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. 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.	**Fiscal Note Request 3/28/14** **Fiscal Note Waived 4/22/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	5/9/2014	AN ACT TO AMEND § 60109, AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING.	5/12/14	2:43 p.m.	5/22/2014			**As amended on the Floor.**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 2:43 pm DATE 5/12/14

FILE COPY

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 296-32 (COR), "AN ACT TO *AMEND* § 60109, AND TO *ADD* A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING,"** was on the 9th day of May, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

FILE COPY

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

Bill No. 296-32 (COR)
As amended on the Floor.

Introduced by: V. Anthony Ada
Aline A. Yamashita, Ph.D.
Chris M. Dueñas
Tommy Morrison
R. J. Respicio
Brant T. McCreadie
Michael F. Q. San Nicolas
T. C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Michael T. Limtiaco
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 60109, AND TO *ADD* A NEW §60109.1 TO CHAPTER 60 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 60109 of Chapter 60 of Title 10, Guam Code Annotated, is *amended* to read as follows:

"**§ 60109. Concealed Firearms.**

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

(a) the applicant shows exceptional cause therefore. Such exceptional causes *shall* include, but *not* be limited to, facts which show that such concealment is absolutely necessary for an individual who is engaged in the protection of persons or property, or who shows that he has a genuine reason to fear for the safety of his person or property and that a concealed firearm would materially lessen the danger. Such permission, once stated upon the identification card, *shall not* be renewed unless, at the time for renewal, the application shows a continuing need for such permission, using the standards for such permission as they exist at the time for renewal. It *shall* be unlawful for any person to carry any firearm concealed unless he has received permission to carry such firearm and such permission is stated upon the face of his identification card; or

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

Section 2. A new § 60109.1 is *added* to Chapter 60 of Title 10, Guam Code Annotated, to read as follows:

"**§ 60109.1. Concealed Firearms; Shall Issue License.**

(a) The Guam Police Department is authorized to issue licenses to carry concealed firearms to persons qualified as provided in this Section. Each such license must bear a color photograph of the licensee. For the purposes of this Section, concealed firearms are defined as a handgun, shotgun or rifle, but the term *does not* include a machine gun. For the purposes of this Section, *machine gun* means any firearm which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger. Such licenses *shall* be valid for a period of three (3) years from the date of issuance and *shall* coincide with

the date of the Firearms Identification Card. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display such upon demand by a law enforcement officer. The license *shall* be in the form of an endorsement upon the licensee's Guam Firearms Identification Card. Violations of the provisions of this Subsection, by lawfully licensed concealed firearms licensees, *shall* constitute a noncriminal violation with a penalty of Twenty Five Dollars ($25.00).

(b) The Guam Police Department *shall* issue a license if the applicant:

(1) is a resident of Guam and a citizen of the United States;

(2) is twenty one (21) years of age or older;

(3) does not suffer from a physical or mental infirmity which prevents the safe handling of a weapon or firearm;

(4) is not ineligible to possess a firearm by virtue of having been convicted of a felony;

(5) has not been committed for the abuse of a controlled substance or been found guilty of a crime under the laws of Guam or similar laws of any other state relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(6) does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It *shall* be presumed that an applicant chronically and habitually uses alcoholic beverages or other

substances to the extent that his or her normal faculties are impaired if the applicant has been convicted of a violation of 16GCA Chapter 18 within the three-year period immediately preceding the date on which the application is submitted;

(7) desires a legal means to carry a concealed firearm for lawful self-defense;

(8) demonstrates competence with a firearm by any one of the following:

(A) completion of any hunter education or hunter safety course approved by the Department of Agriculture (Fish and Wildlife Division) or a similar agency of another state;

(B) completion of any National Rifle Association firearms safety or training course;

(C) completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, the Criminal Justice Standards and Training Commission, or the Guam Police Department;

(D) completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(E) presents equivalent experience with a firearm as evidenced by United States Armed Forces training record, or

DD214 with a notation of firearms training and honorable discharge; or

(F) completion of any firearms training or safety course or class conducted by a Guam-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion, within the past five (5) years, of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition *shall* constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph (B), subparagraph (C), or subparagraph (F), or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

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

(10) has not been committed to a mental institution under Guam law, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least five (5) years prior to the date of submission of the application;

(11) has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, *unless* ten (10) years have elapsed since probation or any other conditions set by the court have been fulfilled; or a misdemeanor crime of family violence, *unless* three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled.

