
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the ruling by the
2 United States District Court for the District of Hawaii in
3 *Yukutake v. Connors*, Civ. No. 19-00578 JMS-RT (D. Haw. Aug. 16,
4 2021), has made amendments to Hawaii's firearm permitting and
5 registration requirements advisable. Specifically, the ruling
6 found that the ten-day expiration period for a permit to acquire
7 a pistol or revolver and requirement that all firearms be
8 physically inspected at the time of registration are
9 unconstitutional. The amendments in this Act will clarify the
10 legislature's intent to ensure public safety through its
11 firearms laws and help Hawaii maintain one of the lowest gun
12 violence rates in the nation.

13 The legislature finds that imposing a thirty-day expiration
14 date for a permit to acquire a pistol or revolver is necessary
15 for protecting public safety. This finding is based on the
16 extensive knowledge and experience of the Hawaii law enforcement
17 community and legislature regarding permitting requirements,



1 since these requirements were originally enacted in Hawaii in
2 the early twentieth century, e.g., via Act 124, Session Laws of
3 the Territory of Hawaii 1919, and Act 26, Special Session Laws
4 of the Territory of Hawaii 1933.

5 According to section 134-2, Hawaii Revised Statutes, when
6 applying for a permit to acquire a firearm, a person must:

- 7 (1) Submit certain background information, including name,
8 address, sex, height, and weight;
- 9 (2) Be photographed and fingerprinted; and
- 10 (3) Be subjected to background checks, including mental
11 health inquiries and inquiries using the International
12 Justice and Public Safety Network, which includes the
13 United States Immigration and Customs Enforcement
14 query, National Crime Information Center, and National
15 Instant Background Check System.

16 The legislature finds that, if a permit to acquire a firearm has
17 an excessively long expiration date, some of this background
18 information, including relevant mental health information, may
19 become outdated by the time the permit is used. People often
20 change their names or addresses, and their appearances can
21 change over time. More importantly, people can experience



1 events in their lives that disqualify them from owning firearms,
2 such as criminal convictions, mental health diagnoses, or being
3 subjected to restraining orders.

4 Consequently, the expiration date for a permit to acquire a
5 firearm must be short enough to ensure that the information upon
6 which the permit is based is current and accurate at the time
7 the permittee acquires the pistol or revolver. Hawaii has a
8 substantial interest in public safety, and accurate information
9 protects public safety by helping prevent people who are
10 disqualified from owning firearms from acquiring them and by
11 facilitating the tracing of firearms. The legislature believes
12 that the ten-day expiration date under prior law accomplished
13 these public safety purposes. Based on the statistics reported
14 in *Firearm Registrations in Hawaii, 2020*, published by the crime
15 prevention and justice assistance division of the department of
16 the attorney general, in 2020, 98.6 per cent of approved permits
17 were picked up within the ten-day period (25,024 permits were
18 picked up out of 25,381 approved permits). However, to address
19 the constitutional issues raised by the federal district court,
20 the legislature deems it advisable to extend the expiration date
21 from ten to thirty days. It is the legislature's considered



1 judgment that thirty days is short enough to ensure the
2 continued accuracy of the information on which the permit is
3 based and long enough for permit holders to complete the
4 acquisition of their pistols or revolvers.

5 Moreover, the legislature appreciates the correlation
6 between strong permitting laws and the reduction of gun
7 violence. It has been established in studies such as *Purchaser*
8 *Licensing, Point of Sale Background Check Laws, and Firearm*
9 *Homicide and Suicide in 4 US States, 1985-2017* by Alexander D.
10 McCourt et al., published by the American Journal of Public
11 Health, that when Connecticut enacted permitting requirements,
12 its gun violence rate went down, but when Missouri repealed its
13 permitting requirements, the gun violence rate went up. A
14 thirty day expiration date remains within the range of
15 expiration dates adopted by other states with similar
16 requirements involving single use, short expiration permits,
17 including ten days (Massachusetts General Laws chapter 140,
18 sections 121, 129B, 129C, 131A, and 131E), thirty days (Michigan
19 Compiled Laws sections 28.422 and 28.422a), and ninety days (New
20 Jersey Statutes section 2C:58-3). Therefore, the legislature
21 finds that a thirty-day expiration date for permits to acquire



1 pistols and revolvers is supported by the significant,
2 substantial, and important government interest in protecting
3 public safety and it reasonably fits with that objective.

