

JAN 23 2020

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 a "ghost gun" is a
2 firearm that is assembled without serial numbers or other
3 identification markings. A person may assemble a ghost gun from
4 a prepackaged kit requiring only minimal expertise and thus
5 bypass background checks, registration, and other legal
6 requirements. The legislature also finds that the State's lack
7 of laws addressing ghost guns allows persons who would normally
8 be prohibited from owning or possessing firearms under state law
9 to obtain firearms. The ease with which ghost guns may be
10 obtained defeats the intent of the State's otherwise strict
11 firearm permitting and registration laws. It is these laws that
12 have helped Hawaii to achieve the lowest gun violence death rate
13 in the nation.

14 Accordingly, the purpose of this Act is to:

15 (1) Prohibit the purchase, manufacture, or obtaining of
16 firearm parts for the purpose of assembling a firearm
17 with no serial number; and



1 (2) Amend certain requirements relating to firearms
2 registration.

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

6 "§134- Manufacturing or purchasing firearm parts to
7 assemble a firearm without a serial number; penalty. (a) A
8 person who is not licensed to manufacture a firearm under
9 section 134-31, or who is not a dealer licensed by the United
10 States Department of Justice, shall not, for the purpose of
11 assembling a firearm, purchase, produce with a three-dimensional
12 printer, or otherwise obtain separately, or as part of a kit:

13 (1) A firearm receiver that is not imprinted with a serial
14 number registered with a federally licensed
15 manufacturer;

16 (2) A firearm receiver that has not been provided a serial
17 number in accordance with section 134-3(c); or

18 (3) Any combination of parts from which a firearm without
19 a serial number may be readily assembled and rendered
20 functional.

21 (b) Violation of this section is a class C felony."



1 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Assembly" means the fabrication of a firearm or the
5 fitting together of component parts to construct a firearm.

6 "Firearm receiver" means the part of a firearm that
7 provides housing for the firearm's internal components, such as
8 a hammer, bolt, breechblock, action, or firing mechanism. The
9 term includes any object or part that is not a firearm frame or
10 receiver in finished form, but that is designed or intended to
11 be used for that purpose, and may readily be made into a firearm
12 frame or receiver through milling or other means.

13 "Ghost gun" means a firearm that is assembled without a
14 serial number or other identification marking."

15 SECTION 4. Section 134-3, Hawaii Revised Statutes, is
16 amended by amending subsections (a) through (d) to read as
17 follows:

18 "(a) Every resident or person arriving in the State who
19 brings or by any other manner causes to be brought into the
20 State a firearm of any description, whether usable or unusable,
21 serviceable or unserviceable, modern or antique, shall register



1 the firearm within five days after arrival of the person or of
2 the firearm, whichever arrives later, with the chief of police
3 of the county of the person's place of business or, if there is
4 no place of business, the person's residence or, if there is
5 neither a place of business nor residence, the person's place of
6 sojourn. A nonresident alien may bring firearms not otherwise
7 prohibited by law into the State for a continuous period not to
8 exceed ninety days; provided that the person meets the
9 registration requirement of this section and the person
10 possesses:

- 11 (1) A valid Hawaii hunting license procured under chapter
12 183D, part II, or a commercial or private shooting
13 preserve permit issued pursuant to section 183D-34;
- 14 (2) A written document indicating the person has been
15 invited to the State to shoot on private land; or
- 16 (3) Written notification from a firing range or target
17 shooting business indicating that the person will
18 actually engage in target shooting.

19 The nonresident alien shall be limited to a nontransferable
20 registration of not more than ten firearms for the purpose of
21 the above activities.



