
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 Hawai'i'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 Hawai'i maintain one of the lowest gun
12 violence rates in the nation.

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



1 requirements, since these requirements were originally enacted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

5 The legislature further finds that, according to section
6 134-2, Hawaii Revised Statutes, when applying for a permit to
7 acquire a firearm, a person must:

8 (1) Submit certain background information, including name,
9 address, sex, height, and weight;

10 (2) Be photographed and fingerprinted; and

11 (3) Be subjected to background checks, including mental
12 health inquiries and inquiries using the International
13 Justice and Public Safety Network, which includes the
14 United States Immigration and Customs Enforcement
15 query, National Crime Information Center, and National
16 Instant Background Check System.

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20 information, may become outdated by the time the permit is used.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



1 appearances can change over time. More importantly, people can
2 experience events in their lives that disqualify them from
3 owning firearms, such as criminal convictions, mental health
4 diagnoses, or being subjected to restraining orders.

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



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

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



1 finds that a thirty-day expiration date for permits to acquire
2 pistols and revolvers is supported by the significant,
3 substantial, and important government interest in protecting
4 public safety and it reasonably fits with that objective.

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

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



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



1 express and specific findings here to specifically address any
2 constitutional questions regarding the basis for this
3 requirement.

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

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



1 modifications, or accessories of their firearms are illegal in
2 Hawai'i and may attempt to bring these firearms into 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 Hawai'i's
7 firearm laws, private individuals may be unfamiliar with the
8 technical details of the firearms and with the requirements of
9 Hawai'i law. They may not know which features, modifications, or
10 accessories are illegal under Hawai'i law.

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



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

4 Therefore, the legislature further 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 further finds that
8 the 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 further 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 Hawai'i 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 July 30, 2075.



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 7/30/2075. (SD1)

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