

JAN 27 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 United States Supreme Court decision in
2 Caetano v. Massachusetts, 136 S. Ct. 1027 (2016), which
3 overruled a decision of the Massachusetts Supreme Judicial
4 Court, has raised questions regarding the constitutionality of
5 bans on electric guns, and may make amendments to Hawaii's law
6 on electric guns advisable. The purpose of the bill is to
7 protect the health and safety of the public by regulating the
8 sale and use of electric guns.

9 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
10 amended by adding a new part to be appropriately designated and
11 to read as follows:

"PART . ELECTRIC GUNS

12 **§134-A Definitions.** As used in this part:

13 "Cartridge" means any device or object that is designed to
14 be used with an electric gun to project a missile. "Cartridge"
15 includes but is not limited to a Taser cartridge.

16 "Electric gun" means any portable device that is designed
17 to discharge electric energy, charge, voltage, or current into
18

1 the body through direct contact or utilizing a projectile.

2 "Electric gun" includes but is not limited to devices commonly
3 referred to as stun guns and Tasers. "Electric gun" does not
4 include any automatic defibrillator used in emergency medical
5 situations.

6 "Electric projectile gun" means an electric gun that is
7 designed to discharge electric energy, charge, voltage, or
8 current into the body through a projectile. "Electric
9 projectile gun" includes but is not limited to a Taser.

10 "Law enforcement agency" means any county police
11 department, the department of public safety, the department of
12 the attorney general, the division of conservation and resources
13 enforcement of the department of land and natural resources, and
14 any other state or county public body that employs law
15 enforcement officers.

16 "Law enforcement officer" means a sheriff or deputy
17 sheriff, a police officer, an enforcement officer within the
18 division of conservation and resources enforcement of the
19 department of land and natural resources, a special agent of the
20 department of the attorney general, and any other public servant
21 vested by law with a duty to maintain public order, to make
22 arrests for offenses, or to enforce criminal laws, whether that

1 duty extends to all offenses or is limited to a specific class
2 of offenses.

3 "Licensee" means a person licensed to sell or distribute
4 electric guns pursuant to section 134-E.

5 "Person" means an individual, firm, corporation,
6 partnership, association, or any form of business or legal
7 entity.

8 "Transfer" means the granting of possession or ownership to
9 another, and includes the granting of temporary possession to
10 another.

11 **§134-B Restrictions on use, sale, and transfer of electric**
12 **guns.** (a) It shall be unlawful for any person to knowingly or
13 recklessly use an electric gun for any purpose except:

14 (1) Self-defense;

15 (2) Defense of another person; or

16 (3) Protection of property of the person or of another
17 person.

18 (b) It shall be unlawful for any person to knowingly sell,
19 offer for sale, distribute, or otherwise transfer an electric
20 gun or cartridge without a license obtained pursuant to section
21 134-E.

22 It is an affirmative defense to prosecution pursuant to
23 this subsection, that the person is more than twenty-one years

1 of age and is an employee of a licensee acting within the scope
2 of the person's employment.

3 (c) It shall be unlawful for a licensed person or employee
4 of a licensee to knowingly sell, distribute, or otherwise
5 transfer an electric gun or cartridge from a place other than
6 the licensee's designated place of business.

7 (d) It shall be unlawful for any person to knowingly sell,
8 offer for sale, distribute, or otherwise transfer an electric
9 gun or cartridge to a minor.

10 (e) It shall be unlawful for any person, other than a
11 licensee, a law enforcement agency, or the army or air national
12 guard to knowingly or recklessly purchase, obtain, or otherwise
13 receive an electric gun or cartridge from a person who does not
14 have a license issued pursuant to section 134-E.

15 (f) Any person violating this section shall be guilty of a
16 misdemeanor.

17 **§134-C Permits to acquire electric projectile gun. (a)**

18 No person shall acquire the ownership of an electric projectile
19 gun, whether usable or unusable, serviceable or unserviceable,
20 registered by a prior owner or unregistered, either by purchase,
21 gift, inheritance, request, or in any other manner, whether
22 procured in the State or imported by mail, express, freight, or
23 otherwise, until the person has first procured from the chief of

1 police of the county of the person's place of business or, if
2 there is no place of business, the person's residence or, if
3 there is neither place of business nor residence, the person's
4 place of sojourn, a permit to acquire the ownership of an
5 electric projectile gun as prescribed in this section. When
6 title to any electric projectile gun is acquired by inheritance
7 or bequest, the foregoing permit shall be obtained before taking
8 possession of an electric projectile gun; provided that upon
9 presentation of a copy of the death certificate of the owner
10 making the bequest, any heir or legatee may transfer the
11 inherited or bequeathed electric projectile gun directly to a
12 dealer licensed under section 134-E without complying with the
13 requirements of this section.

14 (b) The permit application form shall include the
15 applicant's name, address, sex, height, weight, date of birth,
16 place of birth, country of citizenship, social security number,
17 alien or admission number, and information regarding the
18 applicant's mental health history and shall require the
19 fingerprinting and photographing of the applicant by the police
20 department of the county of registration; provided that where
21 fingerprints and a photograph are already on file with the
22 department, these may be waived.

1 (c) An applicant for a permit shall sign a waiver at the
2 time of application, allowing the chief of police of the county
3 issuing the permit access to any records that have a bearing on
4 the mental health of the applicant. The permit application form
5 and the waiver form shall be prescribed by the attorney general
6 and shall be uniform throughout the State.

7 (d) The chief of police of the respective counties may
8 issue permits to acquire electric projectile guns to citizens of
9 the United States, United States nationals, or legal aliens of
10 the age of twenty-one years or more.

11 (e) The permit application form shall be signed by the
12 applicant and by the issuing authority. One copy of the permit
13 shall be retained by the issuing authority as a permanent
14 official record. Except for sales to dealers licensed under
15 section 134-E, no permit shall be issued to an applicant earlier
16 than fourteen calendar days after the date of the application;
17 provided that a permit shall be issued or the application denied
18 before the twentieth day from the date of application. Permits
19 issued to acquire any electric projectile gun shall be void
20 unless used within ten days after the date of issue. Permits to
21 acquire an electric projectile gun shall require a separate
22 application and permit for each transaction. The issuing
23 authority shall perform a fingerprint-based background check

1 pursuant to section 846-2.7, before any determination to issue a
2 permit or to deny an application is made.

