

JAN 25 2012

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

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

"§134- _____ Lost or stolen firearms; reporting requirement.

(a) Any owner or other person in lawful possession of a firearm, upon discovering that the firearm has been lost or stolen, shall report the loss or theft within seventy-two hours of the discovery to the chief of police of the county in which the loss or theft occurred and, if different, the county in which the firearm is registered.

(b) Any person who violates this section shall be guilty of a misdemeanor.

(c) A person shall be exempt from the penalties specified in section 134-17, sections 134-23 to 134-27, and section 707-714.5 with regard to any firearm the person reports as lost or stolen pursuant to this section."

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



"§134-11 Exemptions. (a) Sections 134-7 to 134-9 and 134-21 to 134-27, except section 134-7(f), shall not apply:

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

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

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

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

(5) To aliens employed by the State, or subdivisions thereof, or the United States while in the performance



1 of their respective duties or while going to and from
2 their respective places of duty if those duties
3 require them to be armed; and

4 (6) To police officers on official assignment in Hawaii
5 from any state which by compact permits police
6 officers from Hawaii while on official assignment in
7 that state to carry firearms without registration.
8 The governor of the State or the governor's duly
9 authorized representative may enter into compacts with
10 other states to carry out this paragraph.

11 (b) Sections 134-2 and 134-3 shall not apply to such
12 firearms or ammunition that are a part of the official equipment
13 of any federal agency.

14 (c) Sections 134-8, 134-9, and 134-21 to 134-27, shall not
15 apply to the possession, transportation, or use, with blank
16 cartridges, of any firearm or explosive solely as props for
17 motion picture film or television program production when
18 authorized by the chief of police of the appropriate county
19 pursuant to section 134-2.5 and not in violation of federal law.

20 (d) The penalties under section 134-17 and sections 134-23
21 to 134-27 shall not apply with regard to any firearm reported
22 lost or stolen pursuant to section 134- ."



SECTION 3. Section 663-9.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) It shall be an affirmative defense to the absolute liability that:

(1) The firearm was not in the possession of the owner;

(2) The firearm was taken from the owner's possession without the owner's permission; and

(3) The owner either:

(A) Reported the theft to the police pursuant to section 134- prior to the discharge; or

(B) Despite the exercise of reasonable care:

(i) Had not discovered the theft prior to the discharge; or

(ii) Was not reasonably able to report the theft to the police pursuant to section 134- prior to the discharge."

SECTION 4. Section 707-714.5, Hawaii Revised Statutes, is amended to read as follows:

"[+]§707-714.5[+] **Criminally negligent storage of a firearm.** (1) A person commits the offense of criminally negligent storage of a firearm if the person violates section 134-10.5 and a minor obtains the firearm. For purposes of this



1 section, "minor" means any person under the age of sixteen
2 years.

3 (2) This section shall not apply if [~~the~~]:

4 (A) The minor obtains the firearm as a result of an
5 unlawful entry to any premises by any person[~~-~~];
6 or

7 (B) The firearm was reported lost or stolen pursuant
8 to section 134-_____.

9 (3) Criminally negligent storage of a firearm is a
10 misdemeanor."

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

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

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INTRODUCED BY:

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[Signature]

*Ronald & Bob
4.11.11
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Will Evers*

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Report Title:

Lost or Stolen Firearms; Mandatory Reporting

Description:

Requires the loss or theft of a firearm to be reported to the police within a certain time after discovery. Exempts persons who comply with the reporting requirement from the penalties for improper storage and other firearms violations.

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

