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# A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

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

1           SECTION 1. The legislature finds that the United States  
2 Supreme Court decision in *Caetano v. Massachusetts*,  
3 136 S. Ct. 1027 (2016), which overruled a decision of the  
4 Massachusetts Supreme Judicial Court, has raised questions  
5 regarding the constitutionality of bans on electric guns, and  
6 may make amendments to Hawaii's law on electric guns advisable.

7           The purpose of this Act is to protect the health and safety  
8 of the public by regulating the sale and use of electric guns  
9 and repeal the existing prohibition on electric guns.

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

13   **"PART       .   ELECTRIC GUNS**

14          **§134-A Definitions.** As used in this part:

15          "Cartridge" means any device or object that is designed to  
16 be used with an electric gun to project a missile. "Cartridge"  
17 includes but is not limited to a Taser cartridge.



1 "Electric gun" means any portable device that is designed  
2 to discharge electric energy, charge, voltage, or current into  
3 the body through direct contact or utilizing a projectile.

4 "Electric gun" includes but is not limited to devices commonly  
5 referred to as stun guns and Tasers. "Electric gun" does not  
6 include any automatic external defibrillator used in emergency  
7 medical situations.

8 "Law enforcement agency" means any county police  
9 department, the department of public safety, the department of  
10 the attorney general, the division of conservation and resources  
11 enforcement of the department of land and natural resources, and  
12 any other state or county public body that employs law  
13 enforcement officers.

14 "Law enforcement officer" means a sheriff or deputy  
15 sheriff, a police officer, an enforcement officer within the  
16 division of conservation and resources enforcement of the  
17 department of land and natural resources, a special agent of the  
18 department of the attorney general, and any other public servant  
19 vested by law with a duty to maintain public order, make arrests  
20 for offenses, or enforce criminal laws, whether that duty



1 extends to all offenses or is limited to a specific class of  
2 offenses.

3 "Licensee" means a person licensed to sell, offer to sell,  
4 distribute, or otherwise transfer electric guns and cartridges  
5 pursuant to section 134-C.

6 "Person" means an individual, firm, corporation,  
7 partnership, association, or any form of business or legal  
8 entity.

9 "Transfer" means the granting of possession or ownership to  
10 another. "Transfer" includes but is not limited to the granting  
11 of temporary possession to another.

12 **§134-B Restrictions on use, sale, offer for sale,**  
13 **distribution, and transfer of electric guns and cartridges. (a)**

14 It shall be unlawful for any person to knowingly or recklessly  
15 use an electric gun for any purpose except:

- 16 (1) Self-defense;
- 17 (2) Defense of another person; or
- 18 (3) Protection of property of the person or of another  
19 person.

20 (b) Except as provided in section 134-E, it shall be  
21 unlawful for any person to knowingly sell, offer to sell,



1 distribute, or otherwise transfer an electric gun or cartridge  
2 without a license obtained pursuant to section 134-C. It is an  
3 affirmative defense to prosecution pursuant to this subsection  
4 that the person is more than twenty-one years of age and is an  
5 employee of a licensee acting within the scope of the person's  
6 employment.

7 (c) It shall be unlawful for a licensee or employee of a  
8 licensee to knowingly sell, offer to sell, distribute, or  
9 otherwise transfer an electric gun or cartridge at a place other  
10 than the licensee's designated place of business.

11 (d) It shall be unlawful for any person to knowingly sell,  
12 offer to sell, distribute, or otherwise transfer an electric gun  
13 or cartridge to a person less than twenty-one years of age.

14 (e) It shall be unlawful for any person, other than a  
15 licensee, a law enforcement agency, or the Army or Air National  
16 Guard, to knowingly or recklessly purchase, obtain, or otherwise  
17 receive an electric gun or cartridge from a person who does not  
18 have a license issued pursuant to section 134-C.

19 (f) Any person violating this section shall be guilty of a  
20 misdemeanor.