4 The legislature further finds that Hawaii's important
5 interest in protecting public safety justifies the physical
6 inspection of certain narrow categories of firearms at the time
7 of registration. This finding is also based on the extensive
8 knowledge and experience of the Hawaii law enforcement community
9 and legislature regarding registration requirements, including
10 serial numbers, since these requirements were originally adopted
11 in Hawaii in the early twentieth century, e.g., via Act 85,
12 Session Laws of the Territory of Hawaii 1907.

13 The legislature finds that firearms and firearm receivers
14 that do not have serial numbers imprinted by the manufacturer,
15 including those created by 3-D printers, pose a danger to public
16 safety inasmuch as these "ghost guns" are untraceable by law
17 enforcement. These firearms and firearm receivers can be
18 legally obtained and registered under Hawaii law; however, the
19 process established by section 134-3, Hawaii Revised Statutes,
20 requires the permanent engraving or embedding of a registration
21 number on the firearm by the registrant. The legislature finds



1 that it is necessary for police departments to inspect the
2 engraving or embedding, even when done by a licensed dealer, to
3 ensure that it is done legibly, permanently, and accurately.
4 The legislature finds that due to the risk of human error, it is
5 not enough to simply assume that the registration number is
6 properly engraved or embedded and also properly recorded in
7 registration records. The legislature finds that it is the
8 experience of Hawaii firearm officials that mistakes can and
9 have been made in the recording of serial numbers, and
10 inspection is necessary to remedy that risk. The accuracy of
11 the registration number should be verified by law enforcement
12 officials to ensure there were no errors made in engraving or
13 embedding the number and that the registration number matches
14 the number on the firearm. Because of the extremely strong
15 public safety interest associated with this issue, the
16 legislature finds that relying on blind faith is not
17 sufficiently reliable to protect the public interest. Although
18 the legislature believes that the prior requirement of in-person
19 inspection at registration enacted in Act 74, Session Laws of
20 Hawaii 2020, was based on this purpose, the legislature makes
21 express and specific findings here to specifically address any



1 constitutional questions regarding the basis for this
2 requirement.

3 The legislature further finds that, with the exception of
4 licensed dealers or manufacturers, persons who bring firearms
5 into the State or who are participating in private sales or
6 transfers of firearms are particularly vulnerable to unknowingly
7 possessing firearms that are illegal under Hawaii law. The
8 legislature finds that there is an important public safety
9 interest in discovering illegal firearms brought into Hawaii, as
10 well as an important government interest in doing so in a manner
11 that minimizes unnecessary prosecution.

12 People may bring firearms to Hawaii from out of state.
13 However, the firearms laws in other states are often very
14 different from the firearms laws in Hawaii. For example,
15 pursuant to sections 134-8 and 134-8.5, Hawaii Revised Statutes,
16 assault pistols, automatic firearms, rifles and shotguns with
17 certain barrel lengths, certain large capacity magazines, and
18 bump fire stocks, among other things, are illegal in Hawaii. A
19 person who is not a licensed dealer may not be aware that the
20 features, modifications, or accessories of their firearms are



1 illegal in Hawaii and may attempt to bring these firearms into
2 the State.

3 Similarly, people participating in private sales or
4 transfers of firearms may not be aware that the firearms are
5 illegal. Unlike licensed firearm dealers, who are required to
6 keep detailed, audited records and are familiar with Hawaii's
7 firearm laws, private individuals may be unfamiliar with the
8 technical details of the firearms and with the requirements of
9 Hawaii law. They may not know which features, modifications, or
10 accessories are illegal under Hawaii law.

11 The legislature finds that physical inspection of firearms
12 at registration is the best way to discover whether firearms
13 brought into the State by non-dealers or being transferred by
14 private parties have features, modifications, or accessories
15 that are illegal under Hawaii law. In addition, discovering the
16 illegality at registration helps to minimize the gun owner's
17 risk of prosecution. Because the gun owner brings the firearm
18 to authorities at registration, it is highly unlikely that the
19 gun owner will be prosecuted or arrested. Under such
20 circumstances, prosecutors or the police are likely to use their
21 discretion and decline to prosecute or arrest. In contrast,



1 without inspection at registration, if the illegality is
2 discovered later, the circumstances are much more likely to lead
3 to prosecution or arrest.

