

**9 GCA CRIMES AND CORRECTIONS
CH. 71 GUN-FREE SCHOOL ZONE ACT**

**CHAPTER 71
THE GUAM GUN-FREE SCHOOL ZONE ACT OF 2004**

NOTE: This Chapter was added by P.L. 27-116.

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§ 71.10. Title.

This Chapter shall be known, and may be cited, as “The Guam Gun-Free School Zone Act of 2004”.

§ 71.20. Definitions.

As used in this Chapter, the following definitions shall apply:

- (a) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.
- (b) “Firearm” shall mean as defined in 10 GCA § 60100.
- (c) “Concealed firearm” shall mean as defined in 9 GCA § 60108(e).

§ 71.30. Person Not Allowed to Possess Firearms.

Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (a) of Subdivision § 71.20, shall be punished as specified in Subdivision § 71.60.

§ 71.40. Prohibition on Discharge of Firearm.

It shall be unlawful for any person to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (a) of Subdivision § 71.20. The prohibition contained in this Subdivision does not

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apply to the discharge of a firearm if the firearm is discharged in an area that is designated as a shooting range at a University or College.

§ 71.50. Firearms Prohibited on University or College Property.

(a) It shall be unlawful for any person to bring or possess a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

(b) It shall be unlawful for any person to bring or possess a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding Section § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

§ 71.60. Punishment.

Any person who violates § 71.30, § 71.40, or § 71.50 of this Act shall be guilty of a felony of the third degree and any person who is convicted of an offense pursuant to § 71.30, § 71.40, or § 71.50 shall be sentenced as follows:

(a) For a first offense, the Court shall impose a sentence of imprisonment of no more than three (3) years, a fine of not less than One Thousand Dollars (\$1,000.00), and mandatory community service of no less than one hundred and fifty (150) hours.

(b) In cases where the person has been convicted of felonies under any provision of this Chapter, the person shall be sentenced to a term of imprisonment which shall not be less than five (5) years and in addition, may be fined not more than Fifteen Thousand Dollars (\$15,000.00). The sentence, if for a term of years, shall include a special parole term of not less than one (1) year in addition to such term of imprisonment. Imposition or execution of such sentence shall

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not be suspended, and probation shall not be granted. Sentence in these cases must also include mandatory community service of no less than one hundred fifty (150) hours unless the term of imprisonment is for life.

(c) The Court shall apply any minimum sentence, fine or community service specified in this Section, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment, fine or community service required in this Subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this Section, in which case the Court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

§ 71.61. Information for Sentencing.

Except as otherwise provided in Chapter 80 of Title 9 of the Guam Code Annotated, no limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which the Superior Court of Guam may receive and consider for the purpose of imposing an appropriate sentence under this Chapter.

§ 71.70. What Constitutes a Loaded Firearm.

For purposes of this Chapter, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

§ 71.80. Notice.

(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, "Warning this is a Gun-Free Zone" at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

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(b) The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 71.81. Not Applicable to Peace Officers and Military.

This Chapter does not apply to a duly appointed peace officer as defined in § 5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

§ 71.82. Not Applicable to Security Guards.

This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security purposes.

§ 71.83. Not Applicable to Existing Shooting Ranges.

This Chapter does not apply to an existing shooting range at a public or private school or university or college campus.

§ 71.90. Severability.

If any provision of this Act or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.
