

JAN 19 2018

S.B. NO. 2067

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- License to carry a concealed firearm. (a) The chief of police from each respective county shall issue a concealed carry firearm license to persons qualified as provided in this section. These licenses shall be valid statewide for a period of three years. Each license shall be laminated and bear a color photograph of the licensee. Any person in compliance with the terms of the license may carry a concealed firearm. The licensee shall carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed firearm and shall display the license and proper identification upon demand by a law enforcement officer.



1 (b) A violation of this section shall constitute a petty
2 misdemeanor; provided that the maximum term of imprisonment
3 shall be three days, and the maximum fine shall be \$500.

4 (c) For the purposes of this section, "concealed firearm"
5 means a firearm that is a pistol or a revolver, and that is
6 carried on or about an individual completely or mostly concealed
7 from view of the public or on or about a person within a
8 vehicle. The term does not include an assault pistol or
9 automatic firearm as defined in section 134-1.

10 (d) The appropriate chief of police shall issue a license
11 if the applicant:

12 (1) Is a citizen of the United States;

13 (2) Has resided in the State for at least six months or is
14 a member of, or spouse of a member of, the military,
15 as defined in section 124A-1, that is stationed in the
16 State, or is a retired law enforcement officer;

17 (3) Is twenty-one years of age or older or is eighteen
18 years of age or older if a member of the United States
19 military;

20 (4) Is not prohibited from possessing a firearm pursuant
21 to section 134-7;



1 (5) Has demonstrated competence with a firearm by meeting
2 the training requirements of section 134-2(g), to
3 include practical training in drawing and replacing a
4 firearm from and into a holster. A photocopy of an
5 affidavit from the certified instructor or standard
6 government form from the government agency providing
7 the training, attesting to the successful completion
8 of the training, shall constitute evidence of
9 qualification under this paragraph;

10 (6) Does not chronically and habitually use intoxicating
11 liquor or other substances to the extent that the
12 person's normal faculties are impaired. It shall be
13 presumed that an applicant chronically and habitually
14 uses intoxicating liquor or other substances to the
15 extent that the person's normal faculties are impaired
16 if the applicant:

17 (A) Has been committed under the substance abuse
18 provisions of chapter 334;

19 (B) Has been convicted of any offense relating to a
20 dangerous, harmful, or detrimental drug,



intoxicating compound or liquor, or marijuana
under part IV of chapter 712;

(C) Has been deemed a habitual offender under section
291E-61.5; or

(D) Has had two or more convictions under section
291E-61, or similar laws of any other state,
within the three-year period immediately
preceding the date on which the application is
submitted;

(7) Desires a legal means to carry a concealed firearm for
lawful purposes, including personal self-defense and
protection of personal property;

(8) Has not been adjudicated as an incapacitated person as
defined under section 554B-1 or 560:5-102, or similar
laws of any other state, unless five years have
elapsed since the applicant's restoration to capacity
by court order; and

(9) Has not been committed to a mental institution under
chapter 334, or similar laws of any other state,
unless the applicant produces a certificate from a
licensed psychiatrist that the applicant has not



1 suffered from disability for at least five years prior
2 to the date of submission of the application, and is
3 highly unlikely to relapse.

4 (e) The application shall be completed, under oath, on a
5 form prescribed by the attorney general, which shall be uniform
6 throughout the State, and shall include:

7 (1) The name, address, place and date of birth, race, and
8 occupation of the applicant;

9 (2) A statement that the applicant has been made aware of
10 an internet address containing an electronic copy of
11 this chapter and any applicable administrative rules,
12 and is knowledgeable of its provisions;

13 (3) A conspicuous warning that the application is executed
14 under oath and that a false answer to any question, or
15 the submission of any false document by the applicant,
16 subjects the applicant to criminal prosecution under
17 section 134-17(a); and

18 (4) A statement that the applicant desires a concealed
19 carry firearm license for lawful purposes, including
20 lawful personal self-defense and protection of
21 personal property.



