
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 there are compelling
2 interests in protecting public health, safety, and welfare from
3 the serious hazards associated with firearms and gun violence.
4 Although the United States Supreme Court has held that the
5 Second Amendment provides for an individual right to keep and
6 bear arms for lawful purposes, the Second Amendment is not "a
7 regulatory straightjacket". *New York State Rifle & Pistol*
8 *Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111, 2133 (2022). States
9 retain authority to enact "a 'variety' of gun regulations", *id.*
10 at 2162 (Kavanaugh, J., concurring), such as prohibiting the
11 carrying of firearms in sensitive locations and adopting laws
12 and regulations designed to ensure that those who carry firearms
13 are "law-abiding, responsible citizens", *id.* at 2131, 2156.

14 The purpose of this Act is to clarify, revise, and update
15 Hawaii's firearms laws to mitigate the serious hazards to public
16 health, safety, and welfare associated with firearms and gun
17 violence, while respecting and protecting the lawful exercise of



1 individual rights. To accomplish this purpose, this Act amends
2 and enacts requirements and processes for obtaining a license to
3 carry a firearm, updates criteria governing when firearm
4 ownership, possession, or control is prohibited, defines
5 locations and premises within the State where carrying or
6 possessing a firearm is prohibited, prohibits leaving an
7 unsecured firearm in a vehicle unattended, and enacts, amends,
8 and clarifies other provisions relating to firearms.

9 In prohibiting carrying or possessing firearms in certain
10 locations and premises within the State, this Act is intended to
11 protect areas in which the carrying or possession of dangerous
12 weapons has traditionally been restricted, such as schools and
13 other places frequented by children, government buildings,
14 polling places, and other analogous locations.

15 This Act also respects the right of private individuals and
16 entities to choose for themselves whether to allow or restrict
17 the carrying of firearms on their property by providing that
18 firearms shall not be carried on private property open to the
19 public without the express authorization of the owner, lessee,
20 operator, or manager of the property. Recognizing the risks to
21 public health, safety, and welfare associated with firearms and



1 gun violence, and based on the legislature's assessment of
2 public sentiment and broadly shared preferences within the
3 State, this Act establishes a default rule with respect to
4 carrying firearms on private property open to the public that
5 provides for private entities to "opt-in" to authorize the
6 public carry of firearms on their property.

7 This Act also adjusts certain regulatory fees relating to
8 firearms. These adjustments are warranted because prior fee
9 amounts were set by statute decades ago and have not been
10 adjusted to reflect inflation and increased costs associated
11 with background checks and investigations.

12 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
13 amended by adding six new sections to part I to be appropriately
14 designated and to read as follows:

15 **"§134-A Carrying or possessing a firearm in certain**
16 **locations and premises prohibited; penalty.** (a) It shall be
17 unlawful for a person to intentionally, knowingly, or recklessly
18 carry or possess a loaded or unloaded firearm, whether the
19 firearm is operable or not, and whether the firearm is concealed
20 or unconcealed, while in any of the following locations and
21 premises within the State:



- 1 (1) Any building or office owned, leased, or used by the
2 State or a county, and adjacent grounds and parking
3 areas, including but not limited to any portion of a
4 building or office used for court proceedings,
5 legislative business, contested case hearings, agency
6 rulemaking, or other activities of state or county
7 government;
- 8 (2) Any public or private hospital, mental health
9 facility, nursing home, clinic, medical office, urgent
10 care facility, or other place at which medical or
11 health services are customarily provided, including
12 adjacent parking areas;
- 13 (3) Any adult or juvenile detention or correctional
14 facility, prison, or jail, including adjacent parking
15 areas;
- 16 (4) Any bar or restaurant serving alcohol or intoxicating
17 liquor as defined in section 281-1 for consumption on
18 the premises, including adjacent parking areas;
- 19 (5) Any stadium, movie theater, or concert hall, or any
20 place at which a professional, collegiate, high



- 1 school, amateur, or student sporting event is being
2 held, including adjacent parking areas;
- 3 (6) Any public library, including adjacent parking areas;
- 4 (7) Any public or private community college, college, or
5 university, and adjacent parking areas, including but
6 not limited to buildings, classrooms, laboratories,
7 artistic venues, athletic fields or venues;
- 8 (8) Any public school, charter school, private school,
9 preschool, summer camp, or childcare facility,
10 including adjacent parking areas;
- 11 (9) Any beach, playground, or park, and adjacent parking
12 areas, including but not limited to any state park,
13 state monument, county park, or other public park, but
14 not including an authorized target range or shooting
15 complex;
- 16 (10) Any shelter or residential facility serving unhoused
17 persons or victims of domestic violence, including
18 adjacent parking areas;
- 19 (11) Any voting service center or other polling place,
20 including adjacent parking areas;



- 1 (12) Any bank or financial institution, including adjacent
2 parking areas;
- 3 (13) Any place, facility, or vehicle used for public
4 transportation or public transit, and adjacent parking
5 areas, including but not limited to buses, bus
6 terminals (but not including bus stops located on
7 public sidewalks), trains, rail stations, or airports;
- 8 (14) Any amusement park, aquarium, carnival, circus, fair,
9 museum, water park, or zoo, including adjacent parking
10 areas; or
- 11 (15) Any public gathering, public assembly, or special
12 event conducted on property open to the public,
13 including but not limited to a demonstration, march,
14 rally, vigil, protest, picketing, or other public
15 assembly, that requires the issuance of a permit from
16 a federal, state, or local government and the sidewalk
17 or street immediately adjacent to the public
18 gathering, public assembly, or special event and
19 within one thousand feet from the public gathering,
20 public assembly, or special event; provided that there
21 are signs clearly and conspicuously posted at visible



1 places along the perimeter of the public gathering,
2 public assembly, or special event.

3 (b) This section shall not apply to a person in an exempt
4 category identified in section 134-11(a) and it shall be an
5 affirmative defense to any prosecution under this section that a
6 person is:

- 7 (1) Carrying or possessing an unloaded firearm in a police
8 station in accordance with section 134-23(a) (6), 134-
9 24(a) (6), or 134-25(a) (6);
- 10 (2) Carrying or possessing an unloaded firearm at an
11 organized, scheduled firearms show or exhibit;
- 12 (3) Lawfully carrying or possessing a firearm for hunting
13 in compliance with section 134-5;
- 14 (4) A private security officer expressly authorized to
15 carry or possess a weapon in a location or premise
16 listed in subsection (a) by the owner, lessee,
17 operator, or manager of the location or premise;
18 provided that the private security officer is acting
19 within the private security officer's scope of
20 employment;



1 (5) Carrying or possessing an unloaded firearm in a
2 courthouse for evidentiary purposes with the prior
3 express authorization of the court;

4 (6) Lawfully present within the person's own home, other
5 than a college or university dormitory or shelter or
6 residential facility serving unhoused persons or
7 victims of domestic violence;

8 (7) Carrying or possessing a firearm pursuant to a license
9 issued under section 134-9 or in accordance with title
10 18 United States Code section 926B or 926C in the
11 immediate area surrounding the person's vehicle within
12 a parking area for the limited purpose of storing or
13 retrieving the firearm; or

14 (8) Possessing a firearm in an airport or any place,
15 facility, or vehicle used for public transportation or
16 public transit; provided that the firearm is unloaded
17 and in a locked hard-sided container for the purpose
18 of transporting the firearm.

19 (c) The presence of a person in any location or premise
20 listed in subsection (a) shall be prima facie evidence that the
21 person knew it was such a location or premise.



1 (d) Where only a portion of a building or office is owned,
2 leased, or used by the State or a county, this section shall not
3 apply to the portion of the building or office that is not
4 owned, leased, or used by the State or a county.

5 (e) As used in this section, "private security officer"
6 means any person employed and duly licensed to engage in the
7 private detective or guard business pursuant to chapter 463.

8 (f) Any person who violates subsection (a) shall be guilty
9 of a misdemeanor.