1           **§134-C License to sell, offer to sell, distribute, or**  
2 **otherwise transfer electric guns or cartridges; fee.** (a) Any  
3 person desiring to sell, offer to sell, distribute, or otherwise  
4 transfer electric guns or cartridges to a person in the State,  
5 either at wholesale or retail, shall annually file an  
6 application for a license to do so with the county in which the  
7 person desires to conduct business or within the county to which  
8 the person intends the electric guns or cartridges to be sold,  
9 offered for sale, distributed, or otherwise transferred using  
10 forms prescribed by the county.

11           (b) If the applicant is an individual, the application and  
12 supporting documentation shall establish at least the following:

- 13           (1) The legal name, date of birth, and the last four  
14           digits of the social security number of the  
15           individual;
- 16           (2) The street address, telephone number, fax number, and  
17           electronic mail address of the individual;
- 18           (3) The name and location of the principal place of  
19           business of the individual and, if applicable, each  
20           additional designated place of business from which the



- 1 individual desires to sell, offer to sell, distribute,
- 2 or otherwise transfer electric guns or cartridges;
- 3 (4) The individual's Hawaii tax identification number;
- 4 (5) That the individual has had no convictions for any
- 5 felony offense;
- 6 (6) Within the last three years, that the individual has
- 7 completed an electric gun safety or training course
- 8 offered or approved by the county that focuses on:
- 9 (A) The safe use and handling of electric guns;
- 10 (B) Current information about the effects, dangers,
- 11 risks, and limitations of electric guns; and
- 12 (C) Education on the existing state laws on electric
- 13 guns; and
- 14 (7) Any other information the county may require.
- 15 (c) If the applicant is not an individual, the application
- 16 and supporting documentation shall establish at least the
- 17 following:
- 18 (1) The name of the applying entity and any other name
- 19 under which the applying entity does business, if
- 20 applicable;



- 1           (2) The street address, telephone number, fax number, and  
2           electronic mail address of the applying entity;
- 3           (3) The legal name, date of birth, and the last four  
4           digits of the social security number of each of the  
5           principal owners or members of the applying entity;
- 6           (4) The street address, telephone number, fax number, and  
7           electronic mail address of each of the principal  
8           owners or members of the applying entity;
- 9           (5) The name and location of the principal place of  
10          business of the applying entity and, if applicable,  
11          each additional designated place of business from  
12          which the applying entity desires to sell, offer to  
13          sell, distribute, or otherwise transfer electric guns  
14          or cartridges;
- 15          (6) That the applying entity is registered to do business  
16          in the State;
- 17          (7) That the applying entity is composed of principal  
18          owners or members who have had no convictions for any  
19          felony offense;
- 20          (8) The applying entity's Hawaii tax identification  
21          number;



1 (9) The applying entity's federal employer identification  
2 number;

3 (10) Within the last three years, that at least one  
4 principal owner or member of the applying entity has  
5 completed an electric gun safety or training course,  
6 as described in subsection (b) (6); and

7 (11) Any other information the county may require.

8 (d) The applicant shall certify that the applicant will  
9 comply at all times with, and is responsible for compliance by  
10 its employees with, all provisions of law relative to the  
11 acquisition, possession, storage, sale, offer for sale,  
12 distribution, and transfer of electric guns and cartridges.

13 (e) Upon receipt of the completed application form and the  
14 annual licensing fee of \$50 payable to the county, the county  
15 shall review the application and may issue a license to the  
16 applicant if it determines that the applicant meets all the  
17 requirements of this section. If requested by the licensee, the  
18 county shall provide certified copies of the license to the  
19 licensee.

20 (f) A license issued pursuant to this section shall expire  
21 on June 30 next following the date of issuance of the license



1 unless sooner terminated. Application for renewal of license  
2 shall be filed on or before July 1 of each year.

3 **§134-D Sale, offer for sale, distribution, or transfer of**  
4 **electric guns or cartridges.** (a) A licensee shall post the  
5 license to sell, offer to sell, distribute, or otherwise  
6 transfer electric guns or cartridges, or a certified copy  
7 thereof, in a location readily visible to customers at each  
8 designated place of business. For internet sales by a licensee,  
9 the license number shall be prominently displayed and an  
10 electronic copy of the license shall be readily accessible to  
11 the customer.

