

STAND. COM. REP. NO.

1760

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 426
H.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 426, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish standards of conduct for firearm industry members;
- (2) Authorize any person who has suffered harm because of a firearm industry member's violation of the standards of conduct to bring a civil action; and
- (3) Authorize the Attorney General or any county attorney or public prosecutor to bring a civil action against a firearm industry member for violation of standards of conduct.

Your Committee received testimony in support of this measure from Everytown for Gun Safety, Moms Demand Action for Gun Sense in America, Students Demand Action for Gun Sense in America, Indivisible Hawaii, Brady Hawaii, Stonewall Caucus of the Democratic Party of Hawai'i, and forty-seven individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of Hawaii, Hawaii Firearms



Coalition, and one hundred twelve individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that having operated with special protections for years, the gun industry has had no financial incentive to curb irresponsible conduct. Ensuring that valid civil claims can be brought against the gun industry for dangerous, negligent, and unlawful actions will not only provide civil justice to victims and survivors but also encourage the gun industry to act responsibly to help stem the tide of gun crimes that harm the people of Hawai'i and the nation, particularly in urban areas where communities of color are disproportionately harmed. This measure will ensure that members of the gun industry are no longer shielded from accountability and may lead to safer products and better conduct from the gun industry to ensure justice and safety for the public.

Your Committee notes that in 2005, Congress enacted a shield law for the firearms industry in response to litigation brought against firearms manufacturers and dealers by municipalities and victims of shooting incidents. For more than eighteen years, the the Protection of Lawful Commerce in Arms Act (P.L. 109-92, codified at 15 U.S.C. § 7901 et seq.) has provided, with limited exceptions, broad legal immunity to the firearms industry by generally shielding federally licensed manufacturers, dealers, and sellers of firearms or ammunition and trade associations from any civil action "resulting from the criminal or unlawful misuse" of a firearm or ammunition.

Your Committee further notes that this measure sets, at the state level, standards of conduct for the firearms industry, including requiring the establishment, implementation, and enforcement of reasonable controls to prevent, among other actions, the sale or distribution of firearms, ammunition, and accessories to straw purchasers, firearms traffickers, persons prohibited from possessing a firearm, and persons who the firearm industry member has reasonable cause to believe is at substantial risk of using the firearm or related products unlawfully or to harm themselves or another. This measure additionally authorizes civil lawsuits by persons who have suffered harm in the State because of acts or omissions of members of the firearms industry that violate these standards of conduct, and will also allow the



Attorney General and any county attorney or public prosecutor to bring civil actions.

Your committee also notes that other states have recently enacted laws with similar approaches, including New York, Delaware, New Jersey, and California.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 426, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 426 HDI	Committee Referral: PSM, JDC	Date: 3/30/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)			✓	
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	3	—	2	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**