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 in 2023 the 3 State received an A-minus rating from the Giffords Law Center to 4 Prevent Gun Violence. Additionally, according to the Centers 5 for Disease Control and Prevention, the State had the third 6 lowest number of gun deaths per capita in the nation in 2021. 7 The legislature is committed to protecting the safety and wellbeing of its citizens. However, the State's assault weapons ban 8 9 does not cover certain types of weapons. This Act will expand 10 the coverage of the ban to include .50 caliber rifles and 11 assault weapon attachments.

12 Accordingly, the purpose of this Act is to:

13 (1) Amend the prohibition on certain assault weapons to
14 include .50 caliber rifles and assault weapon
15 attachments;

16 (2) Modernize the prohibition on assault pistols to
17 include pistols with one or more prohibited features;



1	(3)	Prohibit firearms other than pistols with a detachable
2		magazine with over a twenty round capacity;
3	(4)	Prohibit persons from bringing or causing to be
4		brought into the State a .50 caliber rifle or assault
5		weapon attachment;
6	(5)	Prohibit the sale or transfer of a .50 caliber rifle
7		or assault weapon attachment in the State, unless the
8		50 caliber rifle or assault weapon attachment is sold
9		or transferred to an authorized individual; and
10	(6)	Create exceptions for the acquisition and possession
11		of prohibited firearms for members of law enforcement
12		and the military.
13	SECT	ION 2. Section 134-1, Hawaii Revised Statutes, is
14	amended as	s follows:
15	1.	By adding seven new definitions to be appropriately
16	inserted a	and to read:
17	" <u>"An</u>	tique firearm" shall have the same meaning as provided
18	in title	18 United States Code section 921(a)(16).
19	"Ass	ault rifle" means:
20	(1)	A semiautomatic centerfire rifle with an overall
21		length less than thirty inches;



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1	(2)	<u>A se</u>	miautomatic centerfire rifle that has a fixed
2		maga	zine with the capacity to accept more than ten
3		roun	ds, except for an attached tubular device designed
4		<u>to a</u>	ccept, and capable of operating only with, .22
5		<u>cali</u>	ber rimfire ammunition;
6	(3)	<u>A se</u>	miautomatic rifle that accepts a detachable
7		maga	zine or that may be readily modified to accept a
8		deta	chable magazine and has one or more of the
9		foll	owing characteristics:
10		<u>(A)</u>	A folding, telescoping, thumbhole, or detachable
11			stock, or a stock that is otherwise foldable or
12			adjustable in a manner that operates to reduce
13			the length, size, or any dimension, or otherwise
14			enhances the concealability of the weapon;
15		<u>(B)</u>	A pistol grip;
16		<u>(C)</u>	Any feature capable of functioning as a
17			protruding grip that can be held by the non-
18			trigger hand;
19		<u>(D)</u>	A flash suppressor;
20		<u>(E)</u>	A shroud that is attached to or partially or
21			completely encircles the barrel and permits the



shooter to hold the firearm with the second hand



1	<u>(i)</u>	<u>AR-10;</u>
2	(ii)	<u>AR-15;</u>
3	<u>(iii)</u>	Alexander Arms Overmatch Plus 16;
4	(iv)	Armalite M15 22LR Carbine;
5	<u>(v)</u>	Armalite M15-T;
6	(vi)	Barrett REC7;
7	(vii)	Beretta AR-70;
8	(viii)	Black Rain Ordnance Recon Scout;
9	<u>(ix)</u>	Bushmaster ACR;
10	<u>(x)</u>	Bushmaster Carbon 15;
11	<u>(xi)</u>	Bushmaster MOE series;
12	(xii)	Bushmaster XM15;
13	(xiii)	Chiappa Firearms MFour rifles;
14	(xiv)	Colt Match Target rifles;
15	<u>(xv)</u>	CORE Rifle Systems CORE15 rifles;
16	(xvi)	Daniel Defense M4A1 rifles;
17	(xvii)	Devil Dog Arms 15 Series rifles;
18	(xviii)	Diamondback DB15 rifles;
19	(xix)	Doublestar AR rifles;
20	<u>(xx)</u>	DPMS Tactical rifles;
21	(xxi)	DSA Inc. ZM-4 Carbine;



