STAND. COM. REP. NO. 1451 -16

Honolulu, Hawaii Apil 4 , 2016 RE: S.B. No. 2954 S.D. 2 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2954, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to enable counties to acquire accurate information on applicants for firearm registration by:

- Requiring the county police departments to perform a criminal history record check on a person registering a firearm in the State before a determination is made to register the firearm; and
- (2) Authorizing the Hawaii Criminal Justice Data Center to access firearm registration data.

The Department of the Attorney General, Honolulu Police Department, and two concerned individuals testified in support of this measure. Three concerned individuals testified in opposition.

Your Committee has amended this measure by:

(1) Amending firearms permit and registration requirements to amend the process currently used by the county police departments for background checks for firearms permit applicants and registrants, including by updating

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references to the various federally sponsored data programs involved in the conduct of a background check;

- (2) Specifying that fees for firearms permits and registration shall be an amount equal to the fee charged by the Hawaii Criminal Justice Data Center for a criminal history record check;
- (3) Authorizing county police departments to conduct criminal history record checks through the Hawaii
 Criminal Justice Data Center on applicants for permits to acquire firearms and on individuals registering their firearms;
- (4) Inserting a savings clause specifying that this measure does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date;
- (5) Making this measure effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee finds that the Federal Bureau of Investigation permits authorized government agencies, including law enforcement, to access a program, known as Rap Back, that provides continuous monitoring of individuals who are subject to a criminal history record check. When an individual is arrested for a criminal offense elsewhere in the country, the agency that conducted the background check will be notified. While the county police departments have authority under current statutory firearms permit and registration procedures to conduct a background check on applicants for permits to obtain or possess a firearm and to register a firearm, those statutes refer to a background check procedure that does not include the Rap Back program and is a static snapshot of the individual's criminal history. This measure will authorize county police departments to receive notifications of subsequent arrests of individuals who acquire permits or register firearms after the effective date of this measure. The county police departments will then be able to utilize the notifications to examine whether an individual's criminal conduct disgualifies them from continued ownership or possession of firearms under federal and state laws.



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State agencies have been authorized to use the Rap Back system for more than forty purposes since 2012, including checks of teachers, daycare operators, Hawaii Health System Corporation employees, and traffic management employees with access to secured areas. Your Committee finds that county police departments should have similar access to information about criminal activity committed by individuals who possess and own firearms.

This measure does not amend the standard for granting a firearms permit, continued possession of a firearm, or any of the bases for disqualification.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2954, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2954, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-eighth Legislature

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Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2954, SD 2	ee Referral: SUD	Referral: Date: 03/18/16		
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)				
3. BELATTI, Della Au	-			,
4. BROWER, Tom	/			
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris	~			
9. MORIKAWA, Dee		_		
10. NAKASHIMA, Mark M.	/			
11. TAKAYAMA, Gregg	/			
12. WOODSON, Justin H.				
13. McDERMOTT, Bob	•	MADO	<u> </u>	
14. THIELEN, Cynthia				
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TOTAL (14)	8	T	1	4
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				