

JAN 17 2013

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 Mandatory biannual firearms education and
5 training. Each firearm owner shall complete, at least once
6 every two years, a firearms course or class that substantially
7 meets the criteria for any course or class set forth in section
8 134-2(g), including any course or class funded by the department
9 of the attorney general pursuant to section 134-B(b). The
10 failure of any firearm owner to comply with this subsection
11 shall constitute grounds for:

12 (1) Revocation of any permit or license provided for under
13 this part pursuant to section 134-13; and

14 (2) Forfeiture by the owner of any firearm and ammunition
15 therefor pursuant to section 134-7.3(c).

16 §134-B Firearms education and training special fund. (a)
17 There is created within the state treasury a firearms education
18 and training special fund that shall consist of:



1 (1) All firearm registration fees collected under section

2 134-3(f);

3 (2) Moneys appropriated to the fund by the legislature;

4 (3) All interest attributable to investment of money

5 deposited in the fund; and

6 (4) Moneys allotted to the fund from any other source.

7 (b) Subject to legislative appropriation, moneys from the
8 fund shall be expended by the department of the attorney general
9 to fund at least one firearms course or class per year that
10 permits firearm owners to comply with the biannual firearms
11 education and training requirement under section 134-A."

12 SECTION 2. Section 134-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§134-3 Registration, mandatory, exceptions.** (a) Every
15 person arriving in the State who brings or by any other manner
16 causes to be brought into the State a firearm of any
17 description, whether usable or unusable, serviceable or
18 unserviceable, modern or antique, shall register the firearm
19 within three days after arrival of the person or of the firearm,
20 whichever arrives later, with the chief of police of the county
21 of the person's place of business or, if there is no place of
22 business, the person's residence or, if there is neither a place



1 of business nor residence, the person's place of sojourn. A
2 nonresident alien may bring firearms not otherwise prohibited by
3 law into the State for a continuous period not to exceed ninety
4 days; provided that the person meets the registration
5 requirement of this section and the person possesses:

6 (1) A valid Hawaii hunting license procured under chapter
7 183D, part II, or a commercial or private shooting
8 preserve permit issued pursuant to section 183D-34;

9 (2) A written document indicating the person has been
10 invited to the State to shoot on private land; or

11 (3) Written notification from a firing range or target
12 shooting business indicating that the person will
13 actually engage in target shooting.

14 The nonresident alien shall be limited to a nontransferable
15 registration of not more than ten firearms for the purpose of
16 the above activities.

17 (b) Every person who acquires a firearm pursuant to
18 section 134-2 shall register the firearm in the manner
19 prescribed by this section within five days of acquisition. The
20 registration shall be on forms prescribed by the attorney
21 general, which shall be uniform throughout the State, and shall
22 include the following information: name of the manufacturer and



1 importer; model; type of action; caliber or gauge; serial
2 number; and source from which receipt was obtained, including
3 the name and address of the prior registrant. If the firearm
4 has no serial number, the permit number shall be entered in the
5 space provided for the serial number, and the permit number
6 shall be engraved upon the receiver portion of the firearm prior
7 to registration. All registration data that would identify the
8 individual registering the firearm by name or address shall be
9 confidential and shall not be disclosed to anyone, except as may
10 be required for processing the registration or as may be
11 required by a law enforcement agency for the lawful performance
12 of its duties or as may be required by order of a court.

13 (c) Dealers licensed under section 134-31 or dealers
14 licensed by the United States Department of Justice shall
15 register firearms pursuant to this section on registration forms
16 prescribed by the attorney general and shall not be required to
17 have the firearms physically inspected by the chief of police at
18 the time of registration.

19 (d) Registration shall not be required for:

20 (1) Any device that is designed to fire loose black powder
21 or that is a firearm manufactured before 1899;



1 (2) Any device not designed to fire or made incapable of
2 being readily restored to a firing condition; or

3 (3) All unserviceable firearms and destructive devices
4 registered with the Bureau of Alcohol, Tobacco, and
5 Firearms of the United States Department of Justice
6 pursuant to Title 27, Code of Federal Regulations.

7 (e) ~~[No fee shall be charged for the registration.]~~ Any
8 person who registers any firearm under this section shall be
9 required to renew the registration of each firearm annually;
10 provided that if the person has multiple firearms registered
11 under this section, the chief of police of the appropriate
12 county may align the deadlines for re-registering each firearm
13 to allow the person to re-register all firearms on the same
14 date.

15 (f) A fee of \$ shall be charged for the
16 registration or re-registration of each firearm under this
17 section and deposited into the firearms education and training
18 special fund established by section 134-B."

19 SECTION 3. Section 134-4, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) No person shall possess any firearm that is owned by
22 another, regardless of whether the owner has consented to



1 possession of the firearm, without a permit from the chief of
2 police of the appropriate county, except as provided in
3 subsection (c) and section 134-5[-]; provided that if the person
4 applying for the permit is a member of the owner's household
5 where the firearm is stored, the person shall be subject to the
6 same evaluation of an individual's fitness to acquire a firearm
7 as required under any provision of this chapter relating to the
8 issuance of a permit under section 134-2."