3 (f) In all cases where an electric projectile gun is
4 acquired from another person within the State, the permit shall
5 be signed in ink by the person to whom title to the electric
6 projectile gun is transferred and shall be delivered to the
7 person who is transferring title to the electric projectile gun,
8 who shall verify that the person to whom the electric projectile
9 gun is to be transferred is the person named in the permit and
10 enter on the permit in the space provided the following
11 information:

12 (1) Name of the person to whom the title to the electric
13 projectile gun was transferred;

14 (2) Names of the manufacturer and importer;

15 (3) Model; and

16 (4) Serial number, as applicable.

17 The person who is transferring title to the electric projectile
18 gun shall sign the permit in ink and cause the permit to be
19 delivered or sent by registered mail to the issuing authority
20 within forty-eight hours after transferring the electric
21 projectile gun.

22 In all cases where receipt of an electric projectile gun is
23 had by mail, express, freight, or otherwise from sources without

1 the State, the person to whom the permit has been issued shall
2 make the prescribed entries on the permit, sign the permit in
3 ink, and cause the permit to be delivered or sent by registered
4 mail to the issuing authority within forty-eight hours after
5 taking possession of the electric projectile gun.

6 (g) No person shall be issued a permit under this section
7 unless the person, at any time prior to the issuance of the
8 permit, has completed an electric projectile gun safety or
9 training course, offered by the county, or approved by the
10 county, that focuses on:

- 11 (1) The safe use and handling of electric projectile guns;
12 (2) Current information about the effects, dangers, risks,
13 and limitations of electric projectile guns; and
14 (3) Education on the existing state laws on electric
15 projectile guns.

16 (h) No person shall sell, give, lend, or deliver into the
17 possession of another any electric projectile gun except in
18 accordance with this part.

19 (i) All fees for capturing and processing fingerprints and
20 for processing the fingerprint-based background check shall be
21 chargeable by and payable to the issuing county on behalf of the
22 Hawaii criminal justice data center and the Federal Bureau of
23 Investigation pursuant to section 846-2.7. Fees imposed

1 pursuant to section 846-2.7 shall be remitted by the issuing
2 county to the Hawaii criminal justice data center.

3 (j) Any person, including any licensee, violating
4 subsection (a), (f), or (h) shall be guilty of a misdemeanor.

5 **§134-D Registration.** (a) Every person arriving in the
6 State who brings or by any other manner causes to be brought
7 into the State an electric gun of any description, whether
8 usable or unusable, serviceable or unserviceable, shall register
9 the electric gun within five days after arrival of the person or
10 of the electric gun, whichever arrives later, with the chief of
11 police of the county of the person's place of business or, if
12 there is no place of business, the person's residence or, if
13 there is neither a place of business nor residence, the person's
14 place of sojourn.

15 Every person registering an electric gun under this
16 subsection shall complete the application for a permit and
17 waiver pursuant to section 134-C. The application shall include
18 being fingerprinted and photographed by the police department of
19 the county of registration; provided that this requirement shall
20 be waived where fingerprints and photographs are already on file
21 with the police department. The police department shall perform
22 a fingerprint-based background check pursuant to section 846-2.7
23 before any determination to register an electric gun is made.

1 The issued permit to acquire shall be used for the registration
2 of the electric gun. If the electric gun has no serial number,
3 the permit number shall be entered in the space provided for the
4 serial number, and the permit number shall be engraved upon the
5 electric gun prior to registration.

6 (b) Every person who manufactures an electric gun shall
7 register the electric gun in the manner prescribed by this
8 section within five days of manufacture. A licensee shall not
9 be required to have the electric guns physically inspected by
10 the chief of police at the time of registration.

11 Every person registering an electric gun under this
12 subsection shall be fingerprinted and photographed by the police
13 department of the county of registration; provided that this
14 requirement shall be waived where fingerprints and photographs
15 are already on file with the police department. The police
16 department shall perform a fingerprint-based background check
17 pursuant to section 846-2.7 before any determination to register
18 an electric gun is made. If the electric gun has no serial
19 number, an application for a permit pursuant to section 134-D
20 shall be completed, but no permit shall be issued, and the
21 permit number shall be entered in the space provided for the
22 serial number, and the permit number shall be engraved upon the
23 electric gun prior to registration.

1 (c) Every person who acquires an electric projectile gun
2 pursuant to section 134-F shall register the electric projectile
3 gun in the manner prescribed by this section within five days of
4 acquisition. If the electric projectile gun has no serial
5 number, the permit number shall be entered in the space provided
6 for the serial number, and the permit number shall be engraved
7 upon the electric projectile gun prior to registration.

8 (d) The registration shall be on forms prescribed by the
9 attorney general, which shall be uniform throughout the State,
10 and shall include the following information: name of the
11 manufacturer and importer; model; serial number; and source from
12 which receipt was obtained, including the name and address of
13 the prior registrant. All registration data that would identify
14 the individual registering the electric gun by name or address
15 shall be confidential and shall not be disclosed to anyone,
16 except as may be required:

- 17 (1) For processing the registration;
- 18 (2) For database management by the Hawaii criminal justice
19 data center;
- 20 (3) By a law enforcement agency for the lawful performance
21 of its duties; or
- 22 (4) By order of a court.

1 (e) A licensee shall register electric projectile guns
2 pursuant to this section on registration forms prescribed by the
3 attorney general and shall not be required to have the electric
4 projectile guns physically inspected by the chief of police at
5 the time of registration.

6 (f) All fees for capturing and processing fingerprints and
7 for processing the fingerprint-based background check shall be
8 chargeable by and payable to the issuing county on behalf of the
9 Hawaii criminal justice data center and the Federal Bureau of
10 Investigation pursuant to section 846-2.7. Fees imposed
11 pursuant to section 846-2.7 shall be remitted by the issuing
12 county to the Hawaii criminal justice data center.

13 (g) The person registering an electric gun shall have the
14 electric gun physically inspected by the chief of police or
15 chief of police's designee at the time of registration except as
16 provided in subsections (b) and (e). If the person registering
17 an electric gun is prohibited from owning, possessing, or
18 controlling an electric gun, the registration shall be denied
19 and the electric gun shall be surrendered to the chief of police
20 or the chief of police's designee for disposal as provided in
21 section 134-G.

22 (h) Any person, including any licensee, violating this
23 section shall be guilty of a misdemeanor.

1 **§134-E License to sell or distribute electric guns; fee.**

2 (a) Any person desiring to sell, offer for sale, distribute, or
3 otherwise transfer electric guns or cartridges to a person in
4 the State, either at wholesale or retail, shall annually file an
5 application for a license to do so with the county in which the
6 person desires to conduct business or within the county to which
7 the person intends the electric guns to be distributed, using
8 forms prescribed by the county.