12 (b) An individual licensee shall complete at least once  
13 every three years an electric gun safety or training course  
14 offered or approved by the county that focuses on:

- 15 (1) The safe use and handling of electric guns;
- 16 (2) Current information about the effects, dangers, risks,  
17 and limitations of electric guns; and
- 18 (3) Education on the existing state laws on electric guns.

19 A licensee shall keep copies of the certificates of completion  
20 of these training courses in the licensee's business records.



1 (c) A licensee shall not allow any employee to participate  
2 in the sale or transfer of electric guns or cartridges unless  
3 the employee completes at least once every three years the  
4 training courses described in subsection (b). The licensee  
5 shall keep copies of the certificates of completion of the  
6 training courses for each employee in the licensee's business  
7 records.

8 (d) If there is no manufacturer serial number on an  
9 electric gun or cartridge received into inventory by a licensee,  
10 then the licensee shall engrave on the electric gun or cartridge  
11 a legible unique serial number that begins with the licensee's  
12 license number, followed by a hyphen and a unique identifying  
13 number.

14 (e) A licensee shall keep records for all electric guns  
15 and cartridges received into inventory within the State,  
16 including:

17 (1) Information identifying the seller, distributor, or  
18 transferor of the electric gun or cartridge; and

19 (2) The transaction record for the electric gun or  
20 cartridge, including the date of receipt, a  
21 description of the electric gun or cartridge, the



1 manufacturer's serial number or the unique identifying  
2 serial number engraved by the licensee, and, if  
3 available, the manufacturer and the model number.

4 (f) Before completing a sale, distribution, or other  
5 transfer of an electric gun, the licensee or an employee of the  
6 licensee shall conduct a criminal history background check of  
7 the recipient. At minimum, the criminal history background  
8 check shall be a name-based search of the adult criminal  
9 conviction records maintained by the Hawaii criminal justice  
10 data center. The licensee or employee of the licensee shall  
11 require the recipient to review a printed copy of the results of  
12 the background check. After the review, the recipient shall  
13 sign and date a declaration. The declaration shall be in the  
14 following form: "I, (name of recipient), declare under penalty  
15 of law that the attached document accurately reflects my adult  
16 criminal conviction history in Hawaii. I further declare that I  
17 do not have any convictions or charges pending against me that  
18 disqualify me from owning an electric gun. I further declare  
19 under penalty of law that I am not disqualified from owning an  
20 electric gun." The licensee or employee of the licensee shall  
21 witness the recipient sign the declaration and sign the



1 declaration as a witness. If the recipient is disqualified from  
2 owning an electric gun, or refuses or is unable to sign or make  
3 the declaration, the licensee shall immediately terminate the  
4 sale, distribution, or transfer.

5 (g) Before completing a sale, distribution, or other  
6 transfer of an electric gun, the licensee or an employee of the  
7 licensee shall provide an informational briefing to the  
8 recipient that includes but is not limited to the following:

- 9 (1) The safe use and handling of electric guns;
- 10 (2) Current information about the effects, dangers, risks,  
11 and limitations of electric guns;
- 12 (3) Education on the existing state laws on electric guns;  
13 and
- 14 (4) The proper disposal of electric guns.

15 (h) Upon completion of the informational briefing, the  
16 licensee shall provide a certification of informational briefing  
17 that is signed and dated by the recipient and the person who  
18 provided the informational briefing acknowledging that the  
19 briefing was completed and that the recipient understood the  
20 briefing. The certification shall include the names of the  
21 recipient and the person who provided the informational briefing



1 and the date of the briefing. The form of the certification  
2 shall be as provided by the county office that issued the  
3 license to the licensee.

4 (i) A licensee shall keep a record of the information  
5 provided to recipients during the informational briefing.

