

JAN 28 2015

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 a new section to be appropriately designated
3 and to read as follows:

4 "**§134- Possession of a loaded firearm while intoxicated.**

5 (a) It shall be unlawful for a person to recklessly possess a
6 loaded firearm while the person is intoxicated.

7 (b) For the purposes of this section, a person is in
8 possession of a loaded firearm when the person has direct
9 physical control over a loaded firearm or has both the power and
10 the intention to exercise control over a loaded firearm;
11 provided that:

12 (1) Possession may be shared; and

13 (2) The mere fact of proximity or access to a place where
14 a loaded firearm may be found is insufficient, by
15 itself, to establish possession.

16 (c) For the purposes of this section, a person is
17 intoxicated if the person is under a disturbance of mental or



1 physical capacities resulting from the introduction of
2 substances into the person's body; provided that intoxication is
3 not, by itself, a mental disease or defect.

4 (d) Any person violating this section shall be guilty of a
5 petty misdemeanor punishable by up to thirty days imprisonment,
6 a fine of not more than \$1,000, or both."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12
INTRODUCED BY: 



S.B. NO. 1153

Report Title:

Loaded Firearm; Intoxication; Penalty

Description:

Makes it a petty misdemeanor for a person to recklessly possess a loaded firearm while the person is intoxicated.

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

