S.B. NO. 2845 S.D. 2 H.D. 1

C.D. 1

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the State has some of the strongest gun safety laws in the nation and had the third 2 lowest number of gun deaths per capita in the nation as of 2021. 3 Despite this, state laws restricting the sale, ownership, and 4 5 possession of ammunition do not currently align with the State's gun safety laws. Existing law prohibits the ownership of 6 7 firearms by persons under the age of twenty-one, but state law does not restrict the purchase, ownership, or possession of 8 9 ammunition by persons under the age of twenty-one. Numerous states, including Arizona, California, Connecticut, Delaware, 10 11 Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, 12 Minnesota, New Hampshire, New Jersey, New York, Rhode Island, 13 and Vermont, have set a minimum age requirement for ammunition sales. Setting a minimum age requirement to purchase, own, or 14 15 possess ammunition that conforms to the existing minimum age requirement to purchase, own, or possess a firearm in the State 16 will help to ensure the safety of residents and reduce incidents 17 18 of gun violence in the State.





1	Accordingly, the purpose of this Act is to prohibit:
2	(1) A person from selling ammunition to a person under the
3	age of twenty-one; and
4	(2) A person under the age of twenty-one from owning,
5	possessing, or controlling ammunition, with
6	exceptions.
7	SECTION 2. Chapter 134, Hawaii Revised Statutes, is
8	amended by adding a new section to be appropriately designated
9	and to read as follows:
10	" $\$134-$ Sale of ammunition to a person under the age of
11	twenty-one; prohibition; penalty. (a) No person shall
12	intentionally, knowingly, or recklessly sell, offer to sell,
13	distribute, or otherwise transfer ammunition for any firearm to
14	any person who is under the age of twenty-one; provided that it
15	shall not be a violation of this section to sell, offer to sell,
16	distribute, or otherwise transfer ammunition to a person who:
17	(1) Meets the criteria to possess a firearm under section
18	134-5; and
19	(2) Is actively engaged in hunting or target shooting or
20	going to or from the place of hunting or target
21	shooting.





1	(b) Any person who sells, offers for sale, distributes, or
2	otherwise transfers ammunition for any firearm shall check the
3	government-issued photographic identification of the buyer or
4	recipient to establish the age of the buyer or recipient before
5	making the transfer.
6	(c) It shall be an affirmative defense to subsection (a)
7	that the seller, distributor, or transferor of the ammunition
8	had requested, examined, and reasonably relied upon a
9	government-issued photographic identification establishing the
10	age of the buyer or recipient as at least twenty-one years of
11	age before selling, offering to sell, distributing, or otherwise
12	transferring the ammunition.
13	(d) Any person violating subsection (a) shall be guilty of
14	a_misdemeanor."
15	SECTION 3. Section 134-7, Hawaii Revised Statutes, is
16	amended to read as follows:
17	"§134-7 Ownership, possession, or control prohibited,
18	when; penalty. (a) No person who is a fugitive from justice or
19	prohibited from possessing a firearm or ammunition under title
20	18 United States Code section 922 or any other provision of

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1 federal law shall own, possess, or control any firearm or 2 ammunition.

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

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

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

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

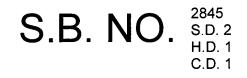
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1		the law of another state, a United States territory,
2		or the District of Columbia;
3	(3)	Is or has been diagnosed with or treated for a
4		medical, behavioral, psychological, emotional, or
5		mental condition or disorder that causes or is likely
6		to cause impairment in judgment, perception, or
7		impulse control to an extent that presents an
8		unreasonable risk to public health, safety, or welfare
9		if the person were in possession or control of a
10		firearm; or
11	(4)	Has been adjudged to:
12		(A) Meet the criteria for involuntary hospitalization
13		under section 334-60.2; or
14		(B) Be an "incapacitated person", as defined in
15		section 560:5-102,
16	unless th	e person establishes, with appropriate medical
17	documenta	tion, that the person is no longer adversely affected
18	by the cr	iteria or statuses identified in this subsection.
19	(d)	No person who is less than twenty-five years old and
20	has been	adjudicated by the family court to have committed a
21	felony, a	crime of violence, a criminal offense relating to





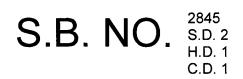
1	firearms,	or an illegal sale or distribution of any drug shall	
2	own, poss	ess, or control any firearm or ammunition.	
3	(e)	No minor shall own, possess, or control any firearm or	
4	ammunition if the minor:		
5	(1)	Is or has been under treatment for addiction to any	
6		dangerous, harmful, or detrimental drug, intoxicating	
7		compound as defined in section 712-1240, or	
8		intoxicating liquor;	
9	(2)	Is a fugitive from justice; or	
10	(3)	Has been determined not to have been responsible for a	
11		criminal act or has been committed to any institution	
12		on account of a mental disease, disorder, or defect,	
13	unless the minor establishes, with appropriate medical		
14	documenta	tion, that the minor is no longer adversely affected by	
15	the addic	tion, mental disease, disorder, or defect.	
16	For	the purposes of enforcing this section, and	
17	notwithstanding section 571-84 or any other law to the contrary,		
18	any agenc	y within the State shall make its records relating to	
19	family court adjudications available to law enforcement		
20	officials.		

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

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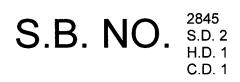
location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court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

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

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

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





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

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

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

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

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





Report Title:

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

Description:

Prohibits a person from selling ammunition to a person under the age of twenty-one. Prohibits a person under the age of twenty-one from owning, possessing, or controlling ammunition, with exceptions. (CD1)

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

