
A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS.

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

1 SECTION 1. Section 134-83, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~{}~~\$134-83~~{}~~ License to sell, offer to sell, distribute,
4 or otherwise transfer electric guns or cartridges; fee. (a)

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

13 (b) If the applicant is an individual, the application and
14 supporting documentation shall establish at least the following:

15 (1) The legal name, date of birth, and ~~the~~ last four
16 digits of the social security number of the
17 individual;



- 1 (2) The street address, telephone number, fax number, and
- 2 electronic mail address of the individual;
- 3 (3) The name and location of the principal place of
- 4 business of the individual and, if applicable, each
- 5 additional designated place of business from which the
- 6 individual desires to sell, offer to sell, distribute,
- 7 or otherwise transfer electric guns or cartridges;
- 8 (4) The individual's Hawaii tax identification number;
- 9 (5) That the individual has had no convictions for any
- 10 felony offense;
- 11 (6) Within the last three years, that the individual has
- 12 completed an electric gun safety or training course
- 13 offered or approved by the county that focuses on:
- 14 (A) The safe use and handling of electric guns;
- 15 (B) Current information about the effects, dangers,
- 16 risks, and limitations of electric guns; and
- 17 (C) Education on the existing state laws on electric
- 18 guns; and
- 19 (7) Any other information the county may require.



1 (c) If the applicant is not an individual, the application
2 and supporting documentation shall establish at least the
3 following:

4 (1) The name of the applying entity and any other name
5 under which the applying entity does business, if
6 applicable;

7 (2) The legal name of the responsible person and any other
8 names used by the responsible person, if applicable;

9 ~~[(2)]~~ (3) The street address, telephone number, fax number,
10 and electronic mail address of the applying entity;

11 ~~[(3)]~~ (4) The ~~[legal name,]~~ date of birth~~[,]~~ and ~~[the]~~ last
12 four digits of the social security number of ~~[each of~~
13 ~~the principal owners or members of the applying~~
14 ~~entity,]~~ the responsible person;

15 ~~[(4)]~~ (5) The street address, telephone number, fax number,
16 and electronic mail address of ~~[each of the principal~~
17 ~~owners or members of the applying entity,]~~ the
18 responsible person;

19 ~~[(5)]~~ (6) The name and location of the principal place of
20 business of the applying entity and, if applicable,
21 each additional designated place of business from



1 which the applying entity desires to sell, offer to
2 sell, distribute, or otherwise transfer electric guns
3 or cartridges;

4 ~~[(6)]~~ (7) That the applying entity is registered to do
5 business in the State;

6 ~~[(7)]~~ (8) That the ~~[applying entity is composed of~~
7 ~~principal owners or members who have]~~ responsible
8 person has had no convictions for any felony offense;

9 ~~[(8)]~~ (9) The applying entity's Hawaii tax identification
10 number;

11 ~~[(9)]~~ (10) The applying entity's federal employer
12 identification number;

13 ~~[(10)]~~ (11) Within the last three years, ~~[that at least one~~
14 ~~principal owner or member of the applying entity]~~ the
15 responsible person has completed an electric gun
16 safety or training course, as described in subsection
17 (b) (6); and

18 ~~[(11)]~~ (12) Any other information the county may require.

19 (d) The applicant shall certify that the applicant will
20 comply at all times with, and is responsible for compliance by
21 its employees with, all provisions of law relative to the



1 acquisition, possession, storage, sale, offer for sale,
2 distribution, and transfer of electric guns and cartridges.

3 (e) Every applicant or, in the case of an applying entity,
4 every responsible person shall be fingerprinted and photographed
5 by the police department of the county of application; provided
6 that this requirement shall be waived where fingerprints and
7 photographs are already on file with the police department for a
8 prior application under this section. The police department may
9 perform a fingerprint-based criminal history record check
10 pursuant to section 846-2.7, before any determination to issue a
11 license is made. The applicant, responsible person, or applying
12 entity shall be responsible for all applicable fees. No license
13 shall issue if the applicant or responsible person has any
14 conviction for any felony offense.

15 [~~e~~] (f) Upon receipt of the completed application form
16 and the annual licensing fee of \$50 payable to the county, the
17 county shall review the application and may issue a license to
18 the applicant if it determines that the applicant meets all the
19 requirements of this section. If requested by the licensee, the
20 county shall also provide certified copies of the license to the
21 licensee.



1 ~~(f)~~ (g) A license issued pursuant to this section shall
2 expire on June 30 next following the date of issuance of the
3 license unless sooner terminated. Application for renewal of
4 license shall be filed on or before July 1 of each year.

5 (h) For the purposes of this section:

6 "Applying entity" means a business or organization, whether
7 public, private, operated for profit, operated not for profit,
8 or voluntary, that applies for a license to sell, offer to sell,
9 distribute, or otherwise transfer electric guns or cartridges to
10 a person in the State.