10 §134-B Duty to maintain possession of license while
11 carrying a firearm; duty to disclose; penalty. (a) A person
12 carrying a firearm pursuant to a license issued under section
13 134-9 or in accordance with title 18 United States Code section
14 926B or 926C shall have in the person's immediate possession:

15 (1) The license issued under section 134-9 or credentials
16 as required under title 18 United States Code section
17 926B or 926C; and

18 (2) Documentary evidence that the firearm being carried is
19 registered under this chapter,
20 and shall, upon request from a law enforcement officer, present
21 the license or credentials and evidence of registration.



1 (b) When a person carrying a firearm, including but not
2 limited to a person carrying a firearm pursuant to a license
3 issued under section 134-9 or in accordance with title 18 United
4 States Code section 926B or 926C, is stopped by a law
5 enforcement officer or is a driver or passenger in a vehicle
6 stopped by a law enforcement officer, the person carrying a
7 firearm shall immediately disclose to the law enforcement
8 officer that the person is carrying a firearm, and shall, upon
9 request:

10 (1) Identify the specific location of the firearm; and

11 (2) Present to the law enforcement officer a license to
12 carry a firearm issued under section 134-9 or
13 credentials as required under title 18 United States
14 Code section 926B or 926C.

15 (c) Any person who violates this section shall be guilty
16 of a petty misdemeanor.

17 **§134-C Leaving unsecured firearm in vehicle unattended;**

18 **penalty.** (a) No person shall intentionally, knowingly, or
19 recklessly store or otherwise leave a loaded or unloaded firearm
20 out of the person's immediate possession or control inside a
21 vehicle without first securely locking the firearm in a safe



1 storage depository that is out of sight from outside of the
2 vehicle.

3 (b) For purposes of this section, "safe storage
4 depository" means a safe or other secure container that when
5 locked is incapable of being opened without a key, keypad,
6 combination, or other unlocking mechanism and is capable of
7 preventing an unauthorized person from obtaining access to or
8 possession of the firearm contained therein and shall be impact
9 and tamper resistant. A vehicle's trunk or glove box alone,
10 even if locked, is not a safe storage depository.

11 (c) This section shall not apply to a person in an exempt
12 category identified in section 134-11(a).

13 (d) Any person who violates subsection (a) shall be guilty
14 of a misdemeanor.

15 **§134-D Unlawful conduct while carrying a firearm; penalty.**

16 (a) A person carrying a firearm, including but not limited to
17 carrying a firearm pursuant to a license issued under section
18 134-9 or in accordance with title 18 United States Code section
19 926B or 926C, shall not do any of the following:

20 (1) Consume alcohol or intoxicating liquor;

21 (2) Consume a controlled substance;



1 (3) Be under the influence of alcohol or intoxicating
2 liquor; or

3 (4) Be under the influence of a controlled substance.

4 (b) As used in this section, the following definitions
5 shall apply:

6 "Alcohol" shall have the same meaning as in section 281-1.

7 "Controlled substance" means a drug, substance, or
8 immediate precursor in schedules I through III of part II of
9 chapter 329.

10 "Intoxicating liquor" shall have the same meaning as in
11 section 281-1.

12 (c) Any person who violates this section shall be guilty
13 of a misdemeanor.

14 **§134-E Carrying or possessing a firearm on private**
15 **property open to the public without authorization; penalty.** (a)

16 A person shall not intentionally, knowingly, or recklessly enter
17 or remain on private property open to the public while carrying
18 or possessing a loaded or unloaded firearm, whether the firearm
19 is operable or not, and whether the firearm is concealed or
20 unconcealed, unless the person has been given express



1 authorization to carry or possess a firearm on the property by
2 the owner, lessee, operator, or manager of the property.

3 (b) For purposes of this section, "open to the public"
4 means places to which the public is invited or permitted and
5 areas within any building available for use by or accessible to
6 the public during the normal course of business conducted
7 therein by private entities, including but not limited to retail
8 stores and shopping malls, but does not include private
9 residences.

10 (c) For purposes of this section, express authorization to
11 carry or possess a firearm on private property open to the
12 public shall be signified by:

13 (1) Unambiguous written or verbal authorization; or
14 (2) The posting of clear and conspicuous signage,
15 by the owner, lessee, operator, or manager of the property
16 indicating that carrying or possessing a firearm is authorized.

17 (d) For purposes of this section, carrying a firearm
18 includes but is not limited to carrying a firearm pursuant to a
19 license issued under section 134-9 and carrying a firearm in
20 accordance with title 18 United States Code section 926B or
21 926C.



1 (e) This section shall not apply to a person in an exempt
2 category identified in section 134-11(a).

3 (f) Any person who violates this section shall be guilty
4 of a misdemeanor.

5 **§134-F Annual report on licenses to carry.** (a) By
6 April 1, 2024, and each year thereafter, the department of the
7 attorney general shall publish a report on its publicly
8 available website detailing:

9 (1) The number of licenses to carry applied for, issued,
10 revoked, and denied, further categorized by the age,
11 sex, race, and county of residence of the applicant or
12 licensee;

13 (2) The specific reasons for each revocation and denial;

14 (3) Analysis of denials under section 134-9(d) and
15 recommendations to remedy any disparities in denial
16 rates by age, sex, or race; and

17 (4) The number of appeals and appeals granted.

18 (b) The chief of police of each county shall supply the
19 department of the attorney general with the data the department
20 requires to complete the report under subsection (a) for the
21 prior year by February 1 of each year."



1 SECTION 3. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§706- Enhanced sentencing for carrying or possessing a
5 firearm in certain locations and premises. Notwithstanding any
6 other law to the contrary, the court shall sentence a person who
7 has been convicted of an offense under 134-A and was not
8 licensed under section 134-9 or exempt pursuant to section
9 134-11(a) at the time of the offense to _____."

10 SECTION 4. Section 134-1, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By adding three new definitions to be appropriately
13 inserted and to read:

14 "Concealed" means, in relation to a firearm, that the
15 firearm is entirely hidden from view of the public and not
16 discernible by ordinary observation, such that a reasonable
17 person without law enforcement training would be unable to
18 detect the presence of a firearm.

19 "Criminal offense relating to firearms" means any offense
20 defined in this chapter, and also includes the offense of
21 criminally negligent storage of a firearm under section 707-



1 714.5 and any other criminal offense under federal or state law
2 or the law of another state, a United States territory, or the
3 District of Columbia that has as an element the use, attempted
4 use, threatened use, or possession of a firearm.

5 "Unconcealed" means not concealed."

6 2. By amending the definition of "crime of violence" to
7 read:

8 "Crime of violence" means any offense[~~, as defined in~~
9 ~~title 37,~~ under federal or state law or the law of another
10 state, a United States territory, or the District of Columbia
11 that [~~involves~~] has as an element the injury or threat of injury
12 to the person of another[~~, including sexual~~] or that has as an
13 element the use, attempted use, or threatened use of physical
14 force against the person or property of another or the creation
15 of a substantial risk of causing bodily injury, and also
16 includes the following offenses:

17 (1) Criminal solicitation of a crime of violence under
18 section 705-510;

19 (2) Conspiracy to commit a crime of violence under section
20 705-520;



- 1 (3) Reckless endangering in the second degree under
- 2 section 707-714;
- 3 (4) Terroristic threatening in the second degree under
- 4 section 707-717;
- 5 (5) Sexual assault in the fourth degree under section 707-
- 6 733 [~~and harassment~~];
- 7 (6) Endangering the welfare of a minor in the second
- 8 degree under section 709-904;
- 9 (7) Harassment under section 711-1106;
- 10 (8) Harassment by stalking under section 711-1106.5[-];
- 11 and
- 12 (9) Offenses under federal law, or the law of another
- 13 state, a United States territory, or the District of
- 14 Columbia, that are comparable to the offenses defined
- 15 or listed above."