1	(xxii)	Heckler & Koch MR556;
2	(xxiii)	High Standard HSA-15 rifles;
3	(xxiv)	Jesse James Nomad AR-15 rifle;
4	(xxv)	Knight's Armament SR-15;
5	(xxvi)	Lancer L15 rifles;
6	(xxvii)	MGI Hydra Series rifles;
7	(xxviii)	Mossberg MMR Tactical rifles;
8	(xxix)	Noreen Firearms BN 36 rifle;
9	(xxx)	Olympic Arms;
10	(xxxi)	POF USA P415;
11	<u>(xxxii)</u>	Precision Firearms AR rifles;
12	<u>(xxxiii)</u>	Remington R-15 rifles;
13	(xxxiv)	Rhino Arms AR rifles;
14	(XXXV)	Rock River Arms LAR-15 or Rock River Arms
15		LAR-47;
16	(xxxvi)	Sig Sauer SIG516 rifles and MCX rifles;
17	(xxxvii)	Smith & Wesson M&P15 rifles;
18	(xxxviii)	Stag Arms AR rifles;
19	(xxxix)	Sturm, Ruger & Co. SR556 and AR-556 rifles;
20	<u>(xl)</u>	Uselton Arms Air-Lite M-4 rifles;
21	(xli)	Windham Weaponry AR rifles;



1	(xl	ii) WMD Guns Big Beast; and
2	(xli	ii) Yankee Hill Machine Company, Inc. YHM-15
3		rifles;
4	(C)	Barrett M107A1;
5	<u>(D)</u>	Barrett M82A1;
6	<u>(E)</u>	Beretta CX4 Storm;
7	<u>(F)</u>	Calico Liberty Series;
8	<u>(G)</u>	CETME Sporter;
9	<u>(H)</u>	Daewoo K-1, K-2, Max 1, Max 2, AR100, and AR
10		110C;
11	<u>(I)</u>	Fabrique Nationale (FN) Herstal FAL, LAR, 22 FNC,
12		308 Match, L1A1 Sporter, PS90, SCAR, and FS2000;
13	<u>(</u>])	Feather Industries AT-9;
14	<u>(K)</u>	Galil Model AR and Model ARM;
15	<u>(L)</u>	Hi-Point Carbine;
16	(M)	HK-91, HK-93, HK-94, HK PSG-1, and HK USC;
17	(N)	IWI TAVOR and Galil ACE rifle;
18	(0)	Kel-Tec Sub-2000, SU-16, and RFB;
19	<u>(P)</u>	SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer
20		SG 551, and Sig Sauer MCX;
21	<u>(Q)</u>	Springfield Armory SAR-48;



1	(R) Steyr AUG;
2	(S) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-
3	<u>14/20CF;</u>
4	(T) All Thompson rifles, including:
5	(i) Thompson M1SB;
6	(ii) Thompson T1100D;
7	(iii) Thompson T150D;
8	(iv) Thompson T1B;
9	(v) Thompson T1B100D;
10	(vi) Thompson T1B50D;
11	(vii) Thompson T1BSB;
12	(viii) Thompson T1-C;
13	(ix) Thompson T1D;
14	(x) Thompson T1SB;
15	(xi) Thompson T5;
16	(xii) Thompson T5100D;
17	(xiii) Thompson TM1; and
18	(xiv) Thompson TM1C;
19	(U) UMAREX UZI rifle;
20	(V) UZI Mini Carbine, Uzi Model A Carbine, and UZI
21	Model B Carbine;