11 "Responsible person" means a partner of an applying entity,
12 or anyone having the power to direct the management, policies,
13 and practices of an applying entity as it pertains to electric
14 guns. In a corporation, "responsible person" includes corporate
15 officers, shareholders, board members, or any other employees
16 with the legal authority described above."

17 SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

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

20 (1) The department of health or its designee on operators
21 of adult foster homes for individuals with



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



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



1 provided by section 346-154, and persons subject to
2 section 346-152.5;

3 (11) The department of human services on persons exempt
4 pursuant to section 346-152 to be eligible to provide
5 child care and receive child care subsidies as
6 provided by section 346-152.5;

7 (12) The department of health on operators and employees of
8 home and community-based case management agencies and
9 operators and other adults, except for adults in care,
10 residing in community care foster family homes as
11 provided by section 321-15.2;

12 (13) The department of human services on staff members of
13 the Hawaii youth correctional facility as provided by
14 section 352-5.5;

15 (14) The department of human services on employees,
16 prospective employees, and volunteers of contracted
17 providers and subcontractors in positions that place
18 them in close proximity to youth when providing
19 services on behalf of the office or the Hawaii youth
20 correctional facility as provided by section 352D-4.3;



- 1 (15) The judiciary on employees and applicants at detention
2 and shelter facilities as provided by section 571-34;
- 3 (16) The department of public safety on employees and
4 prospective employees who are directly involved with
5 the treatment and care of persons committed to a
6 correctional facility or who possess police powers
7 including the power of arrest as provided by section
8 353C-5;
- 9 (17) The board of private detectives and guards on
10 applicants for private detective or private guard
11 licensure as provided by section 463-9;
- 12 (18) Private schools and designated organizations on
13 employees and prospective employees who may be in
14 positions that necessitate close proximity to
15 children; provided that private schools and designated
16 organizations receive only indications of the states
17 from which the national criminal history record
18 information was provided pursuant to section 302C-1;
- 19 (19) The public library system on employees and prospective
20 employees whose positions place them in close



- 1 proximity to children as provided by section
 2 302A-601.5;
- 3 (20) The State or any of its branches, political
 4 subdivisions, or agencies on applicants and employees
 5 holding a position that has the same type of contact
 6 with children, vulnerable adults, or persons committed
 7 to a correctional facility as other public employees
 8 who hold positions that are authorized by law to
 9 require criminal history record checks as a condition
 10 of employment as provided by section 78-2.7;
- 11 (21) The department of health on licensed adult day care
 12 center operators, employees, new employees,
 13 subcontracted service providers and their employees,
 14 and adult volunteers as provided by section 321-15.2;
- 15 (22) The department of human services on purchase of
 16 service contracted and subcontracted service providers
 17 and their employees serving clients of the adult
 18 protective and community services branch, as provided
 19 by section 346-97;
- 20 (23) The department of human services on foster grandparent
 21 program, senior companion program, and respite



- 1 companion program participants as provided by section
2 346-97;
- 3 (24) The department of human services on contracted and
4 subcontracted service providers and their current and
5 prospective employees that provide home and community-
6 based services under section 1915(c) of the Social
7 Security Act, title 42 United States Code section
8 1396n(c), or under any other applicable section or
9 sections of the Social Security Act for the purposes
10 of providing home and community-based services, as
11 provided by section 346-97;
- 12 (25) The department of commerce and consumer affairs on
13 proposed directors and executive officers of a bank,
14 savings bank, savings and loan association, trust
15 company, and depository financial services loan
16 company as provided by section 412:3-201;
- 17 (26) The department of commerce and consumer affairs on
18 proposed directors and executive officers of a
19 nondepository financial services loan company as
20 provided by section 412:3-301;



- 1 (27) The department of commerce and consumer affairs on the
2 original chartering applicants and proposed executive
3 officers of a credit union as provided by section
4 412:10-103;
- 5 (28) The department of commerce and consumer affairs on:
6 (A) Each principal of every non-corporate applicant
7 for a money transmitter license;
8 (B) Each person who upon approval of an application
9 by a corporate applicant for a money transmitter
10 license will be a principal of the licensee; and
11 (C) Each person who upon approval of an application
12 requesting approval of a proposed change in
13 control of licensee will be a principal of the
14 licensee,
15 as provided by sections 489D-9 and 489D-15;
- 16 (29) The department of commerce and consumer affairs on
17 applicants for licensure and persons licensed under
18 title 24;
- 19 (30) The Hawaii health systems corporation on:
20 (A) Employees;
21 (B) Applicants seeking employment;



- 1 (C) Current or prospective members of the corporation
2 board or regional system board; or
- 3 (D) Current or prospective volunteers, providers, or
4 contractors,
5 in any of the corporation's health facilities as
6 provided by section 323F-5.5;
- 7 (31) The department of commerce and consumer affairs on:
8 (A) An applicant for a mortgage loan originator
9 license, or license renewal; and
10 (B) Each control person, executive officer, director,
11 general partner, and managing member of an
12 applicant for a mortgage loan originator company
13 license or license renewal,
14 as provided by chapter 454F;
- 15 (32) The state public charter school commission or public
16 charter schools on employees, teacher trainees,
17 prospective employees, and prospective teacher
18 trainees in any public charter school for any position
19 that places them in close proximity to children, as
20 provided in section 302D-33;