6 (j) A licensee shall keep records of all sales,  
7 distributions, and other transactions of electric guns and  
8 cartridges sold in the State or to a recipient in the State,  
9 including:

- 10 (1) The recipient's name, date of birth, address, and  
11 telephone number;
- 12 (2) A copy of the recipient's government-issued  
13 identification card or document;
- 14 (3) The transaction record for the electric gun or  
15 cartridge, including the date of the transaction; a  
16 description of the electric gun or cartridge; if  
17 available, the name of the manufacturer and serial and  
18 model numbers; and, if necessary, the unique serial  
19 number engraved by the licensee;



1 (4) The criminal history background check and declaration  
2 signed by the recipient and the licensee or licensee's  
3 employee as a witness; and

4 (5) A copy of the certification of informational briefing  
5 signed and dated by the recipient and the person who  
6 provided the briefing.

7 (k) A licensee shall keep a record of the licensee's  
8 current inventory of electric guns and cartridges.

9 (l) During normal business hours, a licensee shall allow  
10 the chief of police of the appropriate county or designee to  
11 inspect the licensee's books and records for all records  
12 required to be kept by the licensee for electric guns and  
13 cartridges. At the discretion of the chief of police of the  
14 appropriate county or designee, the inspection of the records  
15 may be conducted via facsimile transmittal of the records.

16 (m) A licensee shall keep records required by this section  
17 for a minimum of ten years. If a licensee, as a result of death  
18 or dissolution, cannot maintain the records, the records shall  
19 be turned over to the chief of police of the appropriate county  
20 or designee.



1 (n) When displaying or storing electric guns or cartridges  
2 at a designated place of business, a licensee shall display or  
3 store the electric guns and cartridges in a locked cabinet or  
4 area not accessible to the general public.

5 (o) During normal business hours, a licensee shall allow  
6 the chief of police of the appropriate county or designee to  
7 physically inspect all electric guns and cartridges in the  
8 possession and control of the licensee wherever they may be  
9 located within the State.

10 (p) Any person, including any licensee, violating this  
11 section shall be guilty of a misdemeanor.

12 (q) A license may be suspended or revoked for a violation  
13 of any of the requirements of this section.

14 **§134-E Disposal of electric gun or cartridge.** A person  
15 who is not a licensee may sell or otherwise transfer an electric  
16 gun or cartridge to a licensee or the chief of police of the  
17 appropriate county or designee. The chief of police may either  
18 destroy the electric gun or cartridge or utilize the electric  
19 gun or cartridge for educational purposes. The chief of police  
20 shall maintain records of all surrendered electric guns and  
21 cartridges, including their disposition.



1           **§134-F Ownership or possession prohibited.** (a) No person  
2 who is a fugitive from justice shall own, possess, or control an  
3 electric gun.

4           (b) No person who is under indictment for, has waived  
5 indictment for, has been bound over to the circuit court for, or  
6 has been convicted in this State or elsewhere of having  
7 committed a felony, any crime of violence, or any illegal sale  
8 of any drug shall own, possess, or control an electric gun.

9           (c) No person who:

10           (1) Is or has been under treatment or counseling for  
11 addiction to, abuse of, or dependence upon any  
12 dangerous, harmful, or detrimental drug; intoxicating  
13 compound as defined in section 712-1240; or  
14 intoxicating liquor;

15           (2) Has been acquitted of a crime on the grounds of mental  
16 disease, disorder, or defect pursuant to  
17 section 704-411;

18           (3) Is or has been diagnosed as having a significant  
19 behavioral, emotional, or mental disorder as defined  
20 by the most current diagnostic manual of the American  
21 Psychiatric Association; or



1 (4) Is under treatment for an organic brain syndrome;  
2 shall own, possess, or control an electric gun, unless the  
3 person has been medically documented to be no longer adversely  
4 affected by the addiction, abuse, dependence, syndrome, or  
5 mental disease, disorder, or defect.

6 (d) No person who is less than twenty-five years of age  
7 and has been adjudicated by the family court to have committed a  
8 felony, two or more crimes of violence, or an illegal sale of  
9 any drug shall own, possess, or control an electric gun.

10 (e) No person who is less than twenty-one years of age  
11 shall own, possess, or control an electric gun.

