



Territory of Guam
Territorio de Guam

JUL 28 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 727 which I have signed into law this date as
Public Law 21-131.

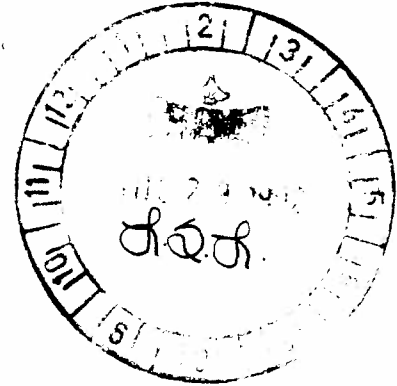
Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank F. Blas".

FRANK F. BLAS
Governor of Guam
Acting

Attachment

210913

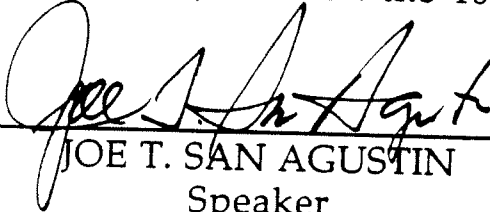


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 727 (COR), "AN ACT TO AMEND §70.42, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, BY ADDING SUBSECTIONS (d), (e), (f) AND (g) THERETO, TO IMPOSE STRINGENT FINANCIAL PENALTIES ON INDIVIDUALS CAUGHT UNLAWFULLY DISCHARGING A FIREARM, TO CONFISCATE SUCH FIREARM AND TO SUSPEND SUCH FIREARM'S REGISTRATION," was on the 10th day of July, 1992, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of July, 1992,
at 4:52 o'clock P.M.



Theresa J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: JUL 28 1992

Public Law No. 21-131

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 727 (COR)

As substituted by the Committee
on Judiciary and Criminal Justice
and as further substituted by the
Committee on Rules

Introduced by:

M. Z. Bordallo
P. C. Lujan
H. D. Dierking
D. Parkinson
J. P. Aguon
E. P. Arriola
C. T. C. Gutierrez
G. Mailloux
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. D. A. Manibusan
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND §70.42, CHAPTER 70, TITLE 9,
GUAM CODE ANNOTATED, BY ADDING
SUBSECTIONS (d), (e), (f) AND (g) THERETO, TO
IMPOSE STRINGENT FINANCIAL PENALTIES ON
INDIVIDUALS CAUGHT UNLAWFULLY
DISCHARGING A FIREARM, TO CONFISCATE SUCH
FIREARM AND TO SUSPEND SUCH FIREARM'S
REGISTRATION.

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

2 **Section 1. Legislative intent.** There have been several occasions on
3 Guam when innocent people have been injured as a result of stray bullets
4 from guns which have been unlawfully fired into the air, particularly during
5 festive occasions. Thus, on January 1, 1992 (New Year's Day), six cases of
6 injuries resulting from stray bullets were reported on Guam. Several of these
7 cases required extensive surgery for the removal of the bullets. The
8 discharging of firearms as an act celebrating such occasions has been steadily
9 increasing over the last few years throughout the island. Due to the recent
10 jump in the number of firearms being so discharged during such occasions and
11 the number of resulting injuries, there exists a real need to immediately
12 address this situation so that future injuries and potential deaths resulting
13 from these activities may be minimized if not prevented.

14 **Section 2. Legislation.** §70.42 of Chapter 70, Title 9, Guam Code
15 Annotated, is hereby amended to read:

16 "§70.42. **Discharge of firearms.** A person commits a
17 misdemeanor who willfully discharges a firearm:

18 (a) At any occupied dwelling, building or other structure;

19 (b) At any utility pole or light fixture, or line or device for
20 transmittal of power or communications of any kind;

21 (c) At any sign, signboard or notice placed upon or affixed to
22 any property belonging to the government of the territory;

23 (d) Into the air.

24 (e) Any individual found to commit a misdemeanor within the
25 provisions of this section shall be assessed a fine of no less than \$500
26 and no more than \$1,000 per offense, the firearm used shall be

1 confiscated and its registration certificate, and all rights thereunder,
2 shall be suspended for one (1) year. Any individual so convicted who
3 has legal possession of more than one firearm shall have only the
4 firearm used in the commission of the crime confiscated and its
5 registration suspended.

6 (f) Any firearm so confiscated shall not be sold or transferred
7 to another prior to completion of the sentence imposed.

8 (g) No individual found guilty under the provisions of this
9 section shall purchase any other firearm during the duration of the
10 suspension of his or her firearm's registration card."

11 **Section 2. Authorization for appropriation.** Such sums as may be
12 necessary are hereby authorized to be appropriated to the Guam Police
13 Department to conduct a public education program on the dangers of the
14 reckless and unlawful discharge of firearms.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 7/10/92

VOTING SHEET

Bill No. 727

Resolution No. _____

Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>				✓
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>	✓			
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon /</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>				✓
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>	✓			



**Senator Pilar Cruz Lujan
Twenty-First Guam Legislature**

Legislative Secretary

**Committee on Judiciary and Criminal Justice
Chairman**

July 1, 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler St.
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 727 wishes to report its findings and recommendations for passage of Substitute Bill 727.

The Committee voting record is as follows:

9	TO PASS
0	NOT TO PASS
0	ABSTAIN
0	TO PLACE IN INACTIVE FILE
3	NOT VOTING

A copy of the Committee report and all pertinent documents are attached for your information.

Sincerely,

PILAR C. LUJAN
Chairman

**TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) REGULAR SESSION**

Substitute Bill 727
As substituted by the
Committee on Judiciary
and Criminal Justice

Introduced By:

M. Z. Bordallo
P. C. Lujan
H. D. Dierking
D. Parkinson
E. P. Arriola

**AN ACT TO AMEND AND TO ADD SECTIONS (d) AND (e) TO
§70.42, CHAPTER 70, 9, GUAM CODE ANNOTATED, RELATIVE TO
IMPOSING STRINGENT FINANCIAL PENALTIES ON INDIVIDUALS
CAUGHT UNLAWFULLY DISCHARGING A FIREARM.**

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

Section 1. Legislative Intent.

There have been several occasions on Guam whereupon innocent people have been injured as a result of stray bullets from guns which have been unlawfully fired into the air, particularly during festive occasions. On January 1, 1992, approximately 6 cases of injuries resulting from stray bullets were reported on Guam. Several of these cases required extensive surgery for the removal of the bullets remains. The discharging of firearms as an act celebrating festive occasions has been steadily increasing over the years in communities throughout the island. Due to the recent increases in the number of firearms being discharged during festive occasions on the island and the number of incidental injuries resulting from these activities, there exist an need to address this situation so that future injuries or potential deaths resulting from these activities may be minimized.

Section 2. Legislative Provision.

§70.42, Chapter 70, Title 9, Guam Code Annotated, is hereby amended to read:

§70.42. Discharge of Firearms.

A person commits a misdemeanor who willfully

discharges a firearm:

- (a) At any occupied dwelling, building or other structure;
- (b) At any utility pole, or line or device for transmittal of power or communications of any kind;
- (c) At any sign, signboard or notice placed upon or affixed to any property belonging to the government of the territory;
- (d) Into the air which may in any way cause possible harm to individuals within the community during anytime of the year, particularly during the festive holidays celebrated within the territory. These occasions may include: July 4, July 21, January 1, the eve of these holidays, and other festive occasions.
- (e) Any individual found to commit a misdemeanor within the provisions of this section shall be assessed a fine of no less than \$500.00 and no more than \$1,000.00 per offense, in addition to the confiscation of the firearm and the suspension of the individual's firearms, identification card for one (1) year. Any individual convicted who has legal possession of more than one firearm shall have only the firearm used in the commission of the crime confiscated.
- (f) The firearm seized and confiscated shall not be sold or transferred to another prior to completion of the sentence imposed.
- (g) Any individual found guilty under the provisions of this Act shall be prohibited from the purchase of any other firearm for the duration of the suspension of his or

her firearms identification card.

(h) Such sums as may be necessary are hereby authorized to be appropriated to the Guam Police Department for the purposes of conducting a public education on the reckless and unlawful discharge of firearms.

COMMITTEE
ON
JUDICIARY AND CRIMINAL JUSTICE
COMMITTEE REPORT
ON SUBSTITUTE BILL 727

Substitute Bill 727---AN ACT TO AMEND AND TO ADD SECTIONS (d) AND (e) TO §70.42, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPOSING PENALTIES ON INDIVIDUALS CAUGHT UNLAWFULLY DISCHARGING A FIREARM.

PREFACE

The Committee on Judiciary and Criminal Justice convened on **Friday, February 28, 1992 at 9:30 a.m. in the legislative Public Hearing Room** to receive testimony on Bill 727.

Present alongside Chairwoman P. C. Lujan were Senators F. R, Santos, A. C. Blaz, M. C. Ruth, and A. R Unpingco

OVERVIEW

During certain holidays, residents of Guam experience a flurry of reckless gunfire discharged by some firearms owners who celebrate without caution and care.

New Year's eve, the Fourth of July, and Liberation Day are the popular holidays when irresponsible firearms owners brandish and discharge their weapons with reckless abandon.

On January 1, 1992, there were six reported injuries as a result of stray bullets. Several of the victims required extensive surgeries for the removal of these bullets.

