

JAN 18 2023

A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

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

1 SECTION 1. The legislature finds that requiring firearms
2 permits is an effective way of minimizing unlawful possession
3 and use of firearms. The legislature further finds that the
4 ammunition used in firearms is what renders firearms dangerous,
5 yet there are few state regulations with regards to the sale of
6 ammunition. Specifically, Hawai'i does not require a license for
7 the sale of ammunition, nor does it require a permit to purchase
8 or possess ammunition. The legislature finds that this
9 oversight can be addressed by requiring:

- 10 (1) Licensure of sellers of ammunition; and
11 (2) Gun owners or their alternate to show their firearms
12 registration and identification when purchasing
13 ammunition for the permitted firearms.

14 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§134- Ammunition purchase; proof of registration;
2 exception. (a) No person shall sell ammunition or shell
3 casings for any firearm unless the purchaser first demonstrates
4 that the purchaser:

5 (1) Is the registered owner of the firearm for which the
6 ammunition or shell casings are to be purchased; or
7 (2) Has been designated by the registered owner of the
8 firearm as the alternate for ammunition purchases on
9 the registration pursuant to section 134-3.

10 Presentation to the seller of the registration issued pursuant
11 to section 134-3, together with government-issued photographic
12 identification, such as a driver's license, a civil
13 identification card issued pursuant to part XVI of chapter 286,
14 a military identification card, or a United States passport,
15 shall be sufficient to demonstrate that the purchaser is the
16 registered owner of the firearm for which the ammunition is to
17 be purchased or the designated alternate. For on-line
18 purchases, a scanned copy of the registration and identification
19 shall be sufficient for compliance with this section. For the
20 purposes of this section, the chief of police of each county may
21 provide duplicates of the registration document or the same



1 information in a format to be determined by the chief of police
2 of each county.

3 (b) Violation of this section is a petty misdemeanor.

4 (c) This section shall not apply to ammunition purchases
5 for firearms manufactured before 1899."

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

8 "§134-3 **Registration, mandatory, exceptions.** (a) Every
9 resident or other person arriving in the State who brings or by
10 any other manner causes to be brought into the State a firearm
11 of any description, whether usable or unusable, serviceable or
12 unserviceable, modern or antique, shall register and submit to
13 physical inspection the firearm within five days after arrival
14 of the person or of the firearm, whichever arrives later, with
15 the chief of police of the county of the person's place of
16 business or, if there is no place of business, the person's
17 residence or, if there is neither a place of business nor
18 residence, the person's place of sojourn. A nonresident alien
19 may bring firearms not otherwise prohibited by law into the
20 State for a continuous period not to exceed ninety days;



1 provided that the person meets the registration requirement of
2 this section and the person possesses:

- 3 (1) A valid Hawaii hunting license procured under chapter
4 183D, part II, or a commercial or private shooting
5 preserve permit issued pursuant to section 183D-34;
- 6 (2) A written document indicating the person has been
7 invited to the State to shoot on private land; or
- 8 (3) Written notification from a firing range or target
9 shooting business indicating that the person will
10 actually engage in target shooting.

11 The nonresident alien shall be limited to a nontransferable
12 registration of no more than ten firearms for the purpose of the
13 above activities.

14 Every person registering a firearm under this subsection
15 shall be fingerprinted and photographed by the police department
16 of the county of registration; provided that this requirement
17 shall be waived where fingerprints and photographs are already
18 on file with the police department. The police department shall
19 perform an inquiry on the person by using the International
20 Justice and Public Safety Network, including the United States
21 Immigration and Customs Enforcement query, the National Crime



1 Information Center, and the National Instant Criminal Background
2 Check System, pursuant to section 846-2.7 before any
3 determination to register a firearm is made. Any person
4 attempting to register a firearm, a firearm receiver, or the
5 parts used to assemble a firearm, and who is found to be
6 disqualified from ownership, possession, or control of firearms
7 or ammunition under section 134-7, shall surrender or dispose of
8 all firearms and ammunition pursuant to section 134-7.3.

