
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 134-2, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (e) to read:
4 "(e) The permit application form shall be signed by the
5 applicant and by the issuing authority. One copy of the permit
6 shall be retained by the issuing authority as a permanent
7 official record. Except for sales to dealers licensed under
8 section 134-31, or dealers licensed by the United States
9 Department of Justice, or law enforcement officers, or where a
10 license is granted under section 134-9, or where any firearm is
11 registered pursuant to section 134-3(a), no permit shall be
12 issued to an applicant earlier than fourteen calendar days after
13 the date of the application; provided that a permit shall be
14 issued or the application denied before the twentieth day from
15 the date of application. Permits issued to acquire any pistol
16 or revolver shall be void unless used within ten days after the
17 date of issue. Permits to acquire a pistol or revolver shall



1 require a separate application and permit for each transaction.
2 Permits issued to acquire any rifle or shotgun shall entitle the
3 permittee to make subsequent purchases of rifles or shotguns for
4 a period of one year from the date of issue without a separate
5 application and permit for each acquisition, subject to the
6 disqualifications under section 134-7 and subject to revocation
7 under section 134-13; provided that if a permittee is arrested
8 for committing a felony or any crime of violence or for the
9 illegal sale of any drug, the permit shall be impounded and
10 shall be surrendered to the issuing authority. The issuing
11 authority shall perform an inquiry on an applicant [~~by using the~~
12 ~~International Justice and Public Safety Network, including the~~
13 ~~United States Immigration and Customs Enforcement query, the~~
14 ~~National Crime Information Center, and the National Instant~~
15 ~~Criminal Background Check System, pursuant to section 846-2.7]~~
16 who is a citizen of the United States by using the National
17 Instant Criminal Background Check System before any
18 determination to issue a permit or to deny an application is
19 made. If the applicant is not a citizen of the United States
20 and may be eligible to acquire a firearm under this chapter, the
21 issuing authority shall perform an inquiry on the applicant by



1 using the National Instant Criminal Background Check System, to
 2 include a check of the Immigration and Customs Enforcement
 3 databases, before any determination to issue a permit or to deny
 4 an application is made."

5 2. By amending subsection (i) to read:

6 "(i) No fee shall be charged for permits, or applications
 7 for permits, under this section, except for a single fee
 8 chargeable by and payable to the issuing county, for individuals
 9 applying for their first permit, in an amount equal to the fee
 10 actually charged by the [Hawaii criminal justice data center
 11 pursuant to section 846-2.7.] Federal Bureau of Investigation to
 12 the issuing police department for a fingerprint check in
 13 connection with that application or permit. In the case of a
 14 joint application, the fee provided for in this section may be
 15 charged to each person to whom no previous permit has been
 16 issued."

17 SECTION 2. Section 134-3, Hawaii Revised Statutes, is
 18 amended as follows:

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

20 "(a) Every person arriving in the State who brings or by
 21 any other manner causes to be brought into the State a firearm



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

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



1 The nonresident alien shall be limited to a nontransferable
2 registration of not more than ten firearms for the purpose of
3 the above activities.

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

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

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 shall be on forms prescribed by the attorney
21 general, which shall be uniform throughout the State, and shall



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

- 12 (1) For processing the registration;
- 13 ~~[-(2) For database management by the Hawaii criminal justice~~
14 ~~data center;~~
- 15 ~~-(3)]~~ (2) By a law enforcement agency for the lawful
16 performance of its duties; or
- 17 ~~[-(4)]~~ (3) By order of a court."

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

19 "(e) No fee shall be charged for the registration of a
20 firearm under this section, except for a fee chargeable by and
21 payable to the registering county for persons registering a



1 firearm under subsection (a), in an amount equal to the fee
2 actually charged by the [~~Hawaii criminal justice data center~~
3 ~~pursuant to section 846-2.7.~~] Federal Bureau of Investigation to
4 the registering police department for a fingerprint check in
5 connection with the registration. In the case of a joint
6 registration, the fee provided for in this section may be
7 charged to each person."

8 SECTION 3. Section 846-2.7, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Criminal history record checks may be conducted by:

11 (1) The department of health or its designee on operators
12 of adult foster homes for individuals with
13 developmental disabilities or developmental
14 disabilities domiciliary homes and their employees, as
15 provided by section 321-15.2;

16 (2) The department of health or its designee on
17 prospective employees, persons seeking to serve as
18 providers, or subcontractors in positions that place
19 them in direct contact with clients when providing
20 non-witnessed direct mental health or health care
21 services as provided by section 321-171.5;