16 SECTION 5. Section 134-2, Hawaii Revised Statutes, is
 17 amended to read as follows:

18 "**§134-2 Permits to acquire.** (a) No person shall acquire
 19 the ownership of a firearm, whether usable or unusable,
 20 serviceable or unserviceable, modern or antique, registered
 21 under prior law or by a prior owner or unregistered, either by



1 purchase, gift, inheritance, bequest, or in any other manner,
2 whether procured in the State or imported by mail, express,
3 freight, or otherwise, until the person has first procured from
4 the chief of police of the county of the person's place of
5 business or, if there is no place of business, the person's
6 residence or, if there is neither place of business nor
7 residence, the person's place of sojourn, a permit to acquire
8 the ownership of a firearm as prescribed in this section. When
9 title to any firearm is acquired by inheritance or bequest, the
10 foregoing permit shall be obtained before taking possession of
11 [a] the firearm; provided that upon presentation of a copy of
12 the death certificate of the owner making the bequest, any heir
13 or legatee may transfer the inherited or bequested firearm
14 directly to a dealer licensed under section 134-31 or licensed
15 by the United States Department of Justice without complying
16 with the requirements of this section.

17 (b) The permit application form shall [~~include the~~]:

18 (1) Include:

19 (A) The applicant's name, address, [~~sex,~~] gender,
20 height, weight, date of birth, place of birth,



- 1 country of citizenship, social security number,
2 alien or admission number [~~and information~~];
- 3 (B) Information regarding the applicant's mental
4 health history;
- 5 (C) Any aliases or other names previously used by the
6 applicant;
- 7 (D) Information that is or may be relevant to
8 determining whether the applicant is disqualified
9 under section 134-7 from the ownership, .
10 possession, or control of a firearm; and
- 11 (E) Information that is or may be relevant to
12 determining whether the applicant lacks the
13 essential character or temperament necessary to
14 be entrusted with a firearm as set forth in
15 subsection (e); and [~~shall require~~]
- 16 (2) Require the fingerprinting and photographing of the
17 applicant by the police department of the county of
18 registration; provided that where fingerprints and a
19 photograph are already on file with the department,
20 these may be waived.
- 21 (c) An applicant for a permit shall [~~sign~~]:



1 (1) Sign a waiver at the time of application, allowing the
 2 chief of police of the county issuing the permit or a
 3 designee of the chief of police access to [~~any~~] all
 4 records that have a bearing on the mental health of
 5 the applicant[~~. The permit application form and the~~
 6 ~~waiver form shall be prescribed by the attorney~~
 7 ~~general and shall be uniform throughout the State.];~~
 8 and

9 (2) Identify any health care providers who possess or may
 10 possess the records under paragraph (1).

11 (d) The chief of police of the respective counties [~~may~~]
 12 shall issue permits to acquire firearms to [~~citizens~~]:

13 (1) Citizens, nationals, or lawful permanent residents of
 14 the United States of the age of twenty-one years or
 15 more [~~, or duly~~];

16 (2) Duly accredited official representatives of foreign
 17 nations [~~, or duly~~];

18 (3) Duly commissioned law enforcement officers of the
 19 State who are aliens; provided that any law
 20 enforcement officer who is the owner of a firearm and
 21 who is an alien shall transfer ownership of the



1 firearm within forty-eight hours after termination of
2 employment from a law enforcement agency[~~. The chief
3 of police of each county may issue permits to aliens];~~

4 (4) Aliens of the age of eighteen years or more for use of
5 rifles and shotguns for a period not exceeding sixty
6 days, upon a showing that the alien has first procured
7 a hunting license under chapter 183D, part II[~~. The
8 chief of police of each county may issue permits to
9 aliens]; and~~

10 (5) Aliens of the age of twenty-one years or more for use
11 of firearms for a period not exceeding six months,
12 upon a showing that the alien is in training for a
13 specific organized sport-shooting contest to be held
14 within the permit period.

15 The attorney general [~~shall~~] may adopt rules, pursuant to
16 chapter 91, as to what constitutes sufficient evidence that an
17 alien is in training for a sport-shooting contest.

18 Notwithstanding any law to the contrary and upon joint
19 application, the chief of police may, upon request, issue
20 permits to acquire firearms jointly to spouses who otherwise
21 qualify to obtain permits under this section.



1 (e) The permit application form shall be signed by the
2 applicant and [~~by the~~] issuing authority. One copy of the
3 permit 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~~
7 ~~a license is granted under section 134-9,~~] or where any firearm
8 is 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~~] fortieth
12 day from the date of application. Permits issued to acquire any
13 pistol or revolver shall be void unless used within [~~ten~~] thirty
14 days 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



1 that if a permittee is arrested for committing a felony [~~or~~
2 any], a crime of violence, a criminal offense relating to
3 firearms, or for the illegal sale or distribution of any drug,
4 the permit shall be impounded and [~~shall be~~] surrendered to the
5 issuing authority. The issuing authority shall perform an
6 inquiry on an applicant by using the International Justice and
7 Public Safety Network, including the United States Immigration
8 and Customs Enforcement query, [~~the~~] National Crime Information
9 Center, and [~~the~~] National Instant Criminal Background Check
10 System, pursuant to section 846-2.7 before any determination to
11 issue a permit or to deny an application is made. The issuing
12 authority shall not issue a permit to acquire the ownership of a
13 firearm if an applicant is disqualified under section 134-7 from
14 the ownership, possession, or control of a firearm, or if the
15 issuing authority determines that issuance would not be in the
16 interest of public health, safety, or welfare because the person
17 lacks the essential character or temperament necessary to be
18 entrusted with a firearm. In determining whether a person lacks
19 the essential character or temperament necessary to be entrusted
20 with a firearm, the issuing authority shall consider whether the



1 person poses a danger of causing a self-inflicted bodily injury
2 or unlawful injury to another person, as evidenced by:

- 3 (1) Information from a health care provider indicating
4 that the person has had suicidal or homicidal thoughts
5 or tendencies within the preceding five years;
- 6 (2) Statements or actions by the person indicating
7 dangerousness or violent animus toward one or more
8 individuals or groups, including but not limited to
9 groups based on race, color, national origin,
10 ancestry, sex, gender identity, gender expression,
11 sexual orientation, age, disability, religion, or
12 other characteristic, of a nature or to an extent that
13 would objectively indicate to a reasonable observer
14 that it would not be in the interest of the public
15 health, safety, or welfare for the person to own,
16 possess, or control a firearm or ammunition; or
- 17 (3) Other information that would lead a reasonable,
18 objective observer to conclude that the person
19 presents or would present a danger to the community as
20 a result of acquiring or possessing a firearm or



1 intends or is likely to use a firearm for an unlawful
2 purpose or in an unlawful manner.

3 (f) In all cases where a pistol or revolver is acquired
4 from another person within the State, the permit shall be signed
5 in ink by the person to whom title to the pistol or revolver is
6 transferred and shall be delivered to the person who is
7 transferring title to the firearm, who shall verify that the
8 person to whom the firearm is to be transferred is the person
9 named in the permit and enter on the permit in the space
10 provided the following information: name, address, and
11 telephone number of the person who transferred the firearm;
12 name, address, and telephone number of the person to whom the
13 title to the firearm was transferred; names of the manufacturer
14 and importer; model; type of action; caliber or gauge; and
15 serial number, as applicable. The person who is transferring
16 title to the firearm shall sign the permit in ink and cause the
17 permit to be delivered or sent by registered mail to the issuing
18 authority within forty-eight hours after transferring the
19 firearm.

20 In all cases where receipt of a firearm is had by mail,
21 express, freight, or otherwise from sources [~~without~~] outside



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 firearm.

6 In all cases where a rifle or shotgun is acquired from
7 another person within the State, the person who is transferring
8 title to the rifle or shotgun shall submit, within forty-eight
9 hours after transferring the firearm, to the authority that
10 issued the permit to acquire, the following information, in
11 writing: name, address, and telephone number of the person who
12 transferred the firearm[~~†~~]; name, address, and telephone number
13 of the person to whom the title to the firearm was transferred;
14 names of the manufacturer and importer; model; type of action;
15 caliber or gauge; and serial number, as applicable.