9 (b) If the applicant is an individual, the application and
10 supporting documentation must establish at least the following:

11 (1) The legal name, date of birth, and the last four
12 digits of the social security number of the
13 individual;

14 (2) The street address, telephone number, fax number, and
15 email address of the individual;

16 (3) The name and location of the principal place of
17 business of the applicant and, if applicable, each
18 additional designated place of business from which the
19 applicant desires to sell electric guns;

20 (4) The applicant's Hawaii tax identification number;

21 (5) The applicant has had no convictions for any felony
22 offense; and

23 (6) Within the last three years, the applicant has

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1 completed an electric gun safety or training course,
2 offered by the county, or approved by the county, that
3 focuses on:

- 4 (A) The safe use and handling of electric guns;
- 5 (B) Current information about the effects, dangers,
6 risks, and limitations of electric guns;
- 7 (C) Education on the current state laws on electric
8 guns; and
- 9 (D) Any other information the county may require.

10 (c) If the applicant is not an individual, the application
11 and supporting documentation must establish at least the
12 following:

- 13 (1) The name of the applying entity and any other name
14 under which the applying entity does business, if
15 applicable;
- 16 (2) The street address, telephone number, fax number, and
17 email address of the applying entity;
- 18 (3) The legal name, date of birth, and the last four
19 digits of the social security number of each of the
20 principals or members of the applying entity;
- 21 (4) The street address, telephone number, fax number, and
22 electronic mail address of each of the principals or
23 members of the applying entity;

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- 1 (5) The name and location of the principal place of
2 business of the applying entity and, if applicable,
3 each additional designated place of business from
4 which the applying entity desires to sell electric
5 guns or cartridges;
- 6 (6) That the applying entity is registered to do business
7 in the State;
- 8 (7) That the applying entity is composed of principals or
9 members who have had no convictions for any felony
10 offense;
- 11 (8) That the applying entity has a Hawaii tax
12 identification number;
- 13 (9) That the applying entity has a federal employer
14 identification number; and
- 15 (10) That at least one principal or member of the applying
16 entity has completed an electric gun safety or
17 training course, offered by the county, or approved by
18 the county, that focuses on:
- 19 (A) The safe use and handling of electric guns;
- 20 (B) Current information about the effects, dangers,
21 risks, and limitations of electric guns; and
- 22 (C) Education on the current state laws on electric
23 guns; and

1 (11) Any other information that the county may require.

2 (d) The applicant must certify that the applicant will
3 comply at all times with all provisions of law relative to the
4 acquisition, possession, storage, and sale of electric guns, and
5 must also certify that it is responsible for compliance by its
6 employees of all provisions of law relative to the acquisition,
7 possession, and sale of electric guns.

8 (e) Upon receipt of the completed application form and the
9 annual licensing fee of \$50 payable to the county, the county
10 shall review the application and may issue a license to the
11 applicant if it determines that the applicant meets all the
12 requirements of this section. If requested by the licensee, the
13 county shall also provide certified copies of the license to the
14 licensee.

15 (f) A license issued hereunder shall expire on June 30
16 next following the date of issuance of the license unless sooner
17 terminated. Application for renewal of license shall be filed
18 on or before June 1 of each year.

19 **§134-F The sale or transfer of electric guns.** (a) A
20 licensee shall post the license to sell or distribute electric
21 guns, or a certified copy thereof, in a location readily visible
22 to customers at each designated place of business. For internet
23 sales by a licensee, the license number shall be prominently

1 displayed and an electronic copy of the license shall be readily
2 accessible to the customer.

3 (b) An individual licensee shall complete, every three
4 years, an electric gun safety or training course, offered by the
5 county, or approved by the county, that focuses on:

6 (1) The safe use and handling of electric guns;

7 (2) Current information about the effects, dangers,
8 risks, and limitations of electric guns; and

9 (3) Education on the current state laws on electric
10 guns.

11 A licensee shall keep copies of the certificates of
12 completion of these training courses in the licensee's business
13 records.

14 (c) A licensee shall not allow an employee to participate
15 in the sale or transfer of electric guns or cartridges, until
16 the employee completes an electric gun safety or training
17 course, offered by the county, or approved by the county, that
18 focuses on:

19 (1) The safe use and handling of electric guns;

20 (2) Current information about the effects, dangers,
21 risks, and limitations of electric guns; and

22 (3) Education on the current state laws on electric
23 guns.

1 A licensee shall keep copies of the certificates of
2 completion of these training courses for each of the licensee's
3 employees in the licensee's business records.

4 (d) If there is no manufacturer serial number on an
5 electric gun or cartridge received into inventory by a licensee,
6 then the licensee shall engrave on the electric gun or cartridge
7 a legible unique serial number that begins with the licensee's
8 license number, followed by a hyphen and a unique identifying
9 number.

10 (e) A licensee shall keep records for all electric guns
11 and cartridges received into inventory within the State,
12 including:

- 13 (1) Information identifying the seller, distributor, or
14 transferor of the electric gun or cartridge; and
15 (2) The transaction record for the electric gun or
16 cartridge, including the date of receipt, a
17 description of the electric gun or cartridge, the
18 manufacturer's serial number or the unique serial
19 number engraved by the licensee, and if available, the
20 manufacturer and the model number.

21 (f) Prior to completing a sale or other transfer of an
22 electric gun that does not require the purchaser to obtain a
23 permit, the licensee or an employee of the licensee shall

1 provide an informational briefing to the recipient that
2 includes, but is not limited to, the following:

3 (1) The safe use and handling of electric guns;

4 (2) Current information about the effects, dangers,
5 risks, and limitations of electric guns;

6 (3) Education on the current state laws on electric
7 guns; and

8 (4) The proper disposal of electric guns.

9 (g) Upon completion of the informational briefing, the
10 licensee shall provide a certification of informational briefing
11 that is signed and dated by the recipient and the person who
12 provided the briefing acknowledging the completion of the
13 briefing and that the recipient understood the briefing and
14 includes the names of the recipient and the person who provided
15 the informational briefing, and the date of the briefing. The
16 form of the certification shall be as provided by the county
17 office that issued the license to the licensee.

18 (h) A licensee shall keep a record of the information
19 provided to recipients during the informational briefings.

