

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

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

4           "§134-A Possession of a firearm in a sensitive location;  
5 penalty. (a) It shall be unlawful for a person to possess a  
6 firearm in a sensitive location, whether the firearm was loaded  
7 or not, and whether operable or not; provided that the person  
8 knows or reasonably should know that the location is a sensitive  
9 location.

10           (b) For the purposes of this section, "sensitive location"  
11 means:

12           (1) Any place owned or under the control of federal,  
13 state, or local government, for the purpose of  
14 government administration, including but not limited  
15 to courts;

16           (2) Any location providing health, behavioral health, or  
17 chemical dependance care or services;



- 1        (3) Any place of worship or religious observation;
- 2        (4) Libraries;
- 3        (5) Public parks or recreational grounds as defined in  
4                section 708-814.5;
- 5        (6) Child care facilities as defined in section 346-151;
- 6        (7) Schools as defined in section 302A-901;
- 7        (8) Adult foster homes as defined in section 321-11.2;
- 8        (9) Developmental disabilities apartment complexes as  
9                defined in section 321-15.9;
- 10       (10) Developmental disabilities domiciliary homes as  
11               defined in section 321-15.9;
- 12       (11) Behavioral health crisis centers as defined in section  
13               334-1;
- 14       (12) Community mental health centers as defined in section  
15               334-1;
- 16       (13) Psychiatric facilities as defined in section 334-1;
- 17       (14) Special treatment facilities as defined in section  
18               334-1;
- 19       (15) Emergency shelters as defined in section 346-361;
- 20       (16) Homeless facilities as defined in section 346-361;
- 21       (17) Transitional shelters as defined in section 346-361;



- 1        (18) Shelters as defined in section 127A-19;
- 2        (19) Any family shelter, shelter for adult, domestic  
3        violence shelter, or residential program for victims  
4        of domestic violence;
- 5        (20) Any building or grounds, owned or leased, of any  
6        educational institution, college, or university;
- 7        (21) Any place, conveyance, or vehicle used for public  
8        transportation or public transit, including but not  
9        limited to:
  - 10        (A) Buses;
  - 11        (B) Train cars;
  - 12        (C) Ferries;
  - 13        (D) Railroad;
  - 14        (E) Omnibus; and
  - 15        (F) Marine or aviation transportation;
- 16        (22) Any facility used for or in connection with service in  
17        the transportation of passengers, including but not  
18        limited to:
  - 19        (A) Airports;
  - 20        (B) Bus terminals;
  - 21        (C) Train stations; and



- 1            (D) Rail stations;
- 2            (23) Any establishment issued a license for on-premise
- 3            consumption pursuant to sections 281-31 and 281-32.5;
- 4            (24) Any place used for performance, art, entertainment, or
- 5            sporting events, including but not limited to:
- 6            (A) Theaters;
- 7            (B) Stadiums;
- 8            (C) Racetracks;
- 9            (D) Museums;
- 10           (E) Amusement parks;
- 11           (F) Performance venues;
- 12           (G) Concerts;
- 13           (H) Exhibits;
- 14           (I) Conference centers; and
- 15           (J) Banquet halls;
- 16           (25) Any location being used as a polling place;
- 17           (26) Any public sidewalk or other public area restricted
- 18           from general public access for a limited time or
- 19           special event that has been issued a permit for such
- 20           time or event by a governmental entity, or subject to
- 21           specific, heightened law enforcement protection, or



1 has otherwise had such access restricted by a  
2 governmental entity; provided that the location is  
3 identified as such by clear and conspicuous signage;

4 (27) Any gathering of individuals to collectively express  
5 their constitutional rights to protest or assemble;  
6 and

7 (28) Any area within Waikiki as defined in section 712-  
8 1207; provided that the area shall be clearly and  
9 conspicuously identified with signage.

10 (c) Any person violating this section shall be guilty of a  
11 class C felony.

12 **§134-B Duty to inform law enforcement upon contact.** (a)  
13 A person granted a license to carry a concealed or unconcealed  
14 firearm and who is in possession of or carrying their licensed  
15 firearm when contacted by a law enforcement officer shall  
16 immediately inform the law enforcement officer that the person  
17 is in possession of or carrying their licensed firearm, and  
18 shall present the license to the law enforcement officer.

19 (b) Any person violating this section shall be subject to  
20 revocation of their license to carry a concealed firearm under



1 section 134-13, and disqualified from renewing their license to  
2 carry a concealed firearm under section 134-9."

3 SECTION 2. Section 134-11, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Sections 134-7 to 134-9 [~~and~~], 134-21 to 134-27, and  
7 section 134-A, except section 134-7(f), shall not apply:

8 (1) To state and county law enforcement officers; provided  
9 that such persons are not convicted of an offense  
10 involving abuse of a family or household member under  
11 section 709-906;

12 (2) To members of the armed forces of the State and of the  
13 United States and mail carriers while in the  
14 performance of their respective duties if those duties  
15 require them to be armed;

16 (3) To regularly enrolled members of any organization duly  
17 authorized to purchase or receive the weapons from the  
18 United States or from the State; provided the members  
19 are either at, or going to or from, their places of  
20 assembly or target practice;



1           (4) To persons employed by the State, or subdivisions  
2           thereof, or the United States while in the performance  
3           of their respective duties or while going to and from  
4           their respective places of duty if those duties  
5           require them to be armed;

6           (5) To aliens employed by the State, or subdivisions  
7           thereof, or the United States while in the performance  
8           of their respective duties or while going to and from  
9           their respective places of duty if those duties  
10          require them to be armed; and

11          (6) To police officers on official assignment in Hawaii  
12          from any state which by compact permits police  
13          officers from Hawaii while on official assignment in  
14          that state to carry firearms without registration.  
15          The governor of the State or the governor's duly  
16          authorized representative may enter into compacts with  
17          other states to carry out this paragraph."

18          2. By amending subsection (c) to read:

19          "(c) Sections 134-8, 134-9, [~~and~~] 134-21 to 134-27, and  
20          134-A, shall not apply to the possession, transportation, or  
21          use, with blank cartridges, of any firearm or explosive solely



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1 as props for motion picture film or television program  
2 production when authorized by the chief of police of the  
3 appropriate county pursuant to section 134-2.5 and not in  
4 violation of federal law."

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

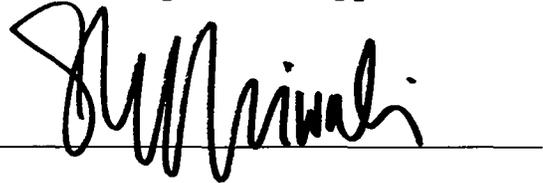
8 SECTION 4. In codifying the new sections added by section  
9 1 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY:



# S.B. NO. 883

**Report Title:**

Firearms; Sensitive Locations; Prohibition

**Description:**

Establishes the crime of possession of a firearm in a sensitive location as a class C felony. Imposes a duty to inform law enforcement upon contact on concealed and unconcealed carry permit holders. Defines sensitive location.

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