16 (g) [~~Effective July 1, 1995, no~~] No person shall be issued
17 a permit under this section for the acquisition of a [~~pistol or~~
18 ~~revolver~~] firearm unless the person, [~~at any time prior to~~]
19 within four years of the issuance of the permit, has completed:

20 (1) An approved hunter education course as authorized
21 under section 183D-28[~~†~~], unless the applicant seeks



1 to acquire a pistol or revolver, in which case the
2 applicant shall complete a training satisfying the
3 requirements of subsection (2), (3), or (4);

4 (2) A firearms safety or training course or class
5 available to the general public offered by a law
6 enforcement agency of the State or of any county;

7 (3) A firearms safety or training course offered to law
8 enforcement officers, security guards, investigators,
9 deputy sheriffs, or any division or subdivision of law
10 enforcement or security enforcement by a state or
11 county law enforcement agency; or

12 (4) A firearms training or safety course or class
13 conducted by a [~~state certified or National Rifle~~
14 ~~Association certified firearms instructor~~] firearms
15 instructor certified or verified by the chief of
16 police of the respective county or a designee of the
17 chief of police or certified by a nongovernmental
18 organization approved for such purposes by the chief
19 of police of the respective county or a designee of
20 the chief of police, or conducted by a certified
21 military firearms instructor; provided that the



1 firearms training or safety course or class provides,
2 at a minimum, a total of at least two hours of firing
3 training at a firing range and a total of at least
4 four hours of classroom instruction, which may include
5 a video, that focuses on:

6 (A) The safe use, handling, and storage of firearms
7 and firearm safety in the home[+], as well as a
8 component on mental health, suicide prevention,
9 and domestic violence issues associated with
10 firearms and firearm violence; and

11 (B) Education on the firearm laws of the State.

12 An affidavit signed by the certified or verified
13 firearms instructor who conducted or taught the
14 course, providing the name, address, and phone number
15 of the instructor and attesting to the successful
16 completion of the course by the applicant shall
17 constitute evidence of certified successful completion
18 under this paragraph[-]; provided that an instructor
19 shall not submit an attestation for the instructor's
20 own permit application.



1 (h) No person shall sell, give, lend, or deliver into the
2 possession of another any firearm except in accordance with this
3 chapter.

4 (i) No fee shall be charged for permits, or applications
5 for permits, under this section, except for a single fee
6 chargeable by and payable to the issuing county [~~for~~
7 ~~individuals applying for their first permit,~~] in an amount equal
8 to the fee charged by the Hawaii criminal justice data center
9 pursuant to section 846-2.7. In the case of a joint
10 application, the fee provided for in this section may be charged
11 to each person [~~to whom no previous permit has been issued~~]. If
12 an application under this section is denied, the chief of police
13 or a designee of the chief of police shall notify the applicant
14 of the denial in writing, stating the ground or grounds for the
15 denial and informing the applicant of the right to seek review
16 of the denial through a hearing pursuant to subsection (k).

17 (j) In all cases where a permit application under this
18 section is denied because an applicant is prohibited from
19 owning, possessing, receiving, or controlling firearms under
20 federal or state law, the chief of police of the applicable
21 county shall, within ten business days from the date of denial,



1 send written notice of the denial, including the identity of the
2 applicant and the reasons for the denial, to the:

- 3 (1) Prosecuting attorney in the county where the permit
4 was denied;
- 5 (2) Attorney general;
- 6 (3) United States Attorney for the District of Hawaii; and
- 7 (4) Director of public safety.

8 If the permit to acquire was denied because the applicant
9 is subject to an order described in section 134-7(f), the chief
10 of police shall, within three business days from the date of
11 denial, send written notice of the denial to the court that
12 issued the order.

13 When the director of public safety receives notice that an
14 applicant has been denied a permit because of a prior criminal
15 conviction, the director of public safety shall determine
16 whether the applicant is currently serving a term of probation
17 or parole, and if the applicant is serving such a term, send
18 written notice of the denial to the applicant's probation or
19 parole officer.

20 (k) If an application under this section is denied, a
21 person or entity aggrieved by the denial shall be entitled to a



1 hearing before the chief of police of the appropriate county or
2 a designee of the chief of police. A person or entity aggrieved
3 by the denial shall submit a request for a hearing in writing to
4 the chief of police of the appropriate county no later than
5 thirty days following the date of the decision or determination
6 notice. The hearing shall constitute a contested case hearing
7 for purposes of chapter 91. Following the hearing and final
8 decision, an aggrieved party shall be entitled to a judicial
9 review proceeding in state circuit court in accordance with
10 section 91-14.

11 (1) The permit application form and the waiver form
12 required under this section shall be prescribed by the issuing
13 authority."

14 SECTION 6. Section 134-4, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) No person shall intentionally, knowingly, or
17 recklessly lend a firearm to any person who is prohibited from
18 ownership [~~or~~], possession, or control of a firearm under
19 section 134-7."

20 SECTION 7. Section 134-7, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§134-7 Ownership ~~[or]~~, possession, or control prohibited,
2 **when; penalty.** (a) No person who is a fugitive from justice or
3 ~~[is a person]~~ prohibited from possessing ~~[firearms]~~ a firearm or
4 ammunition under title 18 United States Code section 922 or any
5 other provision of federal law shall own, possess, or control
6 any firearm or ammunition ~~[therefor]~~.

7 (b) No person who ~~[is under indictment for, or has waived~~
8 ~~indictment for, or has been bound over to the circuit court~~
9 ~~for,]~~ has one or more pending charges for a felony, a crime of
10 violence, a criminal offense relating to firearms, or an illegal
11 sale or distribution of any drug in a court in this State or
12 elsewhere, or who has been convicted in this State or elsewhere
13 of having committed a felony, ~~[or any]~~ a crime of violence, a
14 criminal offense relating to firearms, or an illegal sale or
15 distribution of any drug shall own, possess, or control any
16 firearm or ammunition ~~[therefor]~~.

17 (c) No person ~~[who]~~ shall own, possess, or control any
18 firearm or ammunition if the person:

19 (1) Is or has been under treatment or counseling for
20 addiction to, abuse of, or dependence upon any
21 dangerous, harmful, or detrimental drug, intoxicating



- 1 compound as defined in section 712-1240, or
2 intoxicating liquor;
- 3 (2) Has been acquitted of a crime on the grounds of mental
4 disease, disorder, or defect pursuant to section 704-
5 411[+] or any similar provision under federal law, or
6 the law of another state, a United States territory,
7 or the District of Columbia;
- 8 (3) Is or has been diagnosed [~~as having a significant~~
9 ~~behavioral, emotional, or mental disorders as defined~~
10 ~~by the most current diagnostic manual of the American~~
11 ~~Psychiatric Association or for treatment for organic~~
12 ~~brain syndromes+] with or treated for a medical,
13 behavioral, psychological, emotional, or mental
14 condition or disorder that causes or is likely to
15 cause impairment in judgment, perception, or impulse
16 control to an extent that presents an unreasonable
17 risk to public health, safety, or welfare if the
18 person were in possession or control of a firearm or
19 ammunition; or~~
- 20 (4) Has been adjudged to:



1 compound as defined in section 712-1240, or
2 intoxicating liquor;
3 (2) Is a fugitive from justice; or
4 (3) Has been determined not to have been responsible for a
5 criminal act or has been committed to any institution
6 on account of a mental disease, disorder, or
7 defect[+],

8 ~~[shall own, possess, or control any firearm or ammunition~~
9 ~~therefor,] unless the minor [has been medically documented to~~
10 ~~be] establishes, with appropriate medical documentation, that~~
11 the minor is no longer adversely affected by the addiction,
12 mental disease, disorder, or defect.

13 For the purposes of enforcing this section, and
14 notwithstanding section 571-84 or any other law to the contrary,
15 any agency within the State shall make its records relating to
16 family court adjudications available to law enforcement
17 officials.