4 Therefore, the legislature finds that an in-person
5 inspection at registration requirement is supported by the
6 significant, substantial, and important government interest in
7 protecting public safety. The legislature finds that the
8 requirement reasonably fits that objective, and is in fact
9 narrowly tailored, because it is limited to certain specific
10 situations that have an exceptional need for inspection, e.g.,
11 ghost guns, firearms coming from out of state, and firearms in
12 private sales and transfers. The legislature also finds that
13 in-person inspection at registration serves an additional
14 significant, substantial, and important government interest in
15 minimizing the risk that gun owners who are not aware of the
16 illegality of their firearms will be prosecuted.

17 The purpose of this Act is to strengthen the reasons,
18 purposes, and interests served by Hawaii firearms laws and
19 thereby resolve possible constitutional questions.

20 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:



1 "(e) The permit application form shall be signed by the
2 applicant and by the issuing authority. One copy of the permit
3 shall be retained by the issuing authority as a permanent
4 official record. Except for sales to dealers licensed under
5 section 134-31, or dealers licensed by the United States
6 Department of Justice, or law enforcement officers, or where a
7 license is granted under section 134-9, or where any firearm is
8 registered pursuant to section 134-3(a), no permit shall be
9 issued to an applicant earlier than fourteen calendar days after
10 the date of the application; provided that a permit shall be
11 issued or the application denied before the twentieth day from
12 the date of application. Permits issued to acquire any pistol
13 or revolver shall be void unless used within [~~ten~~] thirty days
14 after the date of issue. Permits to acquire a pistol or
15 revolver shall require a separate application and permit for
16 each transaction. Permits issued to acquire any rifle or
17 shotgun shall entitle the permittee to make subsequent purchases
18 of rifles or shotguns for a period of one year from the date of
19 issue without a separate application and permit for each
20 acquisition, subject to the disqualifications under section 134-
21 7 and subject to revocation under section 134-13; provided that



1 if a permittee is arrested for committing a felony or any crime
2 of violence or for the illegal sale of any drug, the permit
3 shall be impounded and shall be surrendered to the issuing
4 authority. The issuing authority shall perform an inquiry on an
5 applicant by using the International Justice and Public Safety
6 Network, including the United States Immigration and Customs
7 Enforcement query, the National Crime Information Center, and
8 the National Instant Criminal Background Check System, pursuant
9 to section 846-2.7 before any determination to issue a permit or
10 to deny an application is made."

11 SECTION 3. Section 134-3, Hawaii Revised Statutes, is
12 amended by amending subsections (a) to (c) to read as follows:

13 "(a) Every resident or other person arriving in the State
14 who brings or by any other manner causes to be brought into the
15 State a firearm of any description, whether usable or unusable,
16 serviceable or unserviceable, modern or antique, shall register
17 and submit to physical inspection the firearm within five days
18 after arrival of the person or of the firearm, whichever arrives
19 later, with the chief of police of the county of the person's
20 place of business or, if there is no place of business, the
21 person's residence or, if there is neither a place of business



1 nor residence, the person's place of sojourn. A nonresident
2 alien may bring firearms not otherwise prohibited by law into
3 the State for a continuous period not to exceed ninety days;
4 provided that the person meets the registration requirement of
5 this section and the person possesses:

6 (1) A valid Hawaii hunting license procured under chapter
7 183D, part II, or a commercial or private shooting
8 preserve permit issued pursuant to section 183D-34;

9 (2) A written document indicating the person has been
10 invited to the State to shoot on private land; or

11 (3) Written notification from a firing range or target
12 shooting business indicating that the person will
13 actually engage in target shooting.

14 The nonresident alien shall be limited to a nontransferable
15 registration of [~~not~~] no more than ten firearms for the purpose
16 of the above activities.