Bill 727 will prohibit and make illegal such unlawful discharge of a firearm by making it a misdemeanor which may result in a minimum of a Five Hundred Dollar (\$500.00) fine up to a Thousand Dollar (\$1000.00) fine. Along with the monetary penalty, the Guam Police Department, in concert with the Superior Court, may confiscate the firearm and revoke the owners license.

TESTIMONY AND FINDINGS

Former Senator Jim Miles submitted testimony in support of Bill 727. The senator described the bill as "realistic" and "reasonable" approach to addressing the unlawful discharge of firearms.

He also submitted statistics on death rates and causes of death.

Steve Ulloa, the president of the Gun Owners Association of Guam submitted testimony in support of the intent of the bill, but recommended a few changes in order to protect the gun owners' second amendment rights.

Mr Ulloa indicated that Section (d) of the bill lacks the comprehensive approach necessary for the intent of the bill.

He also recommended that Section (e) be written that only the license and the firearm involved in the action be confiscated.

James F. Parks, submitted testimony as a private citizen in support of the bill but recommended a few changes to the bill.

Mr. Parks suggested deletion of reference to incidents abroad since they have no bearing on local incidents.

Additionally, he urged technical amendments by changing "revocation" to "suspension" and "license" to "identification card."

On the confiscation of firearms, Mr. Parks recommended that protection be extended to other weapons owned by an offender and limit seizure only to the firearm used in the commission of the crime.

Another important recommendation made to the Committee was to prohibit the purchase of additional firearms by an offender during period of identification card suspension.

Lastly, in order to educate the public about the unlawful discharge of a firearm, Mr. Parks recommended that a public education campaign be initiated and launched during holidays.

COMMITTEE RECOMMENDATIONS

In order to provide public safety and to minimize injuries caused by irresponsible acts such as the reckless discharge of firearms into the air during holidays and throughout the year, the Committee on Judiciary and Criminal Justice recommends passage of Bill 727 with modifications.

The injuries resulting from this particular activity has led the legislature to enforce legislation with a preventive approach.

The Committee recommends that offenders have their weapons seized in the manner other items used in the commission of a crime are confiscated under asset seizure and forfeiture proceedings.

Moreover, the Committee respects the property of offenders and recommends that only the weapon used in the commission of the crime be confiscated and not other weapons which a perpetrator may own.

Further, the Committee wholeheartedly agrees with the recommendation to prohibit the purchase of another weapon or sale of the weapon which has been seized while an offender's weapons identification card is under suspension.

Lastly, the Committee recommends a public education campaign be

conducted by the Guam Police Department to note the unlawful discharge of a firearm. With these changes, the Committee on Judiciary and Criminal Justice recommends passage of Substitute Bill 727.

**TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) REGULAR SESSION**

BILL NO. 727

INTRODUCED BY:

M. Z. BORDALLO 

**"AN ACT TO AMEND AND TO ADD SECTIONS (d) AND (e) TO
§70.42, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO IMPOSING STRINGENT FINANCIAL PENALTIES ON
INDIVIDUALS CAUGHT UNLAWFULLY DISCHARGING A FIREARM."**

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

2 **Section 1. Legislative Intent.**

3 There have been several occasions on Guam whereupon
4 innocent people have been injured as a result of stray bullets
5 from guns which have been unlawfully fired into the air,
6 particularly during festive occasions. On January 1, 1992,
7 approximately 6 cases of injuries resulting from stray bullets
8 were reported on Guam. Several of these cases required
9 extensive surgery for the removal of the bullet remains. The
10 discharging of firearms as an act celebrating festive
11 occasions has been steadily increasing over the years in
12 communities throughout the island. These activities are
13 particularly prevalent during New Year's Eve and New Year's
14 Day. In several countries throughout the world there have
15 been reports of large numbers of deaths resulting from similar

1 activites. Due to recent increases in the number of firearms
2 being discharged during festive occasions on the island and
3 the number of incidental injuries resulting from these
4 activities, there exist a need to address this situation so
5 that future injuries or potential deaths resulting from these
6 activites may be minimized.

7 **Section 2. Legislative Provision.**

8 §70.42, Chapter 70, Title 9, Guam Code Annotated, is
9 hereby amended to read:

10 **"§70.42. Discharge of Firearms.**

11 A person commits a misdemeanor who willfully
12 discharges a firearm:

- 13 (a) At any occupied dwelling, building, or
14 other structure;
- 15 (b) At any utility pole, or line or device for
16 transmittal of power or communications of any
17 kind;
- 18 (c) At any sign, signboard or notice placed
19 upon or affixed to any property belonging to
20 the Government of the Territory;
- 21 (d) Into the air which may in any way cause
22 possible harm to individuals within the
23 community during any time of the year,
24 particularly during festive holidays celebrated
25 within the Territory. These occasions may
26 include: July 4, July 21, January 1, the eve of
27 these holidays, and other festive occasions.

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(e) Any individual found to commit a
misdemeanor within the provisions of this
section shall be assessed a fine of no less
than \$500.00 and no more than \$1,000.00 per
offense, in addition to the confiscation of the
firearm and the revocation of the individual's
firearms license for one (1) year. The Guam
Police Department and the Superior Court of
Guam shall work together to insure that the
intent of this provision is effectively carried
out."



Gun Owners Association of Guam

P. O. Box 9518, Tamuning, Guam 96931

Statement of
Steve Ulloa
President
Gun Owners Association of Guam
Before the
Committee on Judiciary and Criminal Justice
Government of Guam

DATE: February 28, 1992

Ms. Chairperson and Members of the Committee:

Thank you for this opportunity to testify in behalf of the Gun Owners Association of Guam during this public hearing on Bill #727, an Act to amend and to add sections "d" and "e" to Chapter 70, Title 9, Guam Code Annotated.

We agree with the legislature that shooting in the air is dangerous and irresponsible. The Gun Owners Association of Guam would like to see the recommendations suggested in our testimony on Bill 694 be implemented.

This Bill 727, as written, we feel has some problems as follows:

1. On Section (d) to be added lines 21 thru 27 is not comprehensive enough. It could be shortened to read "Into the air in such a manner that it may cause possible injury to individuals within the area."
2. On Section (e) to be added lines 1 thru 11 does not take into account the fact that persons with more than 1 gun would be in violation of existing law because he would still be in possession of his other guns without a firearms I.D.. We would consider this an infringement on our right to keep and bear arms. We would not object if it were rewritten to read "Any person who is found guilty of violating the provisions of this section shall be assessed a fine on no less than \$500.00. In addition to the fine imposed the firearm involved in the unlawful discharge and the firearm registration of subject firearm shall be confiscated for a period of (1) year."

If the suggestion on (d) and (e) are implemented, we would then support this Bill.

We feel it is time for the legislature to support the gun

owners of Guam not by more legislation on law abiding gun owner, but by providing mandatory education to our children ages 6 thru 17 and voluntary education from 18 years up on gun safety. We would also like to see support for the local shooters who compete, especially those shooters interested in representing Guam in the Olympics, in the form of equipment and facilities.

We know that there is more than enough gun laws in existence and we find that enforcement of these laws especially as it relates to reckless conduct, negligence, etc. is all that is needed. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "S Ulloa".

Steve Ulloa
President
GOAG



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

January 21, 1992

MEMORANDUM

TO: Chairperson, Committee on Judiciary
and Criminal Justice

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 727

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

HERMINIA D. DIERKING

Enclosure

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:30 am</u>
Date	<u>1/22/92</u>

Ph. #
344 - 5241(w)

21ST GUAM LEGISLATURE
THE COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE
CHAIRD BY SENATOR PILAR C. LUJAN
TESTIMONY FOR BILL 727
BY JAMES F. PARKS, PRIVATE CITIZEN

Senators:

I will support Bill 727 with the following changes.

1. Page 1 line 14, from the word "in... to page 2 line 1 the word "activities". Delete the whole sentence. What happens in Indonesia or Egypt has no bearing on legislation for Guam.

2. Page 3 sub section(e) line 6 change "revocation" to "suspension".

3. Page 3 sub section(e) line 7 change "license" to "ID card".

4. Add new subsection (f) to read as follows:

" Suspension of firearms ID card (FAID) due to violation of (d) shall not be used as basis for confiscation of other firearms owned by said individual but shall serve to prevent legal carry or use outside said person's place of residence or home of record.

Suspension of FAID shall not prevent the legal sale of any other firearms owned by said person as long as all other sections of Guam law are complied with. Said person shall not sell any firearm confiscated under this section until released by GPD upon completion of the confiscation period, 1 year from the date of confiscation.

GPD Records section shall keep current files on all suspended FAID and confiscated firearms and shall not hinder the sale of any firearms solely on the basis that the seller has had his FAID suspended.

Persons convicted of violation of section (d) shall be prohibited from purchase of any firearm for the duration of the suspension of their FAID.

Suspension of a FAID shall not prevent said person from defending his life or the life of any member of his family with a firearm if inside said person's legal place of residence or home of record.

Under no circumstance shall a person with a suspended FAID have, hold, possess, use, carry, or otherwise control any firearm, his property or others, out of doors of his legal residence or home of record.

28 February 1992

Senator Pilar C. Lujan
Chairperson
Committee on Judiciary and Criminal Justice
21st Guam Legislature

Subject: Testimony, Bills 694 and 727

Dear Senator Lujan:

Thank you for the opportunity to appear before your committee concerning Bills 694 and 727.