18 (f) No person who has been restrained pursuant to an order
19 of any court, including a gun violence protective order issued
20 pursuant to part IV, from contacting, threatening, or physically
21 abusing any person, shall possess, control, or transfer



1 ownership of any firearm or ammunition [~~therefor~~], so long as
2 the protective order, restraining order, or any extension is in
3 effect [~~, unless the order, for good cause shown, specifically~~
4 ~~permits the possession of a firearm and ammunition~~]. The
5 protective order or restraining order shall specifically include
6 a statement that possession, control, or transfer of ownership
7 of a firearm or ammunition by the person named in the order is
8 prohibited. The person shall relinquish possession and control
9 of any firearm and ammunition owned by that person to the police
10 department of the appropriate county for safekeeping for the
11 duration of the order or extension thereof. At the time of
12 service of a protective order or restraining order involving
13 firearms and ammunition issued by any court, a police officer
14 may take custody of any and all firearms and ammunition in plain
15 sight, those discovered pursuant to a consensual search, and
16 those firearms surrendered by the person restrained. If the
17 person restrained is the registered owner of a firearm and knows
18 the location of the firearm, but refuses to surrender the
19 firearm or [~~refuses to~~] disclose the location of the firearm,
20 the person restrained shall be guilty of a misdemeanor. In any
21 case, when a police officer is unable to locate the firearms and



1 ammunition either registered under this chapter or known to the
2 person granted protection by the court, the police officer shall
3 apply to the court for a search warrant pursuant to chapter 803
4 for the limited purpose of seizing the firearm and ammunition.

5 ~~[For the purposes of this subsection, good cause shall not~~
6 ~~be based solely upon the consideration that the person subject~~
7 ~~to restraint pursuant to an order of any court is required to~~
8 ~~possess or carry firearms or ammunition during the course of the~~
9 ~~person's employment. Good cause consideration may include but~~
10 ~~not be limited to the protection and safety of the person to~~
11 ~~whom a restraining order is granted.]~~

12 (g) Any person disqualified from ownership, possession,
13 control, or the right to transfer ownership of firearms and
14 ammunition under this section shall surrender or dispose of all
15 firearms and ammunition in compliance with section 134-7.3.

16 (h) Any person who otherwise would be prohibited under
17 subsection (b) from owning, possessing, or controlling a firearm
18 and ammunition solely as a result of a conviction for a crime
19 that is not a felony, and who is not prohibited from owning,
20 possessing, or controlling a firearm or ammunition for any
21 reason under any other provision of this chapter or under title



1 18 United States Code section 922 or another provision of
2 federal law, shall not be prohibited under this section from
3 owning, possessing, or controlling a firearm and ammunition if
4 twenty years have elapsed from the date of the conviction.

5 ~~[(h)]~~ (i) Any person violating subsection (a) or (b) shall
6 be guilty of a class C felony; provided that any felon violating
7 subsection (b) shall be guilty of a class B felony. Any person
8 violating subsection (c), (d), (e), (f), or (g) shall be guilty
9 of a misdemeanor."

10 SECTION 8. Section 134-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§134-9 Licenses to carry.** (a) ~~[In an exceptional case,~~
13 ~~when an applicant shows reason to fear injury to the applicant's~~
14 ~~person or property, the] The~~ chief of police of ~~[the~~
15 ~~appropriate] a~~ county ~~[may]~~ shall grant a license to an
16 applicant ~~[who is a citizen of the United States of the age of~~
17 ~~twenty one years or more or to a duly accredited official~~
18 ~~representative of a foreign nation of the age of twenty one~~
19 ~~years or more]~~ to carry a pistol or revolver and ammunition
20 ~~[therefor]~~ concealed on the licensee's person within ~~[the county~~
21 ~~where the license is granted. Where the urgency or the need has~~



1 ~~been sufficiently indicated, the respective]~~ the State, if the
2 applicant:

- 3 (1) Satisfies each of the criteria established by or
- 4 pursuant to subsection (d);
- 5 (2) Is not prohibited under section 134-7 from the
- 6 ownership, possession, or control of a firearm and
- 7 ammunition;
- 8 (3) Is not found to be lacking the essential character or
- 9 temperament necessary to be entrusted with a firearm
- 10 as set forth in subsection (h);
- 11 (4) Is a citizen, national, or lawful permanent resident
- 12 of the United States or a duly accredited official
- 13 representative of a foreign nation;
- 14 (5) Is a resident of the State; and
- 15 (6) Is of the age of twenty-one years or more.

16 (b) The chief of police of a county may grant to an
 17 applicant ~~[of good moral character who is a citizen of the~~
 18 ~~United States of the age of twenty-one years or more, is engaged~~
 19 ~~in the protection of life and property, and is not prohibited~~
 20 ~~under section 134-7 from the ownership or possession of a~~
 21 ~~firearm,]~~ a license to carry a pistol or revolver and ammunition



1 ~~[therefor]~~ unconcealed on the licensee's person within the
2 county where the license is granted~~[-]~~, if the applicant:

3 (1) Sufficiently establishes the urgency or need to carry
4 a firearm unconcealed;

5 (2) Is engaged in the protection of life and property;

6 (3) Satisfies each of the criteria established by or
7 pursuant to subsection (d);

8 (4) Is not prohibited under section 134-7 from the
9 ownership, possession, or control of a firearm and
10 ammunition;

11 (5) Is not found to be lacking the essential character or
12 temperament necessary to be entrusted with a firearm
13 as set forth in subsection (h);

14 (6) Is a citizen, national, or lawful permanent resident
15 of the United States; and

16 (7) Is of the age of twenty-one years or more.

17 (c) The chief of police of the appropriate county, or ~~[the~~
18 chief's] a designated representative~~[-]~~ of the chief of police,
19 shall perform an inquiry on an applicant by using the National
20 Instant Criminal Background Check System, to include a check of
21 the Immigration and Customs Enforcement databases ~~[where]~~ if the



1 applicant is not a citizen of the United States, before any
2 determination to grant a concealed or unconcealed license is
3 made. [~~Unless renewed, the license shall expire one year from~~
4 ~~the date of issue.~~

5 ~~(b) The chief of police of each county shall adopt~~
6 ~~procedures to require that any person granted a license to carry~~
7 ~~a concealed weapon on the person shall:]~~

8 (d) To be eligible to receive a license to carry a
9 concealed or unconcealed pistol or revolver on the licensee's
10 person, the applicant shall:

11 (1) [~~Be qualified to use the firearm in a safe manner;]~~
12 Truthfully complete, under penalty of law, the
13 application for the type of carry license being
14 applied for, and submit a complete application, in
15 person, to the chief of police of the appropriate
16 county with all fields on the application form
17 completed, all questions answered, all required
18 signatures present on the application, any required
19 documents attached to the application, and payment of
20 the nonrefundable license application fee required
21 under this section;



- 1 (2) ~~[Appear to be a suitable person to be so licensed;]~~
2 Except for detectives, private detectives,
3 investigators, and guards as defined in chapter 463
4 with an active license issued pursuant to chapter 463,
5 be the registered owner of the firearm or firearms for
6 which the license to carry will be issued;
- 7 (3) Not be prohibited under section 134-7 from the
8 ownership ~~[of]~~, possession, or control of a firearm;
9 [and]
- 10 (4) ~~[Not have been adjudged insane or not appear to be~~
11 ~~mentally deranged.]~~ Have completed a course of
12 training as described in subsection (e) and be
13 certified as qualified to use the firearm or firearms
14 for which the license to carry will be issued in a
15 safe manner; and
- 16 (5) Sign an affidavit expressly acknowledging that the
17 applicant has read and is responsible for
18 understanding and complying with the federal, state,
19 and local laws governing the permissible use of
20 firearms and associated requirements, including but
21 not limited to the prohibition on carrying or



1 possessing a firearm in certain locations and
2 premises, the prohibition on carrying more than one
3 firearm on the licensee's person at one time, the
4 prohibition on carrying a firearm on private property
5 open to the public without the express authorization
6 of the owner, lessee, operator, or manager of the
7 private property, the requirement to maintain
8 possession of the license on the licensee's person
9 while carrying a firearm, the requirement to disclose
10 information regarding the carrying of a firearm when
11 stopped by law enforcement, the provision for absolute
12 liability for injury or property damage proximately
13 caused by a legally unjustified discharge of a firearm
14 under section 663-9.5, and when and how deadly force
15 may be used for self-defense or defense of another.
16 The affidavit shall also include an acknowledgment
17 that the licensee is responsible for understanding and
18 complying with any applicable federal, state, and
19 county laws, including laws regarding the use of
20 deadly force for self-defense or the defense of
21 another, and that:



1 (A) A license to carry issued under this section
2 shall be void if a licensee becomes disqualified
3 from the ownership, possession, or control of a
4 firearm pursuant to section 134-7(a), (b), (d),
5 or (f);

6 (B) The license shall be subject to revocation under
7 section 134-13 if a licensee for any other reason
8 becomes disqualified under section 134-7 from the
9 ownership, possession, or control of a firearm;
10 and

11 (C) A license that is revoked or that becomes void
12 shall be returned to the chief of police of the
13 appropriate county within forty-eight hours.