20 (i) A licensee shall keep records of all sales,
21 distributions, and other transactions of electric guns and
22 cartridges sold in the State or to a recipient in the State,
23 including:

- 1 (1) The recipient's name, date of birth, address, and
2 telephone number;
- 3 (2) A copy of the recipient's government-issued
4 identification card or document;
- 5 (3) The transaction record for the electric gun or
6 cartridge, including the date of the transaction, a
7 description of the electric gun or cartridge, name of
8 the manufacturer, serial and model numbers, and if
9 necessary, the unique serial number engraved by the
10 licensee;
- 11 (4) A copy of the certification of informational briefing
12 signed and dated by the recipient and the person who
13 provided the briefing;
- 14 (5) For sales of an electric projectile gun, a copy of the
15 permit;
- 16 (6) For sales of a cartridge, a copy of the registration
17 for an electric projectile gun; and
- 18 (7) For purchases of an inherited or bequeathed electric
19 projectile gun pursuant to section 134-C(a) or from a
20 personal representative of an estate, a copy of the
21 death certificate of the deceased owner of the
22 electric gun and a copy of the will, trust, or other

1 legal document establishing the seller's authority to
2 sell the electric gun.

3 (j) A licensee shall also keep a record of the licensee's
4 current inventory of electric guns and cartridges.

5 (k) During normal business hours, a licensee shall allow
6 the chief of police of the appropriate county or designee to
7 inspect the licensee's books and records for all records
8 required to be kept by the licensee for electric guns and
9 cartridges. At the discretion of the chief of police of the
10 appropriate county or designee, the inspection of the records
11 may be conducted via facsimile transmittal of the records.

12 (l) A licensee shall keep records required by this section
13 for a minimum of ten years. If a licensee, as a result of death
14 or dissolution, cannot maintain the records, the records shall
15 be turned over to the chief of police of the appropriate county
16 or designee.

17 (m) When displaying or storing electric guns or cartridges
18 at designated places of business, a licensee shall display or
19 store the electric guns and cartridges in a locked cabinet or
20 area not accessible to the general public.

21 (n) During normal business hours, a licensee shall allow
22 the chief of police of the appropriate county or designee to
23 physically inspect all electric guns and cartridges in the

1 possession and control of the licensee wherever they may be
2 located within the State.

3 (o) A licensee shall only sell, distribute, or transfer a
4 cartridge to a person who presents an original registration for
5 an electric projectile gun that is in the person's name.

6 (p) Any person, including any licensee, violating this
7 section shall be guilty of a misdemeanor.

8 (q) A license may be suspended or revoked for a violation
9 of any of the requirements of this section.

10 **§134-G Disposal of electric gun.** A person who is not a
11 licensee pursuant to section 134-E may sell or otherwise
12 transfer an electric gun or cartridge to a licensee or may
13 surrender the electric gun or cartridge to the chief of police
14 of the appropriate county or designee. Within thirty days of
15 surrendering an electric gun or cartridge, the person who
16 surrendered the electric gun or cartridge may sell or otherwise
17 transfer the electric gun or cartridge to a licensee; or, upon
18 obtaining a permit pursuant to section 134-C, may reclaim the
19 electric gun; or, upon providing a valid registration for an
20 electric projectile gun, may reclaim the cartridge. After
21 thirty days, the chief of police may either destroy the electric
22 gun or cartridge, or utilize the electric gun or cartridge for
23 educational purposes. The chief of police shall maintain

1 records of all surrendered electric guns and cartridges,
2 including their disposition.

3 **§134-H Ownership or possession prohibited.** (a) No person
4 who is a fugitive from justice shall own, possess, or control an
5 electric gun.

6 (b) No person who is under indictment for, or has waived
7 indictment for, or has been bound over to the circuit court for,
8 or has been convicted in this State or elsewhere of having
9 committed a felony, or any crime of violence, or any illegal
10 sale of any drug shall own, possess, or control an electric gun.

11 (c) No person who:

12 (1) Is or has been under treatment or counseling for
13 addiction to, abuse of, or dependence upon any
14 dangerous, harmful, or detrimental drug, intoxicating
15 compound as defined in section 712-1240, or
16 intoxicating liquor;

17 (2) Has been acquitted of a crime on the grounds of mental
18 disease, disorder, or defect pursuant to section 704-
19 411; or

20 (3) Is or has been diagnosed as having a significant
21 behavioral, emotional, or mental disorder as defined
22 by the most current diagnostic manual of the American
23 Psychiatric Association; or

1 (4) Is under for treatment for an organic brain syndrome;
2 shall own, possess, or control an electric gun, unless the
3 person has been medically documented to be no longer adversely
4 affected by the addiction, abuse, dependence, syndrome, disease,
5 disorder, or defect.

6 (d) No person who is less than twenty-five years of age
7 and has been adjudicated by the family court to have committed a
8 felony, or two or more crimes of violence, or an illegal sale of
9 any drug shall own, possess, or control an electric gun.

10 (e) No minor shall own, possess, or control an electric
11 gun.

12 (f) No person shall possess an electric gun that is owned
13 by another, regardless of whether the owner has consented to
14 possession of the electric gun.

15 (g) No person who has been restrained pursuant to an order
16 of any court from contacting, threatening, or physically abusing
17 any person or from possessing or owning a firearm, shall
18 possess, control, or transfer ownership of an electric gun, so
19 long as the protective order, restraining order, or any
20 extension is in effect, unless the order, for good cause shown,
21 specifically permits the possession of an electric gun. The
22 restraining order or order of protection shall specifically
23 include a statement that possession, control, or transfer of an

1 electric gun by the person named in the order is prohibited.
2 Such person shall relinquish possession and control of any
3 electric gun owned by that person to the police department of
4 the appropriate county for safekeeping for the duration of the
5 order or extension thereof.

6 In the case of an ex parte order that includes a
7 restriction on the possession, control, or transfer of an
8 electric gun, the affidavit or statement under oath that forms
9 the basis for the order shall contain a statement of the facts
10 that support a finding that the person to be restrained owns,
11 intends to obtain or to transfer, or possesses an electric gun,
12 and that the electric gun may be used to threaten, injure, or
13 abuse any person. The ex parte order shall be effective upon
14 service pursuant to section 586-6.

15 At the time of service of a restraining order involving
16 electric guns issued by any court, the police officer may take
17 custody of any and all electric guns in plain sight, those
18 discovered pursuant to a consensual search, and those electric
19 guns surrendered by the person restrained.

