
A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

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

1 SECTION 1. The legislature finds that requiring firearms
2 permits is an effective way of minimizing unlawful possession
3 and use of firearms. The legislature further finds that the
4 ammunition used in firearms is what renders firearms dangerous,
5 yet there are few state regulations with regards to the sale of
6 ammunition. Specifically, Hawaii does not require a license for
7 the sale of ammunition, nor does it require a permit to purchase
8 or possess ammunition. The legislature finds that this
9 oversight can be addressed by requiring licensure for sellers of
10 ammunition, and by requiring gun owners to show their firearms
11 registrations and identification when purchasing ammunition for
12 the permitted firearms.

13 The purposes of this Act, among others, is to:

14 (1) Prohibit any person from selling ammunition or shell
15 casings for any firearm unless the purchaser first
16 demonstrates that they are the registered owner of the
17 firearm for which the ammunition or shell casings are



- 1 to be purchased or have been designated by the
2 registered owner to do so;
- 3 (2) Authorize registered owners to designate a person as
4 an alternate on the gun registration only for the
5 purpose of purchasing ammunition; and
- 6 (3) Adopt other provisions that ease administration for
7 county police departments.

8 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§134- Ammunition purchase; proof of registration;
12 exception. (a) No person shall sell ammunition or shell
13 casings for any firearm unless the purchaser first demonstrates
14 that the purchaser is the registered owner of the firearm for
15 which the ammunition or shell casings are to be purchased, or
16 has been designated by the registered owner as an alternate for
17 ammunition purchases on the registration pursuant to section
18 134-3. The police department of the county of registration may
19 designate on the firearm registration form whether the firearm
20 can be converted to a different caliber or gauge and may
21 indicate on the registration form the types of ammunition for



1 each caliber or gauge of ammunition that the firearm may
2 lawfully use. Presentation to the seller of the registration
3 issued pursuant to section 134-3, together with government-
4 issued photographic identification, such as a driver's license,
5 a certificate of identification issued pursuant to section
6 846-30, a military identification card, or a United States
7 passport, shall be sufficient to demonstrate that the purchaser
8 is the registered owner of the firearm for which the ammunition
9 is to be purchased or the owner's designated alternate. For
10 online purchases, receipt of a scanned copy of the registration
11 and identification shall be sufficient for compliance with this
12 section. For the purposes of this section, the departments
13 responsible for administering firearm registrations may provide
14 duplicates of the registration document, or may provide the same
15 information in a format to be determined by the departments.

16 (b) Violation of this section is a petty misdemeanor.

17 (c) This section shall not apply to ammunition purchases
18 for firearms manufactured before 1899, and to persons described
19 in section 134-11."

20 SECTION 3. Section 134-3, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§134-3 Registration, mandatory, exceptions. (a) Every
2 person arriving in the State who brings or by any other manner
3 causes to be brought into the State a firearm of any
4 description, whether usable or unusable, serviceable or
5 unserviceable, modern or antique, shall register the firearm
6 within five days after arrival of the person or of the firearm,
7 whichever arrives later, with the chief of police of the county
8 of the person's place of business or, if there is no place of
9 business, the person's residence or, if there is neither a place
10 of business nor residence, the person's place of sojourn. A
11 nonresident alien may bring firearms not otherwise prohibited by
12 law into the State for a continuous period not to exceed ninety
13 days; provided that the person meets the registration
14 requirement of this section and the person possesses:

- 15 (1) A valid Hawaii hunting license procured under chapter
16 183D, part II, or a commercial or private shooting
17 preserve permit issued pursuant to section 183D-34;
- 18 (2) A written document indicating the person has been
19 invited to the State to shoot on private land; or



1 (3) Written notification from a firing range or target
2 shooting business indicating that the person will
3 actually engage in target shooting.

4 The nonresident alien shall be limited to a nontransferable
5 registration of not more than ten firearms for the purpose of
6 the above activities.

7 Every person registering a firearm under this subsection
8 shall be fingerprinted and photographed by the police department
9 of the county of registration; provided that this requirement
10 shall be waived where fingerprints and photographs are already
11 on file with the police department. The police department shall
12 perform an inquiry on the person by using the International
13 Justice and Public Safety Network, including the United States
14 Immigration and Customs Enforcement query, the National Crime
15 Information Center, and the National Instant Criminal Background
16 Check System, pursuant to section 846-2.7 before any
17 determination to register a firearm is made.

18 (b) Every person who acquires a firearm pursuant to
19 section 134-2 shall register the firearm in the manner
20 prescribed by this section within five days of acquisition. The
21 registration shall be on forms prescribed by the attorney



1 general, which shall be uniform throughout the State, and shall
2 include the following information: name of the manufacturer and
3 importer; model; type of action; caliber or gauge; whether the
4 caliber or gauge can be converted; serial number; and source
5 from which receipt was obtained, including the name and address
6 of the prior registrant. If the firearm has no serial number,
7 the permit number shall be entered in the space provided for the
8 serial number, and the permit number shall be engraved upon the
9 receiver portion of the firearm before registration. All
10 registration data that would identify the individual registering
11 the firearm by name or address shall be confidential and shall
12 not be disclosed to anyone, except as may be required:

- 13 (1) For processing the registration;
 - 14 (2) For database management by the Hawaii criminal justice
15 data center;
 - 16 (3) By a law enforcement agency for the lawful performance
17 of its duties; or
 - 18 (4) By order of a court.
- 19 (c) Dealers licensed under section 134-31 or dealers

20 licensed by the United States Department of Justice shall
21 register firearms pursuant to this section on registration forms



1 prescribed by the attorney general and shall not be required to
2 have the firearms physically inspected by the chief of police at
3 the time of registration.