I am adamantly opposed to Bill 694, an Act to provide for the safe and responsible use of firearms on Guam. The author of the bill, Senator Gordon Mailloux, has taken the position that his role as a law maker is to introduce "people control" legislation. The term "people control" is not only foreign to the principles of liberty and freedom under which our great nation was formed but is also an offensive term to decent, law-abiding citizens and has no place in proposed legislation.

People control is exercised by totalitarian regimes such as Red China, Cuba, Iran, Libya, and a host of other dictatorial governments who rule by brute force and at the point of a gun. Senator Mailloux apparently believes that it is necessary for the Guam Legislature to interpret the Bill of Rights on behalf of the citizens of Guam. That is not the role of Senator Mailloux and his colleagues in the Legislature. Gun owners on Guam can read and we do not need Senator Mailloux to tell us what he believes the Second Amendment means.

I agree that it is stupid, dangerous and irresponsible on the part of any gun owner to randomly discharge a firearm in the air. However, I would point out that the threat is nowhere as serious as Senator Mailloux and his cohorts have stated. There is no record over the past decade of any person on Guam ever being seriously injured or killed as a result of someone firing a gun in the air on New Year's Eve. During this same period over 600 people have been accidentally killed from other causes. Several times that number have been seriously injured.

It should also be pointed out that the present law, if properly enforced, is adequate to deter or significantly reduce the practice of unlawfully discharging a firearm.

Subject: Testimony, Bills 694 and 727
Pg. 2

Bill 694 also proposes to link government-mandated training and superfluous "guidelines" as a prerequisite for gun ownership. In the over 200-year history of our Nation, government training has never been a prerequisite to owning a firearm.

Bill 694 proposes to allow the Chief of Police to enforce this ridiculous set of guidelines to include "suggestions", whatever that means, and gun owners found in violation will have their firearms confiscated and their firearms ID cards revoked permanently. This smacks of "police state tactics" and would clearly place almost dictatorial powers in the hands of the Chief of Police to confiscate firearms. The penalties proposed in this legislation are too extreme for the offense of unlawfully discharging a firearm in the air. I urge the Legislature to reject this Bill.

There are over 20,000 gun control laws in existence in the United States. None have reduced crime or even reduced its rate of increase, or made our homes and streets safer. Guam presently has some of the most restrictive gun control laws of any place in the Nation. Still, the crime rate continues to grow.

I would again point out that, despite an increase in gun ownership in America and on Guam, the number of accidental shooting deaths have declined. (See attached copy of accidental deaths, World Almanac 1992)

I do support Bill 727 introduced by Senator Madeleine Bordallo as a more reasonable and realistic approach to addressing the problem of the unlawful discharge of firearms. There are a few minor changes that are recommended and have been submitted to Senator Bordallo for her review and consideration.

I leave you with this:

Second Amendment
U.S. Constitution

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

To me, that's pretty plain language. Bill 694 as proposed by Senator Mailloux would constitute an infringement of our Second Amendment Rights.

The best defense against tyranny and a corrupt government is a well-armed citizenry.

James G. Miles
SENATOR JAMES G. MILES

JGM:tqm

Ownership of Life Insurance in the U.S. and Assets of U.S. Life Insurance Companies

Source: American Council of Life Insurance

Legal Reserve Life Insurance Companies (millions of dollars)

Year	Purchases of life insurance				Insurance in force					
	Ordinary	Group	Industrial	Total	Ordinary	Group	Industrial	Credit	Total	Assets
1940	6,689	691	3,350	10,730	79,346	14,938	20,866	380	115,530	30,802
1950	17,326	6,068	5,402	28,796	149,116	47,793	33,415	3,844	234,168	64,020
1960	52,883	14,645	6,880	74,408	341,881	175,903	39,563	29,101	586,448	119,576
1965	83,485	51,385*	7,296	142,166*	499,638	308,078	39,818	53,020	900,554	158,884
1970	122,820	63,690*	6,612	193,122*	734,730	551,357	38,644	77,392	1,402,123	207,254
1975	188,003	95,190*	6,729	289,922*	1,083,421	904,695	39,423	112,032	2,139,571	289,304
1980	385,575	183,418	3,609	572,602	1,760,474	1,579,355	35,994	165,215	3,541,038	479,210
1982	585,444	250,532	1,898	837,874	2,216,388	2,066,361	32,766	161,144	4,476,659	588,163
1983	753,444	271,609	1,388	1,026,441	2,544,275	2,219,573	31,354	170,659	4,965,861	654,948
1984	820,315	293,521	943	1,114,779	2,887,574	2,392,558	30,104	189,951	5,499,987	722,979
1985	910,944	319,503	722	1,231,169	3,247,289	2,581,595	28,250	215,973	6,053,107	825,901
1986	933,592	374,741*	418	1,308,751*	3,658,203	2,801,049	27,168	233,859	6,720,279	937,551
1987	986,660	365,529	324	1,352,513	4,139,071	3,043,782	26,668	242,977	7,452,498	1,044,459
1988	995,686	410,848	320	1,406,854	4,511,608	3,232,080	25,456	251,015	8,020,159	1,166,870
1989	1,020,719	420,707	252	1,441,678	4,939,964	3,469,498	24,446	260,107	8,694,015	1,299,756
1990	1,069,660	459,271	220	1,529,151	5,366,982	3,753,506	24,071	248,038	9,392,597	1,408,402

