STAND. COM. REP. NO. 2633

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2408

S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2408 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY OF FIREARM OWNERS," begs leave to report as follows:

The purpose of this measure is to exempt government entities from the definition of "owner" in section 663-9.5, Hawaii Revised Statutes, that imposes strict liability on firearms owners for injury or damage proximately caused by the firearm.

Your Committee received testimony in support of this measure from the Attorney General, the Department of the Corporation Council for the City and County of Honolulu, the Office of the Corporation Council for the County of Hawaii, and the Honolulu Police Department. Testimony in opposition to this measure was submitted by the Hawaii Rifle Association.

Your Committee finds that in its current form, section 663-9.5, Hawaii Revised Statutes, leaves open the possibility that the State or the counties could be held absolutely liable if a law enforcement officer were to use his or her service weapon to commit a criminal act that results in personal injury or property damage. This measure will clarify that the potential for absolute liability against owners of firearms does not apply to the State or counties.

Your Committee notes that this measure was originally proposed by the County of Hawaii. Your Committee further notes



that discussions with the Attorney General indicate that this bill will not override *Doe Parents v. State of Hawaii*, 100 Haw. 3, 58 P.3d 545 (2002).

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2408, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Referral:			Date:			
SB 2408	JHW		3/1/06				
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is to:							
Pass, unamended Pass, with amendments (2312) (2311)			Hold Recommit (2310) (2313)				
Members		Ayes	Ayes	s(WR)	Nays	Excused	
HANABUSA, Colleen (C)	<u> </u>	<b>✓</b>			Ministra	/ . disc*	
HEE, Clayton (VC)						<b>/</b>	
CHUN OAKLAND, Suzanne		<b>V</b>			ar area.		
ENGLISH, J. Kalani		(A)	<del> </del>	•		41 -	
IHARA, Jr., Les WHALEN, Paul							
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					3.816		
TOTAL		4		D	Ō	7	
Recommendation:  Adopted Not Adopted							
Chair's or Designee's Signature:  Rhanne Omn Calcland							
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

<sup>\*</sup>Do not list more than one measure per Record of Votes.