

JAN 25 2023

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 there are compelling
2 interests in protecting public health, safety, and welfare from
3 the serious hazards associated with firearms and gun violence.
4 Although the United States Supreme Court has held that the
5 Second Amendment provides for an individual right to keep and
6 bear arms for lawful purposes, the Second Amendment is not "a
7 regulatory straightjacket." *N.Y. State Rifle & Pistol Ass'n,*
8 *Inc. v. Bruen*, 142 S. Ct. 2111, 2133 (2022). States retain
9 authority to enact "a 'variety' of gun regulations," *id.* at 2162
10 (Kavanaugh, J., concurring), such as prohibiting the carrying of
11 firearms in sensitive locations and adopting laws and
12 regulations designed to ensure that those who carry firearms are
13 "law-abiding, responsible citizens," *id.* at 2133, 2138.

14 The purpose of this Act is to clarify, revise, and update
15 Hawaii's firearms laws to mitigate the serious hazards to public
16 health, safety, and welfare associated with firearms and gun
17 violence, while respecting and protecting the lawful exercise of
18 individual rights. To accomplish this purpose, the Act amends

S.B. NO. 1282

1 and enacts requirements and processes for obtaining a license to
2 carry a firearm, updates criteria governing when firearm
3 ownership, possession, or control is prohibited, defines
4 locations within the State where carrying or possessing a
5 firearm is prohibited, prohibits leaving an unsecured firearm in
6 a vehicle unattended, and enacts, amends, and clarifies other
7 provisions relating to firearms.

8 In prohibiting carrying or possessing firearms in certain
9 locations and premises within the State, this Act is intended to
10 protect areas in which the carrying or possession of dangerous
11 weapons has traditionally been restricted, such as schools and
12 other places frequented by children, government buildings,
13 polling places, and other analogous locations.

14 This Act also respects the right of private individuals and
15 entities to choose for themselves whether to allow or restrict
16 the carrying of firearms on their property by providing that
17 firearms shall not be carried on private property open to the
18 public without the express authorization of the owner, lessee,
19 operator, or manager of the property. Recognizing the risks to
20 public health, safety, and welfare associated with firearms and
21 gun violence, and based on the legislature's assessment of
22 public sentiment and broadly shared preferences within the

S.B. NO. 1282

1 State, this Act establishes a default rule with respect to
2 carrying firearms on private property open to the public that
3 provides for private entities to "opt-in" to authorize the
4 public carry of firearms on their property.

5 Beginning January 1, 2025, this Act requires every person
6 who carries a firearm in public pursuant to a license issued
7 under section 134-9, Hawaii Revised Statutes, to maintain
8 insurance coverage insuring against loss resulting from
9 liability imposed by law for bodily injury, death, and property
10 damage sustained by any person arising out of the ownership,
11 maintenance, operation, or use of a firearm carried in public,
12 and requires applicants for a new or renewed license to carry a
13 firearm under section 134-9, Hawaii Revised Statutes, to provide
14 proof of insurance coverage to the licensing authority.

15 This Act also adjusts certain regulatory fees relating to
16 firearms. These adjustments are warranted because prior fee
17 amounts were set by statute decades ago and have not been
18 adjusted to reflect inflation and increased costs associated
19 with background checks and investigations.

20 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
21 amended by adding to part I seven new sections to be
22 appropriately designated and to read as follows:

S.B. NO. 1282

1 "§134-A Carrying or possessing a firearm in certain
2 locations and premises prohibited; penalty. (a) It shall be
3 unlawful for a person to intentionally, knowingly, or recklessly
4 carry or possess a loaded or unloaded firearm, whether the
5 firearm is operable or not, and whether the firearm is concealed
6 or unconcealed, while in any of the following places within the
7 State:

8 (1) Any building or office owned, leased, or used by the
9 State or a county, including but not limited to any
10 portion of a building or office used for court
11 proceedings, legislative business, contested case
12 hearings, agency rulemaking, or other activities of
13 state or county government, including adjacent grounds
14 and parking areas;

15 (2) Any public or private hospital, mental health
16 facility, nursing home, clinic, medical office, urgent
17 care facility, or other place at which medical or
18 health services are customarily provided, including
19 adjacent parking areas;

20 (3) Any adult or juvenile detention or correctional
21 facility, prison, or jail, including adjacent parking
22 areas;

S.B. NO. 1282

- 1 (4) Any bar or restaurant serving alcohol or intoxicating
2 liquor as defined in section 281-1 for consumption on
3 the premises, including adjacent parking areas;
- 4 (5) Any stadium, movie theater, or concert hall, or any
5 place at which a professional, collegiate, high
6 school, amateur, or student sporting event is being
7 held, including adjacent parking areas;
- 8 (6) Any public library, including adjacent parking areas;
- 9 (7) Any public or private community college, college, or
10 university, including but not limited to buildings,
11 classrooms, laboratories, artistic venues, athletic
12 fields or venues, including adjacent parking areas;
- 13 (8) Any public school, charter school, private school,
14 preschool, summer camp, or childcare facility,
15 including adjacent parking areas;
- 16 (9) Any beach, playground, or park, including but not
17 limited to any state park, state monument, county
18 park, or other public park, including adjacent parking
19 areas, but not including an authorized target range or
20 shooting complex;

S.B. NO. 1282

- 1 (10) Any shelter or residential facility serving unhoused
2 persons or victims of domestic violence, including
3 adjacent parking areas;
- 4 (11) Any voting service center or other polling place;
- 5 (12) Any bank or financial institution, including adjacent
6 parking areas;
- 7 (13) Any place, facility, or vehicle used for public
8 transportation or public transit, including but not
9 limited to buses, bus terminals (but not including bus
10 stops located on public sidewalks), trains, rail
11 stations, or airports, including adjacent parking
12 areas; or
- 13 (14) Any amusement park, aquarium, carnival, circus, fair,
14 museum, water park, or zoo, including adjacent parking
15 areas.
- 16 (b) It shall be an affirmative defense to any prosecution
17 under this section that a person:
- 18 (1) Is in an exempt category identified in section 134-
19 11(a);
- 20 (2) Is carrying or possessing an unloaded firearm in a
21 police station in accordance with section 134-
22 23(a)(6), 134-24(a)(6), or 134-25(a)(6);

S.B. NO. 1282

- 1 (3) Is carrying or possessing an unloaded firearm at an
2 organized, scheduled firearms show or exhibit;
- 3 (4) Is lawfully carrying or possessing a firearm for
4 hunting in compliance with section 134-5;
- 5 (5) Is a private security officer expressly authorized to
6 carry or possess a weapon in a location or premise
7 listed in subsection (a) by the owner, lessee,
8 operator, or manager of the location or premise,
9 provided that the private security officer is acting
10 within the private security officer's scope of
11 employment;
- 12 (6) Is carrying or possessing an unloaded firearm in a
13 courthouse for evidentiary purposes with the prior
14 express authorization of the court;
- 15 (7) Is lawfully present within the person's own home,
16 other than a university or college dormitory or a
17 shelter or residential facility serving unhoused
18 persons or victims of domestic violence;
- 19 (8) Is carrying or possessing a firearm pursuant to a
20 license issued under section 134-9 or in accordance
21 with title 18 United States Code section 926B or 926C
22 in the immediate area surrounding the person's vehicle

S.B. NO. 1282

1 within a parking area for the limited purpose of
2 storing or retrieving the firearm; or

3 (9) Is possessing a firearm in an airport or any place,
4 facility, or vehicle used for public transportation or
5 public transit, provided that the firearm is unloaded
6 and in a locked hard-sided container for the purpose
7 of transporting the firearm.

8 (c) The presence of a person in any location or premise
9 listed in subsection (a) shall be prima facie evidence that the
10 person knew it was such a location or premise.

11 (d) Where only a portion of a building or office is owned,
12 leased, or used by the State or a county, this section shall not
13 apply to the portion of the building or office that is not
14 owned, leased, or used by the State or a county.

15 (e) As used in this section, "private security officer"
16 means any person employed and duly licensed to engage in the
17 private detective or guard business pursuant to chapter 463.

18 (f) Any person who violates subsection (a) shall be guilty
19 of a misdemeanor.

20 §134-B Mandatory insurance coverage. (a) Effective
21 January 1, 2025, every person who carries a firearm in public
22 pursuant to a license issued under section 134-9 shall maintain

S.B. NO. 1282

1 insurance coverage insuring against loss resulting from
2 liability imposed by law for bodily injury, death, or property
3 damage sustained by any person arising out of the ownership,
4 maintenance, operation, or use of a firearm carried in public.
5 Liability coverage shall be not less than \$100,000 per person,
6 with an aggregate limit of not less than \$300,000 per
7 occurrence.