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- 1 (3) The department of health or its designee on all
2 applicants for licensure or certification for,
3 operators for, prospective employees, adult
4 volunteers, and all adults, except adults in care, at
5 healthcare facilities as defined in section 321-15.2;
- 6 (4) The department of education on employees, prospective
7 employees, and teacher trainees in any public school
8 in positions that necessitate close proximity to
9 children as provided by section 302A-601.5;
- 10 (5) The counties on employees and prospective employees
11 who may be in positions that place them in close
12 proximity to children in recreation or child care
13 programs and services;
- 14 (6) The county liquor commissions on applicants for liquor
15 licenses as provided by section 281-53.5;
- 16 (7) The county liquor commissions on employees and
17 prospective employees involved in liquor
18 administration, law enforcement, and liquor control
19 investigations;
- 20 (8) The department of human services on operators and
21 employees of child caring institutions, child placing



1 organizations, and foster boarding homes as provided
2 by section 346-17;

3 (9) The department of human services on prospective
4 adoptive parents as established under section
5 346-19.7;

6 (10) The department of human services or its designee on
7 applicants to operate child care facilities, household
8 members of the applicant, prospective employees of the
9 applicant, and new employees and household members of
10 the provider after registration or licensure as
11 provided by section 346-154, and persons subject to
12 section 346-152.5;

13 (11) The department of human services on persons exempt
14 pursuant to section 346-152 to be eligible to provide
15 child care and receive child care subsidies as
16 provided by section 346-152.5;

17 (12) The department of health on operators and employees of
18 home and community-based case management agencies and
19 operators and other adults, except for adults in care,
20 residing in community care foster family homes as
21 provided by section 321-15.2;



- 1 (13) The department of human services on staff members of
2 the Hawaii youth correctional facility as provided by
3 section 352-5.5;
- 4 (14) The department of human services on employees,
5 prospective employees, and volunteers of contracted
6 providers and subcontractors in positions that place
7 them in close proximity to youth when providing
8 services on behalf of the office or the Hawaii youth
9 correctional facility as provided by section 352D-4.3;
- 10 (15) The judiciary on employees and applicants at detention
11 and shelter facilities as provided by section 571-34;
- 12 (16) The department of public safety on employees and
13 prospective employees who are directly involved with
14 the treatment and care of persons committed to a
15 correctional facility or who possess police powers
16 including the power of arrest as provided by section
17 353C-5;
- 18 (17) The board of private detectives and guards on
19 applicants for private detective or private guard
20 licensure as provided by section 463-9;



- 1 (18) Private schools and designated organizations on
2 employees and prospective employees who may be in
3 positions that necessitate close proximity to
4 children; provided that private schools and designated
5 organizations receive only indications of the states
6 from which the national criminal history record
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective
9 employees whose positions place them in close
10 proximity to children as provided by section
11 302A-601.5;
- 12 (20) The State or any of its branches, political
13 subdivisions, or agencies on applicants and employees
14 holding a position that has the same type of contact
15 with children, vulnerable adults, or persons committed
16 to a correctional facility as other public employees
17 who hold positions that are authorized by law to
18 require criminal history record checks as a condition
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care
21 center operators, employees, new employees,



- 1 subcontracted service providers and their employees,
2 and adult volunteers as provided by section 321-15.2;
- 3 (22) The department of human services on purchase of
4 service contracted and subcontracted service providers
5 and their employees serving clients of the adult
6 protective and community services branch, as provided
7 by section 346-97;
- 8 (23) The department of human services on foster grandparent
9 program, senior companion program, and respite
10 companion program participants as provided by section
11 346-97;
- 12 (24) The department of human services on contracted and
13 subcontracted service providers and their current and
14 prospective employees that provide home and community-
15 based services under section 1915(c) of the Social
16 Security Act, title 42 United States Code section
17 1396n(c), or under any other applicable section or
18 sections of the Social Security Act for the purposes
19 of providing home and community-based services, as
20 provided by section 346-97;



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- 1 (25) The department of commerce and consumer affairs on
- 2 proposed directors and executive officers of a bank,
- 3 savings bank, savings and loan association, trust
- 4 company, and depository financial services loan
- 5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
- 7 proposed directors and executive officers of a
- 8 nondepository financial services loan company as
- 9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
- 11 original chartering applicants and proposed executive
- 12 officers of a credit union as provided by section
- 13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
- 15 (A) Each principal of every non-corporate applicant
- 16 for a money transmitter license;
- 17 (B) Each person who upon approval of an application
- 18 by a corporate applicant for a money transmitter
- 19 license will be a principal of the licensee; and
- 20 (C) Each person who upon approval of an application
- 21 requesting approval of a proposed change in



1 control of licensee will be a principal of the
2 licensee,

3 as provided by sections 489D-9 and 489D-15;

4 (29) The department of commerce and consumer affairs on
5 applicants for licensure and persons licensed under
6 title 24;

7 (30) The Hawaii health systems corporation on:

8 (A) Employees;

9 (B) Applicants seeking employment;

10 (C) Current or prospective members of the corporation
11 board or regional system board; or

12 (D) Current or prospective volunteers, providers, or
13 contractors,

14 in any of the corporation's health facilities as
15 provided by section 323F-5.5;

16 (31) The department of commerce and consumer affairs on:

17 (A) An applicant for a mortgage loan originator
18 license, or license renewal; and

