

STAND. COM. REP. NO.

3409

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2204
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2204, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LIABILITY OF A FIREARM
OWNER,"

begs leave to report as follows:

The purpose of this measure is to exempt government entities
from the definition of "owner" for purposes of the law on absolute
liability of firearm owners for discharge of a firearm that
proximately causes personal injury or property damage to any
person.

This measure further provides that it shall not be construed
to relieve government entities from any other tort liability.

Your Committee received testimony in support of this measure
from the State Attorney General and Mayor of the County of Hawaii.
Testimony in opposition was received from the Hawaii Rifle
Association, Lessons in Firearms Education, and Consumer Lawyers
of Hawaii.

This measure clarifies existing law on absolute liability for
damages for the discharge of a firearm, by excepting government
entities from absolute liability.

Your Committee has amended this measure by:



- (1) Clarifying that the absolute liability does not apply to the State or counties owning the firearm if the law enforcement officer uses the firearm outside of the course and scope of employment as a law enforcement officer;
- (2) Clarifying that the measure shall not be construed to relieve the State and counties from any other tort liability that may be applicable to the State or counties;
- (3) Changing the effective date to July 1, 2050 to continue the discussions on this matter; and
- (4) Making technical, nonsubstantive amendments.

Your Committee intends that the State or county shall not be liable in instances where the law enforcement officer uses the firearm for personal use not related to the officer's duties or employment.

Your Committee intends the State or county to be afforded a limited exemption in instances where the law enforcement officer

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2204, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2204, H.D. 1, 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
Labor,


BRIAN T. TANIGUCHI, Chair