- 1 (33) The counties on prospective employees who work with
2 children, vulnerable adults, or senior citizens in
3 community-based programs;
- 4 (34) The counties on prospective employees for fire
5 department positions that involve contact with
6 children or vulnerable adults;
- 7 (35) The counties on prospective employees for emergency
8 medical services positions that involve contact with
9 children or vulnerable adults;
- 10 (36) The counties on prospective employees for emergency
11 management positions and community volunteers whose
12 responsibilities involve planning and executing
13 homeland security measures including viewing,
14 handling, and engaging in law enforcement or
15 classified meetings and assisting vulnerable citizens
16 during emergencies or crises;
- 17 (37) The State and counties on employees, prospective
18 employees, volunteers, and contractors whose position
19 responsibilities require unescorted access to secured
20 areas and equipment related to a traffic management
21 center;



- 1 (38) The State and counties on employees and prospective
2 employees whose positions involve the handling or use
3 of firearms for other than law enforcement purposes;
- 4 (39) The State and counties on current and prospective
5 systems analysts and others involved in an agency's
6 information technology operation whose position
7 responsibilities provide them with access to
8 proprietary, confidential, or sensitive information;
- 9 (40) The department of commerce and consumer affairs on:
- 10 (A) Applicants for real estate appraiser licensure or
11 certification as provided by chapter 466K;
- 12 (B) Each person who owns more than ten per cent of an
13 appraisal management company who is applying for
14 registration as an appraisal management company,
15 as provided by section 466L-7; and
- 16 (C) Each of the controlling persons of an applicant
17 for registration as an appraisal management
18 company, as provided by section 466L-7;
- 19 (41) The department of health or its designee on all
20 license applicants, licensees, employees, contractors,
21 and prospective employees of medical cannabis



1 dispensaries, and individuals permitted to enter and
2 remain in medical cannabis dispensary facilities as
3 provided under sections 329D-15(a)(4) and
4 329D-16(a)(3);

5 (42) The department of commerce and consumer affairs on
6 applicants for nurse licensure or license renewal,
7 reactivation, or restoration as provided by sections
8 457-7, 457-8, 457-8.5, and 457-9;

9 (43) The county police departments on applicants for
10 permits to acquire firearms pursuant to section 134-2
11 ~~[and]~~, on individuals registering their firearms
12 pursuant to section 134-3~~[+]~~, and on applicants and
13 responsible persons, as defined in section 134-83(h),
14 for licenses to sell, offer to sell, distribute, or
15 otherwise transfer electric guns or cartridges
16 pursuant to section 134-83;

17 (44) The department of commerce and consumer affairs on:
18 (A) Each of the controlling persons of the applicant
19 for licensure as an escrow depository, and each
20 of the officers, directors, and principals who



1 will be in charge of the escrow depository's
2 activities upon licensure; and

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

9 as provided by chapter 449;

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

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

20 (47) The department of human services on current or
21 prospective employees or contractors who have access



- 1 to federal tax information in order to comply with
2 requirements of federal law, regulation, or procedure,
3 as provided by section 346-2.5;
- 4 (48) The child support enforcement agency on current or
5 prospective employees, or contractors who have access
6 to federal tax information in order to comply with
7 federal law, regulation, or procedure, as provided by
8 section 576D-11.5;
- 9 (49) The department of the attorney general on current or
10 prospective employees or employees or agents of
11 contractors who have access to federal tax information
12 to comply with requirements of federal law,
13 regulation, or procedure, as provided by section 28-
14 17;
- 15 [+](50)[+] The department of commerce and consumer affairs on
16 each control person, executive office, director,
17 general partner, and managing member of an installment
18 loan licensee, or an application for an installment
19 loan license, as provided in chapter 480J;
- 20 [+](51)[+] The University of Hawaii on current and prospective
21 employees and contractors whose duties include



1 ensuring the security of campus facilities and
2 persons; and
3 [+] (52) [+] Any other organization, entity, or the State, its
4 branches, political subdivisions, or agencies as may
5 be authorized by state law."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval;
9 provided that the amendments made to section 846-2.7, Hawaii
10 Revised Statutes, by section 2 of this Act shall not be repealed
11 when section 28 of Act 278, Session Laws of Hawaii 2022, takes
12 effect on January 1, 2024.

13



Report Title:

Electric Guns; Sellers; Distributors; Licensing; Criminal
History Record Check

Description:

Authorizes a fingerprint-based criminal history record check by
the county police departments of applicants for licenses to
sell, offer to sell, distribute, or otherwise transfer electric
guns or cartridges. (HD1)

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not legislation or evidence of legislative intent.*

