

JAN 22 2021

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, Hawai'i 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:

- 10 (1) Licensure of sellers of ammunition; and
11 (2) Gun owners or their alternate to show their firearms
12 registration and identification when purchasing
13 ammunition for the permitted firearms.

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



1 "§134- Ammunition purchase; proof of registration;
2 exception. (a) No person shall sell ammunition or shell
3 casings for any firearm unless the purchaser first demonstrates
4 that the purchaser:

5 (1) Is the registered owner of the firearm for which the
6 ammunition or shell casings are to be purchased; or

7 (2) Has been designated by the registered owner of the
8 firearm as the alternate for ammunition purchases on
9 the registration pursuant to section 134-3.

10 Presentation to the seller of the registration issued pursuant
11 to section 134-3, together with government-issued photographic
12 identification, such as a driver's license, a civil
13 identification card issued pursuant to part XVI of chapter 286,
14 a military identification card, or a United States passport,
15 shall be sufficient to demonstrate that the purchaser is the
16 registered owner of the firearm for which the ammunition is to
17 be purchased or the designated alternate. For on-line
18 purchases, a scanned copy of the registration and identification
19 shall be sufficient for compliance with this section. For the
20 purposes of this section, the chief of police of each county may
21 provide duplicates of the registration document or the same



1 information in a format to be determined by the chief of police
2 of each county.

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

4 (c) This section shall not apply to ammunition purchases
5 for firearms manufactured before 1899."

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

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



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

9 The nonresident alien shall be limited to a nontransferable
10 registration of not more than ten firearms for the purpose of
11 the above activities.

12 Every person registering a firearm under this subsection
13 shall be fingerprinted and photographed by the police department
14 of the county of registration; provided that this requirement
15 shall be waived where fingerprints and photographs are already
16 on file with the police department. The police department shall
17 perform an inquiry on the person by using the International
18 Justice and Public Safety Network, including the United States
19 Immigration and Customs Enforcement query, the National Crime
20 Information Center, and the National Instant Criminal Background



1 Check System, pursuant to section 846-2.7 before any
2 determination to register a firearm is made.

3 (b) Every person who acquires a firearm pursuant to
4 section 134-2 shall register the firearm in the manner
5 prescribed by this section within five days of acquisition. The
6 registration shall be on forms prescribed by the attorney
7 general, which shall be uniform throughout the State, and shall
8 include the following information: name of the manufacturer and
9 importer; model; type of action; caliber or gauge; serial
10 number; and source from which receipt was obtained, including
11 the name and address of the prior registrant. The registration
12 form shall also include a place for the registrant to designate
13 one alternate person authorized to purchase ammunition. If the
14 firearm has no serial number, the permit number shall be entered
15 in the space provided for the serial number, and the permit
16 number shall be engraved upon the receiver portion of the
17 firearm before registration. All registration data that would
18 identify the individual registering the firearm by name or
19 address shall be confidential and shall not be disclosed to
20 anyone, except as may be required:

21 (1) For processing the registration;



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

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

5 (4) By order of a court.

6 (c) Dealers licensed under section 134-31 or dealers
7 licensed by the United States Department of Justice shall
8 register firearms pursuant to this section on registration forms
9 prescribed by the attorney general and shall not be required to
10 have the firearms physically inspected by the chief of police at
11 the time of registration.

12 (d) Registration shall not be required for:

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

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

17 (3) All unserviceable firearms and destructive devices
18 registered with the Bureau of Alcohol, Tobacco, [and]
19 Firearms and Explosives of the United States
20 Department of Justice pursuant to Title 27, Code of
21 Federal Regulations.



1 (e) Every person who permanently moves firearms out of the
2 State shall contact and notify the county police department in
3 the county where the firearms are registered about the removal
4 of the firearms within five days of the removal from the State.
5 Any person who fails to timely notify the appropriate police
6 department shall be subject to a civil penalty of \$100 per
7 firearm.

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

15 (g) A registered owner of a firearm may designate on the
16 firearm registration one alternate person to be authorized to
17 purchase ammunition.

18 (h) A registered owner of a firearm may be issued a permit
19 to purchase ammunition of a caliber that is not the caliber
20 listed on the registered firearm by demonstrating to the police
21 department in the registering county that the firearm is capable



1 of firing a caliber of ammunition that is not the caliber listed
2 on the registration of the firearm. This permit shall designate
3 which caliber of ammunition the firearm is capable of firing.
4 The registered owner of the firearm or their alternate person
5 designated under subsection (g) may purchase ammunition,
6 pursuant to section 134- , that is the caliber designated under
7 this subsection.

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

10 SECTION 4. Section 134-4, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending the title to read:

13 "§134-4 **Transfer, possession of firearms~~(-)~~ and**
14 **ammunition.**"

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

16 "(b) No person shall possess any firearm or ammunition
17 that is owned by another, regardless of whether the owner has
18 consented to possession of the firearm~~(-)~~ or ammunition
19 therefor, without a permit from the chief of police of the
20 appropriate county, except as provided in subsection (c) and
21 section 134-5."



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

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

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

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

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

20 "**§134-32 License to sell and manufacture firearms[+] and**
21 **ammunition; conditions.** Every license issued pursuant to this



1 part shall be issued and shall be regarded as having been
2 accepted by the licensee subject to the following conditions:

3 (1) That the licensee at all times shall comply with all
4 provisions of law relative to the sale of firearms[-]
5 and ammunition;

6 (2) That the license during any time of national emergency
7 or crisis, as defined in section 134-34, may be
8 canceled or suspended[-];

9 (3) That all firearms or ammunition in the possession and
10 control of any licensee at any time of national
11 emergency or crisis, as defined in section 134-34, may
12 be seized and held in possession or purchased by or on
13 the order of the governor until such time as the
14 national emergency or crisis has passed, or until such
15 time as the licensee and the government of the United
16 States or the government of the State may agree upon
17 some other disposition of the same[-];

18 (4) That all firearms or ammunition in the possession and
19 control of the licensee or registered pursuant to
20 section 134-3(c) by the licensee shall be subject to
21 physical inspection by the chief of police of each



1 county during normal business hours at the licensee's
2 place of business[-]; and

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 ammunition
9 within the State without having a valid license so to do, or who
10 being a holder of a license violates any of the terms or
11 conditions of the same, shall be fined [~~not~~] no less than \$100
12 nor more than \$1,000 or imprisoned [~~not~~] no less than three
13 months nor more than one year[-]; provided that this section
14 shall not apply to a registered owner of firearms who
15 manufactures ammunition for personal use for the firearms
16 registered in the registered owner's name."

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect upon its approval.

20

INTRODUCED BY:

Kalene



S.B. NO. 523

Report Title:

Ammunition; Purchase; License to Sell

Description:

Requires the licensing of sellers of ammunition, and for the identification and proper permitting of purchasers or possessors of ammunition. Regulates ammunition in the same manner that firearms are regulated.

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