14 ~~[(e) No person shall carry concealed or unconcealed on the~~
15 ~~person a pistol or revolver without being licensed to do so~~
16 ~~under this section or in compliance with sections 134-5(e) or~~
17 ~~134-25.]~~

18 (e) The course of training for issuance of a license under
19 this chapter may be any course acceptable to the licensing
20 authority that meets all of the following criteria:



- 1 (1) The course shall include in-person instruction on
2 firearm safety, firearm handling, shooting technique,
3 safe storage, legal methods to transport firearms and
4 secure firearms in vehicles, laws governing places in
5 which persons are prohibited from carrying a firearm,
6 firearm usage in low-light situations, situational
7 awareness and conflict management, and laws governing
8 firearms, including information regarding the
9 circumstances in which deadly force may be used for
10 self-defense or the defense of another;
- 11 (2) The course shall include a component on mental health
12 and mental health resources;
- 13 (3) Except for the component on mental health and mental
14 health resources, the course shall be conducted by one
15 or more firearms instructors certified or verified by
16 the chief of police of the respective county or a
17 designee of the chief of police or certified by a
18 nongovernmental organization approved for such
19 purposes by the chief of police of the respective
20 county or a designee of the chief of police, or



1 conducted by one or more certified military firearms
2 instructors;

3 (4) The course shall require participants to demonstrate
4 their understanding of the covered topics by achieving
5 a score of at least seventy per cent on a written
6 examination; and

7 (5) The course shall include live-fire shooting exercises
8 on a firing range and shall include a demonstration by
9 the applicant of safe handling of, and shooting
10 proficiency with, each firearm that the applicant is
11 applying to be licensed to carry.

12 ~~[(d) A fee of \$10 shall be charged for each license and~~
13 ~~shall be deposited in the treasury of the county in which the~~
14 ~~license is granted.]~~

15 (f) Upon passing the course of training identified in
16 subsection (e), the applicant shall obtain from the instructor,
17 and include as part of the applicant's application package, a
18 certification as to the following:

19 (1) The applicant's name, as confirmed by reviewing the
20 applicant's government-issued photo identification;

21 (2) The date and location of the firearm proficiency test;



1 (3) The firearm or firearms with which the applicant took
2 the firearm proficiency test;

3 (4) The applicant's score; provided that an indication
4 only that the applicant passed or failed, without the
5 score itself, is insufficient; and

6 (5) The instructor's qualifications to administer the
7 firearm proficiency test.

8 The certification of the above information, signed by the
9 firearms instructor who conducted or taught the course,
10 providing the name, address, and phone number of the instructor,
11 shall constitute evidence of successful completion of the
12 course. The course of training for issuance of a license under
13 this chapter shall be undertaken at the licensee's expense.

14 (g) An applicant for a license under this section shall:

15 (1) Sign a waiver at the time of application, allowing the
16 chief of police of the county issuing the license or a
17 designee of the chief of police access to any records
18 that have a bearing on the mental health of the
19 applicant; and

20 (2) Identify any health care providers who possess or may
21 possess the records under paragraph (1).



1 (h) In determining whether a person lacks the essential
2 character or temperament necessary to be entrusted with a
3 firearm, the licensing authority shall consider whether the
4 person poses a danger of causing a self-inflicted bodily injury
5 or unlawful injury to another person, as evidenced by:

6 (1) Information from a health care provider indicating
7 that the person has had suicidal or homicidal thoughts
8 or tendencies within the preceding five years;

9 (2) Statements or actions by the person indicating
10 dangerousness or violent animus toward one or more
11 individuals or groups, including but not limited to
12 groups based on race, color, national origin,
13 ancestry, sex, gender identity, gender expression,
14 sexual orientation, age, disability, religion, or
15 other characteristic, of a nature or to an extent that
16 would objectively indicate to a reasonable observer
17 that it would not be in the interest of the public
18 health, safety, or welfare for the person to own,
19 possess, or control a firearm or ammunition; or

20 (3) Other information that would lead a reasonable,
21 objective observer to conclude that the person



1 presents or would present a danger to the community as
2 a result of carrying a firearm in public or intends or
3 is likely to use a firearm for an unlawful purpose or
4 in an unlawful manner.

5 (i) A nonrefundable fee of \$150 shall be charged for each
6 license application submitted under this section, which shall be
7 chargeable by and payable to the appropriate county and shall be
8 used for expenses related to police services.

9 (j) If the applicant satisfies each of the requirements
10 for a concealed carry license, an application for a concealed
11 carry license submitted to the chief of police of the
12 appropriate county under this section shall be approved within a
13 reasonable time after receipt of all required application
14 materials. If the applicant does not satisfy one or more of the
15 requirements for a concealed carry license, the license shall be
16 denied within a reasonable time after receipt of the application
17 materials. If an application is denied, the chief of police or
18 a designee of the chief of police shall notify the applicant of
19 the denial in writing, stating the ground or grounds for the
20 denial and informing the applicant of the right to seek review
21 of the denial through a hearing pursuant to subsection (k). If



1 the chief of police does not grant or deny a submitted
2 application for a concealed carry license within one hundred
3 twenty days following the date of the application, the
4 application shall be deemed denied as of that date for purposes
5 of subsection (k).

6 (k) If an application under this section is denied, a
7 person or entity aggrieved by the denial shall be entitled to a
8 hearing before the chief of police of the appropriate county or
9 a designee of the chief of police. A person or entity aggrieved
10 by the denial shall submit a request for a hearing in writing to
11 the chief of police of the appropriate county no later than
12 thirty days following the date of the decision or determination
13 notice. The hearing shall constitute a contested case hearing
14 for purposes of chapter 91. Following the hearing and final
15 decision, an aggrieved party shall be entitled to a judicial
16 review proceeding in state circuit court in accordance with
17 section 91-14.

18 (l) If an application pursuant to this section is
19 approved, the chief of police shall issue the applicant a
20 license that contains, at minimum:

21 (1) The licensee's name;



- 1 (2) The licensee's address;
- 2 (3) A photograph of the licensee taken within ninety days
3 before issuance of the license;
- 4 (4) The county of issuance;
- 5 (5) A notation as to whether the license permits concealed
6 or unconcealed carry;
- 7 (6) The serial number of each registered firearm that the
8 licensee may carry pursuant to the license;
- 9 (7) The license expiration date; and
- 10 (8) The signature of the licensee.
- 11 (m) Unless renewed, a concealed or unconcealed license
12 shall expire four years from the date of issue.
- 13 (n) No person shall carry concealed or unconcealed on
14 their person a pistol or revolver without being licensed to do
15 so under this section, or in accordance with title 18 United
16 States Code section 926B or 926C, or in compliance with section
17 134-5(c) or 134-25.
- 18 (o) A license to carry issued under this section shall be
19 void if a licensee becomes disqualified from the ownership,
20 possession, or control of a firearm pursuant to section 134-
21 7(a), (b), (d), or (f). If a licensee for any other reason



1 becomes disqualified under section 134-7 from the ownership,
2 possession, or control of a firearm, the license shall be
3 subject to revocation under section 134-13. A license that is
4 void or revoked shall be returned to the chief of police of the
5 appropriate county within forty-eight hours.

6 (p) The chief of police of each county shall adopt
7 procedures to implement the requirements set forth in this
8 section.