1		(W)	Valmet M62S, M71S, and M78;
2		<u>(X)</u>	Vector Arms UZI Type;
3		<u>(Y)</u>	Weaver Arms Nighthawk; and
4		<u>(Z)</u>	Wilkinson Arms Linda Carbine;
5	but does	<u>not</u> i	nclude a firearm that is an unserviceable firearm
6	<u>or has be</u>	en ma	de permanently inoperable, an antique firearm or a
7	<u>replica o</u>	f an	antique firearm, or a curio or relic as those
8	terms are	usec	in 18 United States Code section 921(a)(13) or 27
9	Code of F	edera	l Regulations section 478.11, or a firearm that is
10	manually	opera	ted by a bolt, pump, lever, or slide action.
11	<u>"Ass</u>	ault	shotgun" means:
12	(1)	<u>A se</u>	miautomatic shotgun that has one or more of the
13		foll	owing characteristics:
14		<u>(</u> A)	Accepts a detachable magazine;
15		<u>(B)</u>	Has a revolving cylinder;
16		(C)	A pistol grip or thumbhold stock;
17		(D)	Any feature capable of functioning as a
18			protruding grip that can be held by the non-
19			trigger hand;
20		<u>(E)</u>	A folding or thumbhold stock;
21		(F)	A grenade launcher; or

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1	(G) A fixed magazine with the capacity to hold more
2	than five rounds; or
3	(2) Any of the following shotguns, copies, duplicates,
4	variants, or altered facsimiles with the capability of
5	any such weapon:
6	(A) DERYA Anakon MC-1980, Anakon SD12;
7	(B) Doruk Lethal shotguns;
8	(C) Franchi LAW-12 and SPAS 12;
9	(D) All IZHMASH Saiga 12 types, including:
10	(i) IZHMASH Saiga 12;
11	(ii) IZHMASH Saiga 12S;
12	(iii) IZHMASH Saiga 12S EXP-01;
13	(iv) IZHMASH Saiga 12k;
14	(v) IZHMASH Saiga 12K-030; and
15	(vi) IZHMASH Saiga 12K-040 Taktika;
16	(E) Street sweeper; and
17	(F) Striker 12,
18	but does not include a firearm that is an unserviceable firearm
19	or has been made permanently inoperable, an antique firearm or a
20	replica of an antique firearm, or a curio or relic as those
21	terms are used in 18 United States Code section 921(a)(13) or 27

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1	Code of Federal Regulations section 478.11, or a firearm that is
2	manually operated by a bolt, pump, lever, or slide action.
3	"Assault weapon attachment" means any device capable of
4	being attached to a firearm that is specifically designed for
5	making or converting a firearm into an assault pistol, assault
6	rifle, or assault shotgun.
7	"Detachable magazine" means an ammunition feeding device
8	that may be removed from a firearm without disassembly of the
9	firearm action, including an ammunition feeding device that may
10	be readily removed from a firearm with the use of a bullet,
11	cartridge, accessory, or other tool, or any other object that
12	functions as a tool, including a bullet or cartridge.
13	"Fixed magazine" means an ammunition feeding device that is
14	permanently attached to a firearm, or contained in and not
15	removable from a firearm, or that is otherwise not a detachable
16	magazine, but does not include an attached tubular device
17	designed to accept, and capable of operating only with, .22
18	caliber rimfire ammunition.
19	".50 caliber rifle" means a centerfire rifle capable of
20	firing a .50 caliber cartridge. ".50 caliber rifle" does not
21	include any antique firearm, any shotgun including a shotgun



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1	that has a rifle barrel, or any muzzle-loader which uses black
2	powder for hunting or historical reenactments."
3	2. By amending the definition of "assault pistol" to read:
4	""Assault pistol" means [a] <u>:</u>
5	(1) <u>A</u> semiautomatic pistol that accepts a detachable
6	magazine and has [two] <u>one</u> or more of the following
7	characteristics:
8	[(1)] (A) An ammunition magazine that attaches to the
9	pistol outside of the pistol grip;
10	[(2)] <u>(B)</u> A threaded barrel capable of accepting a barrel
11	extender, flash suppressor, forward hand grip, or
12	silencer;
13	[(3)] <u>(C)</u> A shroud that is attached to or partially or
14	completely encircles the barrel and permits the
15	shooter to hold the firearm with the second hand
16	without being burned[+] but excluding a slide
17	that encloses the barrel;
18	[(4)] <u>(D)</u> A manufactured weight of fifty ounces or more
19	when the pistol is unloaded;
20	[(5)] (E) A centerfire pistol with an overall length of
21	twelve inches or more; [or