1 (f) The applicant shall submit to the appropriate chief of
2 police:

3 (1) A completed application in accordance with subsection
4 (e);

5 (2) A nonrefundable license fee not to exceed \$25, if the
6 applicant has not previously been issued a license, or
7 a nonrefundable license fee not to exceed \$10 for
8 renewal of a license;

9 (3) A full set of fingerprints of the applicant
10 administered by a law enforcement agency. Costs for
11 processing the set of fingerprints shall be borne by
12 the applicant;

13 (4) A photocopy of a certificate or an affidavit or
14 document as described in subsection (d) (5); and

15 (5) A full frontal view color photograph of the applicant
16 taken within the preceding thirty days, in which the
17 head, including hair, measures seven-eighths of an
18 inch wide and one and one-eighth of an inch high.

19 (g) The appropriate chief of police, upon receipt of the
20 items listed in subsection (f), shall forward within three
21 working days the full set of fingerprints of the applicant to



1 the attorney general and the Federal Bureau of Investigation for
2 state processing and, if available, federal processing. The
3 cost of processing the fingerprints shall be borne by the
4 applicant and shall be payable to the processing agency.

5 The county police department shall provide fingerprinting
6 service, if requested by the applicant, and may charge a fee not
7 to exceed \$5 for this service.

8 The appropriate chief of police, within forty-five days
9 after the date of receipt of the items listed in subsection (f),
10 shall:

11 (1) Issue a license;

12 (2) Deny the application based solely on the ground that
13 the applicant fails to qualify under subsection (d).

14 Upon a denial of the application, the chief of police
15 shall notify the applicant in writing, stating the
16 grounds for denial and informing the applicant of any
17 right to a hearing pursuant to subsection (1); or

18 (3) Suspend the time limitation prescribed by this
19 subsection if the chief of police receives criminal
20 history information that is pending final disposition
21 on a crime that may disqualify the applicant until



1 receipt of the final disposition or proof of
2 restoration of civil and firearm rights.

3 If a legible set of fingerprints, as determined by the
4 attorney general or the Federal Bureau of Investigation, cannot
5 be obtained after two attempts, the attorney general shall
6 determine eligibility based upon name checks conducted by the
7 criminal justice data center.

8 If the appropriate county chief of police fails to issue or
9 deny the license within forty-five days after the date of
10 receipt of the items listed in subsection (f) or within such
11 further time limits as this subsection allows, the application
12 shall be deemed denied and the applicant shall have the right to
13 a hearing as provided in subsection (1).

14 (h) The attorney general shall maintain an automated
15 listing of license holders and pertinent information, which
16 shall be available on the Internet to all law enforcement
17 agencies through the criminal justice data center.

18 (i) Within thirty days after the changing of a permanent
19 address, or within thirty days after having a license lost,
20 stolen, or destroyed, the licensee shall notify the appropriate
21 chief of police of the change of address or loss, theft, or



1 destruction of license. Failure to notify the appropriate chief
2 of police pursuant to this subsection shall constitute a \$25
3 fine.

4 (j) If a concealed carry firearm license is lost, stolen,
5 or destroyed, the license shall automatically be invalid, and
6 the person to whom the license was issued may obtain a
7 duplicate, or substitute thereof, upon furnishing a notarized
8 statement to the chief of police that the license has been lost
9 or destroyed and payment of \$15 to the appropriate chief of
10 police.

11 (k) A license issued under this section shall be suspended
12 or revoked by the chief of police if the licensee is found to be
13 or subsequently becomes ineligible under the criteria set forth
14 in subsection (d).

15 (l) Any person denied a license or who has a license
16 suspended or revoked under this section shall have the right to
17 a hearing on the denial, suspension, or revocation, subject to
18 the requirements for contested cases and judicial review under
19 chapter 91.

20 (m) At least ninety days prior to the expiration date of
21 the license, the appropriate chief of police shall mail to each



1 licensee a written notice of the expiration and a renewal form
2 prescribed by the attorney general, which shall be uniform
3 throughout the State. The licensee shall renew the license, on
4 or before the expiration date, by filing with the appropriate
5 chief of police the renewal form containing:

6 (1) A notarized affidavit stating that the licensee
7 remains qualified pursuant to the criteria specified
8 in subsection (d);

9 (2) A color photograph as specified in subsection (f)(5);
10 and

11 (3) The required renewal fee.