9 SECTION 4. Section 134-7.3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§134-7.3 Seizure of firearms upon disqualification." (a)**
12 If any applicant is denied a permit, the chiefs of police of the
13 respective counties shall send, by certified mail, a notice
14 setting forth the reasons for the denial and may require that
15 the applicant voluntarily surrender all firearms and ammunition
16 to the chief of police where the applicant resides or dispose of
17 all firearms and ammunition. If an applicant fails to
18 voluntarily surrender or dispose of all firearms and ammunition
19 within thirty days from the date notice was mailed, the chief of
20 police may seize all firearms and ammunition.

21 (b) Any person disqualified from ownership, possession, or
22 control of firearms and ammunition under section 134-7 shall



1 voluntarily surrender all firearms and ammunition to the chief
2 of police where the person resides or dispose of all firearms
3 and ammunition. If any person fails to voluntarily surrender or
4 dispose of all firearms and ammunition within thirty days from
5 the date of disqualification, the chief of police may seize all
6 firearms and ammunition.

7 (c) The chief of police of the appropriate county shall
8 immediately seize any firearm and ammunition therefor:

9 (1) From any firearm owner who fails to comply with the
10 biannual firearms education and training requirement
11 under section 134-A; or

12 (2) For which a person fails to provide annual proof of
13 storage pursuant to section 134-10.5(c);

14 ~~[(e)]~~ (d) For the purposes of this section, "dispose"
15 means selling the firearms to a gun dealer licensed under
16 section 134-31, transferring ownership of the firearms to any
17 person who meets the requirements of section 134-2, or
18 surrendering all firearms to the chief of police where the
19 person resides for storage or disposal; provided, for a person
20 subject to section 134-7(f), "dispose" shall not include
21 transferring ownership of the firearms to any person who meets
22 the requirements of section 134-2.



1 [~~(d)~~] (e) The chief of police of the respective counties
2 shall adopt procedures to implement and administer the
3 provisions of this section by December 31, 2001."

4 SECTION 5. Section 134-10.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~+~~]\$134-10.5[~~+~~] **Storage of firearm; responsibility with**
7 **respect to minors**[~~-~~] and persons affected by substance abuse or
8 mental disorder. (a) No person shall store or keep any firearm
9 on any premises under the person's control if the person knows
10 or reasonably should know that a minor is likely to gain access
11 to the firearm without the permission of the parent or guardian
12 of the minor[~~-~~] or that a person affected by substance abuse or
13 mental disorder is likely to gain access to the firearm, unless
14 the person:

15 (1) Keeps the firearm in a securely locked box or other
16 container or in a location that a reasonable person
17 would believe to be secure; or

18 (2) Carries the firearm on the person or within such close
19 proximity thereto that the person readily can retrieve
20 and use it as if it were carried on the person.

21 (b) For purposes of this section[~~-~~ "minor"]:

22 "Minor" means any person under the age of sixteen years.



1 "Person affected by substance abuse or mental disorder"
2 means any household member of the premises where any firearm is
3 stored or kept who is prohibited from owning, possessing, or
4 controlling any firearm or ammunition therefor pursuant to
5 section 134-7(c).

6 (c) Any person who stores or keeps any firearm on any
7 premises under the person's control shall provide annual proof
8 to the chief of police of the appropriate county, in a form and
9 manner prescribed by the chief of police, that the person is in
10 compliance with the requirements of subsection (a). Any person
11 who violates this subsection shall be subject to forfeiture of
12 any firearm and ammunition therefor pursuant to section 134-
13 7.3(c)."

14 SECTION 6. Section 134-18, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§134-18 Qualified immunity for physicians, psychologists,**
17 **or psychiatrists who provide information on permit applicants.**

18 There shall be no civil liability for any physician,
19 psychologist, or psychiatrist who provides information or
20 renders an opinion in response to an inquiry made for purposes
21 of issuing a firearm permit under section 134-2 or 134-4(b) or
22 for purposes of investigating the continuing mental health of



1 the holder of a valid firearm permit provided that the
2 physician, psychologist, or psychiatrist acted without malice."

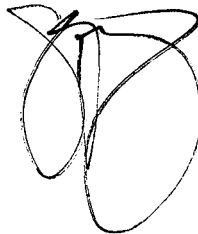
3 SECTION 7. In codifying the new sections added by section
4 1 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on January 1, 2014.

10 INTRODUCED BY:

Clarence K. Kishihara
~~Don~~ A.C. Kishihara

A large, stylized handwritten signature, possibly reading "Kishihara", is written below the printed names.

S.B. NO. 36

Report Title:

Firearms; Permits; Registration; Storage; Education and Training

Description:

Requires annual renewals of firearm registrations. Establishes a firearm registration fee for deposit into a new special fund to pay for mandatory firearm education and training to be attended by firearm owners at least once every two years. Requires any member of a household where a firearm is stored, when applying for a firearm permit to possess a firearm owned by another, to undergo the same evaluation of fitness to acquire a firearm as applicants for a firearm owner permit. Requires firearm owners who have a household member affected by substance abuse or mental disorder to provide annual proof to the police that the household member does not have access to the firearm.

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