12 (f) No person shall possess an electric gun that is owned  
13 by another, regardless of whether the owner has consented to  
14 possession of the electric gun.

15 (g) No person who has been restrained pursuant to an order  
16 of any court, including an ex parte order as provided in this  
17 subsection, from contacting, threatening, or physically abusing  
18 any person or from possessing or owning a firearm, shall  
19 possess, control, or transfer ownership of an electric gun, so  
20 long as the protective order, restraining order, or any  
21 extension is in effect, unless the order, for good cause shown,



1 specifically permits the possession of an electric gun. The  
2 restraining order or order of protection shall specifically  
3 include a statement that possession, control, or transfer of an  
4 electric gun by the person named in the order is prohibited.  
5 Such person shall relinquish possession and control of any  
6 electric gun owned by that person to the police department of  
7 the appropriate county for safekeeping for the duration of the  
8 order or extension thereof.

9 In the case of an ex parte order that includes a  
10 restriction on the possession, control, or transfer of an  
11 electric gun, the affidavit or statement under oath that forms  
12 the basis for the order shall contain a statement of the facts  
13 that support a finding that the person to be restrained owns,  
14 intends to obtain or transfer, or possesses an electric gun, and  
15 that the electric gun may be used to threaten, injure, or abuse  
16 any person. The ex parte order shall be effective upon service  
17 pursuant to section 586-6.

18 At the time of service of a restraining order involving  
19 electric guns issued by any court, the police officer may take  
20 custody of any and all electric guns in plain sight, those



1 discovered pursuant to a consensual search, and those electric  
2 guns surrendered by the person restrained.

3 For the purposes of this subsection, "good cause" shall not  
4 be based solely upon the consideration that the person subject  
5 to restraint pursuant to an order of any court, including an ex  
6 parte order as provided for in this subsection, is required to  
7 possess or carry an electric gun during the course of the  
8 person's employment. "Good cause" includes but is not limited  
9 to the protection and safety of the person to whom a restraining  
10 order is granted.

11 (h) Any person disqualified from ownership, possession,  
12 control, or the right to transfer ownership of an electric gun  
13 under this section shall surrender or dispose of all electric  
14 guns in compliance with section 134-E.

15 (i) For the purposes of enforcing this section, and  
16 notwithstanding section 571-84 or any other law to the contrary,  
17 any agency within the State shall make its records relating to  
18 family court adjudications available to law enforcement  
19 officials.

20 (j) Any person violating subsection (a) or (b) shall be  
21 guilty of a class C felony. Any person violating



1 subsection (c), (d), (e), (f), (g), or (h) shall be guilty of a  
2 misdemeanor.

3 **§134-G Exemptions.** (a) Sections 134-B and 134-F(f) shall  
4 not apply to:

5 (1) Law enforcement agencies and law enforcement officers  
6 acting within the course of their employment; and

7 (2) The Army or Air National Guard and its members when  
8 they are assisting civil authorities in disaster  
9 relief, emergency management, or law enforcement  
10 functions, subject to the requirements of  
11 section 121-34.5;

12 provided that the electric guns shall be acquired by the law  
13 enforcement agencies or the Army or Air National Guard and not  
14 individual law enforcement officers or members of the Army or  
15 Air National Guard, and shall remain in the custody and control  
16 of law enforcement agencies or the Army or Air National Guard.

17 (b) Law enforcement agencies that authorize use of  
18 electric guns by its law enforcement officers and the Army or  
19 Air National Guard shall:

20 (1) Provide training from the manufacturer or from a  
21 manufacturer-approved training program conducted by



1 manufacturer-certified or manufacturer-approved  
2 instructors in the use of electric guns before  
3 deployment of the electric guns and related equipment  
4 in public;

5 (2) Maintain records regarding every electric gun in its  
6 custody and control, including every instance of usage  
7 of the electric guns, in a similar manner as records  
8 are maintained for the discharge of firearms; and

9 (3) Report to the legislature on the information in, and  
10 maintenance of, these records no later than  
11 twenty days prior to the convening of each regular  
12 session.