20 For the purposes of this subsection, good cause shall not
21 be based solely upon the consideration that the person subject
22 to restraint pursuant to an order of any court, including an ex
23 parte order as provided for in this subsection, is required to

1 possess or carry an electric gun during the course of the
2 person's employment. Good cause may include but need not be
3 limited to the protection and safety of the person to whom a
4 restraining order is granted.

5 (h) Any person disqualified from ownership, possession,
6 control, or the right to transfer ownership of an electric gun
7 under this section shall surrender or dispose of all electric
8 guns in compliance with section 134-G.

9 (i) For the purposes of enforcing this section, and
10 notwithstanding section 571-84 or any other law to the contrary,
11 any agency within the State shall make its records relating to
12 family court adjudications available to law enforcement
13 officials.

14 (j) Any person violating subsection (a) or (b) shall be
15 guilty of a class C felony. Any person violating subsection
16 (c), (d), (e), (f), (g), or (h) shall be guilty of a
17 misdemeanor.

18 **§134-I Exemptions.** (a) Sections 134-B, 134-C, 134-D, and
19 134-H(f) shall not apply to:

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

22 (2) The army or air national guard and its members when

1 they are assisting civil authorities in disaster
2 relief, emergency management, or law enforcement
3 functions, subject to the requirements of section
4 121-34.5;

5 provided that the electric guns shall be acquired by the law
6 enforcement agencies or the army or air national guard and not
7 individual law enforcement officers or members of the army or
8 air national guard, and shall remain in the custody and control
9 of law enforcement agencies, or the army or air national guard.

10 (b) Law enforcement agencies that authorize use of
11 electric guns by its law enforcement officers and the army or
12 air national guard shall:

13 (1) Provide training from the manufacturer or from a
14 manufacturer-approved training program, as well as by
15 manufacturer-certified or manufacturer-approved
16 instructors in the use of electric guns prior to
17 deployment of the electric guns and related equipment
18 in public;

19 (2) Maintain records regarding every electric gun in its
20 custody and control, including every instance of usage
21 of the electric guns, in a similar manner as records
22 are maintained for the discharge of firearms; and

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1 (3) Report to the legislature on the information in, and
2 maintenance of, these records no later than twenty
3 days prior to the convening of each regular session.

4 (c) The licensing requirement of sections 134-B(b) and
5 134-E shall not apply to the sale of electric guns and
6 cartridges by the electric gun manufacturers distributing
7 directly to law enforcement agencies, or the army or air
8 national guard.

9 **§134-J Storage of electric gun; responsibility with**
10 **respect to minors.** (a) No person shall store or keep any
11 electric gun on any premises under the person's control if the
12 person knows or reasonably should know that a minor is likely to
13 gain access to the electric gun, unless the person:

14 (1) Keeps the electric gun in a securely locked box or
15 other container or in a location that a reasonable
16 person would believe to be secure; or

17 (2) Carries the electric gun on the person or within such
18 close proximity thereto that the minor cannot gain
19 access or control of the electric gun.

20 (b) Any person violating this section shall be guilty of a
21 misdemeanor.

22 **§134-K Carrying or use of electric gun in the commission**
23 **of a separate misdemeanor.** (a) It shall be unlawful for a

1 person to knowingly carry on the person or have within the
2 person's immediate control or intentionally use or threaten to
3 use an electric gun, whether operable or not, while engaged in
4 the commission of a separate misdemeanor, provided that a person
5 shall not be prosecuted under this subsection when the separate
6 misdemeanor is a misdemeanor defined by this chapter.

7 (b) A conviction and sentence under this section shall be
8 in addition to and not in lieu of any conviction and sentence
9 for the separate misdemeanor; provided that the sentence imposed
10 under this section may run concurrently or consecutively with
11 the sentence for the separate misdemeanor.

12 (c) Any person violating this section shall be guilty of a
13 class C felony.

14 **§134-L Carrying or use of electric gun in the commission**
15 **of a separate felony.** (a) It shall be unlawful for a person to
16 knowingly carry on the person or have within the person's
17 immediate control or intentionally use or threaten to use an
18 electric gun, whether operable or not, while engaged in the
19 commission of a separate felony, provided that a person shall
20 not be prosecuted under this subsection when the separate felony
21 is a felony defined by this chapter.

22 (b) A conviction and sentence under this section shall be
23 in addition to and not in lieu of any conviction and sentence

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1 for the separate felony; provided that the sentence imposed
2 under this section may run concurrently or consecutively with
3 the sentence for the separate felony.

4 (c) Any person violating this section shall be guilty of a
5 class B felony."

6 SECTION 3. Section 121-34.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~†~~]**\$121-34.5[†]** **Use of electric guns.** Members of the
9 army or air national guard who have been qualified by training
10 and are authorized by their commanders may use electric guns, as
11 specifically provided in section [~~134-16(c) and (d)~~], 134-I,
12 when assisting civil authorities in disaster relief, emergency
13 management, or law enforcement functions; provided that
14 "training" for the purposes of this section means a course of
15 instruction or training in the use of any electric gun
16 authorized pursuant to this section, that is provided or
17 authorized by the manufacturer or is manufacturer-approved or is
18 an electric gun training program approved by the army or air
19 national guard, prior to deployment or issuance of electric guns
20 and related equipment."

21 SECTION 4. Section 134-1, Hawaii Revised Statutes, is
22 amended by deleting the definition of "electric gun":

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1 ~~["Electric gun" means any portable device that is~~
2 ~~electrically operated to project a missile or electromotive~~
3 ~~force. It does not include any electric livestock prod used in~~
4 ~~animal husbandry and any automatic external defibrillator used~~
5 ~~in emergency medical situations."]~~

6 SECTION 5. Section 134-3.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~{~~§134-3.5~~}~~ **Disclosure for firearm or electric gun**
9 **permit and registration purposes.** A health care provider or
10 public health authority shall disclose health information,
11 including protected health care information, relating to an
12 individual's mental health history, to the appropriate county
13 chief of police in response to a request for the information
14 from the chief of police; provided that:

15 (1) The information shall be used only for the purpose of
16 evaluating the individual's fitness to acquire or own
17 a firearm~~{~~ or electric gun; and

18 (2) The individual has signed a waiver permitting release
19 of the health information for that purpose."

20 SECTION 6. Section 134-17, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:

22 "(c) Any person who violates section 134-2, 134-4, 134-10,
23 or 134-15~~[, or 134-16(a)]~~ shall be guilty of a misdemeanor. Any

1 person who violates section 134-3(b) shall be guilty of a petty
2 misdemeanor and the firearm shall be confiscated as contraband
3 and disposed of, if the firearm is not registered within five
4 days of the person receiving notice of the violation."