19 (B) Each control person, executive officer, director,
20 general partner, and managing member of an



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1 applicant for a mortgage loan originator company
2 license or license renewal,

3 as provided by chapter 454F;

4 (32) The state public charter school commission or public
5 charter schools on employees, teacher trainees,
6 prospective employees, and prospective teacher
7 trainees in any public charter school for any position
8 that places them in close proximity to children, as
9 provided in section 302D-33;

10 (33) The counties on prospective employees who work with
11 children, vulnerable adults, or senior citizens in
12 community-based programs;

13 (34) The counties on prospective employees for fire
14 department positions which involve contact with
15 children or vulnerable adults;

16 (35) The counties on prospective employees for emergency
17 medical services positions which involve contact with
18 children or vulnerable adults;

19 (36) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing



1 homeland security measures including viewing,
2 handling, and engaging in law enforcement or
3 classified meetings and assisting vulnerable citizens
4 during emergencies or crises;

5 (37) The State and counties on employees, prospective
6 employees, volunteers, and contractors whose position
7 responsibilities require unescorted access to secured
8 areas and equipment related to a traffic management
9 center;

10 (38) The State and counties on employees and prospective
11 employees whose positions involve the handling or use
12 of firearms for other than law enforcement purposes;

13 (39) The State and counties on current and prospective
14 systems analysts and others involved in an agency's
15 information technology operation whose position
16 responsibilities provide them with access to
17 proprietary, confidential, or sensitive information;

18 (40) The department of commerce and consumer affairs on:
19 (A) Applicants for real estate appraiser licensure or
20 certification as provided by chapter 466K;



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1 (B) Each person who owns more than ten per cent of an
 2 appraisal management company who is applying for
 3 registration as an appraisal management company,
 4 as provided by section 466L-7; and

5 (C) Each of the controlling persons of an applicant
 6 for registration as an appraisal management
 7 company, as provided by section 466L-7;

8 (41) The department of health or its designee on all
 9 license applicants, licensees, employees, contractors,
 10 and prospective employees of medical cannabis
 11 dispensaries, and individuals permitted to enter and
 12 remain in medical cannabis dispensary facilities as
 13 provided under sections 329D-15(a)(4) and
 14 329D-16(a)(3);

15 (42) The department of commerce and consumer affairs on
 16 applicants for nurse licensure or license renewal,
 17 reactivation, or restoration as provided by sections
 18 457-7, 457-8, 457-8.5, and 457-9;

19 [~~43~~] ~~The county police departments on applicants for~~
 20 ~~permits to acquire firearms pursuant to section 134-2~~



1 ~~and on individuals registering their firearms pursuant~~
2 ~~to section 134-3;~~

3 ~~(44)]~~ (43) The department of commerce and consumer affairs
4 on:

5 (A) Each of the controlling persons of the applicant
6 for licensure as an escrow depository, and each
7 of the officers, directors, and principals who
8 will be in charge of the escrow depository's
9 activities upon licensure; and

10 (B) Each of the controlling persons of an applicant
11 for proposed change in control of an escrow
12 depository licensee, and each of the officers,
13 directors, and principals who will be in charge
14 of the licensee's activities upon approval of
15 such application,

16 as provided by chapter 449;

17 ~~[(45)]~~ (44) The department of taxation on current or
18 prospective employees or contractors who have access
19 to federal tax information in order to comply with
20 requirements of federal law, regulation, or procedure,
21 as provided by section 231-1.6;

1 ~~[(46)]~~ (45) The department of labor and industrial relations
 2 on current or prospective employees or contractors who
 3 have access to federal tax information in order to
 4 comply with requirements of federal law, regulation,
 5 or procedure, as provided by section 383-110;

6 ~~[(47)]~~ (46) The department of human services on current or
 7 prospective employees or contractors who have access
 8 to federal tax information in order to comply with
 9 requirements of federal law, regulation, or procedure,
 10 as provided by section 346-2.5;

11 ~~[(48)]~~ (47) The child support enforcement agency on current
 12 or prospective employees, or contractors who have
 13 access to federal tax information in order to comply
 14 with federal law, regulation, or procedure, as
 15 provided by section 576D-11.5; and

16 ~~[(49)]~~ (48) Any other organization, entity, or the State,
 17 its branches, political subdivisions, or agencies as
 18 may be authorized by state law."

19 SECTION 4. This Act does not affect rights and duties that
 20 matured, penalties that were incurred, and proceedings that were
 21 begun before its effective date.



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

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

4

INTRODUCED BY: Linda Ichigane BR
JAN 21 2021



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Report Title:

Criminal History Record Checks; Police; Permits to Acquire Firearms; Hawaii Criminal Justice Data Center; Database Management

Description:

Withdraws Hawaii from the rap back system of the Federal Bureau of Investigation. Repeals authorization of county police departments to enroll firearms applicants and individuals who are registering their firearms into a criminal record monitoring service used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country. Repeals the authority of the Hawaii Criminal Justice Data Center to access firearm registration.

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