13 (c) The licensing requirement of sections 134-B(b)  
14 and 134-C shall not apply to the sale of electric guns and  
15 cartridges by the electric gun manufacturers distributing  
16 directly to law enforcement agencies or the Army or Air National  
17 Guard.

18 **§134-H Storage of electric gun; responsibility with**  
19 **respect to minors.** (a) No person shall store or keep any  
20 electric gun on any premises under the person's control if the



1 person knows or reasonably should know that a minor is likely to  
2 gain access to the electric gun, unless the person:

3 (1) Keeps the electric gun in a securely locked box or  
4 other container or in a location that a reasonable  
5 person would believe to be secure; or

6 (2) Carries the electric gun on the person or within such  
7 close proximity thereto that the minor cannot gain  
8 access or control of the electric gun.

9 (b) Any person violating this section shall be guilty of a  
10 misdemeanor.

11 **§134-I Carrying or use of electric gun in the commission**

12 **of a separate misdemeanor.** (a) It shall be unlawful for a  
13 person to knowingly carry on the person or have within the  
14 person's immediate control or intentionally use or threaten to  
15 use an electric gun, whether operable or not, while engaged in  
16 the commission of a separate misdemeanor; provided that a person  
17 shall not be prosecuted under this subsection when the separate  
18 misdemeanor is a misdemeanor defined by this chapter.

19 (b) A conviction and sentence under this section shall be  
20 in addition to and not in lieu of any conviction and sentence  
21 for the separate misdemeanor; provided that the sentence imposed



1 under this section may run concurrently or consecutively with  
2 the sentence for the separate misdemeanor.

3 (c) Any person violating this section shall be guilty of a  
4 class C felony.

5 **§134-J Carrying or use of electric gun in the commission**  
6 **of a separate felony.** (a) It shall be unlawful for a person to  
7 knowingly carry on the person or have within the person's  
8 immediate control or intentionally use or threaten to use an  
9 electric gun, whether operable or not, while engaged in the  
10 commission of a separate felony; provided that a person shall  
11 not be prosecuted under this subsection when the separate felony  
12 is a felony defined by this chapter.

13 (b) A conviction and sentence under this section shall be  
14 in addition to and not in lieu of any conviction and sentence  
15 for the separate felony; provided that the sentence imposed  
16 under this section may run concurrently or consecutively with  
17 the sentence for the separate felony.

18 (c) Any person violating this section shall be guilty of a  
19 class B felony."

20 SECTION 3. Section 121-34.5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "~~[+]§121-34.5[+]~~ **Use of electric guns.** Members of the  
2 ~~[army or air national guard]~~ Army or Air National Guard who have  
3 been qualified by training and are authorized by their  
4 commanders may use electric guns, as specifically provided in  
5 section ~~[134-16(e) and (d),]~~ 134-G, when assisting civil  
6 authorities in disaster relief, emergency management, or law  
7 enforcement functions; provided that "training" for the purposes  
8 of this section means a course of instruction or training in the  
9 use of any electric gun authorized pursuant to this section,  
10 that is provided or authorized by the manufacturer or is  
11 manufacturer-approved or is an electric gun training program  
12 approved by the ~~[army or air national guard, prior to]~~ Army or  
13 Air National Guard, before deployment or issuance of electric  
14 guns and related equipment."

15           SECTION 4. Section 134-1, Hawaii Revised Statutes, is  
16 amended by deleting the definition of "electric gun".

17           ~~[""Electric gun" means any portable device that is  
18 electrically operated to project a missile or electromotive  
19 force. It does not include any electric livestock prod used in  
20 animal husbandry and any automatic external defibrillator used  
21 in emergency medical situations."]~~



1 SECTION 5. Section 134-17, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Any person who violates section 134-2, 134-4, 134-10,  
4 or 134-15[, ~~or 134-16(a)~~] shall be guilty of a misdemeanor. Any  
5 person who violates section 134-3(b) shall be guilty of a petty  
6 misdemeanor and the firearm shall be confiscated as contraband  
7 and disposed of, if the firearm is not registered within  
8 five days of the person receiving notice of the violation."