9 (b) Every person who acquires a firearm pursuant to
10 section 134-2 shall register the firearm in the manner
11 prescribed by this section within five days of acquisition. If
12 the firearm is acquired from a person who is not a dealer
13 licensed under section 134-31 or a dealer licensed by the United
14 States Department of Justice, the firearm shall be physically
15 inspected by the chief of police of the appropriate county or
16 designee at the time of registration. The registration of all
17 firearms shall be on forms prescribed by the attorney general,
18 which shall be uniform throughout the State, and shall include
19 the following information: name of the manufacturer and
20 importer; model; type of action; caliber or gauge; serial
21 number; and source from which receipt was obtained, including



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1 the name and address of the prior registrant. The registration
2 form shall also include a place for the registrant to designate
3 one alternate person authorized to purchase ammunition. If the
4 firearm has been assembled from separate parts and an unfinished
5 firearm receiver, the entity that registered the firearm
6 receiver shall be recorded in the space provided for the name of
7 the manufacturer and importer, and the phrase "assembled from
8 parts" shall be recorded in the space provided for model. If
9 the firearm has been assembled from parts created using a three-
10 dimensional printer, the entity that registered the firearm
11 receiver shall be recorded in the space provided for the name of
12 the manufacturer and importer, and the phrase "3-D printer"
13 shall be recorded in the space provided for model. If the
14 firearm has no serial number, the registration number shall be
15 entered in the space provided for the serial number, and the
16 registration number shall be engraved upon the receiver portion
17 of the firearm before registration. On firearms assembled from
18 parts created using a three-dimensional printer, the
19 registration number shall be engraved on stainless steel,
20 permanently embedded to the firearm receiver during fabrication
21 or construction, and visible when the firearm is assembled.



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1 Firearms and firearm receivers with engraved or embedded
2 registration numbers, even if done by a dealer licensed under
3 section 134-31 or a dealer licensed by the United States
4 Department of Justice, shall be physically inspected by the
5 chief of police of the appropriate county or designee at the
6 time of registration. All registration data that would identify
7 the individual registering the firearm by name or address shall
8 be confidential and shall not be disclosed to anyone, except as
9 may be required:

- 10 (1) For processing the registration;
- 11 (2) For database management by the Hawaii criminal justice
12 data center;
- 13 (3) By a law enforcement agency for the lawful performance
14 of its duties; or
- 15 (4) By order of a court.

16 (c) Dealers licensed under section 134-31 or dealers
17 licensed by the United States Department of Justice shall
18 register firearms pursuant to this section on registration forms
19 prescribed by the attorney general and shall not be required to
20 have the firearms physically inspected by the chief of police at
21 the time of registration, except as provided in subsection (b).



1 An authorized dealer, as provided in section 134-31, or a dealer
2 licensed by the United States Department of Justice, who brings,
3 assembles, or causes to be brought into the State by any other
4 means, separate parts and an unfinished firearm receiver that
5 when assembled create a firearm, or parts created by a three-
6 dimensional printer that when assembled create a firearm, shall
7 register the unfinished firearm receiver and receive a serial
8 number before the assembly of the firearm or the sale or
9 transfer of unassembled firearm parts or a receiver to a third
10 party in accordance with subsection (b). Any sale or transfer
11 of unfinished firearm receivers by an authorized dealer to a
12 third party shall be conducted as if they were fully assembled
13 firearms with a serial number engraved on the firearm receiver
14 and in accordance with the firearms permitting process in
15 section 134-2.

16 (d) Registration shall not be required for:

17 (1) Any device that is designed to fire loose black powder
18 or that is a firearm manufactured before 1899;

19 (2) Any device not designed to fire or made incapable of
20 being readily restored to a firing condition; or



1 (3) All unserviceable firearms and destructive devices
2 registered with the Bureau of Alcohol, Tobacco,
3 Firearms and Explosives of the United States
4 Department of Justice pursuant to Title 27, Code of
5 Federal Regulations.

6 (e) Every person who permanently moves firearms out of the
7 State shall contact and notify the county police department in
8 the county where the firearms are registered about the removal
9 of the firearms within five days of the removal from the State.
10 Any person who fails to timely notify the appropriate police
11 department shall be subject to a civil penalty of \$100 per
12 firearm.