5 SECTION 7. Section 266-24, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The director of transportation shall enforce this
8 chapter and all rules thereunder, except for the rules relative
9 to the control and management of the beaches encumbered with
10 easements in favor of the public and ocean waters, which shall
11 be enforced by the department of land and natural resources.
12 For the purpose of the enforcement of this chapter and of all
13 rules adopted pursuant to this chapter, the powers of police
14 officers are conferred upon the director of transportation and
15 any officer, employee, or representative of the department of
16 transportation. Without limiting the generality of the
17 foregoing, the director and any person appointed by the director
18 hereunder may serve and execute warrants, arrest offenders, and
19 serve notices and orders. The director of transportation and
20 any employee, agent, or representative of the department of
21 transportation appointed as enforcement officers by the
22 director, and every state and county officer charged with the
23 enforcement of any law, statute, rule, regulation, ordinance, or

1 order, shall enforce and assist in the enforcement of this
2 chapter and of all rules and orders issued pursuant thereto, and
3 in carrying out the responsibilities hereunder, each shall be
4 specifically authorized to:

- 5 (1) Conduct any enforcement action hereunder in any
6 commercial harbor area and any area over which the
7 department of transportation and the director of
8 transportation has jurisdiction under this chapter;
- 9 (2) Inspect and examine at reasonable hours any premises,
10 and the buildings and other structures thereon, where
11 harbors or harbor facilities are situated, or where
12 harbor-related activities are operated or conducted;
13 and
- 14 (3) Subject to limitations as may be imposed by the
15 director of transportation, serve and execute
16 warrants, arrest offenders, and serve notices and
17 orders.

18 Any employee appointed as a law enforcement officer by the
19 director of transportation pursuant to this section who has been
20 qualified by training may use electric guns, as specifically
21 provided in section [~~134-16,~~] 134-I, when exercising powers of
22 police officers and carrying out the responsibilities described
23 herein; provided that training for the purposes of this section

1 means a course of instruction or training in the use of any
2 electric gun that is provided, authorized, or approved by the
3 manufacturer of the electric gun prior to deployment of issuance
4 of electric guns and related equipment.

5 For purposes of this subsection, the term "agents and
6 representatives" includes persons performing services at harbors
7 or harbor areas under contract with the department of
8 transportation."

9 Section 8. Section 463-10.5, Hawaii Revised Statutes, is
10 amended by amending subsection (e) to read as follows:

11 "(e) Before beginning employment as a guard or in a guard
12 capacity, in addition to the classroom instruction required by
13 this section, guards and individuals acting in a guard capacity
14 who carry a firearm or other weapon, including but not limited
15 to an electric gun as defined in section [~~134-17~~] 134-A, while
16 on-duty in a guard capacity shall possess a valid permit to
17 acquire the ownership of a firearm issued by county police
18 pursuant to section 134-2 and shall satisfy the requirements of
19 section 134-2(g)."

20 SECTION 9. Section 846-2.7, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:

22

- 1 "(b) Criminal history record checks may be conducted by:
- 2 (1) The department of health or its designee on operators
- 3 of adult foster homes for individuals with
- 4 developmental disabilities or developmental
- 5 disabilities domiciliary homes and their employees, as
- 6 provided by section 321-15.2;
- 7 (2) The department of health or its designee on
- 8 prospective employees, persons seeking to serve as
- 9 providers, or subcontractors in positions that place
- 10 them in direct contact with clients when providing
- 11 non-witnessed direct mental health or health care
- 12 services as provided by section 321-171.5;
- 13 (3) The department of health or its designee on all
- 14 applicants for licensure or certification for,
- 15 operators for, prospective employees, adult
- 16 volunteers, and all adults, except adults in care, at
- 17 healthcare facilities as defined in section 321-15.2;
- 18 (4) The department of education on employees, prospective
- 19 employees, and teacher trainees in any public school
- 20 in positions that necessitate close proximity to
- 21 children as provided by section 302A-601.5;
- 22 (5) The counties on employees and prospective employees
- 23 who may be in positions that place them in close

- 1 proximity to children in recreation or child care
2 programs and services;
- 3 (6) The county liquor commissions on applicants for liquor
4 licenses as provided by section 281-53.5;
- 5 (7) The county liquor commissions on employees and
6 prospective employees involved in liquor
7 administration, law enforcement, and liquor control
8 investigations;
- 9 (8) The department of human services on operators and
10 employees of child caring institutions, child placing
11 organizations, and foster boarding homes as provided
12 by section 346-17;
- 13 (9) The department of human services on prospective
14 adoptive parents as established under section
15 346-19.7;
- 16 (10) The department of human services or its designee on
17 applicants to operate child care facilities, household
18 members of the applicant, prospective employees of the
19 applicant, and new employees and household members of
20 the provider after registration or licensure as
21 provided by section 346-154, and persons subject to
22 section 346-152.5;

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- 1 (11) The department of human services on persons exempt
2 pursuant to section 346-152 to be eligible to provide
3 child care and receive child care subsidies as
4 provided by section 346-152.5;
- 5 (12) The department of health on operators and employees of
6 home and community-based case management agencies and
7 operators and other adults, except for adults in care,
8 residing in community care foster family homes as
9 provided by section 321-15.2;
- 10 (13) The department of human services on staff members of
11 the Hawaii youth correctional facility as provided by
12 section 352-5.5;
- 13 (14) The department of human services on employees,
14 prospective employees, and volunteers of contracted
15 providers and subcontractors in positions that place
16 them in close proximity to youth when providing
17 services on behalf of the office or the Hawaii youth
18 correctional facility as provided by section 352D-4.3;
- 19 (15) The judiciary on employees and applicants at detention
20 and shelter facilities as provided by section 571-34;
- 21 (16) The department of public safety on employees and
22 prospective employees who are directly involved with
23 the treatment and care of persons committed to a

1 correctional facility or who possess police powers
2 including the power of arrest as provided by section
3 353C-5;

4 (17) The board of private detectives and guards on
5 applicants for private detective or private guard
6 licensure as provided by section 463-9;

7 (18) Private schools and designated organizations on
8 employees and prospective employees who may be in
9 positions that necessitate close proximity to
10 children; provided that private schools and designated
11 organizations receive only indications of the states
12 from which the national criminal history record
13 information was provided pursuant to section 302C-1;