(12) has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of family violence or acts of repeat violence;

(13) is not prohibited from purchasing or possessing a firearm by any other provision of Guam law or federal law; and

(14) has been issued a current valid Guam Firearms Identification Card.

(c) The Guam Police Department *shall* deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, *unless* three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled. The Guam Police Department *shall* revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding three (3) years. The Department *shall*, upon notification by a law enforcement agency, or a court, and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this Section, until final disposition of the case. The Department *shall* suspend a license or the processing of an

application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.

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

(1) the name, address, place and date of birth, ethnicity, and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within Subsections (b) and (c);

(3) a statement that the applicant has been furnished a copy of this Chapter and is knowledgeable of its provisions;

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

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

(e) The applicant *shall* submit to the Guam Police Department:

(1) A completed application as described in Subsection (d).

(2) The fee charged for a concealed firearms license *shall* be the same fee charged for a concealed firearms authorized in Subsection (a) of §60109 of this Chapter. The difference between non-concealed and concealed carry fees *shall* be prorated, on a monthly bases, for individuals who receive a concealed carry license subsequent to the issuance of a non-concealed Firearms Identification Card. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law

enforcement officer," "correctional officer," or "correctional probation officer" is exempt from the licensing requirements of this Section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but *shall* pay the current license fees regularly required to be paid by nonexempt applicants. Further, a person who meets the qualifications as a *Qualified Law Enforcement Officer* or *Qualified Retired Enforcement Officer* under the provisions of the *Law Enforcement Officers Safety Act (*LEOSA, 18 U.S.C §§926B & C) are exempt from the required fees of this Chapter for a Firearms Identification Card and a Concealed Firearms License.

(3) A photocopy of a certificate or an affidavit or document as described in Subsection (b)(8).

(f) (1) The Guam Police Department, upon receipt of the items listed in Subsection (e), *shall* forward the full set of fingerprints of the applicant to the Federal Bureau of Investigation (FBI) or other appropriate federal law enforcement agency.

(2) The Guam Police Department *shall* provide fingerprinting service if requested by the applicant, and may charge a fee *not to exceed* Twenty Dollars ($20.00) for this service. Fingerprinting, including fingerprinting fees, *shall* be waived if the applicant has fingerprints on file from an application for a new or renewal of a Guam Firearms Identification Card.

(3) The Guam Police Department *shall*, within ninety (90) days after the date of receipt of the items listed in Subsection (e):

(A) issue the license; or

(B) deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in Subsection (b) or Subsection (c). If the Guam Police Department denies the application, it *shall* notify the applicant in writing, stating the grounds for denial and informing the applicant of any right to a hearing.

(C) In the event the Department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.

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

(E) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States, and is certified as such by the foreign government and by the appropriate embassy in this country, must be issued a license within twenty (20) days after the date of the receipt of a completed application, certification document, color photograph as specified in Subsection (e)(5), and a

nonrefundable license fee of Three Hundred Dollars ($300.00). Consular security official licenses *shall* be valid for one (1) year and may be renewed upon completion of the application process as provided in this Section.

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

(h) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee *shall* notify the Guam Police Department of such change. Failure to notify the Guam Police Department pursuant to the provisions of this Subsection *shall* constitute a noncriminal violation with a penalty of Twenty Five Dollars ($25.00).

(i) In the event that a concealed weapon or firearm license is lost or destroyed, the license *shall* be automatically invalid, and the person to whom the same was issued may, upon payment of Fifteen Dollars ($15.00) to the Guam Police Department, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Guam Police Department that such license has been lost or destroyed.

