or manner the standard uniform
13 and badge pursuant to regulations and specifications prescribed by the
14 Director of the Department.

15 (e) Any person violating Subsection (d) of this section is guilty
16 of a misdemeanor."