14 (19) The public library system on employees and prospective
15 employees whose positions place them in close
16 proximity to children as provided by section
17 302A-601.5;

18 (20) The State or any of its branches, political
19 subdivisions, or agencies on applicants and employees
20 holding a position that has the same type of contact
21 with children, vulnerable adults, or persons committed
22 to a correctional facility as other public employees
23 who hold positions that are authorized by law to

- 1 require criminal history record checks as a condition
2 of employment as provided by section 78-2.7;
- 3 (21) The department of health on licensed adult day care
4 center operators, employees, new employees,
5 subcontracted service providers and their employees,
6 and adult volunteers as provided by section 321-15.2;
- 7 (22) The department of human services on purchase of
8 service contracted and subcontracted service providers
9 and their employees serving clients of the adult
10 protective and community services branch, as provided
11 by section 346-97;
- 12 (23) The department of human services on foster grandparent
13 program, senior companion program, and respite
14 companion program participants as provided by section
15 346-97;
- 16 (24) The department of human services on contracted and
17 subcontracted service providers and their current and
18 prospective employees that provide home and community-
19 based services under section 1915(c) of the Social
20 Security Act, title 42 United States Code section
21 1396n(c), or under any other applicable section or
22 sections of the Social Security Act for the purposes

1 of providing home and community-based services, as
2 provided by section 346-97;

3 (25) The department of commerce and consumer affairs on
4 proposed directors and executive officers of a bank,
5 savings bank, savings and loan association, trust
6 company, and depository financial services loan
7 company as provided by section 412:3-201;

8 (26) The department of commerce and consumer affairs on
9 proposed directors and executive officers of a
10 nondepository financial services loan company as
11 provided by section 412:3-301;

12 (27) The department of commerce and consumer affairs on the
13 original chartering applicants and proposed executive
14 officers of a credit union as provided by section
15 412:10-103;

16 (28) The department of commerce and consumer affairs on:

17 (A) Each principal of every non-corporate applicant
18 for a money transmitter license;

19 (B) Each person who upon approval of an application
20 by a corporate applicant for a money transmitter
21 license will be a principal of the licensee; and

22 (C) Each person who upon approval of an application
23 requesting approval of a proposed change in

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1 control of licensee will be a principal of the
2 licensee,

3 as provided by sections 489D-9 and 489D-15;

4 (29) The department of commerce and consumer affairs on
5 applicants for licensure and persons licensed under
6 title 24;

7 (30) The Hawaii health systems corporation on:

8 (A) Employees;

9 (B) Applicants seeking employment;

10 (C) Current or prospective members of the corporation
11 board or regional system board; or

12 (D) Current or prospective volunteers, providers, or
13 contractors,

14 in any of the corporation's health facilities as
15 provided by section 323F-5.5;

16 (31) The department of commerce and consumer affairs on:

17 (A) An applicant for a mortgage loan originator
18 license, or license renewal; and

19 (B) Each control person, executive officer, director,
20 general partner, and managing member of an
21 applicant for a mortgage loan originator company
22 license or license renewal,

23 as provided by chapter 454F;

- 1 (32) The state public charter school commission or public
2 charter schools on employees, teacher trainees,
3 prospective employees, and prospective teacher
4 trainees in any public charter school for any position
5 that places them in close proximity to children, as
6 provided in section 302D-33;
- 7 (33) The counties on prospective employees who work with
8 children, vulnerable adults, or senior citizens in
9 community-based programs;
- 10 (34) The counties on prospective employees for fire
11 department positions [~~which~~] that involve contact with
12 children or vulnerable adults;
- 13 (35) The counties on prospective employees for emergency
14 medical services positions [~~which~~] that involve
15 contact with children or vulnerable adults;
- 16 (36) The counties on prospective employees for emergency
17 management positions and community volunteers whose
18 responsibilities involve planning and executing
19 homeland security measures including viewing,
20 handling, and engaging in law enforcement or
21 classified meetings and assisting vulnerable citizens
22 during emergencies or crises;

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1 (37) The State and counties on employees, prospective
2 employees, volunteers, and contractors whose position
3 responsibilities require unescorted access to secured
4 areas and equipment related to a traffic management
5 center;

6 (38) The State and counties on employees and prospective
7 employees whose positions involve the handling or use
8 of firearms for other than law enforcement purposes;

9 (39) The State and counties on current and prospective
10 systems analysts and others involved in an agency's
11 information technology operation whose position
12 responsibilities provide them with access to
13 proprietary, confidential, or sensitive information;

14 (40) The department of commerce and consumer affairs on:

15 (A) Applicants for real estate appraiser licensure or
16 certification as provided by chapter 466K;

17 (B) Each person who owns more than ten per cent of an
18 appraisal management company who is applying for
19 registration as an appraisal management company,
20 as provided by section 466L-7; and

21 (C) Each of the controlling persons of an applicant
22 for registration as an appraisal management
23 company, as provided by section 466L-7;

- 1 (41) The department of health or its designee on all
2 license applicants, licensees, employees, contractors,
3 and prospective employees of medical cannabis
4 dispensaries, and individuals permitted to enter and
5 remain in medical cannabis dispensary facilities as
6 provided under sections 329D-15(a)(4) and
7 329D-16(a)(3);
- 8 (42) The department of commerce and consumer affairs on
9 applicants for nurse licensure or license renewal,
10 reactivation, or restoration as provided by sections
11 457-7, 457-8, 457-8.5, and 457-9;
- 12 (43) The county police departments on applicants for
13 permits to acquire firearms pursuant to section 134-2
14 and electric projectile guns pursuant to section 134-C
15 and on individuals registering their firearms pursuant
16 to section 134-3[+] and electric guns pursuant to
17 section 134-D;
- 18 (44) The department of commerce and consumer affairs on:
19 (A) Each of the controlling persons of the applicant
20 for licensure as an escrow depository, and each
21 of the officers, directors, and principals who
22 will be in charge of the escrow depository's
23 activities upon licensure; and

1 (B) Each of the controlling persons of an applicant
2 for proposed change in control of an escrow
3 depository licensee, and each of the officers,
4 directors, and principals who will be in charge
5 of the licensee's activities upon approval of
6 such application,

7 as provided by chapter 449;

8 (45) The department of taxation on current or prospective
9 employees or contractors who have access to federal
10 tax information in order to comply with requirements
11 of federal law, regulation, or procedure, as provided
12 by section 231-1.6;

13 (46) The department of labor and industrial relations on
14 current or prospective employees or contractors who
15 have access to federal tax information in order to
16 comply with requirements of federal law, regulation,
17 or procedure, as provided by section 383-110;

18 (47) The department of human services on current or
19 prospective employees or contractors who have access
20 to federal tax information in order to comply with
21 requirements of federal law, regulation, or procedure,
22 as provided by section 346-2.5;

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1 (48) The child support enforcement agency on current or
2 prospective employees, or contractors who have access
3 to federal tax information in order to comply with
4 federal law, regulation, or procedure, as provided by
5 section 576D-11.5; and

6 (49) Any other organization, entity, or the State, its
7 branches, political subdivisions, or agencies as may
8 be authorized by state law."