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1	(6)]	<u>(F)</u>	It is a semiautomatic version of an automatic
2			firearm;
3		<u>(G)</u>	A second pistol grip or another feature capable
4			of functioning as a protruding grip that can be
5			held by the non-trigger hand; or
6		<u>(H)</u>	A buffer tube, arm brace, or other part that
7			protrudes horizontally behind the pistol grip and
8			is designed or redesigned to allow or facilitate
9			a firearm to be fired from the shoulder;
10	(2)	A se	miautomatic pistol that has a fixed magazine with
11		the	capacity to accept more than ten rounds; or
12	(3)	Any	of the following pistols, copies, duplicates,
13		vari	ants, or altered facsimiles with the capability of
14		any	such weapon:
15		(A)	All AK types, including the following:
16			(i) Centurion 39 AK pistol;
17		-	(ii) Draco AK-47 pistol;
18		()	iii) HCR AK-47 pistol;
19		-	(iv) IO Inc. Hellpup_AK-47 pistol;
20			(v) Krinkov pistol;
21		-	(vi) Mini Draco AK-47 pistol;

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1	(vii) PAP M92 pistol; or
2	(viii) Yugo Krebs Krink pistol;
3	(B) All AR types, including the following:
4	(i) American Spirit AR-15 pistol;
5	(ii) Bushmaster Carbon 15 pistol;
6	(iii) Chiappa Firearms M4 Pistol GEN II;
7	(iv) CORE Rifle Systems CORE15 Roscoe pistol;
8	(v) Daniel Defense MK18 pistol;
9	(vi) DoubleStar Corporation AR pistol;
10	(vii) DPMS AR-15 pistol;
11	(viii) Jesse James Nomad AR-15 pistol;
12	(ix) Olympic Arms AR-15 pistol;
13	(x) Osprey Armament MK-18 pistol;
14	(xi) POF USA AR pistols;
15	(xii) Rock River Arms LAR 15 pistol; and
16	(xiii) Uselton Arms AR-Lite M-4 pistol;
17	(C) Calico pistols;
18	(D) CZ Scorpion pistol;
19	(E) DSA SA58 PKP FAL pistol;
20	(F) Encom MP-9 and MP-45;
21	(G) Heckler & Koch model SP-89 pistol;

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1	(H) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-
2	DC9;
3	(I) IWI Galil Ace pistol and UZI PRO pistol;
4	(J) Kel-Tec PLR 16 pistol;
5	(K) All MAC types including the following:
6	<u>(i)</u> <u>MAC-10;</u>
7	(ii) MAC-11;
8	(iii) Masterpiece Arms MPA A930 Mini Pistol,
9	MPA460 Pistol, MPA Tactical Pistol, and MPA
10	Mini Tactical Pistol;
11	(iv) Military Armament Corp. Ingram M-11; and
12	(v) Velocity Arms VMAC;
13	(L) Sig Sauer P556 pistol;
14	(M) Sites Spectre;
15	(N) All Thompson types, including the following:
16	(i) Thompson TA510D; and
17	(ii) Thompson TA5; and
18	(O) All UZI types, including Micro UZI,
19	but does not include a firearm that is an unserviceable firearm
20	or has been made permanently inoperable, a firearm with a barrel
21	sixteen or more inches in length, an antique [pistol as defined



in this section,] firearm or a replica of an antique firearm, or a curio or relic as those terms are used in 18 United States Code section 921(a)(13) or 27 Code of Federal Regulations section 478.11."

5 3. By repealing the definition of "antique pistol or6 revolver".

[""Antique pistol or revolver" means any pistol or revolver 7 8 manufactured before 1899 and any replica thereof if it either is 9 not designed or redesigned for using rimfire or conventional 10 centerfire fixed ammunition or is designed or redesigned to use 11 rimfire or conventional centerfire fixed ammunition that is no 12 longer manufactured in the United-States and is not readily 13 available in-the-ordinary channels of commercial trade."] 14 SECTION 3. Section 134-4, Hawaii Revised Statutes, is 15 amended to read as follows:

16 "\$134-4 Transfer, possession of firearms. (a) No
17 transfer of any rifle having a barrel length of sixteen inches
18 or over or any shotgun having a barrel length of eighteen inches
19 or over, whether usable or unusable, serviceable or
20 unserviceable, modern or antique, registered under prior law or
21 by a prior owner, or unregistered shall be made to any person

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under the age of eighteen years, except as provided by section
 134-5.