12 The license shall be renewed upon receipt of the completed
13 renewal form, color photograph, appropriate payment of fees,
14 and, if applicable, a completed fingerprint card. A licensee
15 who fails to file a renewal application on or before its
16 expiration date shall pay a late fee of \$15 to renew the
17 license. No license shall be renewed six months or more after
18 its expiration date, and the license shall be deemed to be
19 permanently expired and destroyed. A person whose license has
20 permanently expired may reapply for licensure; however, an
21 application for licensure and fees pursuant to subsection (f)



1 shall be submitted, and a background investigation shall be
2 conducted pursuant to this section. Any person who knowingly
3 files false information pursuant to this subsection shall be
4 subject to criminal prosecution under section 134-17(a).

5 (n) No license issued pursuant to this section shall
6 authorize any person to carry a concealed firearm into any:

7 (1) Place used to commit violations that constitute a
8 nuisance pursuant to section 712-1270;

9 (2) Police station;

10 (3) Detention facility, prison, or jail;

11 (4) Courthouse, except where permitted by paragraph (5);

12 (5) Courtroom, except that nothing in this section shall
13 preclude a judge from lawfully carrying a concealed
14 firearm or determining who may carry a concealed
15 firearm in the courtroom;

16 (6) Polling place;

17 (7) Meeting of the governing body of a county or other
18 political subdivision, the board of education, or any
19 neighborhood board;

20 (8) Meeting of the legislature or a committee thereof;

21 (9) School administration building;



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1 (10) Public school facility, state university, and
2 community college, including the parking areas and
3 grounds, unless the licensee is dropping off or
4 picking up students and the firearm and license are
5 located in the vehicle;

6 (11) Any establishment licensed to serve alcohol for on-
7 premises consumption;

8 (12) Any establishment or event open to the public where
9 the operator makes a reasonable request for the
10 licensee to remove the firearm from the premises;

11 (13) Designated federal security screening areas within the
12 passenger terminal and sterile areas of any airport;
13 and

14 (14) Secured psychiatric units.

15 Any person who violates this subsection shall be guilty of
16 a class C felony.

17 (o) All funds received by a county police department
18 pursuant to this section shall be deposited into the general
19 fund of the respective county and shall be encumbered and
20 expended strictly for administrative purposes in support of:



1 (1) Processing applications of licenses to carry concealed
2 firearms;
3 (2) Maintaining shooting ranges; and
4 (3) Development of a firearms safety and licensing manual.
5 (p) The attorney general shall maintain statistical
6 information on the number of licenses issued, revoked,
7 suspended, and denied."

8 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) The permit application form shall be signed by the
11 applicant and by the issuing authority. One copy of the permit
12 shall be retained by the issuing authority as a permanent
13 official record. Except for sales to dealers licensed under
14 section 134-31, or dealers licensed by the United States
15 Department of Justice, or law enforcement officers, or where a
16 license is granted under section 134-9[7] or 134- , or where
17 any firearm is registered pursuant to section 134-3(a), no
18 permit shall be issued to an applicant earlier than fourteen
19 calendar days after the date of the application; provided that a
20 permit shall be issued or the application denied before the
21 twentieth day from the date of application. Permits issued to



1 acquire any pistol or revolver shall be void unless used within
2 ten days after the date of issue. Permits to acquire a pistol
3 or revolver shall require a separate application and permit for
4 each transaction. Permits issued to acquire any rifle or
5 shotgun shall entitle the permittee to make subsequent purchases
6 of rifles or shotguns for a period of one year from the date of
7 issue without a separate application and permit for each
8 acquisition, subject to the disqualifications under section 134-
9 7 and subject to revocation under section 134-13; provided that
10 if a permittee is arrested for committing a felony or any crime
11 of violence or for the illegal sale of any drug, the permit
12 shall be impounded and shall be surrendered to the issuing
13 authority. The issuing authority shall perform an inquiry on an
14 applicant by using the International Justice and Public Safety
15 Network, including the United States Immigration and Customs
16 Enforcement query, the National Crime Information Center, and
17 the National Instant Criminal Background Check System, pursuant
18 to section 846-2.7 before any determination to issue a permit or
19 to deny an application is made."

20 SECTION 3. Section 134-9, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) No person shall carry concealed or unconcealed on the
2 person a pistol or revolver without being licensed to do so
3 under this section or section 134- , or in compliance with
4 ~~[sections]~~ section 134-5(c) or 134-25."