1 Every person registering a firearm under this subsection
2 shall be fingerprinted and photographed by the police department
3 of the county of registration; provided that this requirement
4 shall be waived where fingerprints and photographs are already
5 on file with the police department. The police department shall
6 perform an inquiry on the person by using the International
7 Justice and Public Safety Network, including the United States
8 Immigration and Customs Enforcement query, the National Crime
9 Information Center, and the National Instant Criminal Background
10 Check System, pursuant to section 846-2.7 before any
11 determination to register a firearm is made. Any person
12 attempting to register a firearm, a firearm receiver, or the
13 parts used to assemble a firearm, and who is found to be
14 disqualified from ownership, possession, or control of firearms
15 or ammunition under section 134-7, shall surrender or dispose of
16 all firearms and ammunition pursuant to section 134-7.3.

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



1 and shall include the following information: name of the
2 manufacturer and importer; model; type of action; caliber or
3 gauge; serial number; and source from which receipt was
4 obtained, including the name and address of the prior
5 registrant. If the firearm has been assembled from separate
6 parts and an unfinished firearm receiver, the entity that
7 registered the firearm receiver shall be recorded in the space
8 provided for the name of the manufacturer and importer, and the
9 phrase "assembled from parts" shall be recorded in the space
10 provided for designating the model. If the firearm has been
11 assembled from parts produced using a three-dimensional printer,
12 the entity that registered the firearm receiver shall be
13 recorded in the space provided for designating the name of the
14 manufacturer and importer, and the phrase "3-D printer" shall be
15 recorded in the space provided for designating the model. If
16 the firearm has no serial number, the [~~permit~~] registration
17 number shall be entered in the space provided for the serial
18 number, and the [~~permit~~] registration number shall be engraved
19 upon the receiver portion of the firearm before registration.
20 On firearms assembled from parts produced using a three-
21 dimensional printer, the serial number shall be engraved on



1 stainless steel and permanently embedded to the firearm receiver
2 during fabrication or construction. All registration data that
3 would identify the individual registering the firearm by name or
4 address shall be confidential and shall not be disclosed to
5 anyone, except as may be required:

6 (1) For processing the registration;

7 (2) For database management by the Hawaii criminal justice
8 data center;

9 (3) By a law enforcement agency for the lawful performance
10 of its duties; or

11 (4) By order of a court.

12 (c) Dealers licensed under section 134-31 or dealers
13 licensed by the United States Department of Justice shall
14 register firearms pursuant to this section on registration forms
15 prescribed by the attorney general and shall not be required to
16 have the firearms physically inspected by the chief of police at
17 the time of registration. An authorized dealer, as provided in
18 section 134-31, or a dealer licensed by the United States
19 Department of Justice, who brings, assembles, or causes to be
20 brought into the State by any other means, separate parts and an
21 unfinished firearm receiver that when assembled create a



1 firearm, or parts produced by a three-dimensional printer that
2 when assembled create a firearm, shall register the unfinished
3 firearm receiver and receive a serial number before the assembly
4 of the firearm or the sale or transfer of unassembled firearm
5 parts or a receiver to a third party, in accordance with section
6 134-3(b). Any sale or transfer of unfinished firearm receivers
7 by an authorized dealer to a third party shall be conducted as
8 if they were fully assembled firearms having serial numbers
9 engraved on the firearm receivers and in accordance with the
10 firearms permitting process in section 134-2. All other
11 firearms and firearm receivers registered under this section
12 shall be physically inspected at the time of registration by the
13 respective county chief of police or the chief's representative.

- 14 (d) Registration shall not be required for:
- 15 (1) Any device that is designed to fire loose black powder
16 or that is a firearm manufactured before 1899;
- 17 (2) Any device not designed to fire or made incapable of
18 being readily restored to a firing condition; or
- 19 (3) All unserviceable firearms and destructive devices
20 registered with the Bureau of Alcohol, Tobacco, [and]
21 Firearms, and Explosives of the United States



1 Department of Justice pursuant to Title 27, Code of
2 Federal Regulations."

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

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

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INTRODUCED BY:

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S.B. NO. 2943

Report Title:

Firearms; "Ghost Guns"; Registration

Description:

Makes it a Class C felony to purchase, manufacture, or otherwise obtain firearm parts for the purpose of assembling a firearm with no serial number. Amends certain requirements relating to firearms registration.

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