9 SECTION 6. Section 266-24, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) The director of transportation shall enforce this  
12 chapter and all rules thereunder, except for the rules relative  
13 to the control and management of the beaches encumbered with  
14 easements in favor of the public and ocean waters, which shall  
15 be enforced by the department of land and natural resources.  
16 For the purpose of the enforcement of this chapter and of all  
17 rules adopted pursuant to this chapter, the powers of police  
18 officers are conferred upon the director of transportation and  
19 any officer, employee, or representative of the department of  
20 transportation. Without limiting the generality of the  
21 foregoing, the director and any person appointed by the director



1 hereunder may serve and execute warrants, arrest offenders, and  
2 serve notices and orders. The director of transportation and  
3 any employee, agent, or representative of the department of  
4 transportation appointed as enforcement officers by the  
5 director, and every state and county officer charged with the  
6 enforcement of any law, statute, rule, regulation, ordinance, or  
7 order, shall enforce and assist in the enforcement of this  
8 chapter and of all rules and orders issued pursuant thereto, and  
9 in carrying out the responsibilities hereunder, each shall be  
10 specifically authorized to:

- 11 (1) Conduct any enforcement action hereunder in any  
12 commercial harbor area and any area over which the  
13 department of transportation and the director of  
14 transportation has jurisdiction under this chapter;
- 15 (2) Inspect and examine at reasonable hours any premises,  
16 and the buildings and other structures thereon, where  
17 harbors or harbor facilities are situated, or where  
18 harbor-related activities are operated or conducted;  
19 and
- 20 (3) Subject to limitations as may be imposed by the  
21 director of transportation, serve and execute



1 warrants, arrest offenders, and serve notices and  
2 orders.

3 Any employee appointed as a law enforcement officer by the  
4 director of transportation pursuant to this section who has been  
5 qualified by training may use electric guns, as specifically  
6 provided in section [~~134-16,~~] 134-G, when exercising powers of  
7 police officers and carrying out the responsibilities described  
8 herein; provided that training for the purposes of this section  
9 means a course of instruction or training in the use of any  
10 electric gun that is provided, authorized, or approved by the  
11 manufacturer of the electric gun [~~prior to~~] before deployment or  
12 issuance of electric guns and related equipment.

13 For purposes of this subsection, [~~the term "agents and~~  
14 ~~representatives"~~] "agent" and "representative" includes but is  
15 not limited to persons performing services at harbors or harbor  
16 areas under contract with the department of transportation."

17 SECTION 7. Section 463-10.5, Hawaii Revised Statutes, is  
18 amended by amending subsection (e) to read as follows:

19 "(e) Before beginning employment as a guard or in a guard  
20 capacity, in addition to the classroom instruction required by  
21 this section, guards and individuals acting in a guard capacity



1 who carry a firearm or other weapon, including but not limited  
2 to an electric gun as defined in section [~~134-1,~~] 134-A, while  
3 on-duty in a guard capacity shall possess a valid permit to  
4 acquire the ownership of a firearm issued by county police  
5 pursuant to section 134-2 and shall satisfy the requirements of  
6 section 134-2(g)."

7 SECTION 8. Section 134-16, Hawaii Revised Statutes, is  
8 repealed.

9 [~~"§134-16 Restriction on possession, sale, gift, or~~  
10 ~~delivery of electric guns.~~ (a) ~~It shall be unlawful for any~~  
11 ~~person, including a licensed manufacturer, licensed importer, or~~  
12 ~~licensed dealer, to possess, offer for sale, hold for sale,~~  
13 ~~sell, give, lend, or deliver any electric gun.~~

14 (b) ~~Any electric gun possessed, offered for sale, held for~~  
15 ~~sale, sold, given, lent, or delivered in violation of subsection~~  
16 ~~(a) shall be confiscated and disposed of by the chief of police.~~