5 SECTION 4. Section 134-11, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) Sections 134-7 to 134-9 ~~[and]~~ , 134-21 to 134-27, and
9 134- , except section 134-7(f), shall not apply:

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

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

18 (3) To regularly enrolled members of any organization duly
19 authorized to purchase or receive the weapons from the
20 United States or from the State; provided the members



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

(6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration.

The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this paragraph."

2. By amending subsection (c) to read:



1 "(c) Sections 134-8, 134-9, [~~and~~] 134-21 to 134-27, and
2 134- shall not apply to the possession, transportation, or
3 use, with blank cartridges, of any firearm or explosive solely
4 as props for motion picture film or television program
5 production when authorized by the chief of police of the
6 appropriate county pursuant to section 134-2.5 and not in
7 violation of federal law."

8 SECTION 5. Section 134-23, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in [~~section~~] sections 134-5[7] and
11 134-, all loaded firearms other than pistols and revolvers
12 shall be confined to the possessor's place of business,
13 residence, or sojourn; provided that it shall be lawful to carry
14 unloaded firearms in an enclosed container from the place of
15 purchase to the purchaser's place of business, residence, or
16 sojourn, or between these places upon change of place of
17 business, residence, or sojourn, or between these places and the
18 following:

- 19 (1) A place of repair;
20 (2) A target range;
21 (3) A licensed dealer's place of business;



(4) An organized, scheduled firearms show or exhibit;

(5) A place of formal hunter or firearm use training or instruction; or

(6) A police station.

"Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm."

SECTION 6. Section 134-24, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in ~~[section]~~ sections 134-5[7] and 134- , all unloaded firearms other than pistols and revolvers shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in an enclosed container from the place of purchase to the purchaser's place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:

(1) A place of repair;

(2) A target range;

(3) A licensed dealer's place of business;



(4) An organized, scheduled firearms show or exhibit;

(5) A place of formal hunter or firearm use training or instruction; or

(6) A police station.

"Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm."

SECTION 7. Section 134-25, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in sections 134-5 ~~[and]~~, 134-9, and 134- , all ~~[firearms]~~ loaded or unloaded pistols or revolvers shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in an enclosed container from the place of purchase to the purchaser's place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:

(1) A place of repair;

(2) A target range;

(3) A licensed dealer's place of business;



(4) An organized, scheduled firearms show or exhibit;

(5) A place of formal hunter or firearm use training or instruction; or

(6) A police station.

"Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm."

SECTION 8. Section 134-26, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) It shall be unlawful for any person on any public highway to carry on the person, or to have in the person's possession, or to carry in a vehicle any firearm loaded with ammunition; provided that this section shall not apply to any person who has in the person's possession or carries a pistol or revolver in accordance with a license issued as provided in section 134-9[-] or 134- ."

SECTION 9. Section 134-27, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in sections 134-5 [~~and~~], 134-9, and 134- ., all ammunition shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall



1 be lawful to carry ammunition in an enclosed container from the
2 place of purchase to the purchaser's place of business,
3 residence, or sojourn, or between these places upon change of
4 place of business, residence, or sojourn, or between these
5 places and the following:

- 6 (1) A place of repair;
- 7 (2) A target range;
- 8 (3) A licensed dealer's place of business;
- 9 (4) An organized, scheduled firearms show or exhibit;
- 10 (5) A place of formal hunter or firearm use training or
11 instruction; or
- 12 (6) A police station.

13 "Enclosed container" means a rigidly constructed
14 receptacle, or a commercially manufactured gun case, or the
15 equivalent thereof that completely encloses the ammunition."

16 SECTION 10. This Act does not affect rights and duties
17 that matured, penalties that were incurred, and proceedings that
18 were begun before its effective date.

19 SECTION 11. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

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

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

7
INTRODUCED BY: Mike Hubbard



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Report Title:

Firearms; Concealed Carry License

Description:

Authorizes the chief of police from each respective county to issue licenses to carry a concealed firearm. Specifies processes for license applications, renewals, revocations, and record keeping. Strictly prohibits carrying concealed firearms under certain circumstances. Makes various conforming amendments.

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

