

STAND. COM. REP. NO. **3282**

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2519
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2519, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the possession of large-capacity magazines for all types of firearms, unless it was already legally in possession of an individual or unless used for law enforcement purposes;
- (2) Require every person in the State in possession of a detachable ammunition magazine to register the magazine with the appropriate county police department; and
- (3) Prohibit the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of a detachable ammunition magazine legally in an individual's possession and require the inheritor to update the registration with the appropriate county police department.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Save Medicaid Hawaii, Filipina Advocacy Network, Church of the Crossroads, Americans for



Democratic Action, Hawaii Coalition to Prevent Gun Violence, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Cattlemen's Council, Hawaii Firearms Coalition, Pu'uloa Rifle and Pistol Club, KMConcepts, one board member of the Hawaii Rifle Association, and forty-seven individuals. Your Committee received comments on this measure from the Mayor of Hawai'i County and Bushido Arms and Ammunition, LLC.

Your Committee finds that according to the Giffords Law Center to Prevent Gun Violence, large-capacity magazines have been used in all ten of the deadliest mass shootings that have occurred in the last decade. Large-capacity magazines enable a shooter to fire repeatedly without needing to reload, significantly increasing the shooter's ability to quickly injure and kill large numbers of people. The amount of time a shooter needs to reload a weapon can be a critical factor in allowing would-be victims to escape and for law enforcement or other persons to intervene. This measure improves the State's gun safety laws by prohibiting the new acquisition and use of large-capacity magazines for firearms that can hold more than ten rounds of ammunition.

Your Committee further finds that reasonable regulation of firearms and ammunition is permissible under the United States Constitution. In District of Columbia v. Heller, 554 U.S. 570 (2008), the United States Supreme Court for the first time found that the second amendment to the constitution conferred an individual right to bear arms; however it also held that "it is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Id.* at 626.

Because the Honolulu Police Department testified that the counties do not have the ability to register large-capacity magazines, your Committee has amended this measure by:

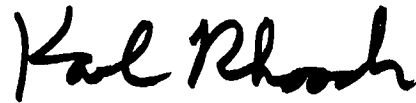
- (1) Deleting language that would have required every person in the State who was in possession of a detachable ammunition magazine with a capacity in excess of ten rounds prior to the effective date of this measure, or who inherits such, to register the magazine with the county police department where the magazine is located;



- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2519, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2519, S.D. 2.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2519 SDI	Committee Referral: PSM, JDC	Date: 2/27/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt		WR /	/	
TOTAL	4	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes