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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Chapter 134, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4 "§134- Public carry of firearms in sensitive places and  
5 upon private business establishment or charitable establishment  
6 premises; prohibited. (a) Except as otherwise provided by  
7 federal or state law, no person shall intentionally, knowingly,  
8 or recklessly carry on their person a firearm, concealed or  
9 unconcealed:  
10 (1) In any sensitive place; or  
11 (2) Upon the premises of any business establishment or  
12 charitable establishment unless the business  
13 establishment or charitable establishment, or an agent  
14 thereof, has expressly consented thereto. Express  
15 consent may include signage.  
16 (b) This section shall not apply to:  
17 (1) Persons exempted under section 134-11; or



1       (2) Detectives, private detectives, investigators, and  
2       guards authorized by the chief of police to carry a  
3       firearm in the particular sensitive place, business  
4       establishment, or charitable establishment while on  
5       duty in that sensitive place, business establishment,  
6       or charitable establishment.

7       (c) Any person violating this section shall be guilty of a  
8       misdemeanor. A law enforcement officer may arrest an alleged  
9       violation of any provision of this section or issue a citation in  
10      lieu of arrest, as provided in section 803-6.

11      (d) In any prosecution, it shall be an affirmative defense  
12      that the person was exempt pursuant to subsection (b). The  
13      presence of a person at any sensitive place, business  
14      establishment, or charitable establishment in subsection (a)  
15      shall be prima facie evidence that the person knows it is a  
16      sensitive place, business establishment, or charitable  
17      establishment.

18      (e) This section shall be considered to be supplemental to  
19      any adopted county ordinance and shall not be construed to  
20      supersede or modify county ordinances or rules; provided that  
21      the county ordinance is not less restrictive than this section.



1        (f) For the purposes of this section:

2        "Business" means any sole proprietorship, partnership,  
3 joint venture, business trust, limited liability company,  
4 business corporation, professional corporation, or other  
5 business entity formed for profit-making purposes.

6        "Business establishment" includes any of the following  
7 establishments operated by a business:

8        (1) Any hotel, except individual hotel rooms and when  
9        actively traveling through a hotel to or from an  
10       individual hotel room;

11       (2) Any financial institution;

12       (3) Any industrial, commercial, or wholesale  
13       establishment;

14       (4) Any utility;

15       (5) Any retail establishment where goods or services are  
16       sold, leased, or otherwise provided to the public or  
17       another business; and

18       (6) Any restaurant or bar.

19       "Charitable establishment" means any organization  
20 classified under section 501(c) of the Internal Revenue Code of  
21 1986, as amended.



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1 "Downtown Honolulu" means that area of Oahu bounded by the  
2 H-1 Lunalilo freeway, Ward avenue, the ocean, and Nuuanu stream.

3 "Sensitive place" means courtrooms; establishments that  
4 allow consumption of alcohol on its premises; government  
5 buildings; high-density spaces, such as Waikiki and Downtown  
6 Honolulu; hospitals; schools; state and city parks; and voting  
7 service centers, as defined under section 11-1.

8 "Waikiki" has the same meaning as in section 712-1207."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11  
INTRODUCED BY:



JAN 20 2023



# H.B. NO. 428

**Report Title:**

Firearms; Sensitive Places; Business and Charitable  
Establishments

**Description:**

Prohibits the public carry of firearms in sensitive places and upon private business establishment or charitable establishment premises, except under certain circumstances.

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