17 Every person registering a firearm under this subsection
18 shall be fingerprinted and photographed by the police department
19 of the county of registration; provided that this requirement
20 shall be waived where fingerprints and photographs are already
21 on file with the police department. The police department shall



1 perform an inquiry on the person by using the International
2 Justice and Public Safety Network, including the United States
3 Immigration and Customs Enforcement query, the National Crime
4 Information Center, and the National Instant Criminal Background
5 Check System, pursuant to section 846-2.7 before any
6 determination to register a firearm is made. Any person
7 attempting to register a firearm, a firearm receiver, or the
8 parts used to assemble a firearm, and who is found to be
9 disqualified from ownership, possession, or control of firearms
10 or ammunition under section 134-7, shall surrender or dispose of
11 all firearms and ammunition pursuant to section 134-7.3.

12 (b) Every person who acquires a firearm pursuant to
13 section 134-2 shall register the firearm in the manner
14 prescribed by this section within five days of acquisition. If
15 the firearm is acquired from a person who is not a dealer
16 licensed under section 134-31 or a dealer licensed by the United
17 States Department of Justice, the firearm shall be physically
18 inspected by the chief of police of the appropriate county or
19 designee at the time of registration. The registration of all
20 firearms shall be on forms prescribed by the attorney general,
21 which shall be uniform throughout the State, and shall include



1 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 been assembled from separate parts and an unfinished firearm
6 receiver, the entity that registered the firearm receiver shall
7 be recorded in the space provided for the name of the
8 manufacturer and importer, and the phrase "assembled from parts"
9 shall be recorded in the space provided for model. If the
10 firearm has been assembled from parts created using a three-
11 dimensional printer, the entity that registered the firearm
12 receiver shall be recorded in the space provided for the name of
13 the manufacturer and importer, and the phrase "3-D printer"
14 shall be recorded in the space provided for model. If the
15 firearm has no serial number, the registration number shall be
16 entered in the space provided for the serial number, and the
17 registration number shall be engraved upon the receiver portion
18 of the firearm before registration. On firearms assembled from
19 parts created using a three-dimensional printer, the ~~[serial]~~
20 registration number shall be engraved on stainless steel ~~[and]~~,
21 permanently embedded to the firearm receiver during fabrication



1 or construction[-], and visible when the firearm is assembled.
2 Firearms and firearm receivers with engraved or embedded
3 registration numbers, even if done by a dealer licensed under
4 section 134-31 or a dealer licensed by the United States
5 Department of Justice, shall be physically inspected by the
6 chief of police of the appropriate county or designee at the
7 time of registration. All registration data that would identify
8 the individual registering the firearm by name or address shall
9 be confidential and shall not be disclosed to anyone, except as
10 may be required:

11 (1) For processing the registration;

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

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

16 (4) By order of a court.

17 (c) Dealers licensed under section 134-31 or dealers
18 licensed by the United States Department of Justice shall
19 register firearms pursuant to this section on registration forms
20 prescribed by the attorney general and shall not be required to
21 have the firearms physically inspected by the chief of police at



1 the time of registration[?] except as provided in subsection
2 (b). An authorized dealer, as provided in section 134-31, or a
3 dealer licensed by the United States Department of Justice, who
4 brings, assembles, or causes to be brought into the State by any
5 other means, separate parts and an unfinished firearm receiver
6 that when assembled create a firearm, or parts created by a
7 three-dimensional printer that when assembled create a firearm,
8 shall register the unfinished firearm receiver and receive a
9 serial number before the assembly of the firearm or the sale or
10 transfer of unassembled firearm parts or a receiver to a third
11 party in accordance with subsection (b). Any sale or transfer
12 of unfinished firearm receivers by an authorized dealer to a
13 third party shall be conducted as if they were fully assembled
14 firearms with a serial number engraved on the firearm receiver
15 and in accordance with the firearms permitting process in
16 section 134-2. ~~[All other firearms and firearm receivers~~
17 ~~registered under this section shall be physically inspected by~~
18 ~~the respective county chief of police or the chief's~~
19 ~~representative at the time of registration.]"~~

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on January 1, 2222.

2



Report Title:

Firearms; Permits; Registration; Firearms Inspections

Description:

Increases the time frame that a permit to acquire a firearm can be used to thirty days. Eliminates physical inspection of firearms generally, except under certain circumstances.
Effective 1/1/2222. (HD1)

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