3 (b) No person shall possess any firearm that is owned by
4 another, regardless of whether the owner has consented to
5 possession of the firearm, without a permit from the chief of
6 police of the appropriate county, except as provided in
7 subsection (c) and section 134-5.

8 (c) Any lawfully acquired rifle or shotgun may be lent to 9 an adult for use within the State for a period not to exceed 10 fifteen days without a permit; provided that where the rifle or 11 shotgun is to be used outside of the State, the loan may be for 12 a period not to exceed seventy-five days.

13 (d) No person shall intentionally, knowingly, or
14 recklessly lend a firearm to any person who is prohibited from
15 ownership, possession, or control of a firearm under section
16 134-7.

(e) After July 1, 1992, no person shall bring or cause to
be brought into the State an assault pistol. No assault pistol
may be sold or transferred on or after July 1, 1992, to anyone
within the State other than to a dealer licensed under section
134-32 or the chief of police of any county except that any

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1	person who obtains title by bequest or intestate succession to
2	an assault pistol registered within the State shall, within
3	ninety days, render the weapon permanently inoperable, sell or
4	transfer the weapon to a licensed dealer or the chief of police
5	of any county, or remove the weapon from the State.
6	(f) After July 8, 2024, except as provided by section
7	134-8(e), no person shall bring or cause to be brought into the
8	State a .50 caliber rifle or assault weapon attachment. No .50
9	caliber rifle or assault weapon attachment shall be sold or
10	transferred on or after July 8, 2024, to anyone within the
11	State, other than to a dealer licensed under section 134-32 or
12	the chief of police of any county, except as provided by section
13	134-8(e); provided that any person who obtains title by bequest
14	or intestate succession to a .50 caliber rifle registered within
15	the State shall, within ninety days, render the weapon
16	permanently inoperable, sell or transfer the weapon to a
17	licensed dealer or the chief of police of any county, or remove
18	the weapon from the State."
19	SECTION 4. Section 134-8, Hawaii Revised Statutes, is
20	amended to read as follows:

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S.B. NO. ³¹⁹⁶ s.d. 1

1 "§134-8 Ownership, etc., of automatic firearms, silencers, 2 etc., prohibited; penalties. (a) The manufacture, possession, 3 sale, barter, trade, gift, transfer, or acquisition of any of 4 the following is prohibited: assault pistols, except as 5 provided by section 134-4(e); .50 caliber rifles, except as 6 provided by section 134-4(f); assault weapon attachments; automatic firearms; rifles with barrel lengths less than sixteen 7 8 inches; shotguns with barrel lengths less than eighteen inches; 9 cannons; mufflers, silencers, or devices for deadening or 10 muffling the sound of discharged firearms; hand grenades, 11 dynamite, blasting caps, bombs, or bombshells, or other 12 explosives; or any type of ammunition or any projectile 13 component thereof coated with teflon or any other similar 14 coating designed primarily to enhance its capability to 15 penetrate metal or pierce protective armor; and any type of 16 ammunition or any projectile component thereof designed or 17 intended to explode or segment upon impact with its target. 18 This subsection shall not apply to a person's possession of 19 a .50 caliber rifle registered to the person subject to the 20 requirements of section 134-3.



