

JAN 27 2016

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that keeping firearms out
2 of the hands of people who are suffering from mental illness is
3 critical to ensure the safety of the person, as well as the
4 larger community. Under current law, if the owner of a firearm
5 has been disqualified from possessing or owning a firearm due to
6 mental illness the owner has thirty days, after receiving
7 notification of the disqualification, to voluntarily surrender
8 the firearm. There is no provision in the law, even in
9 emergency situations, that allows the police to seize the
10 firearm.

11 The purpose of this Act is to require firearm owners who
12 have been disqualified from owning a firearm due to mental
13 illness to immediately surrender their firearms and to authorize
14 the chief of police to seize the firearms if the owner fails to
15 comply.

16 SECTION 2. Section 134-7.3, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§134-7.3 Seizure of firearms upon disqualification. (a)
2 If any applicant is denied a permit, the chiefs of police of the
3 respective counties shall send, by certified mail, a notice
4 setting forth the reasons for the denial and may require that
5 the applicant voluntarily surrender all firearms and ammunition
6 to the chief of police where the applicant resides or dispose of
7 all firearms and ammunition. If an applicant fails to
8 voluntarily surrender or dispose of all firearms and ammunition
9 within thirty days from the date notice was mailed, the chief of
10 police may seize all firearms and ammunition.

11 (b) Any person disqualified from ownership, possession, or
12 control of firearms and ammunition under section 134-7(a), (b),
13 (d), (e), or (f) shall voluntarily surrender all firearms and
14 ammunition to the chief of police where the person resides or
15 dispose of all firearms and ammunition. If any person fails to
16 voluntarily surrender or dispose of all firearms and ammunition
17 within thirty days from the date of disqualification, the chief
18 of police may seize all firearms and ammunition.

19 (c) Any person disqualified from ownership, possession, or
20 control of firearms and ammunition under section 134-7(c), or
21 who underwent an emergency hospitalization under section 334-59,



1 shall immediately surrender all firearms and ammunition to the
2 chief of police upon written notification from the chief of
3 police. The notification shall set forth the reasons for the
4 disqualification and shall state the requirement that the
5 applicant immediately surrender all firearms and ammunition to
6 the chief of police. If any person fails to voluntarily
7 surrender or dispose of all firearms and ammunition, the chief
8 of police may seize all firearms and ammunition.

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

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



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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

Will Zygo
Clarence W. Michener
Ronald H. Baker
Michael J. Proctor



S.B. NO. 2956

Report Title:

Firearms; Mental Illness; Surrender of Firearms

Description:

Requires firearm owners who have been disqualified from owning a firearm due to mental illness to immediately surrender their firearms to the chief of police upon notification and authorizes the chief of police to seize the firearms if the owner fails to comply.

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