9 (q) The chief of police of each county shall establish
10 procedures and criteria for the renewal of licenses issued under
11 this section. No license renewal shall be granted if an
12 applicant for a renewed license does not satisfy, or no longer
13 satisfies, the eligibility criteria for a new license set forth
14 in subsections (a) through (d). As a precondition for the
15 renewal of licenses issued under this section, the chief of
16 police of each county may establish reasonable continuing
17 education, training, and certification requirements, including
18 but not limited to requirements pertaining to the safe handling
19 of firearms and shooting proficiency. A nonrefundable fee of
20 \$50 shall be charged for each license renewal application
21 submitted under this section, which shall be chargeable by and



1 payable to the appropriate county and shall be used for expenses
2 related to police services.

3 (r) No person carrying a firearm pursuant to a license
4 issued under this section or in accordance with title 18 United
5 States Code section 926B or 926C shall intentionally, knowingly,
6 or recklessly carry more than one firearm on the licensee's
7 person at one time."

8 SECTION 9. Section 134-13, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§134-13 Revocation of permits~~[-]~~ and licenses.** (a) All
11 permits and licenses provided for under this part [~~may~~] shall be
12 revoked~~[, for good cause,]~~ by the issuing authority [~~or~~], and
13 may be revoked by [~~the judge of~~] any court~~[-]~~, if the issuing
14 authority or court determines that the permit or license is
15 subject to revocation because the permit or license holder does
16 not satisfy, or no longer satisfies, the applicable
17 qualifications or requirements associated with the permit or
18 license.

19 (b) If the issuing authority determines that a permit or
20 license is subject to revocation, it shall notify the permit or
21 license holder of the determination in writing, stating the



1 grounds for the determination and informing the permit or
2 license holder of the right to seek a hearing before the issuing
3 authority regarding the determination before revocation. Unless
4 the permit or license holder submits a request for a hearing in
5 writing to the issuing authority no later than thirty days
6 following the date of the written notice that the permit or
7 license is subject to revocation, the permit or license shall be
8 immediately revoked by the issuing authority. Any hearing
9 regarding a determination on whether a permit or license is
10 subject to revocation shall constitute a contested case hearing
11 for purposes of chapter 91. A person or entity aggrieved by a
12 revocation under this section may apply for judicial review in
13 state circuit court in accordance with section 91-14.

14 (c) If a permit or license is revoked pursuant to this
15 section, the former permit or license holder shall return the
16 permit or license to the issuing authority within forty-eight
17 hours following receipt of the notice of revocation."

18 SECTION 10. Section 134-17, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§134-17 Penalties.** (a) If any person [~~gives false~~
21 ~~information or offers false evidence of the person's identity in~~



1 ~~complying with any of the requirements of this part, that person~~
2 ~~shall be guilty of a misdemeanor, provided, however that if any~~
3 ~~person intentionally gives false information or offers false~~
4 ~~evidence concerning their] intentionally, knowingly, or~~
5 ~~recklessly makes any materially false, fictitious, or fraudulent~~
6 ~~statement or representation in connection with any of the~~
7 ~~requirements of this part, that person shall be guilty of a~~
8 ~~misdemeanor; provided that if any person intentionally,~~
9 ~~knowingly, or recklessly makes any materially false, fictitious,~~
10 ~~or fraudulent statement or representation regarding the person's~~
11 ~~psychiatric or criminal history in [~~complying~~] connection with~~
12 ~~any of the requirements of this part, that person shall be~~
13 ~~guilty of a class C felony.~~

14 ~~[(b) Any person who violates section 134-3(a) shall be~~
15 ~~guilty of a petty misdemeanor.~~

16 ~~(e)] (b) Any person who violates [section]:~~

17 ~~(1) Section 134-2, 134-4, 134-9(n) or (r), 134-10, [or]~~
18 ~~134-13(c), or 134-15 shall be guilty of a~~
19 ~~misdemeanor[. ~~Any person who violates section];~~~~

20 ~~(2) Section 134-3(a) shall be guilty of a petty~~
21 ~~misdemeanor; or~~



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

6 SECTION 11. Section 134-18, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§134-18 Qualified immunity for physicians, psychologists,
9 [~~or~~] psychiatrists, physician assistants, or advanced practice
10 registered nurses who provide information on permit or license
11 applicants. There shall be no civil liability for any
12 physician, psychologist, [~~or~~] psychiatrist, physician assistant,
13 or advanced practice registered nurse who provides information
14 or renders an opinion in response to an inquiry made for
15 purposes of issuing a firearm permit under section 134-2,
16 issuing or renewing a license under section 134-9, or [~~for~~
17 ~~purposes of~~] investigating the continuing mental health of the
18 holder of a valid firearm permit or license; provided that the
19 physician, psychologist, [~~or~~] psychiatrist, physician assistant,
20 or advanced practice registered nurse acted without malice."



1 SECTION 12. Section 707-716, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) Terroristic threatening in the first degree is a
4 class C felony[~~-~~]; provided that terroristic threatening in the
5 first degree is a class B felony if committed with a firearm as
6 defined in section 134-1, or a simulated firearm, while in one
7 of the locations or premises listed in section 134-A(a)."

8 SECTION 13. Section 846-2.7, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Criminal history record checks may be conducted by:

11 (1) The department of health or its designee on operators
12 of adult foster homes for individuals with
13 developmental disabilities or developmental
14 disabilities domiciliary homes and their employees, as
15 provided by section 321-15.2;

16 (2) The department of health or its designee on
17 prospective employees, persons seeking to serve as
18 providers, or subcontractors in positions that place
19 them in direct contact with clients when providing
20 non-witnessed direct mental health or health care
21 services as provided by section 321-171.5;



- 1 (3) The department of health or its designee on all
2 applicants for licensure or certification for,
3 operators for, prospective employees, adult
4 volunteers, and all adults, except adults in care, at
5 healthcare facilities as defined in section 321-15.2;
- 6 (4) The department of education on employees, prospective
7 employees, and teacher trainees in any public school
8 in positions that necessitate close proximity to
9 children as provided by section 302A-601.5;
- 10 (5) The counties on employees and prospective employees
11 who may be in positions that place them in close
12 proximity to children in recreation or child care
13 programs and services;
- 14 (6) The county liquor commissions on applicants for liquor
15 licenses as provided by section 281-53.5;
- 16 (7) The county liquor commissions on employees and
17 prospective employees involved in liquor
18 administration, law enforcement, and liquor control
19 investigations;
- 20 (8) The department of human services on operators and
21 employees of child caring institutions, child placing



- 1 organizations, and foster boarding homes as provided
2 by section 346-17;
- 3 (9) The department of human services on prospective
4 adoptive parents as established under section
5 346-19.7;
- 6 (10) The department of human services or its designee on
7 applicants to operate child care facilities, household
8 members of the applicant, prospective employees of the
9 applicant, and new employees and household members of
10 the provider after registration or licensure as
11 provided by section 346-154, and persons subject to
12 section 346-152.5;
- 13 (11) The department of human services on persons exempt
14 pursuant to section 346-152 to be eligible to provide
15 child care and receive child care subsidies as
16 provided by section 346-152.5;
- 17 (12) The department of health on operators and employees of
18 home and community-based case management agencies and
19 operators and other adults, except for adults in care,
20 residing in community care foster family homes as
21 provided by section 321-15.2;



- 1 (13) The department of human services on staff members of
2 the Hawaii youth correctional facility as provided by
3 section 352-5.5;
- 4 (14) The department of human services on employees,
5 prospective employees, and volunteers of contracted
6 providers and subcontractors in positions that place
7 them in close proximity to youth when providing
8 services on behalf of the office or the Hawaii youth
9 correctional facility as provided by section 352D-4.3;
- 10 (15) The judiciary on employees and applicants at detention
11 and shelter facilities as provided by section 571-34;
- 12 (16) The department of public safety on employees and
13 prospective employees who are directly involved with
14 the treatment and care of persons committed to a
15 correctional facility or who possess police powers
16 including the power of arrest as provided by section
17 353C-5;
- 18 (17) The board of private detectives and guards on
19 applicants for private detective or private guard
20 licensure as provided by section 463-9;



