

**10 GCA HEALTH AND SAFETY
CH. 71 PRIVATE SECURITY ORGANIZATIONS**

**CHAPTER 71
PRIVATE SECURITY ORGANIZATIONS**

- Article 1. Title, Purpose and Definitions.
- Article 2. Firearms Training of Private Security Officers.
- Article 3. Employment of Private Security Officers.
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**ARTICLE 1
TITLE, PURPOSE AND DEFINITIONS**

- § 71101. Title.
- § 71102. Purpose.
- § 71103. Definitions.

§ 71101. Title.

This Act shall be known and may be cited as *The Private Security Regulatory Statute*.

SOURCE: 10 GCA § 70200; Added by P.L. 17-14.

§ 71102. Purpose.

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

SOURCE: 10 GCA § 70201; Added by P.L. 17-14.

§ 71103. Definitions.

For the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the plural number shall include the singular number and words in the singular number shall include the plural number.

(a) The term *Private Security Officer* means an individual employed by any person, duly licensed and authorized to conduct business in the territory of Guam, to protect a person or persons and/or property from criminal activity and other hazards; whose principal duty is that of a security director, manager, supervisor or guard; armored car service guard, courier service guard, alarm response guard, store detective, private investigator,

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and who may if legally authorized to do so wear, carry or possess or have access to a firearm in the performance of his duties.

(b) The term *Certified Trainer* means any person approved and certified by the Certifying Authority as qualified to administer and certify to successful completion of the firearms training requirements for Private Security Officers by §71202 of this Chapter.

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

(d) The term *Firearms Identification Card* means a pocket card issued by the Guam Police Department an individual authorizing that individual to own, use or possess a firearm in the territory of Guam.

(e) The term *Certifying Authority* means the Guam Police Department.

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

SOURCE: 10 GCA § 70202; Added by P.L. 17-14.

NOTE: References to “Director of Public Safety” changed to “Chief of Police” pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

ARTICLE 2
FIREARMS TRAINING OF PRIVATE SECURITY OFFICERS

§ 71201. Firearms Identification Card.

§ 71202. Private Security Officer Firearm Training Requirement.

§ 71201. Firearms Identification Card.

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

(b) Upon the written request of an employee, the Chief of Police, Guam Police Department, shall issue a temporary Firearms Identification Card.

(c) The temporary Firearms Identification Card shall entitle the holder

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to use or possess a firearm while actively employed as a Private Security Officer in the territory of Guam.

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

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

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

SOURCE: 10 GCA § 70203, Added by P.L. 17-14.

NOTE: References to “Director of Public Safety” changed to “Chief of Police” pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

§ 71202. Private Security Officer Firearms Training Requirements.

(a) All Private Security Officers in possession of a valid Firearms Identification Card shall receive pre-issue firearms instructions as prescribed in Subsection (b) of this Section before being authorized to carry a firearm on duty.

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

- (1) Legal limitations on the use of firearms;
- (2) Handling of a firearm; and
- (3) Safety and Maintenance.

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

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

(e) Upon completion of any training required by §71202, the employer

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shall within thirty (30) days forward a recorded copy of such completion signed by a certified trainer to the Certifying Authority. The original training record document shall be maintained by the Person employing a Private Security Officer. Such records shall be made available for examination by the Certifying Authority upon request.

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

(1) He must be a citizen of the United States or a resident alien.

(2) He must be of legal age.

(3) He must have a minimum of one (1) year supervisory experience with a private security organization or with any Federal, U.S. military, state or territorial law enforcement agency.

(4) He must not have been convicted in any jurisdiction of any felony or any crime involving moral turpitude for any of which a full pardon has not been granted.

(5) He must not have been discharged from the military service under other than honorable conditions.

(6) He must be currently employed as a Private Security Officer as defined in this Chapter.

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

SOURCE: 10 GCA § 70204; Added by P.L. 17-14.

ARTICLE 3
EMPLOYMENT OF PRIVATE SECURITY OFFICERS

§ 71301. Employment Qualifications.

§ 71301. Employment Qualifications.

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

(1) He must be at least eighteen (18) years of age;

(2) He must be a citizen of the United States or a resident alien;

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(3) He must not have been convicted in any jurisdiction of any felony for which a full pardon has not been granted;

(4) He must not have been declared by any court of competent jurisdiction incompetent by reason of mental disease or defect unless competency has been restored him;

(5) He must not suffer from habitual drunkenness or from narcotic addiction or dependence;

(6) He must not possess any medical or physical disability which in the judgement of the employer prevents him from performing the duties of a Private Security Officer; and

(7) He must not have been discharged from the military service under other than honorable conditions.

SOURCE: 10 GCA § 70205; Added by P.L. 17-14.

ARTICLE 4
GENERAL PROVISIONS

§ 71401. Unlawful Acts.

§ 71402. Reciprocity.

§ 71403. Severability.

§ 71401. Unlawful Acts.

(a) It shall be unlawful for any person to knowingly:

(1) Employ any individual as a Private Security Officer if the individual has been convicted in any jurisdiction of a felony for which a full pardon has not been granted;

(2) Violate any provision of this Title;

(3) Employ any individual as a Private Security Officer who has been discharged from the military service under other than honorable conditions.

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

SOURCE: 10 GCA § 70206; Added by P.L. 17-14.

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§ 71402. Reciprocity.

Full reciprocity shall be accorded to Private Security Officers who are properly certified in another state having selection and training requirements at least equal to the requirements of the territory of Guam.

SOURCE: 10 GCA § 70207; Added by P.L. 17-14.

§ 71403. Severability.

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

SOURCE: P.L. 17-14.

**ARTICLE 5
INSURANCE**

§ 71501. Insurance.

§ 71501. Insurance Requirements.

Each employer of armed private security personnel *shall* file with the Department of Revenue and Taxation a certificate of insurance evidencing general liability coverage for bodily injury, personal injury, and property damage with endorsements for assault and battery in the minimum annual aggregate amount of One Hundred Fifty Thousand Dollars (\$150,000) for bodily or personal injury, and a minimum annual aggregate amount of One Hundred Thousand Dollars (\$100,000) for property damage. All private security employers are required to secure a policy with the least deductible amount. Any policy issued to a private security employer with a deductible amount *shall* bear a certification from the insurer, or its duly appointed general agent or sub-agent, and *shall* state that the deductible set forth in the policy is the least amount duly approved by the Commissioner of Banking and Insurance.

The certificate of insurance required herein *does not* apply to employers of unarmed security personnel who *do not* provide armed security services. For this purpose, employers of unarmed security personnel *shall* mean employers who *shall* prohibit or *shall not* allow

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security personnel to use physical force, and/or possess or have access to firearms, clubs or batons, shock or stun devices, and incapacitating agents.

The Department of Revenue and Taxation *shall* adopt a designation that *shall* identify on a business license that such business is licensed to provide armed security services.

If at any time the certificate of insurance is revoked, or cancelled, then the Department *shall* revoke the business license of such business that is required to maintain a certificate of insurance.

SOURCE: 10 GCA § 70208; Added by P.L. 17-14. Amended by P.L. 22-147:2 (12/29/94), and P.L. 31-144:2 (Nov. 17, 2011).

2011 NOTE: Reference to the “Insurance Commisioner” changed to the “Commissioner of Banking and Insurance” pursuant to P.L. 27-088:10 (May 6, 2004).

