
A BILL FOR AN ACT

RELATING TO WEAPONS.

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

1 SECTION 1. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§134- Reports relating to certain orders. (a) No
5 later than April 1, 2025, and April 1 of each year thereafter,
6 the department of the attorney general shall publish a report on
7 its publicly available website that includes for the prior
8 calendar year and each month within that year, to the extent the
9 data is available, the number of instances in which:

10 (1) A person subject to an order described in section
11 134-7(f) or 134-86(g) surrendered a firearm,
12 ammunition, or electric gun as a result of that order;
13 and

14 (2) An order described in section 134-7(f) or 134-86(g)
15 was denied, revoked, or allowed to expire, or the
16 corresponding action was withdrawn by the petitioner,
17 because the person subject to the order required a



1 firearm, ammunition, or electric gun for the purposes
2 of the person's employment.

3 (b) The judiciary, the department of law enforcement, the
4 police departments of the several counties, and other state and
5 county agencies shall provide to the department of the attorney
6 general the data necessary for the purpose of each annual
7 report, to the extent the data is available.

8 (c) The report required by this section may be published
9 within the report that is published pursuant to section
10 134-9.6."

11 SECTION 2. Section 134-7, Hawaii Revised Statutes, is
12 amended by amending subsection (f) to read as follows:

13 "(f) No person who has been restrained pursuant to an
14 order of any court, including a gun violence protective order
15 issued pursuant to part IV, from contacting, threatening, or
16 physically abusing any person, shall possess, control, or
17 transfer ownership of any firearm or ammunition, so long as the
18 protective order, restraining order, or any extension is in
19 effect[-]; provided that the person may possess or control a
20 firearm and ammunition in the course of the person's employment
21 if:



- 1 (1) The order is not an order issued pursuant to part IV;
- 2 (2) The person needs to possess or control a firearm and
- 3 ammunition for the purpose of the person's employment;
- 4 (3) The employer lawfully owns the firearm and ammunition;
- 5 (4) The person does not hold any ownership interest in the
- 6 employer or the firearm or ammunition, or any
- 7 management authority in the employer;
- 8 (5) The employer prohibits the employee from possessing or
- 9 controlling the firearm or ammunition outside the
- 10 course of the person's employment;
- 11 (6) The person has never possessed or controlled the
- 12 employer's firearm outside the course of the person's
- 13 employment; and
- 14 (7) Upon demand by the presiding court, the person proves
- 15 to the court's satisfaction that paragraphs (2)
- 16 through (6) apply.

17 The protective order or restraining order shall

18 specifically include a statement that possession, control, or

19 transfer of ownership of a firearm or ammunition by the person

20 named in the order is prohibited~~[-]~~, except in the course of the

21 person's employment, to the extent authorized by this



1 subsection. The person shall relinquish possession and control
2 of any firearm and ammunition owned by that person to the police
3 department of the appropriate county for safekeeping for the
4 duration of the order or extension thereof. At the time of
5 service of a protective order or restraining order involving
6 firearms and ammunition issued by any court, a police officer
7 may take custody of any and all firearms and ammunition in plain
8 sight, those discovered pursuant to a consensual search, and
9 those firearms surrendered by the person restrained. If the
10 person restrained is the registered owner of a firearm and knows
11 the location of the firearm, but refuses to surrender the
12 firearm or disclose the location of the firearm, the person
13 restrained shall be guilty of a misdemeanor. In any case, when
14 a police officer is unable to locate the firearms and ammunition
15 either registered under this chapter or known to the person
16 granted protection by the court, the police officer shall apply
17 to the court for a search warrant pursuant to chapter 803 for
18 the limited purpose of seizing the firearm and ammunition."

19 SECTION 3. Section 134-86, Hawaii Revised Statutes, is
20 amended by amending subsection (g) to read as follows:



1. "(g) No person who has been restrained pursuant to an
2 order of any court, including an ex parte order as provided in
3 this subsection, from contacting, threatening, or physically
4 abusing any person or from possessing or owning a firearm, shall
5 possess, control, or transfer ownership of an electric gun, so
6 long as the protective order, restraining order, or any
7 extension is in effect [~~, unless the~~]; provided that:

8 (1) The person may possess or control an electric gun in
9 the course of the person's employment if:

10 (A) The person needs to possess or control an
11 electric gun for the purpose of the person's
12 employment;

13 (B) The employer lawfully owns the electric gun;

14 (C) The person does not hold any ownership interest
15 in the employer or the electric gun, or any
16 management authority in the employer;

17 (D) The employer prohibits the employee from
18 possessing or controlling the electric gun
19 outside the course of the person's employment;



1 (E) The person has never possessed or controlled the
2 employer's firearm outside the course of the
3 person's employment; and

4 (F) Upon demand by the presiding court, the person
5 proves to the court's satisfaction that
6 subparagraphs (A) through (E) apply; and

7 (2) The order, for good cause shown, may specifically
8 [permits] permit the possession of an electric gun.

9 The restraining order or order of protection shall
10 specifically include a statement that possession, control, or
11 transfer of an electric gun by the person named in the order is
12 prohibited[~~—Such~~], subject to the exceptions of this
13 subsection. The person shall relinquish possession and control
14 of any electric gun owned by that person to the police
15 department of the appropriate county for safekeeping for the
16 duration of the order or extension thereof.

17 In the case of an ex parte order that includes a
18 restriction on the possession, control, or transfer of an
19 electric gun, the affidavit or statement under oath that forms
20 the basis for the order shall contain a statement of the facts
21 that support a finding that the person to be restrained owns,



1 intends to obtain or transfer, or possesses an electric gun, and
2 that the electric gun may be used to threaten, injure, or abuse
3 any person. The ex parte order shall be effective upon service
4 pursuant to section 586-6.

5 At the time of service of a restraining order involving
6 electric guns issued by any court, the police officer may take
7 custody of any and all electric guns in plain sight, those
8 discovered pursuant to a consensual search, and those electric
9 guns surrendered by the person restrained.

10 For the purposes of this subsection, "good cause" shall not
11 be based solely upon the consideration that the person subject
12 to restraint pursuant to an order of any court, including an ex
13 parte order as provided for in this subsection, is required to
14 possess or carry an electric gun [~~during the course of the~~
15 ~~person's employment.~~] for the person's own safety. "Good cause"
16 includes but is not limited to the protection and safety of the
17 person to whom a restraining order is granted."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



H.B. NO. 2232

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'S. G. A.', written over a horizontal line.

JAN 22 2024



H.B. NO. 2232

Report Title:

AG; Courts; Firearms; Electric Guns; Reports; Restraining Orders; Injunctions

Description:

Requires the Department of the Attorney General to publish certain annual reports regarding restraining orders, firearms, and electric guns. Authorizes persons subject to certain restraining orders to possess or control firearms, ammunition, or electric guns in the course of employment, subject to certain conditions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