8 (b) Proof of insurance as required pursuant to subsection
9 (a) shall, upon request, be produced by the person carrying a
10 firearm in public within a reasonable amount of time following
11 any injury, death, or property damage alleged to have been
12 caused by the person carrying the firearm in public. This
13 requirement shall be satisfied by delivering a full and complete
14 copy of the applicable policy or policies of insurance that meet
15 the standards established by subsection (a) and that were in
16 force at the time of the injury, death, or property damage.
17 Disclosure of policy information under this subsection shall not
18 constitute an admission that the alleged injury, death, or
19 property damage is subject to the policy.

20 §134-C Duty to maintain possession of license while
21 carrying a firearm; duty to disclose; penalty. (a) A person
22 carrying a firearm pursuant to a license issued under section

S.B. NO. 1282

1 134-9 or in accordance with title 18 United States Code section
2 926B or 926C shall have in the person's immediate possession:

3 (1) The license issued under section 134-9 or credentials
4 as required under title 18 United States Code section
5 926B or 926C; and

6 (2) Documentary evidence that the firearm being carried is
7 registered under this chapter,

8 and shall, upon request from a law enforcement officer, present
9 the license or credentials and evidence of registration.

10 (b) When a person carrying a firearm, including but not
11 limited to a person carrying a firearm pursuant to a license
12 issued under section 134-9 or in accordance with title 18 United
13 States Code section 926B or 926C, is stopped by a law
14 enforcement officer or is a driver or passenger in a vehicle
15 stopped by a law enforcement officer, the person carrying a
16 firearm shall immediately disclose to the law enforcement
17 officer that the person is carrying a firearm, and shall, upon
18 request:

19 (1) Identify the specific location of the firearm; and

20 (2) Present to the law enforcement officer a license to
21 carry a firearm issued under section 134-9 or

S.B. NO. 1282

1 credentials as required under title 18 United States
2 Code section 926B or 926C.

3 (c) Any person who violates this section shall be guilty
4 of a petty misdemeanor.

5 §134-D Leaving unsecured firearm in vehicle unattended;

6 penalty. (a) No person shall intentionally, knowingly, or
7 recklessly store or otherwise leave a loaded or unloaded firearm
8 out of the person's immediate possession or control inside a
9 vehicle without first securely locking the firearm in a safe
10 storage depository that is out of sight from outside of the
11 vehicle.

12 (b) For purposes of this section, "safe storage
13 depository" means a safe or other secure container that when
14 locked is incapable of being opened without a key, keypad,
15 combination, or other unlocking mechanism and is capable of
16 preventing an unauthorized person from obtaining access to or
17 possession of the firearm contained therein and shall be fire,
18 impact, and tamper resistant. A vehicle's trunk or glove box
19 alone, even if locked, is not a safe storage depository.

20 (c) Any person who violates subsection (a) shall be guilty
21 of a misdemeanor.

S.B. NO. 1282

1 (d) It shall be an affirmative defense to any prosecution
2 under this section that a person is in an exempt category
3 identified in section 134-11(a), provided that with respect to a
4 person who is a state or county law enforcement officer, or a
5 police officer on official assignment in Hawaii, the person is
6 acting within the person's scope of employment.

7 §134-E Unlawful conduct while carrying a firearm; penalty.

8 (a) A person carrying a firearm, including but not limited to
9 carrying a firearm pursuant to a license issued under section
10 134-9 or in accordance with title 18 United States Code section
11 926B or 926C, shall not do any of the following:

12 (1) Consume alcohol or intoxicating liquor;

13 (2) Consume a controlled substance;

14 (3) Be under the influence of alcohol or intoxicating
15 liquor; or

16 (4) Be under the influence of a controlled substance.

17 (b) As used in this section, the following definitions
18 shall apply:

19 "Alcohol" shall have the same meaning as in section 281-1.

20 "Intoxicating liquor" shall have the same meaning as in
21 section 281-1.

S.B. NO. 1282

1 "Controlled substance" means a drug, substance, or
2 immediate precursor in schedules I through III of part II of
3 chapter 329.

4 (c) Any person who violates subsection (a) shall be guilty
5 of a misdemeanor.

6 §134-F Carrying or possessing a firearm on private
7 property open to the public without authorization; penalty. (a)
8 A person shall not intentionally, knowingly, or recklessly enter
9 or remain on private property open to the public while carrying
10 or possessing a loaded or unloaded firearm, whether the firearm
11 is operable or not, and whether the firearm is concealed or
12 unconcealed, unless the person has been given express
13 authorization to carry or possess a firearm on the property by
14 the owner, lessee, operator, or manager of the property.

15 (b) For purposes of this section, "open to the public"
16 means places to which the public is invited or permitted and
17 areas within any building available for use by or accessible to
18 the public during the normal course of business conducted
19 therein by private entities, including but not limited to retail
20 stores and shopping malls, but does not include private
21 residences.

S.B. NO. 1282

1 (c) For purposes of this section, express authorization to
2 carry or possess a firearm on private property open to the
3 public shall be signified by:

4 (1) Unambiguous written or verbal authorization; or

5 (2) The posting of clear and conspicuous signage,
6 by the owner, lessee, operator, or manager of the property
7 indicating that carrying or possessing a firearm is authorized.

8 (d) For purposes of this section, carrying a firearm
9 includes but is not limited to carrying a firearm pursuant to a
10 license issued under section 134-9 and carrying a firearm in
11 accordance with title 18 United States Code section 926B or
12 926C.

13 (e) It shall be an affirmative defense to any prosecution
14 under this section that the person is in an exempt category
15 identified in section 134-11(a).

16 (f) Any person who violates this section shall be guilty
17 of a misdemeanor.

18 §134-G Authority of counties. Nothing in this chapter
19 shall be construed to affect the authority of any county to
20 impose requirements relating to firearms that exceed the
21 statewide provisions established in this chapter, including but

S.B. NO. 1282

1 not limited to prohibitions against carrying or possessing a
2 firearm in additional locations or premises within that county."

3 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
4 amended as follows:

5 (1) By adding new definitions to be appropriately inserted
6 and to read as follows:

7 "Concealed" means, in relation to a firearm, that the
8 firearm is entirely hidden from view of the public and not
9 discernible by ordinary observation, such that a reasonable
10 person without law enforcement training would be unable to
11 detect the presence of a firearm.

12 "Criminal offense relating to firearms" means any offense
13 defined in this chapter, and also includes the offense of
14 criminally negligent storage of a firearm under section 707-
15 714.5 and any other criminal offense under state or federal law,
16 or the law of another state, a United States territory, or the
17 District of Columbia that has as an element the use, attempted
18 use, threatened use, or possession of a firearm.

19 "Unconcealed" means not concealed."

20 (2) By amending the definition of "crime of violence" to
21 read as follows:

S.B. NO. 1282

1 "Crime of violence" means any offense [~~as defined in~~
2 ~~title 37,~~] under state or federal law, or the law of another
3 state, a United States territory, or the District of Columbia
4 that [~~involves~~] has as an element the injury or threat of injury
5 to the person of another [~~including~~] or that has as an element
6 the use, attempted use, or threatened use of physical force
7 against the person or property of another or the creation of a
8 substantial risk of causing bodily injury, and also includes the
9 following offenses: sexual assault in the fourth degree under
10 section 707-733 [~~and~~], harassment under section 711-1106,
11 harassment by stalking under section 711-1106.5[-], endangering
12 the welfare of a minor in the second degree under section 709-
13 904, terroristic threatening in the second degree under section
14 707-717, reckless endangering in the second degree under section
15 707-714, criminal solicitation of a crime of violence under
16 section 705-510, and conspiracy to commit a crime of violence
17 under section 705-520, and offenses under federal law, or the
18 law of another state, a United States territory, or the District
19 of Columbia, that are comparable to the offenses defined or
20 listed above."

21 SECTION 4. Section 134-2, Hawaii Revised Statutes, is
22 amended to read as follows:

S.B. NO. 1782

1 "§134-2 Permits to acquire. (a) No person shall acquire
2 the ownership of a firearm, whether usable or unusable,
3 serviceable or unserviceable, modern or antique, registered
4 under prior law or by a prior owner or unregistered, either by
5 purchase, gift, inheritance, bequest, or in any other manner,
6 whether procured in the State or imported by mail, express,
7 freight, or otherwise, until the person has first procured from
8 the chief of police of the county of the person's place of
9 business or, if there is no place of business, the person's
10 residence or, if there is neither place of business nor
11 residence, the person's place of sojourn, a permit to acquire
12 the ownership of a firearm as prescribed in this section. When
13 title to any firearm is acquired by inheritance or bequest, the
14 foregoing permit shall be obtained before taking possession of a
15 firearm; provided that upon presentation of a copy of the death
16 certificate of the owner making the bequest, any heir or legatee
17 may transfer the inherited or bequested firearm directly to a
18 dealer licensed under section 134-31 or licensed by the United
19 States Department of Justice without complying with the
20 requirements of this section.

21 (b) The permit application form shall include the
22 applicant's name, address, [~~sex~~7] gender, height, weight, date

S.B. NO. 1282

1 of birth, place of birth, country of citizenship, social
2 security number, alien or admission number, [~~and~~] information
3 regarding the applicant's mental health history, any aliases or
4 other names previously used by the applicant, information that
5 is or may be relevant to determining whether the applicant is
6 disqualified under section 134-7 from the ownership, possession,
7 or control of a firearm, and information that is or may be
8 relevant to determining whether the applicant lacks the
9 essential character or temperament necessary to be entrusted
10 with a firearm as set forth in subsection (e), and shall require
11 the fingerprinting and photographing of the applicant by the
12 police department of the county of registration; provided that
13 where fingerprints and a photograph are already on file with the
14 department, these may be waived.

15 (c) An applicant for a permit shall sign a waiver at the
16 time of application, allowing the chief of police of the county
17 issuing the permit or a designee of the chief of police access
18 to [~~any~~] all records that have a bearing on the mental health of
19 the applicant[~~-~~], and shall identify any healthcare providers
20 who possess or may possess such records. The permit application
21 form and the waiver form shall be prescribed by the [~~attorney~~

S.B. NO. 1282

1 ~~general and shall be uniform throughout the State.]~~ issuing
2 authority.

3 (d) The chief of police of the respective counties [~~may~~]
4 shall issue permits to acquire firearms to citizens, nationals,
5 or lawful permanent residents of the United States of the age of
6 twenty-one years or more, or duly accredited official
7 representatives of foreign nations, or duly commissioned law
8 enforcement officers of the State who are aliens; provided that
9 any law enforcement officer who is the owner of a firearm and
10 who is an alien shall transfer ownership of the firearm within
11 forty-eight hours after termination of employment from a law
12 enforcement agency. The chief of police of each county [~~may~~]
13 shall issue permits to aliens of the age of eighteen years or
14 more for use of rifles and shotguns for a period not exceeding
15 sixty days, upon a showing that the alien has first procured a
16 hunting license under chapter 183D, part II. The chief of
17 police of each county [~~may~~] shall issue permits to aliens of the
18 age of twenty-one years or more for use of firearms for a period
19 not exceeding six months, upon a showing that the alien is in
20 training for a specific organized sport-shooting contest to be
21 held within the permit period. The attorney general [~~shall~~] may
22 adopt rules, pursuant to chapter 91, as to what constitutes

S.B. NO. 1282

1 sufficient evidence that an alien is in training for a sport-
2 shooting contest. Notwithstanding any law to the contrary and
3 upon joint application, the chief of police may, upon request,
4 issue permits to acquire firearms jointly to spouses who
5 otherwise qualify to obtain permits under this section.

6 (e) The permit application form shall be signed by the
7 applicant and by the issuing authority. One copy of the permit
8 shall be retained by the issuing authority as a permanent
9 official record. Except for sales to dealers licensed under
10 section 134-31, or dealers licensed by the United States
11 Department of Justice, or law enforcement officers, [~~or where a~~
12 ~~license is granted under section 134-9,~~] or where any firearm is
13 registered pursuant to section 134-3(a), no permit shall be
14 issued to an applicant earlier than fourteen calendar days after
15 the date of the application; provided that a permit shall be
16 issued or the application denied before the [~~twentieth~~] fortieth
17 day from the date of application. Permits issued to acquire any
18 pistol or revolver shall be void unless used within [~~ten~~] thirty
19 days after the date of issue. Permits to acquire a pistol or
20 revolver shall require a separate application and permit for
21 each transaction. Permits issued to acquire any rifle or
22 shotgun shall entitle the permittee to make subsequent purchases

S.B. NO. 1282

1 of rifles or shotguns for a period of one year from the date of
2 issue without a separate application and permit for each
3 acquisition, subject to the disqualifications under section 134-
4 7 and subject to revocation under section 134-13; provided that
5 if a permittee is arrested for committing a felony [~~or any~~], a
6 crime of violence, a criminal offense relating to firearms, or
7 for the illegal sale or distribution of any drug, the permit
8 shall be impounded and shall be surrendered to the issuing
9 authority. The issuing authority shall perform an inquiry on an
10 applicant by using the International Justice and Public Safety
11 Network, including the United States Immigration and Customs
12 Enforcement query, the National Crime Information Center, and
13 the National Instant Criminal Background Check System, pursuant
14 to section 846-2.7 before any determination to issue a permit or
15 to deny an application is made. The issuing authority shall not
16 issue a permit to acquire the ownership of a firearm if an
17 applicant is disqualified under section 134-7 from the
18 ownership, possession, or control of a firearm, or if the
19 issuing authority determines that issuance would not be in the
20 interest of public health, safety, or welfare because the person
21 lacks the essential character or temperament necessary to be
22 entrusted with a firearm. In determining whether a person lacks

S.B. NO. 1282

1 the essential character or temperament necessary to be entrusted
2 with a firearm, the issuing authority shall consider whether the
3 person poses a danger of causing a self-inflicted bodily injury
4 or unlawful injury to another person, as evidenced by:

5 (1) Information from a healthcare provider indicating that
6 the person has had suicidal or homicidal thoughts or
7 tendencies within the preceding five years;

8 (2) Statements or actions by the person indicating
9 dangerousness or violent animus towards one or more
10 individuals or groups, including but not limited to
11 groups based on race, color, national origin,
12 ancestry, sex, gender identity, gender expression,
13 sexual orientation, age, disability, religion, or
14 other characteristic, of a nature or to an extent that
15 would objectively indicate to a reasonable observer
16 that it would not be in the interest of the public
17 health, safety, or welfare for the person to own,
18 possess, or control a firearm or ammunition; or

19 (3) Other information that would lead a reasonable,
20 objective observer to conclude that the person
21 presents or would present a danger to the community as
22 a result of acquiring or possessing a firearm or

S.B. NO. 1282

1 intends or is likely to use a firearm for an unlawful
2 purpose or in an unlawful manner.

3 (f) In all cases where a pistol or revolver is acquired
4 from another person within the State, the permit shall be signed
5 in ink by the person to whom title to the pistol or revolver is
6 transferred and shall be delivered to the person who is
7 transferring title to the firearm, who shall verify that the
8 person to whom the firearm is to be transferred is the person
9 named in the permit and enter on the permit in the space
10 provided the following information: name of the person to whom
11 the title to the firearm was transferred; names of the
12 manufacturer and importer; model; type of action; caliber or
13 gauge; and serial number, as applicable. The person who is
14 transferring title to the firearm shall sign the permit in ink
15 and cause the permit to be delivered or sent by registered mail
16 to the issuing authority within forty-eight hours after
17 transferring the firearm.

18 In all cases where receipt of a firearm is had by mail,
19 express, freight, or otherwise from sources without the State,
20 the person to whom the permit has been issued shall make the
21 prescribed entries on the permit, sign the permit in ink, and
22 cause the permit to be delivered or sent by registered mail to

S.B. NO. 1282

1 the issuing authority within forty-eight hours after taking
2 possession of the firearm.

3 In all cases where a rifle or shotgun is acquired from
4 another person within the State, the person who is transferring
5 title to the rifle or shotgun shall submit, within forty-eight
6 hours after transferring the firearm, to the authority that
7 issued the permit to acquire, the following information, in
8 writing: name of the person who transferred the firearm, name
9 of the person to whom the title to the firearm was transferred;
10 names of the manufacturer and importer; model; type of action;
11 caliber or gauge; and serial number, as applicable.

12 (g) [~~Effective July 1, 1995, no~~] No person shall be issued
13 a permit under this section for the acquisition of a [~~pistol or~~
14 ~~revolver~~] firearm unless the person, within four years of the
15 issuance of the permit, has completed:

16 (1) An approved hunter education course as authorized
17 under section 183D-28[+], unless the applicant seeks
18 to acquire a pistol or revolver, in which case the
19 applicant shall complete a training satisfying the
20 requirements of subsection (2), (3), or (4);

S.B. NO. 1282

- 1 (2) A firearms safety or training course or class
2 available to the general public offered by a law
3 enforcement agency of the State or of any county;
- 4 (3) A firearms safety or training course offered to law
5 enforcement officers, security guards, investigators,
6 deputy sheriffs, or any division or subdivision of law
7 enforcement or security enforcement by a state or
8 county law enforcement agency; or
- 9 (4) A firearms training or safety course or class
10 conducted by a [~~state certified or National Rifle~~
11 ~~Association certified firearms instructor~~] firearms
12 instructor certified or verified by the chief of
13 police of the respective county or a designee of the
14 chief of police or certified by a nongovernmental
15 organization approved for such purposes by the chief
16 of police of the respective county or a designee of
17 the chief of police, or conducted by a certified
18 military firearms instructor, provided that the
19 firearms training or safety course or class provides,
20 at a minimum, a total of at least two hours of firing
21 training at a firing range and a total of at least

S.B. NO. 1282

1 four hours of classroom instruction, which may include
2 a video, that focuses on:

3 (A) The safe use, handling, and storage of firearms
4 and firearm safety in the home[+], as well as a
5 component on mental health, suicide prevention,
6 and domestic violence issues associated with
7 firearms and gun violence; and

8 (B) Education on the firearm laws of the State.

9 An affidavit signed by the certified or verified
10 firearms instructor who conducted or taught the
11 course, providing the name, address, and phone number
12 of the instructor and attesting to the successful
13 completion of the course by the applicant shall
14 constitute evidence of certified successful completion
15 under this paragraph[-], provided that an instructor
16 shall not submit an attestation for the instructor's
17 own permit application.

18 (h) No person shall sell, give, lend, or deliver into the
19 possession of another any firearm except in accordance with this
20 chapter.

21 (i) No fee shall be charged for permits, or applications
22 for permits, under this section, except for a single fee

S.B. NO. 1282

1 chargeable by and payable to the issuing county [~~for~~
2 ~~individuals applying for their first permit,~~] in an amount equal
3 to the fee charged by the Hawaii criminal justice data center
4 pursuant to section 846-2.7. In the case of a joint
5 application, the fee provided for in this section may be charged
6 to each person [~~to whom no previous permit has been issued~~]. If
7 an application under this section is denied, the chief of police
8 or a designee of the chief of police shall notify the applicant
9 of the denial in writing, stating the ground or grounds for the
10 denial and informing the applicant of the right to seek review
11 of the denial through a hearing pursuant to subsection (k).

12 (j) In all cases where a permit application under this
13 section is denied because an applicant is prohibited from
14 owning, possessing, receiving, or controlling firearms under
15 federal or state law, the chief of police of the applicable
16 county shall, within ten business days from the date of denial,
17 send written notice of the denial including the identity of the
18 applicant and the reasons for the denial to the:

- 19 (1) Prosecuting attorney in the county where the permit
20 was denied;
21 (2) Attorney general;
22 (3) United States Attorney for the District of Hawaii; and

S.B. NO. 1282

1 (4) Director of public safety.

2 If the permit to acquire was denied because the applicant
3 is subject to an order described in section 134-7(f), the chief
4 of police shall, within three business days from the date of
5 denial, send written notice of the denial to the court that
6 issued the order.

7 When the director of public safety receives notice that an
8 applicant has been denied a permit because of a prior criminal
9 conviction, the director of public safety shall determine
10 whether the applicant is currently serving a term of probation
11 or parole, and if the applicant is serving such a term, send
12 written notice of the denial to the applicant's probation or
13 parole officer.

14 (k) If an application under this section is denied, a
15 person or entity aggrieved by the denial shall be entitled to a
16 hearing before the chief of police of the appropriate county or
17 a designee of the chief of police. A person or entity aggrieved
18 by the denial shall submit a request for a hearing in writing to
19 the chief of police of the appropriate county not later than
20 thirty days following the date of the decision or determination
21 notice. The hearing shall constitute a contested case hearing
22 for purposes of chapter 91. Following the hearing, an aggrieved

S.B. NO. 1282

1 party shall be entitled to a judicial review proceeding in state
2 circuit court in accordance with section 91-14."

3 SECTION 5. Section 134-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§134-4 **Transfer, possession of firearms.** (a) No
6 transfer of any rifle having a barrel length of sixteen inches
7 or over or any shotgun having a barrel length of eighteen inches
8 or over, whether usable or unusable, serviceable or
9 unserviceable, modern or antique, registered under prior law or
10 by a prior owner, or unregistered shall be made to any person
11 under the age of eighteen years, except as provided by section
12 134-5.

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

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

S.B. NO. 1282

1 (d) No person shall intentionally, knowingly, or
2 recklessly lend a firearm to any person who is prohibited from
3 ownership [~~or~~], possession, or control of a firearm under
4 section 134-7.

5 (e) After July 1, 1992, no person shall bring or cause to
6 be brought into the State an assault pistol. No assault pistol
7 may be sold or transferred on or after July 1, 1992, to anyone
8 within the State other than to a dealer licensed under section
9 134-32 or the chief of police of any county except that any
10 person who obtains title by bequest or intestate succession to
11 an assault pistol registered within the State shall, within
12 ninety days, render the weapon permanently inoperable, sell or
13 transfer the weapon to a licensed dealer or the chief of police
14 of any county, or remove the weapon from the State."

15 SECTION 6. Section 134-7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§134-7 Ownership [~~or~~], possession, or control prohibited,
18 when; penalty. (a) No person who is a fugitive from justice or
19 is a person prohibited from possessing [~~firearms~~] a firearm or
20 ammunition under title 18 United States Code section 922 or any
21 other provision of federal law shall own, possess, or control
22 any firearm or ammunition [~~therefor~~].

S.B. NO. 1282

1 (b) No person who [~~is under indictment for, or has waived~~
2 ~~indictment for, or has been bound over to the circuit court~~
3 ~~for,~~] has one or more pending charges for a felony, a crime of
4 violence, a criminal offense relating to firearms, or an illegal
5 sale or distribution of any drug in a court in this State or
6 elsewhere, or who has been convicted in this State or elsewhere
7 of having committed a felony, [~~or any~~] a crime of violence, a
8 criminal offense relating to firearms, or an illegal sale or
9 distribution of any drug shall own, possess, or control any
10 firearm or ammunition [~~therefor~~].

11 (c) No person [~~who~~] shall own, possess, or control any
12 firearm or ammunition if:

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

18 (2) [~~Has~~] The person has been acquitted of a crime on the
19 grounds of mental disease, disorder, or defect
20 pursuant to section 704-411[+] or any similar
21 provision under federal law, or the law of another

S.B. NO. 1282

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

3 (3) [~~is~~] The person is or has been diagnosed [~~as having a~~
4 ~~significant behavioral, emotional, or mental disorders~~
5 ~~as defined by the most current diagnostic manual of~~
6 ~~the American Psychiatric Association or for treatment~~
7 ~~for organic brain syndromes;] with or treated for a
8 medical, behavioral, psychological, emotional, or
9 mental condition or disorder that causes or is likely
10 to cause impairment in judgment, perception, or
11 impulse control to an extent that presents an
12 unreasonable risk to public health, safety, or welfare
13 if the person were in possession or control of a
14 firearm or ammunition; or~~

15 (4) The person has been adjudged to be an "incapacitated
16 person" within the meaning of section 560:5-102 or has
17 been adjudged to meet the criteria for involuntary
18 hospitalization under section 334-60.2,

19 [~~shall own, possess, or control any firearm or ammunition~~
20 ~~therefor,] unless the person [~~has been medically documented to~~
21 ~~be] establishes, with appropriate medical documentation, that
22 the person is no longer adversely affected by [~~the addiction,~~~~~~

S.B. NO. 1282

1 ~~abuse, dependence, mental disease, disorder, or defect.]~~ the
2 criteria or statuses identified in subsection (c).

3 (d) No person who is less than twenty-five years old and
4 has been adjudicated by the family court to have committed a
5 felony, [~~two or more crimes~~] a crime of violence, a criminal
6 offense relating to firearms, or an illegal sale of any drug
7 shall own, possess, or control any firearm or ammunition
8 [~~therefor~~].

9 (e) No minor [~~who~~] shall own, possess, or control any
10 firearm or ammunition if the minor:

11 (1) Is or has been under treatment for addiction to any
12 dangerous, harmful, or detrimental drug, intoxicating
13 compound as defined in section 712-1240, or
14 intoxicating liquor;

15 (2) Is a fugitive from justice; or

16 (3) Has been determined not to have been responsible for a
17 criminal act or has been committed to any institution
18 on account of a mental disease, disorder, or defect;

19 [~~shall own, possess, or control any firearm or ammunition~~
20 ~~therefor,~~] unless the minor [~~has been medically documented to~~
21 ~~be~~] establishes, with appropriate medical documentation, that

S.B. NO. 1282

1 the minor is no longer adversely affected by the addiction,
2 mental disease, disorder, or defect.

3 For the purposes of enforcing this section, and
4 notwithstanding section 571-84 or any other law to the contrary,
5 any agency within the State shall make its records relating to
6 family court adjudications available to law enforcement
7 officials.

