

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 1230  
S.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 Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 1230 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 the criminal offense of carrying a firearm in a sensitive location;
- (2) Require the Attorney General to publish an annual report on licenses to carry firearms;
- (3) Prohibit issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm;
- (4) Require issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public;



- (5) Set minimum requirements for an applicant for a license to carry a concealed firearm;
- (6) Increase requirements for applicants seeking a license to carry a concealed firearm; and
- (7) Require firearms to be kept in a locked container and out of plain view when in an unattended vehicle.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Transportation; Department of Transportation Services of the City and County of Honolulu; one member of the Hawai'i County Council; Brady Campaign to Prevent Gun Violence; Church of the Crossroads United Church of Christ; Students Demand Action; Hawai'i Children's Action Network Speaks!; Hawai'i State Coalition Against Domestic Violence; Moms Demand Action for Gun Sense in America, Hawaii Chapter; Everytown for Gun Safety; Hawaii Coalition to Prevent Gun Violence; Giffords Law Center to Prevent Gun Violence; Retail Merchants of Hawaii; Hawaii Credit Union League; Institute for Human Services, Inc.; Indivisibles of Hawaii; Healthcare Association of Hawaii; Hawaii Bankers Association; and over one hundred twenty-five individuals. Your Committee received testimony in opposition to this measure from The National Rifle Association of America, Hawaii Firearms Coalition, Firearm Training Certification School, Pu'uloa Rifle and Pistol Club, and over one hundred thirty individuals. Your Committee received comments on this measure from the Department of Law Enforcement, Honolulu Police Department, Hawaii Primary Care Association, Ho'opono Na Mea Ola, and two individuals.

Your Committee finds that there are compelling interests in protecting public health, safety, and welfare from the serious hazards associated with firearms and gun violence. Despite this, there will be a significant increase in the presence of firearms in public, with more individuals carrying concealed weapons in Hawaii than ever before in the State's history due to *New York State Rifle and Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), where the United State Supreme Court held that licenses to carry a firearm shall be granted unless there is an objective statutory basis requiring denial. However, states still retain the authority to enact a variety of gun regulations, such as prohibiting the carrying of firearms in sensitive locations and



adopting laws to ensure that those who carry firearms are law-abiding, responsible citizens. Your Committee believes that the State's firearms laws should be updated to address the serious hazards to public safety posed by firearms and gun violence. This measure will mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence while respecting and protecting the lawful exercise of individual rights by clarifying, revising, and reframing Hawaii's firearms laws.

Your Committee has amended this measure by:

- (1) Adding legislative findings;
- (2) Establishing the offense of carrying a firearm on the private property of another person without authorization;
- (3) Prohibiting a person granted a license to carry a concealed firearm in accordance with title 18 United States Code section 926B or 926C from carrying a firearm in a sensitive location or on the private property of another person without authorization;
- (4) Clarifying that the private property of another person without express authorization to carry firearms on the property is not a sensitive location;
- (5) Clarifying that "guard" has the same meaning as in section 463-1, Hawaii Revised Statutes;
- (6) Clarifying that the exceptions to the prohibition against carrying a firearm in a sensitive location or on the private property of another person without authorization shall constitute defenses on which a defendant bears an initial burden of production;
- (7) Clarifying that a person guilty of carrying a firearm in a sensitive location or on the private property of another person without authorization shall be subject to revocation of their license to carry a firearm under section 134-13, Hawaii Revised Statutes, not just their license to carry a concealed firearm;



- (8) Defining "private property of another person without authorization";
- (9) Including the following under the definition of "sensitive location":
  - (A) Grounds and parking areas adjacent to certain sensitive locations;
  - (B) Buildings, classrooms, laboratories, artistic venues, or athletic fields or venues at public or private colleges or universities;
  - (C) Carnivals and aquariums;
  - (D) Any portion of a building or office owned, leased, or used by the State or a county for legislative business; contested case hearings, agency rulemaking, or other government activities;
  - (E) Public assemblies, demonstrations, marches, rallies, vigils, protests, and picketing events;
  - (F) Paratransit vans;
  - (G) Bus shelters;
  - (H) Any place at which a professional, collegiate, high school, amateur, or student sporting event is being held; and
  - (I) Health care clinics;
- (10) Excluding authorized target ranges and shooting complexes from the definition of "sensitive locations";
- (11) Deleting omnibuses from the definition of "sensitive locations";
- (12) Inserting language to require a person carrying a firearm in public to maintain insurance coverage;



