
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 it is imperative to
2 protect the health and safety of the public by regulating where
3 electric guns may be carried. Certain sensitive locations where
4 electric guns should be regulated include schools, government
5 buildings, and places where open meetings take place. Many
6 states and federal agencies have enacted similar legislation and
7 regulations to place location restrictions on electric guns.

8 The legislature further finds that to address the effect of
9 a court ruling on the ban of electric guns in Hawaii, Act 183,
10 Sessions Laws of Hawaii 2021 (Act 183), repealed the prohibition
11 on electric guns while ensuring public safety. Act 183 provided
12 for regulations and rules on the use, storage, transfer,
13 disposal, and purchase of electric guns and electric projectile
14 guns. Location restrictions are additionally necessary to
15 protect public health and safety.



1 The purpose of this Act is to prohibit individuals from
2 carrying an electric gun in or near certain sensitive locations,
3 with exceptions.

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

7 "§134- Location restrictions for electric guns;
8 exceptions. (a) It shall be unlawful for any person to
9 intentionally, knowingly, or recklessly carry or possess an
10 electric gun, whether operational or not, on the following
11 locations and premises:

12 (1) A public school, as defined by section 302A-101, which
13 includes but is not limited to any building, grounds,
14 facility, structure, and appurtenant parking structure
15 or lot;

16 (2) A nonresidential building owned, leased, or controlled
17 by the State or county, including but not limited to
18 its grounds and any appurtenant structure, facility,
19 and parking structure or lot. This includes but is
20 not limited to Iolani Palace, the state capitol, an



- 1 office building, a library, a college, a court of law,
2 a stadium, and an arena;
- 3 (3) An office owned or leased by the State or county;
- 4 (4) An airport, as defined by section 261-1, which
5 includes any terminal, building, structure, facility,
6 and appurtenant parking structure or lot;
- 7 (5) A public mass transit vehicle;
- 8 (6) A public mass transit terminal or transit center,
9 except a bus stop that is located on a public
10 sidewalk; or
- 11 (7) A meeting place required to be open to the public
12 pursuant to chapter 92, one hour before the posted
13 time of the meeting and for so long as the meeting
14 place remains open to the public.
- 15 (b) Subsection (a) shall not apply to:
- 16 (1) A public park or beach; or
- 17 (2) A person who:
- 18 (A) Has written authorization to carry or possess an
19 electric gun at the location or premises from a
20 person legally authorized to allow the carrying



- 1 or possession of an electric gun at that
2 particular location or premises;
- 3 (B) Is a law enforcement officer, federal peace
4 officer, or peace officer from another state, and
5 was acting within the scope and course of the
6 officer's duties;
- 7 (C) Carries or possesses the electric gun in an
8 airport, as defined by section 261-1, and
9 transports the electric gun in an enclosed, hard-
10 sided, secured case and either immediately checks
11 the electric gun in with the airlines as checked
12 baggage or claims the case from baggage claim and
13 immediately departs the airport;
- 14 (D) Carries or possesses an electric gun on a college
15 or university campus in the University of Hawaii
16 system and is currently enrolled as a student or
17 is currently employed by that college or
18 university; or
- 19 (E) Is a member of the Army or Air National Guard
20 assisting civil authorities in disaster relief,
21 emergency management, or law enforcement



1 functions, and meets the requirements of section
2 121-34.5.

3 In any prosecution, it shall be an affirmative defense that the
4 person was exempt from the prohibition in subsection (a)
5 pursuant to paragraph (2).

6 (c) The presence of a person at any location or premises
7 in subsection (a) shall be prima facie evidence that the person
8 knows it is such a location or premises.

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

11 SECTION 3. Section 134-87, Hawaii Revised Statutes, is
12 amended by amending its title and subsection (a) to read as
13 follows:

14 "[~~§~~134-87~~§~~] **Exemptions.** (a) Sections 134-82 [~~and~~],
15 134-86(f), and 134-_____ shall not apply to:

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

18 (2) The Army or Air National Guard and its members when
19 they are assisting civil authorities in disaster
20 relief, emergency management, or law enforcement



1 functions, subject to the requirements of section
2 121-34.5;
3 provided that the electric guns shall be acquired by the law
4 enforcement agencies or the Army or Air National Guard and not
5 individual law enforcement officers or members of the Army or
6 Air National Guard, and shall remain in the custody and control
7 of law enforcement agencies or the Army or Air National Guard."

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

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.
14



H.B. NO. 1732 H.D. 1

Report Title:

Electric Guns; Possession; Location; Prohibition

Description:

Prohibits individuals from carrying an electric gun in or near certain sensitive locations with exceptions. (HD1)

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