8 (f) No person who has been restrained pursuant to an order
9 of any court, including a gun violence protective order issued
10 pursuant to part IV, from contacting, threatening, or physically
11 abusing any person, shall possess, control, or transfer
12 ownership of any firearm or ammunition [~~therefor~~], so long as
13 the protective order, restraining order, or any extension is in
14 effect [~~, unless the order, for good cause shown, specifically~~
15 ~~permits the possession of a firearm and ammunition~~]. The
16 protective order or restraining order shall specifically include
17 a statement that possession, control, or transfer of ownership
18 of a firearm or ammunition by the person named in the order is
19 prohibited. The person shall relinquish possession and control
20 of any firearm and ammunition owned by that person to the police
21 department of the appropriate county for safekeeping for the
22 duration of the order or extension thereof. At the time of

S.B. NO. 1282

1 service of a protective order or restraining order involving
2 firearms and ammunition issued by any court, a police officer
3 may take custody of any and all firearms and ammunition in plain
4 sight, those discovered pursuant to a consensual search, and
5 those firearms surrendered by the person restrained. If the
6 person restrained is the registered owner of a firearm and knows
7 the location of the firearm, but refuses to surrender the
8 firearm or refuses to disclose the location of the firearm, the
9 person restrained shall be guilty of a misdemeanor. In any
10 case, when a police officer is unable to locate the firearms and
11 ammunition either registered under this chapter or known to the
12 person granted protection by the court, the police officer shall
13 apply to the court for a search warrant pursuant to chapter 803
14 for the limited purpose of seizing the firearm and ammunition.

15 ~~[For the purposes of this subsection, good cause shall not~~
16 ~~be based solely upon the consideration that the person subject~~
17 ~~to restraint pursuant to an order of any court is required to~~
18 ~~possess or carry firearms or ammunition during the course of the~~
19 ~~person's employment. Good cause consideration may include but~~
20 ~~not be limited to the protection and safety of the person to~~
21 ~~whom a restraining order is granted.]~~

S.B. NO. 1282

1 (g) Any person disqualified from ownership, possession,
2 control, or the right to transfer ownership of firearms and
3 ammunition under this section shall surrender or dispose of all
4 firearms and ammunition in compliance with section 134-7.3.

5 (h) Any person who otherwise would be prohibited under
6 subsection (b) from owning, possessing, or controlling a firearm
7 and ammunition solely as a result of a conviction for a crime
8 that is not a felony, and who is not prohibited from owning,
9 possessing, or controlling a firearm or ammunition for any
10 reason under any other provision of this chapter or under title
11 18 United States Code section 922 or another provision of
12 federal law, shall not be prohibited under this section from
13 owning, possessing, or controlling a firearm and ammunition if
14 twenty years have elapsed from the date of the conviction.

15 [~~h~~] (i) Any person violating subsection (a) or (b) shall
16 be guilty of a class C felony; provided that any felon violating
17 subsection (b) shall be guilty of a class B felony. Any person
18 violating subsection (c), (d), (e), (f), or (g) shall be guilty
19 of a misdemeanor."

20 SECTION 7. Section 134-9, Hawaii Revised Statutes, is
21 amended to read as follows:

S.B. NO. 1282

1 "§134-9 Licenses to carry. (a) [~~In an exceptional case,~~
2 ~~when an applicant shows reason to fear injury to the applicant's~~
3 ~~person or property, the]~~ The chief of police of [the
4 ~~appropriate]~~ a county [~~may]~~ shall grant a license to an
5 applicant [~~who is a citizen of the United States of the age of~~
6 ~~twenty one years or more or to a duly accredited official~~
7 ~~representative of a foreign nation of the age of twenty one~~
8 ~~years or more]~~ to carry a pistol or revolver and ammunition
9 [~~therefor]~~ concealed on the licensee's person within the county
10 where the license is granted[~~. Where the urgency or the need~~
11 ~~has been sufficiently indicated, the respective]~~, if the
12 applicant:

13 (1) Satisfies each of the criteria established by or
14 pursuant to subsection (d);

15 (2) Is not prohibited under section 134-7 from the
16 ownership, possession, or control of a firearm and
17 ammunition;

18 (3) Is not found to be lacking the essential character or
19 temperament necessary to be entrusted with a firearm
20 as set forth in subsection (h);

S.B. NO. 1282

1 (4) Is a citizen, national, or lawful permanent resident
2 of the United States or a duly accredited official
3 representative of a foreign nation;

4 (5) Is a resident of the State of Hawaii; and

5 (6) Is of the age of twenty-one years or more.

6 (b) A chief of police may grant to an applicant [~~of good~~
7 ~~moral character who is a citizen of the United States of the age~~
8 ~~of twenty one years or more, is engaged in the protection of~~
9 ~~life and property, and is not prohibited under section 134-7~~
10 ~~from the ownership or possession of a firearm,]~~ a license to
11 carry a pistol or revolver and ammunition [~~therefor~~] unconcealed
12 on the licensee's person within the county where the license is
13 granted~~[=]~~, if the applicant:

14 (1) Satisfies each of the criteria set forth in or
15 established pursuant to subsection (d);

16 (2) Sufficiently establishes the urgency or the need to
17 carry a firearm unconcealed;

18 (3) Is engaged in the protection of life and property;

19 (4) Is not prohibited under section 134-7 from the
20 ownership, possession, or control of a firearm;

21 (5) Is not found to be lacking the essential character or
22 temperament necessary to be entrusted with a firearm;

S.B. NO. 1282

1 (6) Is a citizen, national, or lawful permanent resident
2 of the United States; and

3 (7) Is of the age of twenty-one years or more.

4 (c) The chief of police of the appropriate county, or [the
5 ~~chief's]~~ a designated representative[~~7~~] of the chief of police,
6 shall perform an inquiry on an applicant by using the National
7 Instant Criminal Background Check System, to include a check of
8 the Immigration and Customs Enforcement databases where the
9 applicant is not a citizen of the United States, before any
10 determination to grant a concealed or unconcealed license is
11 made. Unless renewed, [~~the~~] a concealed or unconcealed license
12 shall expire [~~one year~~] two years from the date of issue.

13 [~~(b)~~] (d) [The chief of police of each county shall adopt
14 ~~procedures to require that any person granted a license to carry~~
15 ~~a concealed weapon on the person shall:]~~ To be eligible to
16 receive a license to carry a concealed or unconcealed pistol or
17 revolver on the licensee's person, the applicant shall:

18 (1) [~~Be qualified to use the firearm in a safe manner;~~]
19 Truthfully complete, under penalty of law, the
20 application for the type of carry license being
21 applied for, and submit a complete application, in
22 person, to the chief of police of the appropriate

S.B. NO. 1282

1 county with all fields on the application form
2 completed, all questions answered, all required
3 signatures present on the application, any required
4 documents attached to the application, and payment of
5 the nonrefundable license application fee required
6 under this section;

7 (2) ~~[Appear to be a suitable person to be so licensed,]~~
8 Except for detectives, private detectives,
9 investigators, and guards as defined in chapter 463
10 with an active license issued pursuant to chapter 463,
11 be the registered owner of the firearm or firearms for
12 which the license to carry will be issued;

13 (3) Not be prohibited under section 134-7 from the
14 ownership ~~[or]~~, possession, or control of a firearm;
15 ~~[and]~~

16 (4) ~~[Not have been adjudged insane or not appear to be~~
17 ~~mentally deranged.]~~ Have completed a course of
18 training as described in subsection (e) and be
19 certified as qualified to use the firearm or firearms
20 for which the license to carry will be issued in a
21 safe manner;

S.B. NO. 1282

- 1 (5) Effective January 1, 2025, provide proof of compliance
2 with the insurance coverage requirements of section
3 134-B; and
- 4 (6) Sign an affidavit expressly acknowledging that the
5 applicant has read and is responsible for
6 understanding and complying with the federal, state,
7 and local laws governing the permissible use of
8 firearms and associated requirements, including but
9 not limited to the prohibition on carrying or
10 possessing a firearm in certain locations and
11 premises, the prohibition on carrying more than one
12 firearm on the licensee's person at one time, the
13 prohibition on carrying a firearm on private property
14 open to the public without the express authorization
15 of the owner, lessee, operator, or manager of the
16 private property, the requirement to maintain
17 possession of the license on the licensee's person
18 while carrying a firearm, requirements pertaining to
19 the maintenance of liability insurance coverage, the
20 requirement to disclose information regarding the
21 carrying of a firearm when stopped by law enforcement,
22 the provision for absolute liability for injury or

S.B. NO. 1282

1 property damage proximately caused by a legally
2 unjustified discharge of a firearm under section 663-
3 9.5, and when and how deadly force may be used for
4 self-defense or defense of another. The affidavit
5 shall also include an acknowledgment that the licensee
6 is responsible for understanding and complying with
7 any applicable federal, state, and county laws,
8 including laws regarding the use of deadly force for
9 self-defense or the defense of another, and that:

10 (A) A license to carry issued under this section
11 shall be void if a licensee becomes disqualified
12 from the ownership, possession, or control of a
13 firearm pursuant to section 134-7(a), (b), (d),
14 or (f);

15 (B) The license shall be subject to revocation under
16 section 134-13 if a licensee for any other reason
17 becomes disqualified under section 134-7 from the
18 ownership, possession, or control of a firearm;
19 and

20 (C) A license that is revoked or that becomes void
21 shall be returned to the chief of police of the
22 appropriate county within forty-eight hours.

