

JAN 22 2021

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 its existing ban on
2 electric guns may be unconstitutional as a result of the United
3 States Supreme Court's decision in *Caetano v. Massachusetts*, 136
4 S. Ct. 1024 (2016). The legislature notes that Hawaii is one of
5 the few states in the nation that have an outright ban on the
6 civilian ownership of electric guns.

7 The purpose of this Act is to repeal the State's ban on the
8 civilian ownership of electric guns.

9 SECTION 2. Section 121-34.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§121-34.5 Use of electric guns.** Members of the army or
12 air national guard who have been qualified by training and are
13 authorized by their commanders may use electric guns, [~~as~~
14 ~~specifically provided in section 134-16(e) and (d),~~] subject to
15 the requirements of section 134-16(a) and (b), when assisting
16 civil authorities in disaster relief, emergency management, or
17 law enforcement functions; provided that "training" for the



1 purposes of this section means a course of instruction or
2 training in the use of any electric gun authorized pursuant to
3 this section, that is provided or authorized by the manufacturer
4 or is manufacturer-approved or is an electric gun training
5 program approved by the army or air national guard, prior to
6 deployment or issuance of electric guns and related equipment."

7 SECTION 3. Section 134-16, Hawaii Revised Statutes, is
8 amended to read as follows:

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

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

18 ~~(c) This section shall not apply to:] Any electric gun~~
19 owned by:

20 (1) Law enforcement officers of county police departments;



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



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

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



1 electric guns prior to deployment of the electric guns and
2 related equipment in public. Training for conservation and
3 resources enforcement officers of the department of land and
4 natural resources, law enforcement officers of the department of
5 public safety, and law enforcement officers of the department of
6 transportation may be done concurrently to ensure cost savings.

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

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

17 SECTION 4. Section 134-17, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) Any person who violates section 134-2, 134-4, 134-10,
20 or 134-15 [~~or 134-16(a)~~] shall be guilty of a misdemeanor. Any
21 person who violates section 134-3(b) shall be guilty of a petty



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1 misdemeanor and the firearm shall be confiscated as contraband
2 and disposed of, if the firearm is not registered within five
3 days of the person receiving notice of the violation."

4 SECTION 5. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



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Report Title:

Electric Gun; Ban; Repeal

Description:

Repeals the ban on the possession, sale, gift, or delivery of electric guns.

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