*Includes Servicemen's Group Life Insurance \$27.8 billion in 1965, \$17.1 billion in 1970, \$1.7 billion in 1975, \$45.6 billion in 1981, and \$51.0 in 1986, as well as \$84.4 billion of Federal Employees' Group Life Insurance in 1981 and \$10.8 billion in 1986.

Accidental Deaths and Injuries by Severity of Injury

Source: National Safety Council

In 1990 accidental deaths were estimated to number 93,500, a decrease of 2 percent from the 1989 total. This was the ninth consecutive year that accidental deaths were estimated at less than 100,000. The death rate per 100,000 population was 37.5, down from 39.8 in 1988. The rates for work, home, and motor vehicle deaths in 1990 were the lowest on record.

1990						
Severity of Injury	Total*	Motor vehicle	Work	Home	Public	
Deaths*	93,500	46,300	10,500	21,500	19,000	
Disabling injuries*	9,000,000	1,700,000	1,700,000	3,200,000	2,400,000	
Permanent impairments	340,000	140,000	60,000	90,000	60,000	
Temporary total disabilities	8,600,000	1,600,000	1,700,000	3,100,000	2,300,000	

Certain Costs of Accidental Deaths or Injuries, 1990 (billions)						
Total*	\$173.8	\$89.0	\$63.8	\$23.5	\$13.4	
Wage loss	48.2	25.2	10.2	7.9	7.2	
Medical expense	28.4	6.2	8.7	10.0	4.1	
Insurance administration	30.1	22.3	10.3	1.0	0.7	

*Duplication between motor vehicle, work, and home are eliminated in the total column.

Home Accident Deaths

Source: National Safety Council

Year	Total home	Falls	Poison (solid, liquid)	Fires burns ²	Suffo., Ingesting object	Suffo., mech-anical	Fire-arms	Poison (gases)	All Other
1950	29,000	14,800	1,300	5,000	(1)	1,600	950	1,250	4,100
1955	28,500	14,100	1,150	5,400	(1)	1,250	1,100	900	4,600
1960	28,000	12,300	1,350	6,350	1,850	1,500	1,200	900	2,550
1965	28,500	11,700	1,700	6,100	1,300*	1,200	1,300	1,100	4,100
1970	27,000	3,000	5,600	1,800	1,100	1,400	1,100	3,300	
1975	25,000	8,000	3,700	5,000	1,800	800	1,300	1,000	3,400
1980	22,800	7,100	2,500	4,800	2,000	500	1,100	700	4,100 ³
1985	21,600	6,500	3,200	4,000	2,400	600	900	700	3,300
1988	22,500	6,400	4,200	3,800	2,800	500	900	600	3,300
1989	22,500	6,600	4,700	3,300	2,700	700	900	600	3,000
1990	21,500	6,500	4,700	3,300	2,000	800	800	400	2,400

*Data for this year and subsequent years not comparable with previous years due to classification changes. (1) Included in Other. (2) Includes deaths resulting from conflagration, regardless of nature of injury. (3) Includes about 1,000 excessive deaths due to summer heat wave.

Pedalcycle Accidents

Source: National Safety Council

Year	Pedalcycles (millions)	Deaths	Death Rate ¹	Percent of Deaths by Age		
				0-14	15-24	25 & over
1940	7.8	750	9.59	48	39	13
1950	13.8	440	3.18	82	9	9
1960	28.2	460	1.63	78	9	13
1970	56.5	780	1.38	66	15	19
1980	82.3	1,200	1.46	35	36	29
1985	92.7	1,100	1.19	49	24	27
1988	100.7	1,100 ²	0.99	40 ²	24 ²	36 ²
1989	100.6	1,000	1.09	43	20	37
1990	102.4	1,000	0.98	38	17	45

(1) Deaths per 100,000 pedalcycles. (2) Data for 1988 and later are not comparable to prior years due to changes in estimating procedures. Note: A pedalcycle = a vehicle propelled by human power and operated solely by pedals; excludes mopeds.