S.B. NO. 1282

1 [~~(e)~~] (e) [~~No person shall carry concealed or unconcealed~~
2 ~~on the person a pistol or revolver without being licensed to do~~
3 ~~so under this section or in compliance with sections 134-5(c) or~~
4 ~~134-25.] The course of training for issuance of a license under
5 this chapter may be any course acceptable to the licensing
6 authority that meets all of the following criteria:~~

7 (1) The course shall include in-person instruction on
8 firearm safety, firearm handling, shooting technique,
9 safe storage, legal methods to transport firearms and
10 secure firearms in vehicles, laws governing places in
11 which persons are prohibited from carrying a firearm,
12 firearm usage in low-light situations, situational
13 awareness and conflict management, and laws governing
14 firearms, including information regarding the
15 circumstances in which deadly force may be used for
16 self-defense or the defense of another;

17 (2) The course shall include a component on mental health
18 and mental health resources;

19 (3) Except for the component on mental health and mental
20 health resources, the course shall be conducted by one
21 or more firearms instructors certified or verified by
22 the chief of police of the respective county or a

S.B. NO. 1282

1 designee of the chief of police or certified by a
2 nongovernmental organization approved for such
3 purposes by the chief of police of the respective
4 county or a designee of the chief of police, or
5 conducted by one or more certified military firearms
6 instructors;

7 (4) The course shall require participants to demonstrate
8 their understanding of the covered topics by achieving
9 a score of at least seventy per cent on a written
10 examination; and

11 (5) The course shall include live-fire shooting exercises
12 on a firing range and shall include a demonstration by
13 the applicant of safe handling of, and shooting
14 proficiency with, each firearm that the applicant is
15 applying to be licensed to carry.

16 ~~[(d)] (f) [A fee of \$10 shall be charged for each license~~
17 ~~and shall be deposited in the treasury of the county in which~~
18 ~~the license is granted.]~~ Upon passing the course of training
19 identified in subsection (e), the applicant shall obtain from
20 the instructor, and include as part of the applicant's
21 application package, a certification as to the following:

S.B. NO. 1282

- 1 (1) The applicant's name, as confirmed by reviewing the
- 2 applicant's government-issued photo identification;
- 3 (2) The date and location of the firearm proficiency test;
- 4 (3) The firearm or firearms with which the applicant took
- 5 the firearm proficiency test;
- 6 (4) The applicant's score, provided that an indication
- 7 only that the applicant passed or failed, without the
- 8 score itself, is insufficient; and
- 9 (5) The instructor's qualifications to administer the
- 10 firearm proficiency test.

11 The certification of the above information, signed by the
12 firearms instructor who conducted or taught the course,
13 providing the name, address, and phone number of the instructor,
14 shall constitute evidence of successful completion of the
15 course. The course of training for issuance of a license under
16 this chapter shall be undertaken at the licensee's expense.

17 (g) An applicant for a license under this section shall
18 sign a waiver at the time of application, allowing the chief of
19 police of the county issuing the license or a designee of the
20 chief of police access to any records that have a bearing on the
21 mental health of the applicant.

S.B. NO. 1282

1 (h) In determining whether a person lacks the essential
2 character or temperament necessary to be entrusted with a
3 firearm, the licensing authority shall consider whether the
4 person poses a danger of causing a self-inflicted bodily injury
5 or unlawful injury to another person, as evidenced by:

6 (1) Information from a healthcare provider indicating that
7 the person has had suicidal or homicidal thoughts or
8 tendencies within the preceding five years;

9 (2) Statements or actions by the person indicating
10 dangerousness or violent animus towards one or more
11 individuals or groups, including but not limited to
12 groups based on race, color, national origin,
13 ancestry, sex, gender identity, gender expression,
14 sexual orientation, age, disability, religion, or
15 other characteristic, of a nature or to an extent that
16 would objectively indicate to a reasonable observer
17 that it would not be in the interest of the public
18 health, safety, or welfare for the person to own,
19 possess, or control a firearm or ammunition; or

20 (3) Other information that would lead a reasonable,
21 objective observer to conclude that the person
22 presents a danger to the community as a result of

S.B. NO. 1282

1 carrying a firearm in public or intends or is likely
2 to use a firearm for an unlawful purpose or in an
3 unlawful manner.

4 (i) A nonrefundable fee of \$150 shall be charged for each
5 license application submitted under this section, which shall be
6 chargeable by and payable to the appropriate county and shall be
7 used for expenses related to police services.

8 (j) If the applicant satisfies each of the requirements
9 for a concealed carry license, an application for a concealed
10 carry license submitted to the chief of police of the
11 appropriate county under this section shall be approved within a
12 reasonable time after receipt of all required application
13 materials. If the applicant does not satisfy one or more of the
14 requirements for a concealed carry license, the license shall be
15 denied within a reasonable time after receipt of the application
16 materials. If an application is denied, the chief of police
17 shall notify the applicant of the denial in writing, stating the
18 ground or grounds for the denial and informing the applicant of
19 the right to seek review of the denial through a hearing
20 pursuant to subsection (k). If the chief of police does not
21 grant or deny a submitted application for a concealed carry
22 license within one hundred twenty days following the date of the

S.B. NO. 1282

1 application, the application shall be deemed denied as of that
2 date for purposes of subsection (k).

3 (k) If an application under this section is denied, a
4 person or entity aggrieved by the denial shall be entitled to a
5 hearing before the chief of police of the appropriate county or
6 a designee of the chief of police. A person or entity aggrieved
7 by the denial shall submit a request for a hearing in writing to
8 the chief of police of the appropriate county not later than
9 thirty days following the date of the decision or determination
10 notice. The hearing shall constitute a contested case hearing
11 for purposes of chapter 91. Following the hearing and final
12 decision, an aggrieved party shall be entitled to a judicial
13 review proceeding in state circuit court in accordance with
14 section 91-14.

15 (1) If an application pursuant to this section is
16 approved, the chief of police shall issue the applicant a
17 license that contains, at minimum:

- 18 (1) The licensee's name;
19 (2) The licensee's address;
20 (3) A photograph of the licensee taken within ninety days
21 prior to issuance of the license;
22 (4) The county of issuance;

S.B. NO. 1282

1 (5) A notation as to whether the license permits concealed
2 or unconcealed carry;

3 (6) The serial number of each registered firearm that the
4 licensee may carry pursuant to the license;

5 (7) The license expiration date; and

6 (8) The signature of the licensee.

7 (m) No person shall carry concealed or unconcealed on
8 their person a pistol or revolver without being licensed to do
9 so under this section, or in accordance with title 18 United
10 States Code section 926B or 926C, or in compliance with section
11 134-5(c) or 134-25.

12 (n) A license to carry issued under this section shall be
13 void if a licensee becomes disqualified from the ownership,
14 possession, or control of a firearm pursuant to section 134-
15 7(a), (b), (d), or (f). If a licensee for any other reason
16 becomes disqualified under section 134-7 from the ownership,
17 possession, or control of a firearm, the license shall be
18 subject to revocation under section 134-13. A license that is
19 void or revoked shall be returned to the chief of police of the
20 appropriate county within forty-eight hours.

S.B. NO. 1282

1 (o) The chief of police of each county shall adopt
2 procedures to implement the requirements set forth in this
3 section.

4 (p) The chief of police of each county shall establish
5 procedures and criteria for the renewal of licenses issued under
6 this section. No license renewal shall be granted if an
7 applicant for a renewed license does not satisfy, or no longer
8 satisfies, the eligibility criteria for a new license set forth
9 in subsections (a) through (d). As a precondition for the
10 renewal of licenses issued under this section, the chief of
11 police of each county may establish reasonable continuing
12 education, training, and certification requirements, including
13 but not limited to requirements pertaining to the safe handling
14 of firearms and shooting proficiency. A nonrefundable fee of
15 \$50 shall be charged for each license renewal application
16 submitted under this section, which shall be chargeable by and
17 payable to the appropriate county and shall be used for expenses
18 related to police services.

19 (q) No person carrying a firearm pursuant to a license
20 issued under this section or in accordance with title 18 United
21 States Code section 926B or 926C shall intentionally, knowingly,

S.B. NO. 282

1 or recklessly carry more than one firearm on the licensee's
2 person at one time."

3 SECTION 8. Section 134-13, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§134-13 Revocation of permits[-] and licenses. (a) All
6 permits and licenses provided for under this part [~~may~~] shall be
7 revoked [~~, for good cause,~~] by the issuing authority [~~or~~], and
8 may be revoked by [~~the judge of~~] any court[-], if the issuing
9 authority or court determines that the permit or license is
10 subject to revocation because the permit or license holder does
11 not satisfy, or no longer satisfies, the applicable
12 qualifications or requirements associated with the permit or
13 license.