- (13) Inserting language to require that when a person carrying a firearm is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement officer, the person shall immediately disclose to the law enforcement officer that the person is carrying a firearm and, upon request, identify the specific location of the firearm and present to the law enforcement officer a license or credentials to carry a firearm;
- (14) Inserting definitions for "concealed" and "unconcealed" when used in relation to firearms;
- (15) Amending the definition of "crime of violence" to include endangering the welfare of a minor in the second degree, terroristic threatening in the second degree; reckless endangering in the second degree, criminal solicitation of a crime of violence, conspiracy to commit a crime of violence, and comparable offenses under federal law, the law of another state, a United States territory, or the District of Columbia;
- (16) Requiring the chief of police of the respective counties to issue permits to acquire or carry firearms to nationals or lawful permanent residents of the United States;
- (17) Requiring a permit to acquire a firearm be impounded and surrendered to the issuing authority if the permittee is arrested for committing a crime relating to the distribution of any drug;
- (18) Deleting language that would have required authorities issuing a permit to acquire the ownership of a firearm to consider whether the applicant has been subject to any recent arrests or criminal charges for disqualifying crimes and instead requiring issuing authorities to consider whether the applicant has been subject to any recent arrests or criminal charges generally;
- (19) Providing that the appeal process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm



shall be administered by the appropriate county police department;

- (20) Prohibiting a person who is a fugitive from justice or otherwise prohibited from possessing a firearm under title 18 United States Code section 922 or any other provision of federal law from owning, possessing, or controlling a firearm or ammunition;
- (21) Prohibiting a person who has one or more pending charges for a felony, crime of violence, or an illegal sale or distribution of any drug from owning, possessing, or controlling a firearm or ammunition;
- (22) Clarifying that a person acquitted of a crime on the grounds of mental disease, disorder, or defect under section 704-411, Hawaii Revised Statutes, or any similar provision under federal law, the law of another state, a United States territory, or the District of Columbia is prohibited from owning, possessing, or controlling a firearm or ammunition;
- (23) Inserting language prohibiting a person treated for a medical, behavioral, psychological, emotional, or mental condition or disorder that is likely to cause impairment in judgment, perception, or impulse control to an extent that presents an unreasonable risk to public health if the person were in possession or control of a firearm or ammunition from owning, possessing, or controlling a firearm or ammunition;
- (24) Inserting language prohibiting a person who is an incapacitated person, as defined by section 560:5-102, Hawaii Revised Statutes, or has been adjudged to meet the criteria for involuntary hospitalization under section 334-60.2, Hawaii Revised Statutes, from owning, possessing, or controlling a firearm or ammunition;
- (25) Prohibiting a person from owning, possessing, or controlling a firearm or ammunition if the person has committed a crime of violence or a crime for the distribution of any drug;



- (26) Inserting language allowing a person who was prohibited from owning, possessing, or controlling a firearm or ammunition for having been convicted of a felony, crime of violence, or illegal sale or distribution of any drug to own, possess, or control a firearm or ammunition if twenty years have elapsed from the date of the conviction;
- (27) Replacing the terms "weapon" or "handgun" with "pistol or revolver" or "firearm" as necessary;
- (28) Prohibiting an authority from issuing a license to carry a pistol or revolver if the applicant has one or more pending charges or a conviction in the previous ten years for an illegal sale or distribution of any drug;
- (29) Allowing authorities issuing licenses to carry a pistol or revolver to consider whether the applicant is a person likely to use a firearm to threaten others;
- (30) Requiring applications for a license to carry a concealed firearm to contain text of the duty under state law to maintain possession of a license while carrying a firearm and the duty to disclose the possession of a firearm to a law enforcement officer;
- (31) Requiring that a person who intentionally, knowingly, or recklessly fails to keep a pistol or revolver in a locked container and out of plain view while leaving the pistol or revolver in an unattended vehicle be subject to certain penalties;
- (32) Defining when a vehicle is unattended for the purposes of determining where persons are required to keep a pistol or revolver;
- (33) Inserting language that allows county police departments to conduct criminal history record checks for licenses to carry a pistol or revolver and ammunition pursuant to section 134-9, Hawaii Revised Statutes;
- (34) Inserting an effective date of January 1, 2050, to encourage further discussion; and



- (35) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1230, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1230, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety and Intergovernmental and Military Affairs,

  
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GLENN WAKAI, Chair





