

S.B. NO. 3040

JAN 24 2024

A BILL FOR AN ACT

RELATING TO FIREARMS REPORTING.

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

1 SECTION 1. Section 134-9.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[f]~~ §134-9.6 ~~[f]~~ Annual report on licenses to carry. (a)
4 ~~[No later than April 1, 2024, and April 1 of each year~~
5 ~~thereafter, the]~~ The department of the attorney general shall
6 publish ~~[a]~~ an annual report on its publicly available website
7 that includes, if available ~~[+]~~, the following information,
8 broken down by county, regarding licenses to carry a firearm
9 concealed on the person required under section 134-9(a):

10 (1) The number of licenses ~~[to carry]~~ applied for, issued,
11 revoked, and denied ~~[, further categorized by the age,~~
12 ~~gender, race, and county of residence of each~~
13 ~~applicant or licensee;]~~ during the prior calendar
14 year;

15 (2) The ~~[specific reasons for each revocation and denial;]~~
16 number of active licenses and licensees as of December
17 31 of the prior calendar year;

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1 (3) ~~[Analysis of denials based on applicants' failure to~~
2 ~~meet the standards of section 134-9(d), and~~
3 ~~recommendations to remedy any disparities in denial~~
4 ~~rates by age, gender, or race,]~~ A breakdown of reasons
5 for license denials and revocations during the prior
6 calendar year; and

7 (4) The number of administrative appeals ~~[and appeals]~~
8 received, granted[+], and denied during the prior
9 calendar year.

10 ~~[(5) The number of violations of section 134-9.1.]~~

11 (b) No later than ~~[February 1]~~ March 31 of each year, the
12 chief of police of each county shall ~~[supply]~~ provide to the
13 department of the attorney general ~~[with]~~ the data for the prior
14 calendar year that the department requires to complete the
15 report under subsection (a)."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *W. D. ...*

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BY REQUEST

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Report Title:

Firearms; Licenses; Reporting

Description:

Amends annual reporting requirement for the Department of the Attorney General concerning firearms concealed carry licenses.

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 REPORTING.

PURPOSE: To amend annual reporting requirements for the Department of the Attorney General concerning firearms concealed carry licenses.

MEANS: Amend section 134-9.6, HRS (section 134-F in section 2 of Act 52, Session Laws of Hawaii 2023).

JUSTIFICATION: The bill deletes the reporting and analysis of demographic information of conceal carry license applicants and licensees that includes age, gender, and race. This will allow the report to provide data on the license in general without attaching any unintended stigma to a particular age, gender, or racial group, while affirming a constitutional right to bear arms. Removal of the deadline for the department to publish its annual report will allow the department time to do the required aggregation of the data it receives from the county police departments. The report is still due annually.

The bill extends the date that the county police departments provide the data to the department from February 1 to March 31 of each year to allow the police departments additional time to gather the required data and provide it to the department.

The violations of section 134-9.1, HRS, (carrying or possessing a firearm in certain locations and premises prohibited) may be embedded in the narrative section of the police report, which may require analysis of case-level records.

Impact on the public: In the wake of New York State Rifle and Pistol Association v. Bruen, 597 U.S. 1 (2022), and the subsequent amendment to part I of chapter 134, HRS, the report can be of value to policy makers, researchers, educators, and the public interested in laws regulating the ownership or use of firearms.

Impact on the department and other agencies: The bill will allow the department to complete the report with its existing resources. The county police departments will have 58 additional days to provide the reportable data without time-consuming analysis of case-level records.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: County police departments.

EFFECTIVE DATE: Upon approval.