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1	A per	rson authorized under this subsection to possess a .50
2	<u>caliber r</u>	ifle shall possess the .50 caliber rifle only:
3	(1)	On private property owned or immediately controlled by
4		the person;
5	(2)	On private property that is not open to the public
6		with the express permission of the person who owns or
7		immediately controls the property;
8	(3)	While on the premises of a licensed firearms dealer or
9		gunsmith for the purpose of lawful repair;
10	(4)	While engaged in the legal use of the .50 caliber
11		rifle at a properly licensed firing range or sport
12		shooting competition venue; or
13	(5)	While traveling to or from the locations listed in
14		paragraphs (1) through (4); provided that the .50
15		caliber rifle is unloaded and enclosed in a case,
16		firearm carrying box, shipping box, or other
17		container.
18	(b)	Any person who installs, removes, or alters a firearm
19	part with	the intent to convert the firearm to an automatic
20	firearm sl	nall be deemed to have manufactured an automatic
21	firearm in	n violation of subsection (a).

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1	(c) The manufacture, possession, sale, barter, trade,			
2	gift, transfer, or acquisition of detachable ammunition			
3	magazines with a capacity in excess of ten rounds [which] <u>that</u>			
4	are designed for or capable of use with a pistol is prohibited.			
5	This subsection shall not apply to magazines originally designed			
6	to accept more than ten rounds of ammunition which have been			
7	modified to accept $[no]$ <u>not</u> more than ten rounds and which are			
8	not capable of being readily restored to a capacity of more than			
9	ten rounds.			
10	(d) The manufacture, possession, sale, barter, trade,			
11	gift, transfer, or acquisition of detachable ammunition			
12	magazines with a capacity in excess of twenty rounds that are			
13	designed for or capable of use with any firearm other than a			
14	pistol is prohibited. This subsection shall not apply to			
15	magazines originally designed to accept more than twenty rounds			
16	of ammunition which have been modified to accept no more than			
17	twenty rounds and which are not capable of being readily			
18	restored to a capacity of more than twenty rounds.			
19	[(d)] <u>(e)</u> Any person [violating] who intentionally or			
20	knowingly violates subsection (a) or (b) shall be guilty of a			
21	class C felony and shall be imprisoned for a term of five years			

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1 without probation. Any person [violating] who intentionally or 2 knowingly violates subsection (c) or (d) shall be guilty of a 3 misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a pistol or other 4 firearm in which case the person shall be guilty of a class C 5 6 felony. 7 (f) The provisions of this section regarding the acquisition and possession of assault pistols, .50 caliber 8 9 rifles, assault weapon attachments, and detachable ammunition 10 magazines with a capacity in excess of ten rounds or twenty 11 rounds, as applicable, shall not apply to a person in an exempt category identified in section 134-11." 12 SECTION 5. Section 134-15, Hawaii Revised Statutes, is 13 14 amended by amending subsection (b) to read as follows: 15 "(b) This section shall not apply to any pistol or 16 revolver duly registered prior to July 1, 1975, pursuant to 17 section 134-3 or to any antique [pistol or revolver.] firearm." 18 SECTION 6. Every provision in this Act and every 19 application of each provision in this Act is severable from each 20 other. If any application of any provision in this Act to any 21 person or group of persons or circumstances is determined by any

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1 court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and 2 3 circumstances shall not be affected. All constitutionally valid applications of this Act shall be severed from any applications 4 that a court determines to be invalid or unenforceable, leaving 5 6 the valid applications in force, because it is the legislature's 7 intent that all valid applications shall remain in force. 8 SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were 9 10 begun before its effective date. 11 SECTION 8. Statutory material to be repealed is bracketed 12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect on April 14, 2112.



Report Title:

Firearms; Assault Pistols; Assault Weapon Attachments; .50 Caliber Rifles; Magazine Capacity; Prohibition

Description:

Amends the prohibition on certain assault weapons to include .50 caliber rifles and assault weapon attachments. Modernizes the prohibition on assault pistols to include pistols with one or more prohibited feature. Prohibits firearms other than pistols with a detachable magazine with over a twenty round capacity. Prohibits persons from bringing or causing to be brought into the State a .50 caliber rifle or assault weapon attachment. Prohibits the sale or transfer of a .50 caliber rifle or assault weapon attachment in the State, unless the .50 caliber rifle or assault weapon attachment is sold or transferred to an authorized individual. Creates exceptions for the acquisition and possession of prohibited firearms for members of law enforcement and the military. Takes effect 4/14/2112. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