17 (c) ~~This section shall not apply to:~~

18 (1) ~~Law enforcement officers of county police departments;~~

19 (2) ~~Law enforcement officers of the department of public~~  
20 ~~safety;~~



- 1       ~~(3) Conservation and resources enforcement officers of the~~  
2           ~~department of land and natural resources;~~
- 3       ~~(4) Members of the Army or Air National Guard when~~  
4           ~~assisting civil authorities in disaster relief,~~  
5           ~~emergency management, or law enforcement functions,~~  
6           ~~subject to the requirements of section 121-34.5;~~
- 7       ~~(5) Law enforcement officers appointed by the director of~~  
8           ~~transportation pursuant to section 266-24; and~~
- 9       ~~(6) Vendors providing electric guns to the individuals~~  
10           ~~described in paragraphs (1) through (5);~~
- 11       ~~provided that electric guns shall at all times remain in the~~  
12       ~~eustody and control of the law enforcement officers of the~~  
13       ~~county police departments, the law enforcement officers of the~~  
14       ~~department of public safety, the conservation and resources~~  
15       ~~enforcement officers of the department of land and natural~~  
16       ~~resources, the members of the Army or Air National Guard, or law~~  
17       ~~enforcement officers appointed by the director of~~  
18       ~~transportation.~~
- 19       ~~(d) The county police departments of this State, the~~  
20       ~~department of public safety, the department of land and natural~~  
21       ~~resources, the army and air national guard, and the department~~



1 ~~of transportation shall maintain records regarding every~~  
2 ~~electric gun in their custody and control. The records shall~~  
3 ~~report every instance of usage of the electric guns; in~~  
4 ~~particular, records shall be maintained in a similar manner as~~  
5 ~~for those of discharging of firearms. The county police~~  
6 ~~departments, the department of public safety, the department of~~  
7 ~~land and natural resources, the army and air national guard, and~~  
8 ~~the department of transportation shall annually report to the~~  
9 ~~legislature regarding these records no later than twenty days~~  
10 ~~before the beginning of each regular session of the legislature.~~

11 ~~(e) The department of land and natural resources, the~~  
12 ~~department of public safety, and the department of~~  
13 ~~transportation shall ensure that each of its conservation and~~  
14 ~~resources enforcement officers and law enforcement officers who~~  
15 ~~is authorized to use an electric gun and related equipment shall~~  
16 ~~first receive training from the manufacturer or from a~~  
17 ~~manufacturer approved training program, as well as by~~  
18 ~~manufacturer certified or approved instructors in the use of~~  
19 ~~electric guns prior to deployment of the electric guns and~~  
20 ~~related equipment in public. Training for conservation and~~  
21 ~~resources enforcement officers of the department of land and~~



1 ~~natural resources, law enforcement officers of the department of~~  
2 ~~public safety, and law enforcement officers of the department of~~  
3 ~~transportation may be done concurrently to ensure cost savings.~~

4 ~~(f) No later than June 30, 2018, the conservation and~~  
5 ~~resources enforcement program of the department of land and~~  
6 ~~natural resources shall meet the law enforcement accreditation~~  
7 ~~or recognition standards of the Commission on Accreditation for~~  
8 ~~Law Enforcement Agencies, Inc., in the use of electric guns.~~

9 ~~(g) No later than June 30, 2024, the law enforcement~~  
10 ~~officers appointed by the director of transportation shall meet~~  
11 ~~the law enforcement accreditation or recognition standards of~~  
12 ~~the Commission on Accreditation for Law Enforcement Agencies,~~  
13 ~~Inc., in the use of electric guns." ]~~

14 SECTION 9. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun, before the effective date of this Act.

17 SECTION 10. In codifying the new sections added by  
18 section 2 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.



1 SECTION 11. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect on January 1, 2022.



H.B. NO. 891  
H.D. 2  
S.D. 2  
C.D. 1

**Report Title:**

Electric Guns; Cartridges; Regulation

**Description:**

Regulates the sale and use of electric guns and cartridges.  
Repeals the prohibition on the possession, sale, offer for sale,  
give, lend, or delivery of any electric gun. Effective  
1/1/2022. (CD1)

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

2021-3267 HB891 CD1 HMSO