Estimated Death Rates for Selected Causes, 1989-90

Source: Natl. Center for Health Statistics, U.S. Dept. of Health and Human Services

Cause of death	Rate* 1989	Rate*P 1990	Cause of death	Rate* 1989	Rate*P 1990
All causes	868.1	861.9	Acute bronchitis and bronchiolitis	0.2	0.2
Viral hepatitis	0.6	0.7	Influenza and pneumonia	30.3	31.3
Tuberculosis, all forms	0.7	0.7	Influenza	0.6	0.8
Septicemia	7.7	7.9	Pneumonia	29.8	30.6
Syphilis	0.0	0.0	Chronic obstructive pulmonary diseases	34.0	35.5
All other infectious and parasitic dis-			Chronic and unspecified bronchitis	1.5	1.3
eases	11.5	12.8	Emphysema	6.3	6.6
Malignant neoplasms, including			Asthma	2.1	1.8
neoplasms of lymphatic and			Ulcer of stomach and duodenum	2.7	2.5
hematopoietic tissues	200.3	201.7	Hernia and intestinal obstruction	2.2	2.2
Diabetes mellitus	18.8	19.5	Cirrhosis and chronic liver disease	10.6	10.2
Meningitis	0.4	0.5	Cholelithiasis, cholecystitis, and cholan-		
Major cardiovascular diseases	376.4	366.9	gitis	1.2	1.2
Diseases of heart	296.3	289.0	Nephritis, nephrosis and nephrotic syn..	8.6	8.3
Rheumatic fever and			Infections of kidney	0.5	0.4
rheumatic heart disease	2.4	2.5	Hyperplasia of prostate	0.2	0.1
Hypertensive heart disease	8.5	8.7	Congenital anomalies	5.1	5.3
Ischemic heart disease	200.6	195.1	Certain conditions in perinatal period	7.0	7.5
Acute myocardial infarction	96.5	99.5	Symptoms, signs, ill-defined conditions	12.0	10.5
All other forms of heart disease	79.2	77.1	All other diseases	69.4	69.4
Hypertension	3.4	3.7	Accidents	38.2	37.3
Cerebrovascular diseases	59.4	57.9	Motor vehicle accidents	19.7	19.1
Arteriosclerosis	7.7	6.6	Suicide	12.6	12.3
Other diseases of arteries,			Homicide	9.3	10.2
arterioles, and capillaries	9.6	9.7	All other external causes	1.0	0.9

*Per 100,000 population; based on a 10-percent sample of deaths. from Jan. through Nov. p = provisional.

Principal Types of Accidental Deaths

Source: National Safety Council

Year	Motor vehicle	Falls	Poison (solid, liquid)	Drowning	Fires, Burns	Ingestion of Food, Object	Firearms	Poison (gases)
1970	54,633	16,926	3,679	7,860	6,718	2,753	2,406	1,620
1975	45,853	14,896	4,694	8,000	6,071	3,106	2,380	1,577
1980	53,172	13,294	3,089	7,257	5,822	3,249	1,955	1,242
1982	45,779	12,077	3,474	6,351	5,210	3,254	1,756	1,259
1983	44,452	12,024	3,382	6,353	5,028	3,387	1,695	1,251
1985	45,901	12,001	4,091	5,316	4,938	3,551	1,649	1,079
1986	47,865	11,444	4,731	5,700	4,835	3,692	1,452	1,009
1987	48,290	11,733	4,415	5,100	4,710	3,688	1,440	900
1988	48,900	12,200	5,100	4,600	4,700	4,000	1,500	900
1989	46,900	12,400	5,600	4,600	4,400	3,900	1,600	900
1990	46,300	12,400	5,700	5,200	4,300	3,200	1,400	800
Death rates per 100,000 population								
1970	26.8	8.3	1.8	3.9	3.3	1.4	1.2	0.8
1975	21.3	6.9	2.2	3.7	2.8	1.4	1.1	0.7
1980	23.4	5.9	1.4	3.2	2.6	1.4	0.9	0.5
1982	19.7	5.2	1.4	2.7	2.2	1.4	0.8	0.5
1983	19.0	5.1	1.4	2.7	2.1	1.4	0.7	0.5
1985	19.2	5.0	1.7	2.2	2.1	1.5	0.7	0.5
1986	19.9	4.7	2.0	2.4	2.0	1.5	0.6	0.4
1987	19.8	4.8	1.8	2.1	1.9	1.5	0.6	0.4
1988	19.9	5.0	2.1	1.9	1.9	1.6	0.6	0.4
1989	18.9	5.0	2.3	1.9	1.8	1.6	0.6	0.4
1990	8.6	5.0	2.3	2.1	1.7	1.3	0.6	0.3

U.S. Civil Aviation Accidents

Source: National Safety Council

1990	Accidents			Accident Rates			
	Total	Fatal	Deaths ¹	Per 100,000 Aircraft-Hours		Per million Aircraft-Miles	
				Total	Fatal	Total	Fatal
Large airlines	24	6	39	0.222	0.056	0.0055	0.0014
Commuter airlines	14	2	4	0.628	0.090	0.036	0.005
On-demand air taxis	104	26	40	3.28	0.82	—	—
General aviation	2,138	424	736	7.01	1.39	—	—

(1) Includes passengers, crew members and others.