9 SECTION 10. Section 134-16, Hawaii Revised Statutes, is
10 repealed.

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

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

19 (c) ~~This section shall not apply to:~~

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

21 (2) ~~Law enforcement officers of the department of public~~
22 ~~safety;~~

1 ~~(3) Conservation and resources enforcement officers of the~~
2 ~~department of land and natural resources;~~

3 ~~(4) Members of the Army or Air National Guard when~~
4 ~~assisting civil authorities in disaster relief,~~
5 ~~emergency management, or law enforcement functions,~~
6 ~~subject to the requirements of section 121-34.5;~~

7 ~~(5) Law enforcement officers appointed by the director of~~
8 ~~transportation pursuant to section 266-24; and~~

9 ~~(6) Vendors providing electric guns to the individuals~~
10 ~~described in paragraphs (1) through (5); provided that~~
11 ~~electric guns shall at all times remain in the custody~~
12 ~~and control of the law enforcement officers of the~~
13 ~~county police departments, the law enforcement~~
14 ~~officers of the department of public safety, the~~
15 ~~conservation and resources enforcement officers of the~~
16 ~~department of land and natural resources, the members~~
17 ~~of the Army or Air National Guard, or law enforcement~~
18 ~~officers appointed by the director of transportation.~~

19 ~~(d) The county police departments of this State, the~~
20 ~~department of public safety, the department of land and natural~~
21 ~~resources, the army and air national guard, and the department~~
22 ~~of transportation shall maintain records regarding every~~
23 ~~electric gun in their custody and control. The records shall~~

1 ~~report every instance of usage of the electric guns; in~~
2 ~~particular, records shall be maintained in a similar manner as~~
3 ~~for those of discharging of firearms. The county police~~
4 ~~departments, the department of public safety, the department of~~
5 ~~land and natural resources, the army and air national guard, and~~
6 ~~the department of transportation shall annually report to the~~
7 ~~legislature regarding these records no later than twenty days~~
8 ~~before the beginning of each regular session of the legislature.~~

9 ~~(c) The department of land and natural resources, the~~
10 ~~department of public safety, and the department of~~
11 ~~transportation shall ensure that each of its conservation and~~
12 ~~resources enforcement officers and law enforcement officers who~~
13 ~~is authorized to use an electric gun and related equipment shall~~
14 ~~first receive training from the manufacturer or from a~~
15 ~~manufacturer approved training program, as well as by~~
16 ~~manufacturer-certified or approved instructors in the use of~~
17 ~~electric guns prior to deployment of the electric guns and~~
18 ~~related equipment in public. Training for conservation and~~
19 ~~resources enforcement officers of the department of land and~~
20 ~~natural resources, law enforcement officers of the department of~~
21 ~~public safety, and law enforcement officers of the department of~~
22 ~~transportation may be done concurrently to ensure cost savings.~~

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1 ~~(f) No later than June 30, 2018, the conservation and~~
2 ~~resources enforcement program of the department of land and~~
3 ~~natural resources shall meet the law enforcement accreditation~~
4 ~~or recognition standards of the Commission on Accreditation for~~
5 ~~Law Enforcement Agencies, Inc., in the use of electric guns.~~

6 ~~(g) No later than June 30, 2024, the law enforcement~~
7 ~~officers appointed by the director of transportation shall meet~~
8 ~~the law enforcement accreditation or recognition standards of~~
9 ~~the Commission on Accreditation for Law Enforcement Agencies,~~
10 ~~Inc., in the use of electric guns.~~

11 SECTION 11. This Act does not affect rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun, before the effective date of this Act.

14 SECTION 12. In codifying the new sections added by section
15 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 and referring to the new sections in this Act.

18 SECTION 13. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20

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1 SECTION 14. This Act, upon its approval, shall take effect
2 on January 1, 2022.

3

4

INTRODUCED BY: 

5

BY REQUEST

6

Report Title:

Electric Guns

Description:

Repeals section 134-16, Hawaii Revised Statutes, the current law that bans electric guns, and replaces it with a law that restricts the use, storage, transfer, and disposal of electric guns, regulates the sale of electric guns, requires training and education on electric guns, prohibits certain individuals from the possession and use of electric guns, prohibits the use of electric guns in the commission of crimes, and requires permits and registration of electric projectile guns.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO ELECTRIC GUNS.

PURPOSE: To protect the health and safety of the public by regulating the sale and use of electric guns.

MEANS: Add a new part to chapter 134 of the Hawaii Revised Statutes, amend sections 121-34.5, 134-1, 134-3.5, 134-17(c), 266-24(a), 463-10.5(e), and 846-2.7(b) of the Hawaii Revised Statutes, and repeal section 134-16 of the Hawaii Revised Statutes.

JUSTIFICATION: The United States Supreme Court decision in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016), has raised questions regarding the constitutionality of a complete ban on electric guns. A pending lawsuit in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban.

The bill repeals the Hawaii's electric gun ban and creates a regulatory scheme that restricts the use of electric guns to self defense, defense of other, and protection of property; requires permitting and registration of electric projectile guns, and requires the sellers of non-projectile electric guns to be licensed and keep records of inventory and sales. This bill establishes restrictions on the ownership and possession of electric guns, and also creates criminal offenses for using electric guns in the commission of crimes.

Impact on the public: Allows the public to purchase and use electric guns for self defense.

Impact on the department and other agencies:
The counties will be responsible for issuing licenses to sellers of electric guns, issuing permits to acquire electric projectile guns, and registering certain electric guns. The county police departments will also be responsible for the disposal of unregistered or surrendered electric guns.

GENERAL FUND:

None.

OTHER FUNDS:

County funds for the registration process and regulation of sales.

PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

Law enforcement agencies may allow their officers to carry electric guns subject to training and reporting requirements.

EFFECTIVE DATE:

January 1, 2022.