
A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature notes that Act 74, Session Laws
2 of Hawaii 2020, established, among other things, the class C
3 felony offense of manufacturing, purchasing, or obtaining
4 firearm parts to assemble a firearm having no serial number.
5 This offense is now codified in section 134-10.2, Hawaii Revised
6 Statutes. However, according to law enforcement agencies,
7 persons found to be in possession of firearms having no serial
8 number, which are also known as "ghost guns" because they are
9 untraceable, claim that their actions do not violate the law
10 because the parts used to assemble the firearm were acquired
11 prior to the September 15, 2020, effective date of section
12 134-10.2, Hawaii Revised Statutes.

13 Accordingly, the purpose of this Act is to:

14 (1) Amend the offense of manufacturing, purchasing, or
15 obtaining firearm parts to assemble a firearm having
16 no serial number to also prohibit possession of those
17 firearm parts; and



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1 (2) Amend Act 74, Session Laws of Hawaii 2020, to repeal
2 language that specified the prospective application of
3 that Act.

4 SECTION 2. Section 134-10.2, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) A person who is not licensed to manufacture a firearm
7 under section 134-31, or who is not a dealer licensed by the
8 United States Department of Justice, shall not, for the purpose
9 of assembling a firearm, possess, purchase, produce with a
10 three-dimensional printer, or otherwise obtain separately, or as
11 part of a kit:

12 (1) A firearm receiver that is not imprinted with a serial
13 number registered with a federally licensed
14 manufacturer;

15 (2) A firearm receiver that has not been provided a serial
16 number that may be registered in accordance with
17 section 134-3(c); or

18 (3) Any combination of parts from which a firearm having
19 no serial number may be readily assembled; provided
20 that the parts do not have the capacity to function as
21 a firearm unless assembled."



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1 SECTION 3. Act 74, Session Laws of Hawaii 2020, is amended
2 by repealing section 6.

3 [~~SECTION 6. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.~~"]

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act, upon its approval, shall take effect
9 retroactive to September 15, 2020.

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INTRODUCED BY: _____



JAN 27 2021



H.B. NO. 1366

Report Title:

Firearms; Ghost Guns; Parts; Possession; Prohibition

Description:

Amends the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts. Amends Act 74, Session Laws of Hawaii 2020, to repeal language that specified the prospective application of that Act. Applies retroactively to 9/15/2020.

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