13 (f) No fee shall be charged for the registration of a
14 firearm under this section, except for a fee chargeable by and
15 payable to the registering county for persons registering a
16 firearm under subsection (a), in an amount equal to the fee
17 charged by the Hawaii criminal justice data center pursuant to
18 section 846-2.7. In the case of a joint registration, the fee
19 provided for in this section may be charged to each person.



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1 (g) A registered owner of a firearm may designate on the
2 firearm registration one alternate person to be authorized to
3 purchase ammunition.

4 (h) A registered owner of a firearm may be issued a permit
5 to purchase ammunition of a caliber that is not the caliber
6 listed on the registered firearm by demonstrating to the police
7 department in the registering county that the firearm is capable
8 of firing a caliber of ammunition that is not the caliber listed
9 on the registration of the firearm. This permit shall designate
10 which caliber of ammunition the firearm is capable of firing.
11 The registered owner of the firearm or their alternate person
12 designated under subsection (g) may purchase ammunition,
13 pursuant to section 134- , that is the caliber designated under
14 this subsection.

15 [~~(g)~~] (i) No person less than twenty-one years of age
16 shall bring or cause to be brought into the State any firearm."

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

19 1. By amending the title to read:

20 "§134-4 Transfer, possession of firearms[-] and
21 ammunition."



1 2. By amending subsection (b) to read:

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

8 3. By amending subsection (d) to read:

9 "(d) No person shall knowingly lend a firearm or transfer
10 ammunition to any person who is prohibited from ownership or
11 possession of a firearm under section 134-7."

12 SECTION 5. Section 134-31, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§134-31 License to sell and manufacture firearms[+] and**
15 **ammunition; fee.** Any person desiring to engage in the business
16 to sell and manufacture firearms or ammunition for sale in the
17 State either at wholesale or retail, shall annually file an
18 application for a license therefor with the director of finance
19 of each county of the State. The annual fee for the issuance of
20 such license shall be \$10 and shall be payable to said director
21 of finance. A license issued hereunder shall expire on June 30



1 next following the date of issuance of the license unless sooner
2 terminated. Application for renewal of license shall be filed
3 on or before June 30 of each year."

4 SECTION 6. Section 134-32, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§134-32 License to sell and manufacture firearms[+] and
7 ammunition; conditions. Every license issued pursuant to this
8 part shall be issued and shall be regarded as having been
9 accepted by the licensee subject to the following conditions:

- 10 (1) That the licensee at all times shall comply with all
11 provisions of law relative to the sale of firearms[-]
12 and ammunition;
- 13 (2) That the license during any time of national emergency
14 or crisis, as defined in section 134-34, may be
15 canceled or suspended[-];
- 16 (3) That all firearms or ammunition in the possession and
17 control of any licensee at any time of national
18 emergency or crisis, as defined in section 134-34, may
19 be seized and held in possession or purchased by or on
20 the order of the governor until such time as the
21 national emergency or crisis has passed, or until such



1 time as the licensee and the government of the United
2 States or the government of the State may agree upon
3 some other disposition of the same[-];

4 (4) That all firearms or ammunition in the possession and
5 control of the licensee or registered pursuant to
6 section 134-3(c) by the licensee shall be subject to
7 physical inspection by the chief of police of each
8 county during normal business hours at the licensee's
9 place of business[-]; and

10 (5) That the license may be revoked for a violation of any
11 of the conditions of this section."

12 SECTION 7. Section 134-33, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§134-33 Punishment for violations of section 134-32. Any
15 person who manufactures or sells any firearms or ammunition
16 within the State without having a valid license so to do, or who
17 being a holder of a license violates any of the terms or
18 conditions of the same, shall be fined not less than \$100 nor
19 more than \$1,000 or imprisoned not less than three months nor
20 more than one year[-]; provided that this section shall not
21 apply to a registered owner of firearms who manufactures



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1 ammunition for personal use for the firearms registered in the
2 registered owner's name."

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval.

6

INTRODUCED BY: _____



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Report Title:

Ammunition; Purchase; Transfer; License to Sell

Description:

Requires the licensing of sellers of ammunition, and for the identification and proper permitting of purchasers or possessors of ammunition. Regulates ammunition in the same manner that firearms are regulated.

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