- 1 (18) Private schools and designated organizations on
2 employees and prospective employees who may be in
3 positions that necessitate close proximity to
4 children; provided that private schools and designated
5 organizations receive only indications of the states
6 from which the national criminal history record
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective
9 employees whose positions place them in close
10 proximity to children as provided by section
11 302A-601.5;
- 12 (20) The State or any of its branches, political
13 subdivisions, or agencies on applicants and employees
14 holding a position that has the same type of contact
15 with children, vulnerable adults, or persons committed
16 to a correctional facility as other public employees
17 who hold positions that are authorized by law to
18 require criminal history record checks as a condition
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care
21 center operators, employees, new employees,



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



- 1 (25) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a bank,
3 savings bank, savings and loan association, trust
4 company, and depository financial services loan
5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
7 proposed directors and executive officers of a
8 nondepository financial services loan company as
9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
11 original chartering applicants and proposed executive
12 officers of a credit union as provided by section
13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
15 (A) Each principal of every non-corporate applicant
16 for a money transmitter license;
- 17 (B) Each person who upon approval of an application
18 by a corporate applicant for a money transmitter
19 license will be a principal of the licensee; and
20 (C) Each person who upon approval of an application
21 requesting approval of a proposed change in



- 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



1 applicant for a mortgage loan originator company
2 license or license renewal,
3 as provided by chapter 454F;

4 (32) The state public charter school commission or public
5 charter schools on employees, teacher trainees,
6 prospective employees, and prospective teacher
7 trainees in any public charter school for any position
8 that places them in close proximity to children, as
9 provided in section 302D-33;

10 (33) The counties on prospective employees who work with
11 children, vulnerable adults, or senior citizens in
12 community-based programs;

13 (34) The counties on prospective employees for fire
14 department positions that involve contact with
15 children or vulnerable adults;

16 (35) The counties on prospective employees for emergency
17 medical services positions that involve contact with
18 children or vulnerable adults;

19 (36) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing



- 1 homeland security measures including viewing,
2 handling, and engaging in law enforcement or
3 classified meetings and assisting vulnerable citizens
4 during emergencies or crises;
- 5 (37) The State and counties on employees, prospective
6 employees, volunteers, and contractors whose position
7 responsibilities require unescorted access to secured
8 areas and equipment related to a traffic management
9 center;
- 10 (38) The State and counties on employees and prospective
11 employees whose positions involve the handling or use
12 of firearms for other than law enforcement purposes;
- 13 (39) The State and counties on current and prospective
14 systems analysts and others involved in an agency's
15 information technology operation whose position
16 responsibilities provide them with access to
17 proprietary, confidential, or sensitive information;
- 18 (40) The department of commerce and consumer affairs on:
19 (A) Applicants for real estate appraiser licensure or
20 certification as provided by chapter 466K;



- 1 (B) Each person who owns more than ten per cent of an
2 appraisal management company who is applying for
3 registration as an appraisal management company,
4 as provided by section 466L-7; and
- 5 (C) Each of the controlling persons of an applicant
6 for registration as an appraisal management
7 company, as provided by section 466L-7;
- 8 (41) The department of health or its designee on all
9 license applicants, licensees, employees, contractors,
10 and prospective employees of medical cannabis
11 dispensaries, and individuals permitted to enter and
12 remain in medical cannabis dispensary facilities as
13 provided under sections 329D-15(a)(4) and
14 329D-16(a)(3);
- 15 (42) The department of commerce and consumer affairs on
16 applicants for nurse licensure or license renewal,
17 reactivation, or restoration as provided by sections
18 457-7, 457-8, 457-8.5, and 457-9;
- 19 (43) The county police departments on applicants for
20 permits to acquire firearms pursuant to section 134-2
21 [~~and~~], on individuals registering their firearms



1 pursuant to section 134-3[+], and on applicants for
2 new or renewed licenses to carry a pistol or revolver
3 and ammunition pursuant to section 134-9;

4 (44) The department of commerce and consumer affairs on:

5 (A) Each of the controlling persons of the applicant
6 for licensure as an escrow depository, and each
7 of the officers, directors, and principals who
8 will be in charge of the escrow depository's
9 activities upon licensure; and

10 (B) Each of the controlling persons of an applicant
11 for proposed change in control of an escrow
12 depository licensee, and each of the officers,
13 directors, and principals who will be in charge
14 of the licensee's activities upon approval of the
15 application,

16 as provided by chapter 449;

17 (45) The department of taxation on current or prospective
18 employees or contractors who have access to federal
19 tax information in order to comply with requirements
20 of federal law, regulation, or procedure, as provided
21 by section 231-1.6;



- 1 (46) The department of labor and industrial relations on
2 current or prospective employees or contractors who
3 have access to federal tax information in order to
4 comply with requirements of federal law, regulation,
5 or procedure, as provided by section 383-110;
- 6 (47) The department of human services on current or
7 prospective employees or contractors who have access
8 to federal tax information in order to comply with
9 requirements of federal law, regulation, or procedure,
10 as provided by section 346-2.5;
- 11 (48) The child support enforcement agency on current or
12 prospective employees, or contractors who have access
13 to federal tax information in order to comply with
14 federal law, regulation, or procedure, as provided by
15 section 576D-11.5;
- 16 (49) The department of the attorney general on current or
17 prospective employees or employees or agents of
18 contractors who have access to federal tax information
19 to comply with requirements of federal law,
20 regulation, or procedure, as provided by section 28-
21 17;



1 [+] (50) [+] The department of commerce and consumer affairs on
2 each control person, executive officer, director,
3 general partner, and managing member of an installment
4 loan licensee, or an applicant for an installment loan
5 license, as provided in chapter 480J;

6 [+] (51) [+] The University of Hawaii on current and prospective
7 employees and contractors whose duties include
8 ensuring the security of campus facilities and
9 persons; and

10 [+] (52) [+] Any other organization, entity, or the State, its
11 branches, political subdivisions, or agencies as may
12 be authorized by state law."

13 SECTION 14. Act 30, Session Laws of Hawaii 2022, is
14 amended by amending section 5 to read as follows:

15 "SECTION 5. This Act shall take effect upon its approval[+
16 ~~provided that on June 30, 2025, section 2 of this Act shall be~~
17 ~~repealed and section 134-3, Hawaii Revised Statutes, shall be~~
18 ~~reenacted in the form in which it read on the day before the~~
19 ~~effective date of this Act]."~~

20 SECTION 15. Every provision in this Act and every
21 application of each provision in this Act is severable from each



1 other. If any application of any provision in this Act to any
2 person or group of persons or circumstances is determined by any
3 court to be invalid, the remainder of this Act and the
4 application of the Act's provisions to all other persons and
5 circumstances shall not be affected. All constitutionally valid
6 applications of this Act shall be severed from any applications
7 that a court determines to be invalid or unenforceable, leaving
8 the valid applications in force, because it is the legislature's
9 intent that all valid applications shall remain in force.

10 SECTION 16. This Act shall be construed to be enforceable
11 up to but no further than the maximum possible extent consistent
12 with federal law and constitutional requirements.

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

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

19 SECTION 19. This Act shall take effect on June 30, 3000;
20 provided that the amendments made to section 846-2.7(b), Hawaii
21 Revised Statutes, by section 13 of this Act shall not be



1 repealed when section 28 of Act 278, Session Laws of Hawaii
2 2022, takes effect on January 1, 2024.
3



Report Title:

Firearms; Permits; Licenses; Enforcement

Description:

Prohibits firearms in certain locations and premises and provides for enhanced sentencing. Requires possession and disclosure of a license to carry. Prohibits leaving an unsecured firearm in a vehicle unattended. Prohibits consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm. Prohibits carrying or possessing firearms on certain private property open to the public without express authorization. Requires annual reports from the department of the attorney general on carry licenses. Amends the requirements for, and revocation of, firearms permits and licenses. Amends the disqualification of persons from owning, possessing, or controlling a firearm. Expands the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses. Effective 6/30/3000. (HD1)

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