14 (b) If the issuing authority determines that a permit or
15 license is subject to revocation, it shall notify the permit or
16 license holder of the determination in writing, stating the
17 grounds for the determination and informing the permit or
18 license holder of the right to seek a hearing before the issuing
19 authority regarding the determination prior to revocation.
20 Unless the permit or license holder submits a request for a
21 hearing in writing to the issuing authority not later than
22 thirty days following the date of the written notice that the

S.B. NO. 282

1 permit or license is subject to revocation, the permit or
2 license shall be immediately revoked by the issuing authority.
3 Any hearing regarding a determination that a permit or license
4 is subject to revocation shall constitute a contested case
5 hearing for purposes of chapter 91. A person or entity
6 aggrieved by a revocation under this section may apply for
7 judicial review in state circuit court in accordance with
8 section 91-14.

9 (c) If a permit or license is revoked pursuant to this
10 section, the former permit or license holder shall return the
11 permit or license to the issuing authority within forty-eight
12 hours following receipt of the notice of revocation."

13 SECTION 9. Section 134-17, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~§134-17 Penalties. (a) If any person [gives false~~
16 ~~information or offers false evidence of the person's identity in~~
17 ~~complying with any of the requirements of this part, that person~~
18 ~~shall be guilty of a misdemeanor, provided, however that if any~~
19 ~~person intentionally gives false information or offers false~~
20 ~~evidence concerning their] intentionally, knowingly, or~~
21 ~~recklessly makes any materially false, fictitious, or fraudulent~~
22 ~~statement or representation in connection with any of the~~

S.B. NO. 1282

1 requirements of this part, that person shall be guilty of a
2 misdemeanor, provided, however that if any person intentionally,
3 knowingly, or recklessly makes any materially false, fictitious,
4 or fraudulent statement or representation regarding the person's
5 psychiatric or criminal history in [complying] connection with
6 any of the requirements of this part, that person shall be
7 guilty of a class C felony.

8 (b) Any person who violates section 134-3(a) shall be
9 guilty of a petty misdemeanor.

10 (c) Any person who violates section 134-2, 134-4, 134-
11 9(m), 134-9(q), 134-10, 134-13(c), 134-B, or 134-15 shall be
12 guilty of a misdemeanor. Any person who violates section 134-
13 3(b) shall be guilty of a petty misdemeanor and the firearm
14 shall be confiscated as contraband and disposed of, if the
15 firearm is not registered within five days of the person
16 receiving notice of the violation."

17 SECTION 10. Section 707-716, Hawaii Revised Statutes, is
18 amended by amending subsection (2) to read as follows:

19 "(2) Terroristic threatening in the first degree is a
20 class C felony[-], provided that terroristic threatening in the
21 first degree is a class B felony if committed with a firearm as

S.B. NO. 1282

1 defined in section 134-1, or a simulated firearm, while in one
2 of the locations or premises listed in section 134-A(a)."

3 SECTION 11. Section 846-2.7, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

6 (1) The department of health or its designee on operators
7 of adult foster homes for individuals with
8 developmental disabilities or developmental
9 disabilities domiciliary homes and their employees, as
10 provided by section 321-15.2;

11 (2) The department of health or its designee on
12 prospective employees, persons seeking to serve as
13 providers, or subcontractors in positions that place
14 them in direct contact with clients when providing
15 non-witnessed direct mental health or health care
16 services as provided by section 321-171.5;

17 (3) The department of health or its designee on all
18 applicants for licensure or certification for,
19 operators for, prospective employees, adult
20 volunteers, and all adults, except adults in care, at
21 healthcare facilities as defined in section 321-15.2;

S.B. NO. 1282

- 1 (4) The department of education on employees, prospective
2 employees, and teacher trainees in any public school
3 in positions that necessitate close proximity to
4 children as provided by section 302A-601.5;
- 5 (5) The counties on employees and prospective employees
6 who may be in positions that place them in close
7 proximity to children in recreation or child care
8 programs and services;
- 9 (6) The county liquor commissions on applicants for liquor
10 licenses as provided by section 281-53.5;
- 11 (7) The county liquor commissions on employees and
12 prospective employees involved in liquor
13 administration, law enforcement, and liquor control
14 investigations;
- 15 (8) The department of human services on operators and
16 employees of child caring institutions, child placing
17 organizations, and foster boarding homes as provided
18 by section 346-17;
- 19 (9) The department of human services on prospective
20 adoptive parents as established under section
21 346-19.7;

S.B. NO. 1282

- 1 (10) The department of human services or its designee on
2 applicants to operate child care facilities, household
3 members of the applicant, prospective employees of the
4 applicant, and new employees and household members of
5 the provider after registration or licensure as
6 provided by section 346-154, and persons subject to
7 section 346-152.5;
- 8 (11) The department of human services on persons exempt
9 pursuant to section 346-152 to be eligible to provide
10 child care and receive child care subsidies as
11 provided by section 346-152.5;
- 12 (12) The department of health on operators and employees of
13 home and community-based case management agencies and
14 operators and other adults, except for adults in care,
15 residing in community care foster family homes as
16 provided by section 321-15.2;
- 17 (13) The department of human services on staff members of
18 the Hawaii youth correctional facility as provided by
19 section 352-5.5;
- 20 (14) The department of human services on employees,
21 prospective employees, and volunteers of contracted
22 providers and subcontractors in positions that place

S.B. NO. 1282

- 1 them in close proximity to youth when providing
2 services on behalf of the office or the Hawaii youth
3 correctional facility as provided by section 352D-4.3;
4 (15) The judiciary on employees and applicants at detention
5 and shelter facilities as provided by section 571-34;
6 (16) The department of public safety on employees and
7 prospective employees who are directly involved with
8 the treatment and care of persons committed to a
9 correctional facility or who possess police powers
10 including the power of arrest as provided by section
11 353C-5;
12 (17) The board of private detectives and guards on
13 applicants for private detective or private guard
14 licensure as provided by section 463-9;
15 (18) Private schools and designated organizations on
16 employees and prospective employees who may be in
17 positions that necessitate close proximity to
18 children; provided that private schools and designated
19 organizations receive only indications of the states
20 from which the national criminal history record
21 information was provided pursuant to section 302C-1;

S.B. NO. 1282

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

S.B. NO. 1282

1 (23) The department of human services on foster grandparent
2 program, senior companion program, and respite
3 companion program participants as provided by section
4 346-97;

5 (24) The department of human services on contracted and
6 subcontracted service providers and their current and
7 prospective employees that provide home and community-
8 based services under section 1915(c) of the Social
9 Security Act, title 42 United States Code section
10 1396n(c), or under any other applicable section or
11 sections of the Social Security Act for the purposes
12 of providing home and community-based services, as
13 provided by section 346-97;

14 (25) The department of commerce and consumer affairs on
15 proposed directors and executive officers of a bank,
16 savings bank, savings and loan association, trust
17 company, and depository financial services loan
18 company as provided by section 412:3-201;

19 (26) The department of commerce and consumer affairs on
20 proposed directors and executive officers of a
21 nondepository financial services loan company as
22 provided by section 412:3-301;

S.B. NO. 1282

- 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;

S.B. NO. 1282

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;

S.B. NO. 1282

- 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;

S.B. NO. 1282

- 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
22 dispensaries, and individuals permitted to enter and

S.B. NO. 1282

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

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

8 (43) The county police departments on applicants for
9 permits to acquire firearms pursuant to section 134-2
10 [~~and~~], on individuals registering their firearms
11 pursuant to section 134-3[+], and on applicants for
12 new or renewed licenses to carry a pistol or revolver
13 and ammunition pursuant to section 134-9;

14 (44) The department of commerce and consumer affairs on:

15 (A) Each of the controlling persons of the applicant
16 for licensure as an escrow depository, and each
17 of the officers, directors, and principals who
18 will be in charge of the escrow depository's
19 activities upon licensure; and

20 (B) Each of the controlling persons of an applicant
21 for proposed change in control of an escrow
22 depository licensee, and each of the officers,

S.B. NO. 1282

1 directors, and principals who will be in charge
2 of the licensee's activities upon approval of
3 such application,

4 as provided by chapter 449;

5 (45) The department of taxation on current or prospective
6 employees or contractors who have access to federal
7 tax information in order to comply with requirements
8 of federal law, regulation, or procedure, as provided
9 by section 231-1.6;

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

15 (47) The department of human services on current or
16 prospective employees or contractors who have access
17 to federal tax information in order to comply with
18 requirements of federal law, regulation, or procedure,
19 as provided by section 346-2.5;

20 (48) The child support enforcement agency on current or
21 prospective employees, or contractors who have access
22 to federal tax information in order to comply with

S.B. NO. 1282

1 federal law, regulation, or procedure, as provided by
2 section 576D-11.5;

3 (49) The department of the attorney general on current or
4 prospective employees or employees or agents of
5 contractors who have access to federal tax information
6 to comply with requirements of federal law,
7 regulation, or procedure, as provided by section 28-
8 17;

9 [+](50) [+] The department of commerce and consumer affairs
10 on each control person, executive office, director,
11 general partner, and managing member of an installment
12 loan licensee, or an application for an installment
13 loan license, as provided in chapter 480J;

14 [+](51) [+] The University of Hawaii on current and
15 prospective employees and contractors whose duties
16 include ensuring the security of campus facilities and
17 persons; and

18 [+](52) [+] Any other organization, entity, or the State, its
19 branches, political subdivisions, or agencies as may
20 be authorized by state law."

