

JAN 20 2023

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 134-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§134-9 Licenses to carry.** (a) [~~In an exceptional case,~~
4 ~~when an applicant shows reason to fear injury to the applicant's~~
5 ~~person or property, the]~~ The chief of police of the appropriate
6 county may grant a license to carry a pistol or revolver and
7 ammunition therefor concealed on the person within the county
8 where the license is granted to an applicant who [is]:

9 (1) Is a citizen of the United States [of the age of
10 twenty-one years or more], lawful permanent resident
11 alien of the United States, United States national, or
12 [to a] duly accredited official representative of a
13 foreign nation [of the age of];

14 (2) Is twenty-one years of age or more [to carry a pistol
15 or revolver and ammunition therefor concealed on the
16 person within the county where the license is
17 granted.]; and



1 (3) Meets the requirements under subsection (c).

2 (b) Where the urgency or the need has been sufficiently
3 indicated, the respective chief of police may grant a license to
4 carry a pistol or revolver and ammunition therefor unconcealed
5 on the person within the county where the license is granted to
6 an applicant who:

7 (1) Is of good moral character [~~who is~~];

8 (2) Is a citizen of the United States [~~of the age of~~],
9 lawful permanent resident alien of the United States,
10 or United States national;

11 (3) Is twenty-one years of age or more [~~is~~];

12 (4) Is engaged in the protection of life and property [~~is~~
13 and is not prohibited under section 134-7 from the
14 ownership or possession of a firearm, a license to
15 carry a pistol or revolver and ammunition therefor
16 unconcealed on the person within the county where the
17 license is granted.]; and

18 (5) Meets the requirements under subsection (c).

19 (c) The chief of police of each county shall adopt
20 procedures to require that any person granted a license under
21 this section shall:



- 1 (1) Be qualified to use the firearm in a safe manner;
- 2 (2) Be a suitable person to be so licensed;
- 3 (3) Not be prohibited under section 134-7 or any other law
4 from the ownership or possession of a firearm; and
- 5 (4) Not have been adjudged insane or not appear to be
6 mentally deranged.

7 (d) The chief of police of the appropriate county, or the
8 chief's designated representative, shall perform an inquiry on
9 an applicant for a license under this section by using the
10 National Instant Criminal Background Check System, to include a
11 check of the Immigration and Customs Enforcement databases where
12 the applicant is not a citizen of the United States, before any
13 determination to grant a license is made.

14 (e) A fee of \$10 shall be charged for each license granted
15 under this section. All fees collected pursuant to this section
16 shall be deposited in the treasury of the county in which the
17 license is granted.

18 (f) Unless renewed, [the] every license granted pursuant
19 to this section shall expire one year from the date of issue.



1 ~~[(b) The chief of police of each county shall adopt~~
2 ~~procedures to require that any person granted a license to carry~~
3 ~~a concealed weapon on the person shall:~~

- 4 ~~(1) Be qualified to use the firearm in a safe manner;~~
- 5 ~~(2) Appear to be a suitable person to be so licensed;~~
- 6 ~~(3) Not be prohibited under section 134-7 from the~~
7 ~~ownership or possession of a firearm; and~~
- 8 ~~(4) Not have been adjudged insane or not appear to be~~
9 ~~mentally deranged.~~

10 ~~(e)]~~ (g) No person shall carry concealed or unconcealed on
11 the person a pistol or revolver without being licensed to do so
12 under this section or in compliance with sections 134-5(c) or
13 134-25.

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

17 (h) Except as otherwise provided by federal or state law,
18 no person who has a valid license pursuant to this section shall
19 knowingly, intentionally, or recklessly carry upon their person
20 a pistol or revolver outside of the person's residence without
21 having a valid license in the person's immediate possession, or



1 fail to display the same upon the demand of a law enforcement
2 officer; provided that this subsection shall not apply to
3 qualified law enforcement officers and qualified retired law
4 enforcement officers pursuant to title 18 United States Code
5 sections 926B and 926C and this chapter who have documentation
6 regarding their qualifications in their immediate possession and
7 persons exempted under section 134-11. Any person violating
8 this subsection shall be guilty of a misdemeanor. A law
9 enforcement officer may arrest an alleged violator of this
10 subsection or issue a citation in lieu of arrest, as provided in
11 section 803-6. In any prosecution under this subsection, it
12 shall be an affirmative defense that the person was exempt from
13 the prohibition. The failure of a person to:

- 14 (1) Have a valid license in the person's immediate
15 possession while carrying on their person a firearm
16 outside the person's residence shall be prima facie
17 evidence that the person knows the person is carrying
18 a firearm in public without possession of the person's
19 license; or
- 20 (2) Display the person's license upon the demand of a law
21 enforcement officer while carrying on their person a



S.B. NO. 416

Report Title:

Firearms; License to Carry

Description:

Amends the requirements for licenses to carry firearms concealed or unconcealed. Requires possession and display of a valid license when publicly carrying firearms.

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