Transportation Accident Passenger Death Rates, 1989

Source: National Safety Council

Kind of transportation	Passenger miles (billions)	Passenger deaths	Rate per 100 mln. pass. miles	1987-1989 avg. death rate
Passenger automobiles and taxis ¹	2,228.2	24,871	1.12	1.18
Buses	125.6	48	0.04	0.03
Intercity buses	24.0	3	0.01	0.03
Railroad passenger trains	13.1	8	0.06	0.07
Scheduled airlines	335.1	147	0.04	0.04

(1) Drivers of passenger automobiles are considered passengers.



Twenty-first Guam Legislature

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COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

VOTE SHEET ON: Substitute Bill 727

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
<u>Pilar C. Lujan</u> Senator Pilar C. Lujan Chairman	✓	—	—	—
<u>F.R. Santos</u> Senator Francisco R. Santos Vice Chairman	✓	—	—	—
<u>E. Arriola</u> Senator Elizabeth P. Arriola	✓	—	—	—
<u>J. George Bamba</u> Senator J. George Bamba	✓	—	—	—
<u>Anthony C. Blaz</u> Senator Anthony C. Blaz	✓	—	—	—
<u>Herminia D. Dierking</u> Senator Herminia D. Dierking	✓	—	—	—
<u>Gordon Mailloux</u> Senator Gordon Mailloux	✓	—	—	—
<u>Don Parkinson</u> Senator Don Parkinson	—	—	—	—
<u>Martha C. Ruth</u> Senator Martha C. Ruth	✓ 6/29/92	—	—	—
<u>Joe T. San Agustin</u> Speaker Joe T. San Agustin	✓	—	—	—
<u>Thomas V.C. Tanaka</u> Senator Thomas V.C. Tanaka	—	—	—	—
<u>Antonio R. Unpingco</u> Senator Antonio R. Unpingco	—	—	—	—

FEB 07 '92

**TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) REGULAR SESSION**BILL NO. 727 (COR)

INTRODUCED BY:

M. Z. BORDALLO 

**"AN ACT TO AMEND AND TO ADD SECTIONS (d) AND (e) TO
§70.42, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO IMPOSING STRINGENT FINANCIAL PENALTIES ON
INDIVIDUALS CAUGHT UNLAWFULLY DISCHARGING A FIREARM."**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**2 **Section 1. Legislative Intent.**

3 There have been several occasions on Guam whereupon
4 innocent people have been injured as a result of stray bullets
5 from guns which have been unlawfully fired into the air,
6 particularly during festive occasions. On January 1, 1992,
7 approximately 6 cases of injuries resulting from stray bullets
8 were reported on Guam. Several of these cases required
9 extensive surgery for the removal of the bullet remains. The
10 discharging of firearms as an act celebrating festive
11 occasions has been steadily increasing over the years in
12 communities throughout the island. These activities are
13 particularly prevalent during New Year's Eve and New Year's
14 Day. In several countries throughout the world there have
15 been reports of large numbers of deaths resulting from similar

1 activites. Due to recent increases in the number of firearms
2 being discharged during festive occasions on the island and
3 the number of incidental injuries resulting from these
4 activities, there exist a need to address this situation so
5 that future injuries or potential deaths resulting from these
6 activites may be minimized.

7 **Section 2. Legislative Provision.**

8 §70.42, Chapter 70, Title 9, Guam Code Annotated, is
9 hereby amended to read:

10 "§70.42. Discharge of Firearms.

11 A person commits a misdemeanor who willfully
12 discharges a firearm:

13 (a) At any occupied dwelling, building, or
14 other structure;

15 (b) At any utility pole, or line or device for
16 transmittal of power or communications of any
17 kind;

18 (c) At any sign, signboard or notice placed
19 upon or affixed to any property belonging to
20 the Government of the Territory;

21 (d) Into the air which may in any way cause
22 possible harm to individuals within the
23 community during any time of the year,
24 particularly during festive holidays celebrated
25 within the Territory. These occasions may
26 include: July 4, July 21, January 1, the eve of
27 these holidays, and other festive occasions.

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(e) Any individual found to commit a
misdemeanor within the provisions of this
section shall be assessed a fine of no less
than \$500.00 and no more than \$1,000.00 per
offense, in addition to the confiscation of the
firearm and the revocation of the individual's
firearms license for one (1) year. The Guam
Police Department and the Superior Court of
Guam shall work together to insure that the
intent of this provision is effectively carried
out."