4 (d) Registration shall not be required for:

5 (1) Any device that is designed to fire loose black powder
6 or that is a firearm manufactured before 1899;

7 (2) Any device not designed to fire or made incapable of
8 being readily restored to a firing condition; or

9 (3) All unserviceable firearms and destructive devices
10 registered with the Bureau of Alcohol, Tobacco, and
11 Firearms of the United States Department of Justice
12 pursuant to Title 27, Code of Federal Regulations.

13 (e) No fee shall be charged for the registration of a
14 firearm under this section, except for a fee chargeable by and
15 payable to the registering county for persons registering a
16 firearm under subsection (a), in an amount equal to the fee
17 charged by the Hawaii criminal justice data center pursuant to
18 section 846-2.7. In the case of a joint registration, the fee
19 provided for in this section may be charged to each person.

20 (f) A registered owner may designate a person as an
21 alternate on the gun registration only for the purpose of



1 purchasing ammunition. The police department of the county of
2 registration may include the name of the designated alternate
3 purchaser on the registration form.

4 [~~f~~] (g) No person less than twenty-one years of age
5 shall bring or cause to be brought into the State any firearm."

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

8 1. By amending the title to read:

9 "**§134-4 Transfer, possession of firearms~~[-]~~ and**
10 **ammunition.**"

11 2. By amending subsection (b) to read:

12 "(b) No person shall possess any firearm or ammunition for
13 any firearm that is owned by another, regardless of whether the
14 owner has consented to possession of the firearm~~[-]~~ or
15 ammunition for the firearm, without a permit from the chief of
16 police of the appropriate county, except as provided in
17 subsection (c) and [~~section~~] sections 134-3(f) and 134-5."

18 3. By amending subsection (d) to read:

19 "(d) No person shall knowingly lend a firearm or transfer
20 ammunition for any firearm to any person who is prohibited from
21 ownership or possession of a firearm under section 134-7."



1 SECTION 5. Section 134-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§134-31 License to sell and manufacture firearms[+] and
4 ammunition; fee. Any person desiring to engage in the business
5 to sell and manufacture firearms or ammunition for any firearm
6 for sale in the State either at wholesale or retail, shall
7 annually file an application for a license therefor with the
8 director of finance of each county of the State. The annual fee
9 for the issuance of such license shall be \$10 and shall be
10 payable to said director of finance. A license issued hereunder
11 shall expire on June 30 next following the date of issuance of
12 the license unless sooner terminated. Application for renewal
13 of license shall be filed on or before June 30 of each year."

14 SECTION 6. Section 134-32, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§134-32 License to sell and manufacture firearms[+] and
17 ammunition; conditions. Every license issued pursuant to this
18 part shall be issued and shall be regarded as having been
19 accepted by the licensee subject to the following conditions:



- 1 (1) That the licensee at all times shall comply with all
2 provisions of law relative to the sale of firearms[-]
3 and ammunition for any firearm.
- 4 (2) That the license during any time of national emergency
5 or crisis, as defined in section 134-34, may be
6 canceled or suspended.
- 7 (3) That all firearms or ammunition for any firearm in the
8 possession and control of any licensee at any time of
9 national emergency or crisis, as defined in section
10 134-34, may be seized and held in possession or
11 purchased by or on the order of the governor until
12 such time as the national emergency or crisis has
13 passed, or until such time as the licensee and the
14 government of the United States or the government of
15 the State may agree upon some other disposition of the
16 same.
- 17 (4) That all firearms or ammunition for any firearm in the
18 possession and control of the licensee or registered
19 pursuant to section 134-3(c) by the licensee shall be
20 subject to physical inspection by the chief of police



1 of each county during normal business hours at the
2 licensee's place of business.

3 (5) That the license may be revoked for a violation of any
4 of the conditions of this section."

5 SECTION 7. Section 134-33, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§134-33 Punishment for violations of section 134-32. Any
8 person who manufactures or sells any firearms or any ammunition
9 for any firearm within the State without having a valid license
10 so to do, or who being a holder of a license violates any of the
11 terms or conditions of the same, shall be fined not less than
12 \$100 nor more than \$1,000 or imprisoned not less than three
13 months nor more than one year[-]; provided that this section
14 does not apply to registered firearms owners who manufacture
15 their own ammunition for personal use for the firearms
16 registered in their name."

17 SECTION 8. The attorney general shall update registration
18 forms prescribed under section 134-3, Hawaii Revised Statutes,
19 to effectuate the purposes of this Act.



1 SECTION 9. 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 10. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect on January 1, 2021.



Report Title:

Ammunition; Purchase; License to Sell

Description:

Prohibits any person from selling ammunition or shell casings for any firearm unless the purchaser first demonstrates that they are the registered owner of the firearm for which the ammunition or shell casings are to be purchased. Authorizes registered owners to designate a person as an alternate on the gun registration only for the purpose of purchasing ammunition. Requires the licensing of sellers of ammunition and provides for the identification and proper permitting of purchasers or possessors of ammunition. Regulate ammunition in the same manner as firearms. Requires the Attorney General to update registration forms. Effective 1/1/2021. (SD2)

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