(j) A license issued under this Section *shall* be suspended or revoked if the licensee:

(1) is found to be ineligible under the criteria set forth in Subsection (b);

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

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

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

(5) is committed as a substance abuser, or is deemed a habitual offender under public law, or similar laws of any other state;

(6) is convicted of a second violation of substance or alcohol abuse, or a similar law of another state, within three (3) years of a previous conviction of such offense, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(7) is adjudicated an incapacitated person under public law, or similar laws of any other state; or

(8) is committed to a mental institution under public law, or similar laws of any other state.

(k) (1) *No less than* ninety (90) days before the expiration date of the license, the Guam Police Department *shall* mail to each licensee a written notice of the expiration and a renewal form prescribed by the Guam Police Department. The licensee must renew his or her license on or before the expiration date by filing with the Guam Police Department the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified by this Section. The license *shall* be renewed upon receipt of the completed renewal form. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of Fifteen Dollars ($15.00). A license may *not* be renewed one hundred eighty (180) days or

more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has permanently expired may reapply for licensure; however, an application for licensure and fees under Subsection (e) must be submitted, and a background investigation *shall* be conducted pursuant to this Section. A person who knowingly files false information under this Subsection is subject to criminal prosecution.

(2) A license issued to a member of the United States Armed Forces, is subject to paragraph (1); however, such a license does *not* expire while the member of the United States Armed Forces is serving on active duty military orders and deployed outside of Guam. The member of the United States Armed Forces must present to the Guam Police Department a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension, unless the member of the United States Armed Forces is subject to a deployment of greater than the 180-day period, then within 30 days of returning to Guam.

(l) (1) A license issued under this Section does *not* authorize any person to openly carry a handgun or carry a concealed firearm into:

(A) any detention facility, prison, or jail;

(B) any courthouse;

(C) any courtroom, except that nothing in this Section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;

(D) *I Liheslaturan Guåhan*;

(E) private property or business premises where carrying of firearms is prohibited by the property owner, lessee,

or business owner, and said prohibition is posted on the premises;

(F) while under the influence of alcohol (blood alcohol content of .08% or higher) or a controlled substance;

(G) any place where the carrying of firearms is prohibited by federal law; or

(H) as stated in Title 9 GCA Chapter 71, "The Guam Gun Free School Zone Act of 2004."

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

(3) 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.

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

(m) All moneys collected by the Department pursuant to this Section *shall* be deposited in the Police Services Fund.

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 296-32 (COR)
As amended on the Floor.

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ		✓			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.		✓			
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	13	2			
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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

Bill No. 296-32 (COR)
As amended on the Floor.
*

Introduced by: V. Anthony Ada
Aline A. Yamashita, Ph.D.
Chris M. Dueñas
Tommy 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 TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CONCEALED FIREARMS LICENSING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 60109 of Chapter 60 of Title 10, Guam Code Annotated, is *amended* to read as follows:

"**§ 60109. Concealed Firearms.**

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

(a) the applicant shows exceptional cause therefore. Such exceptional causes *shall* include, but *not* be limited to, facts which show that such concealment is absolutely necessary for an individual who is engaged in the protection of persons or property, or who shows that he has a genuine reason to fear for the safety of his person or property and that a concealed firearm would materially lessen the

danger. Such permission, once stated upon the identification card, *shall not* be renewed unless, at the time for renewal, the application shows a continuing need for such permission, using the standards for such permission as they exist at the time for renewal. It *shall* be unlawful for any person to carry any firearm concealed unless he has received permission to carry such firearm and such permission is stated upon the face of his identification card; or

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

Section 2. A new § 60109.1 is *added* to Chapter 60 of Title 10, Guam Code Annotated, to read as follows:

"**§ 60109.1. Concealed Firearms; Shall Issue License.**

(a) The Guam Police Department is authorized to issue licenses to carry concealed firearms to persons qualified as provided in this Section. Each such license must bear a color photograph of the licensee. For the purposes of this Section, concealed firearms are defined as a handgun, shotgun or rifle, but the term *does not* include a machine gun. For the purposes of this Section, *machine gun* means any firearm which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger. Such licenses *shall* be valid for a period of three (3) years from the date of issuance and *shall* coincide with the date of the Firearms Identification Card. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display such upon demand by a law enforcement officer. The license *shall* be in the form of an endorsement

upon the licensee's Guam Firearms Identification Card. Violations of the provisions of this Subsection, by lawfully licensed concealed firearms licensees, *shall* constitute a noncriminal violation with a penalty of Twenty Five Dollars ($25.00).

(b) The Guam Police Department *shall* issue a license if the applicant:

(1) is a resident of Guam and a citizen of the United States;

(2) is twenty one (21) years of age or older;

(3) does not suffer from a physical or mental infirmity which prevents the safe handling of a weapon or firearm;

(4) is not ineligible to possess a firearm by virtue of having been convicted of a felony;

(5) has not been committed for the abuse of a controlled substance or been found guilty of a crime under the laws of Guam or similar laws of any other state relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(6) does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It *shall* be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been convicted of a violation of 16GCA Chapter 18 within the three-year period immediately preceding the date on which the application is submitted;

(7) desires a legal means to carry a concealed firearm for lawful self-defense;

(8) demonstrates competence with a firearm by any one of the following:

(A) completion of any hunter education or hunter safety course approved by the Department of Agriculture (Fish and Wildlife Division) or a similar agency of another state;

(B) completion of any National Rifle Association firearms safety or training course;

(C) completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, the Criminal Justice Standards and Training Commission, or the Guam Police Department;

(D) completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(E) presents equivalent experience with a firearm as evidenced by United States Armed Forces training record, or DD214 with a notation of firearms training and honorable discharge; or

(F) completion of any firearms training or safety course or class conducted by a Guam-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion, within the past five (5) years, of any of the courses or classes; or an

affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition *shall* constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph (B), subparagraph (C), or subparagraph (F), or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

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

(10) has not been committed to a mental institution under Guam law, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least five (5) years prior to the date of submission of the application;

(11) has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, *unless* ten (10) years have elapsed since probation or any other conditions set by the court have been fulfilled; or a misdemeanor crime of family violence, *unless* three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled.

(12) has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of family violence or acts of repeat violence;

(13) is not prohibited from purchasing or possessing a firearm by any other provision of Guam law or federal law; and

(14) has been issued a current valid Guam Firearms Identification Card.

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

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

(1) the name, address, place and date of birth, ethnicity, and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within Subsections (b) and (c);

(3) a statement that the applicant has been furnished a copy of this Chapter and is knowledgeable of its provisions;

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

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

(e) The applicant *shall* submit to the Guam Police Department:

(1) A completed application as described in Subsection (d).

(2) The fee charged for a concealed firearms license *shall* be the same fee charged for a concealed firearms authorized in Subsection (a) of §60109 of this Chapter. The difference between non-concealed and concealed carry fees *shall* be prorated, on a monthly bases, for individuals who receive a concealed carry license subsequent to the issuance of a non-concealed Firearms Identification Card. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," "correctional officer," or "correctional probation officer" is exempt from the licensing requirements of this Section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional

probation officer" wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but *shall* pay the current license fees regularly required to be paid by nonexempt applicants. Further, a person who meets the qualifications as a *Qualified Law Enforcement Officer* or *Qualified Retired Enforcement Officer* under the provisions of the *Law Enforcement Officers Safety Act (*LEOSA, 18 U.S.C §§926B & C) are exempt from the required fees of this Chapter for a Firearms Identification Card and a Concealed Firearms License.

(3) A photocopy of a certificate or an affidavit or document as described in Subsection (b)(8).

(f) (1) The Guam Police Department, upon receipt of the items listed in Subsection (e), *shall* forward the full set of fingerprints of the applicant to the Federal Bureau of Investigation (FBI) or other appropriate federal law enforcement agency.