21 SECTION 12. Act 30, Session Laws of Hawaii 2022, is
22 amended by amending section 5 to read as follows:

S.B. NO. 1282

1 "SECTION 5. This Act shall take effect upon its approval[
2 ~~provided that on June 30, 2025, section 2 of this Act shall be~~
3 ~~repealed and section 134-3, Hawaii Revised Statutes, shall be~~
4 ~~reenacted in the form in which it read on the day before the~~
5 ~~effective date of this Act]."~~

6 SECTION 13. Every provision in this Act and every
7 application of each provision in this Act is severable from each
8 other. If any application of any provision in this Act to any
9 person or group of persons or circumstances is determined by any
10 court to be invalid, the remainder of this Act and the
11 application of the Act's provisions to all other persons and
12 circumstances shall not be affected. All constitutionally valid
13 applications of this Act shall be severed from any applications
14 that a court determines to be invalid or unenforceable, leaving
15 the valid applications in force, because it is the legislature's
16 intent that all valid applications shall remain in force.

17 SECTION 14. This Act shall be construed to be enforceable
18 up to but no further than the maximum possible extent consistent
19 with federal law and constitutional requirements.

20 SECTION 15. In codifying the new sections added by section
21 2 and referenced in section 7, section 10, and section 11 of
22 this Act, the revisor of statutes shall substitute appropriate

S.B. NO. 1282

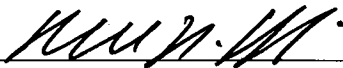
1 section numbers for the letters used in designating the new
2 sections in this Act.

3 SECTION 16. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 17. This Act shall take effect upon its approval;
6 provided that the amendments made to section 846-2.7(b), Hawaii
7 Revised Statutes, by section 12 of this Act shall not be
8 repealed when section 28 of Act 278, Session Laws of Hawaii
9 2022, takes effect.

10

11

INTRODUCED BY: 

12

BY REQUEST

S.B. NO. 1282

Report Title:

Firearms; Licenses; Registration; Enforcement; Insurance

Description:

Amends, clarifies, and enacts provisions of chapter 134, Hawaii Revised Statutes (HRS); amends section 707-716, HRS; and amends and clarifies section 846-2.7(b), HRS. Amends and enacts requirements and processes regarding permits to acquire and licenses to carry a firearm; updates criteria governing when firearm ownership, possession, or control is prohibited; identifies locations within the State where carrying or possessing firearms is prohibited; requires a person carrying a firearm pursuant to a license to have in the person's immediate possession the license and documentary evidence that the firearm being carried is registered; requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage; requires 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; prohibits leaving an unsecured firearm in a vehicle unattended; prohibits consuming or being under the influence of alcohol or intoxicating liquor or a controlled substance while carrying a firearm; prohibits carrying a firearm on private property open to the public without express authorization; and amends, clarifies, and enacts other provisions relating to firearms. Provides that criminal history record checks may be conducted by county police departments on applicants for licenses to carry a pistol or revolver and ammunition pursuant to section 134-9, HRS.

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

JUSTIFICATION SHEET

DEPARTMENT: ATTORNEY GENERAL

TITLE: A BILL FOR AN ACT RELATING TO FIREARMS.

PURPOSE: To clarify, revise, and update Hawaii's firearms laws to 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.

MEANS: Amend part I of chapter 134, Hawaii Revised Statutes (HRS), by adding seven new sections and by amending and clarifying other provisions of chapter 134; amend section 707-716, HRS; amend and clarify section 846-2.7(b), HRS; amend Act 30, Session Laws of Hawaii 2022, to repeal the provision that would sunset section 2 of the Act on June 30, 2025.

JUSTIFICATION: Gun violence presents serious hazards to public health, safety, and welfare within the State. At the same time, the United States Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), has necessitated revisions to certain aspects of Hawaii's firearms laws. Even after the Supreme Court's decision in *Bruen*, however, the Second Amendment is not a regulatory straitjacket. *Bruen*, 142 S. Ct. at 2133. States retain authority to enact "a 'variety' of gun regulations," *id.* at 2162 (Kavanaugh, J., concurring), such as prohibiting the carrying or possession of firearms in certain locations and adopting laws and regulations designed to ensure that those who carry firearms are "law-abiding, responsible citizens," *id.* at 2133, 2138.

Updates to Hawaii's firearms laws, as described below, will revise and amend State law to address 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.

The bill adds a new section to chapter 134, HRS, to prohibit carrying or possessing a firearm in certain locations and premises within the State. The bill is intended to protect areas in which the carrying or possession of dangerous weapons has traditionally been restricted, such as schools and other places frequented by children, government buildings, polling places, and other analogous locations. The bill also amends section 707-716, HRS, to provide that terroristic threatening in the first degree shall be a class B felony if committed with a firearm as defined in section 134-1, HRS, or a simulated firearm, while in one of these locations or premises.

The bill also adds new sections to chapter 134, HRS, to require a person carrying a firearm pursuant to a license to have in the person's immediate possession the license and documentary evidence that the firearm being carried is registered; to require a person carrying a firearm in public pursuant to a license to maintain insurance coverage; and 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 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 the firearm. These provisions are intended to protect the public and law enforcement officers from risks associated with gun violence and the public carry of firearms, promote responsible gun use and ownership, and ensure that those who carry and possess firearms do so in a responsible, law-abiding

manner that protects public health, safety, and welfare.

The bill also adds a new section to chapter 134, HRS, to prohibit carrying or possessing a firearm on private property open to the public without authorization. By prohibiting carrying or possessing a firearm on private property open to the public without express authorization, the bill is intended to respect the right of private individuals and entities to decide for themselves whether to allow or restrict the carrying or possession of a firearm on their private property. An owner, lessee, operator, or manager of private property open to the public may signify authorization to carry a firearm on their private property by providing unambiguous written or verbal authorization or by posting clear and conspicuous signage indicating that carrying or possessing a firearm is authorized.

The bill also adds a new section to chapter 134, HRS, to provide that nothing in that chapter shall be construed to affect the authority of any county to impose requirements relating to firearms that exceed the statewide provisions established in chapter 134, HRS, including the establishment of prohibitions on carrying or possessing a firearm in additional locations or premises within that county.

The bill also amends section 134-2, HRS, to update and revise requirements and processes for obtaining a permit to acquire a firearm, and amends Act 30, Session Laws of Hawaii 2022, to repeal the provision that would sunset section 2 of the Act on June 30, 2025.

The bill also amends section 134-7, HRS, to update criteria governing when firearm ownership, possession, or control is prohibited; amends section 134-13, HRS, to revise the revocation process for permits

and licenses; and amends section 134-17, HRS, to revise penalties for violating certain provisions and requirements under chapter 134, HRS.

The bill also amends section 134-9, HRS, to update certain provisions associated with the issuance of licenses to carry a pistol or revolver and ammunition. The bill, among other things, provides that county police departments shall issue a concealed carry license to an applicant who satisfies each of the requirements established in that section for a concealed carry license. The bill also adds a new provision to section 134-9, HRS, to prohibit a person carrying a firearm pursuant to a license issued under that section, or carrying a firearm in accordance with title 18 United States Code section 926B or 926C, from carrying more than one firearm at one time.

Additionally, the bill amends section 846-2.7(b), HRS, to clarify that the county police departments may conduct criminal history record checks on applicants for a license to carry a pistol or revolver and ammunition pursuant to section 134-9, HRS.

Impact on the public: The public would benefit from changes to State firearms laws that promote public health, safety, and welfare by protecting the public from hazards associated with firearms and gun violence. Members of the public who wish to apply for a permit to acquire or a license to carry a firearm and are qualified to obtain such a permit or license would benefit from updated laws that provide greater clarity regarding permits and licenses.

Impact on the department and other agencies: Should one or more aspects of this bill be subject to legal challenge, the Department of the Attorney General may be required to defend such challenges in litigation.

Within the framework established by State law, the county police departments are the licensing authorities responsible for implementing, adjudicating, and administering permits to acquire a firearm and licenses to carry a firearm.

GENERAL FUND:

None.

OTHER FUNDS:

The bill adjusts certain regulatory fees that are chargeable by and payable to the counties and used for expenses related to police services.

PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

The county police departments.

EFFECTIVE DATE:

Upon approval.