
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 the State has some
2 of the strongest gun safety laws in the nation and had the third
3 lowest number of gun deaths per capita in the nation as of 2021.
4 Despite this, state laws restricting the sale, ownership, and
5 possession of ammunition do not currently align with the State's
6 gun safety laws. Existing law prohibits the ownership of
7 firearms by persons under the age of twenty-one, but state law
8 does not restrict the purchase, ownership, or possession of
9 ammunition by persons under the age of twenty-one. Numerous
10 states, including Arizona, California, Connecticut, Delaware,
11 Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts,
12 Minnesota, New Hampshire, New Jersey, New York, Rhode Island,
13 and Vermont, have set a minimum age requirement for ammunition
14 sales. Setting a minimum age requirement to purchase, own, or
15 possess ammunition that conforms to the existing minimum age
16 requirement to purchase, own, or possess a firearm in the State



1 will help to ensure the safety of residents and reduce incidents
2 of gun violence in the State.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Prohibit a person from selling ammunition to a person
- 5 under the age of twenty-one; and
- 6 (2) Prohibit a person under the age of twenty-one from
- 7 owning, possessing, or controlling ammunition, with
- 8 exceptions.

9 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§134- Sale of ammunition to a person under the age of
 13 twenty-one; prohibition; penalty. (a) No person shall
 14 intentionally, knowingly, or recklessly sell, offer to sell,
 15 distribute, or otherwise transfer ammunition for any firearm to
 16 any person who is under the age of twenty-one; provided that it
 17 shall not be a violation of this section to sell, offer to sell,
 18 distribute, or otherwise transfer ammunition to a person who:

- 19 (1) Meets the criteria to possess a firearm under section
- 20 134-5; and



1 (2) Is actively engaged in hunting or target shooting or
2 going to or from the place of hunting or target
3 shooting.

4 (b) Any person who sells, offers for sale, distributes, or
5 otherwise transfers ammunition for any firearm shall check the
6 government-issued photographic identification of the buyer or
7 recipient to establish the age of the buyer or recipient before
8 making the transfer.

9 (c) It shall be an affirmative defense to subsection (a)
10 that the seller, distributor, or transferor of the ammunition
11 had requested, examined, and reasonably relied upon a
12 government-issued photographic identification establishing the
13 age of the buyer or recipient as at least twenty-one years of
14 age before making the transfer of the ammunition.

15 (d) Any person violating subsection (a) shall be guilty of
16 a misdemeanor."

17 SECTION 3. Section 134-7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§134-7 Ownership, possession, or control prohibited,**
20 **when; penalty.** (a) No person who is a fugitive from justice or
21 prohibited from possessing a firearm or ammunition under title



1 18 United States Code section 922 or any other provision of
2 federal law shall own, possess, or control any firearm or
3 ammunition.

4 (b) No person who is being prosecuted for one or more
5 charges for a felony, a crime of violence, a criminal offense
6 relating to firearms, or an illegal sale or distribution of any
7 drug in a court in this State or elsewhere, or who has been
8 convicted in this State or elsewhere of having committed a
9 felony, a crime of violence, a criminal offense relating to
10 firearms, or an illegal sale or distribution of any drug shall
11 own, possess, or control any firearm or ammunition.

12 (c) No person shall own, possess, or control any firearm
13 or ammunition if the person:

14 (1) Is or has been under treatment or counseling for
15 addiction to, abuse of, or dependence upon any
16 dangerous, harmful, or detrimental drug, intoxicating
17 compound as defined in section 712-1240, or
18 intoxicating liquor;

19 (2) Has been acquitted of a crime on the grounds of mental
20 disease, disorder, or defect pursuant to section
21 704-411 or any similar provision under federal law, or



1 the law of another state, a United States territory,
2 or the District of Columbia;

3 (3) Is or has been diagnosed with or treated for a
4 medical, behavioral, psychological, emotional, or
5 mental condition or disorder that causes or is likely
6 to cause impairment in judgment, perception, or
7 impulse control to an extent that presents an
8 unreasonable risk to public health, safety, or welfare
9 if the person were in possession or control of a
10 firearm; or

11 (4) Has been adjudged to:

12 (A) Meet the criteria for involuntary hospitalization
13 under section 334-60.2; or

14 (B) Be an "incapacitated person", as defined in
15 section 560:5-102,

16 unless the person establishes, with appropriate medical
17 documentation, that the person is no longer adversely affected
18 by the criteria or statuses identified in this subsection.

19 (d) No person who is less than twenty-five years old and
20 has been adjudicated by the family court to have committed a
21 felony, a crime of violence, a criminal offense relating to



1 firearms, or an illegal sale or distribution of any drug shall
2 own, possess, or control any firearm or ammunition.

3 (e) No minor shall own, possess, or control any firearm or
4 ammunition if the minor:

5 (1) Is or has been under treatment for addiction to any
6 dangerous, harmful, or detrimental drug, intoxicating
7 compound as defined in section 712-1240, or
8 intoxicating liquor;

9 (2) Is a fugitive from justice; or

10 (3) Has been determined not to have been responsible for a
11 criminal act or has been committed to any institution
12 on account of a mental disease, disorder, or defect,
13 unless the minor establishes, with appropriate medical
14 documentation, that the minor is no longer adversely affected by
15 the addiction, mental disease, disorder, or defect.

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



1 (f) No person who has been restrained pursuant to an order
2 of any court, including a gun violence protective order issued
3 pursuant to part IV, from contacting, threatening, or physically
4 abusing any person, shall possess, control, or transfer
5 ownership of any firearm or ammunition, so long as the
6 protective order, restraining order, or any extension is in
7 effect. The protective order or restraining order shall
8 specifically include a statement that possession, control, or
9 transfer of ownership of a firearm or ammunition by the person
10 named in the order is prohibited. The person shall relinquish
11 possession and control of any firearm and ammunition owned by
12 that person to the police department of the appropriate county
13 for safekeeping for the duration of the order or extension
14 thereof. At the time of service of a protective order or
15 restraining order involving firearms and ammunition issued by
16 any court, a police officer may take custody of any and all
17 firearms and ammunition in plain sight, those discovered
18 pursuant to a consensual search, and those firearms surrendered
19 by the person restrained. If the person restrained is the
20 registered owner of a firearm and knows the location of the
21 firearm, but refuses to surrender the firearm or disclose the



1 location of the firearm, the person restrained shall be guilty
2 of a misdemeanor. In any case, when a police officer is unable
3 to locate the firearms and ammunition either registered under
4 this chapter or known to the person granted protection by the
5 court, the police officer shall apply to the court for a search
6 warrant pursuant to chapter 803 for the limited purpose of
7 seizing the firearm and ammunition.

8 (g) Except as provided in section 134-5, no person who is
9 under the age of twenty-one shall own, possess, or control any
10 ammunition for any firearm; provided that this subsection shall
11 not apply to a person in an exempt category identified in
12 section 134-11(a).

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

18 [~~h~~] (i) Any person who otherwise would be prohibited
19 under subsection (b) from owning, possessing, or controlling a
20 firearm and ammunition solely as a result of a conviction for a
21 crime that is not a felony, and who is not prohibited from



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

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

12 SECTION 4. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Firearms; Ammunition; Sale; Ownership; Possession; Control;
Persons Under Twenty-One; Prohibition; Penalty

Description:

Prohibits a person from selling ammunition to a person under the age of twenty-one. Prohibits a person under the age of twenty-one from owning, possessing, or controlling ammunition, with exceptions. (SD2)

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