(2) The Guam Police Department *shall* provide fingerprinting service if requested by the applicant, and may charge a fee *not to exceed* Twenty Dollars ($20.00) for this service. Fingerprinting, including fingerprinting fees, *shall* be waived if the applicant has fingerprints on file from an application for a new or renewal of a Guam Firearms Identification Card.

(3) The Guam Police Department *shall*, within ninety (90) days after the date of receipt of the items listed in Subsection (e):

(A) issue the license; or

(B) deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in Subsection (b) or Subsection (c). If the Guam Police

Department denies the application, it *shall* notify the applicant in writing, stating the grounds for denial and informing the applicant of any right to a hearing.

(C) In the event the Department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.

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

(E) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States, and is certified as such by the foreign government and by the appropriate embassy in this country, must be issued a license within twenty (20) days after the date of the receipt of a completed application, certification document, color photograph as specified in Subsection (e)(5), and a nonrefundable license fee of Three Hundred Dollars ($300.00). Consular security official licenses *shall* be valid for one (1) year and may be renewed upon completion of the application process as provided in this Section.

(g) The Guam Police Department *shall* maintain an automated database listing of licensees and pertinent information, and such information

shall be available online, upon request, at all times to all law enforcement agencies.

(h) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee *shall* notify the Guam Police Department of such change. Failure to notify the Guam Police Department pursuant to the provisions of this Subsection *shall* constitute a noncriminal violation with a penalty of Twenty Five Dollars ($25.00).

(i) In the event that a concealed weapon or firearm license is lost or destroyed, the license *shall* be automatically invalid, and the person to whom the same was issued may, upon payment of Fifteen Dollars ($15.00) to the Guam Police Department, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Guam Police Department that such license has been lost or destroyed.

(j) A license issued under this Section *shall* be suspended or revoked if the licensee:

(1) is found to be ineligible under the criteria set forth in Subsection (b);

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

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

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

(5) is committed as a substance abuser, or is deemed a habitual offender under public law, or similar laws of any other state;

(6) is convicted of a second violation of substance or alcohol abuse, or a similar law of another state, within three (3) years of a previous conviction of such offense, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(7) is adjudicated an incapacitated person under public law, or similar laws of any other state; or

(8) is committed to a mental institution under public law, or similar laws of any other state.

(k) (1) *No less than* ninety (90) days before the expiration date of the license, the Guam Police Department *shall* mail to each licensee a written notice of the expiration and a renewal form prescribed by the Guam Police Department. The licensee must renew his or her license on or before the expiration date by filing with the Guam Police Department the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified by this Section. The license *shall* be renewed upon receipt of the completed renewal form. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of Fifteen Dollars ($15.00). A license may *not* be renewed one hundred eighty (180) days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has permanently expired may reapply for licensure; however, an application for licensure and fees under Subsection (e) must be submitted, and a background investigation *shall* be conducted pursuant to this Section. A person who knowingly files false information under this Subsection is subject to criminal prosecution.

(2) A license issued to a member of the United States Armed Forces, is subject to paragraph (1); however, such a license does *not* expire while the member of the United States Armed Forces is serving on active duty military orders and deployed outside of Guam. The member of the United States Armed Forces must present to the Guam Police Department a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension, unless the member of the United States Armed Forces is subject to a deployment of greater than the 180-day period, then within 30 days of returning to Guam.

(l) (1) A license issued under this Section does *not* authorize any person to openly carry a handgun or carry a concealed firearm into:

(A) any detention facility, prison, or jail;

(B) any courthouse;

(C) any courtroom, except that nothing in this Section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;

(D) *I Liheslaturan Guåhan*;

(E) private property or business premises where carrying of firearms is prohibited by the property owner, lessee, or business owner, and said prohibition is posted on the premises;

(F) while under the influence of alcohol (blood alcohol content of .08% or higher) or a controlled substance;

(G) any place where the carrying of firearms is prohibited by federal law; or

(H) as stated in Title 9 GCA Chapter 71, "The Guam Gun Free School Zone Act of 2004."

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

(3) 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.

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

(m) All moneys collected by the Department pursuant to this Section *shall* be deposited in the Police Services Fund.

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