

JAN 17 2025

A BILL FOR AN ACT

RELATING TO FIREARMS POSSESSION.

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

1 SECTION 1. The legislature finds that registration
2 requirements and background checks help prevent the
3 proliferation of firearms to persons not permitted to possess
4 one. The legislature also acknowledges that circumstances may
5 arise where an individual once permitted to own firearms may no
6 longer have that right. Currently, there is no mechanism for
7 law enforcement to ensure that a person who already possesses
8 firearms but has subsequently lost the right to own one properly
9 disposes or dispossesses themselves of their firearms.

10 Accordingly, the purpose of this Act is to require those
11 individuals who can no longer possess firearms and ammunition to
12 provide a sworn statement to law enforcement stating that they
13 no longer possess firearms and ammunition, and give law
14 enforcement agencies a mechanism to remove firearms and
15 ammunition in the case of noncompliance.

16 SECTION 2. Section 134-7, Hawaii Revised Statutes, is
17 amended as follows:



1 1. By amending subsection (f) to read:

2 "(f) No person who has been restrained pursuant to an
3 order of any court, including a gun violence protective order
4 issued pursuant to part IV, from contacting, threatening, or
5 physically abusing any person, shall possess, control, or
6 transfer ownership of any firearm or ammunition, so long as the
7 protective order, restraining order, or any extension is in
8 effect. The protective order or restraining order shall
9 specifically include a statement that possession, control, or
10 transfer of ownership of a firearm or ammunition by the person
11 named in the order is prohibited. The person restrained shall
12 relinquish possession and control of any firearm and ammunition
13 owned by that person to the police department of the appropriate
14 county for safekeeping for the duration of the order or
15 extension thereof. ~~[A]~~ Before the service of a protective
16 order or restraining order on a person who possesses or may
17 possess a firearm or ammunition, or both, the chief of police
18 shall search all applicable records to determine whether the
19 person has been issued any permits to acquire or has registered
20 any firearms, and at the time of service ~~[of a protective order~~
21 ~~or restraining order involving firearms and ammunition issued by~~



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

15 2. By amending subsection (h) to read:

16 "(h) Any person disqualified from ownership, possession,
17 control, or the right to transfer ownership of firearms and
18 ammunition under [~~this section~~] subsection (a), (b), (c), (d),
19 or (e) shall [~~surrender or~~] dispose of all firearms and
20 ammunition in compliance with section 134-7.3."



1 SECTION 3. Section 134-7.3, Hawaii Revised Statutes, is
2 amended by amending subsections (a) through (d) to read as
3 follows:

4 "(a) If any applicant is denied a permit, the chiefs of
5 police of the respective counties shall send, by certified mail,
6 a notice setting forth the reasons for the denial, ~~and~~ ~~[may]~~
7 shall require that the applicant ~~[voluntarily surrender all~~
8 ~~firearms and ammunition to the chief of police where the~~
9 ~~applicant resides or]~~ dispose of all firearms and ammunition~~[~~
10 and provide a sworn statement to the chief of police that the
11 applicant has disposed of all firearms and ammunition in the
12 applicant's possession. The chief of police shall search all
13 applicable records to determine whether the applicant has been
14 issued any permits to acquire or has registered any firearms.
15 If ~~[an]~~ the applicant fails to ~~[voluntarily surrender or]~~
16 dispose of all firearms and ammunition within thirty days from
17 the date notice was mailed, the chief of police ~~[may]~~ shall
18 seize all firearms and ammunition~~[~~ from the applicant and, as
19 necessary, shall apply to the court for a search warrant
20 pursuant to chapter 803 for the limited purpose of seizing the
21 firearms and ammunition.



1 (b) Any person disqualified from ownership, possession, or
2 control of firearms and ammunition under section [~~134-7~~]
3 134-7(a), (b), (c), (d), or (e) or part IV, within forty-eight
4 hours of disqualification, shall [~~voluntarily surrender all~~
5 ~~firearms and ammunition to the chief of police where the person~~
6 ~~resides or~~] dispose of all firearms and ammunition[-] and
7 provide a sworn statement to the chief of police that the person
8 has disposed of all firearms and ammunition in the person's
9 possession. The chief of police shall search all applicable
10 records to determine whether the person has been issued any
11 permits to acquire or has registered any firearms. If [~~any~~] the
12 person fails to [~~voluntarily surrender or~~] dispose of all
13 firearms and ammunition within forty-eight hours from the date
14 of disqualification, the chief of police [~~may~~] shall seize all
15 firearms and ammunition[-] and, as necessary, shall apply to the
16 court for a search warrant pursuant to chapter 803 for the
17 limited purpose of seizing the firearms and ammunition.

18 (c) For any person disqualified from ownership,
19 possession, or control of firearms and ammunition under section
20 134-7(c), or because the person has been admitted to a
21 psychiatric facility, whether for emergency or involuntary



1 hospitalization, pursuant to part IV of chapter 334, once the
2 chief of police is notified that the person is disqualified, the
3 chief of police shall promptly issue a notice to the
4 disqualified person to immediately [~~surrender~~] dispose of all
5 firearms and ammunition[-] and provide a sworn statement to the
6 chief of police that the person has disposed of all firearms and
7 ammunition in the person's possession. The chief of police
8 shall search all applicable records to determine whether the
9 person has been issued any permits to acquire or has registered
10 any firearms. The notice shall be in writing, shall set forth
11 the reasons for the disqualification, and shall state the
12 requirement that the person immediately [~~surrender~~] dispose of
13 all firearms and ammunition to the chief of police. If [~~any~~]
14 the person fails to [~~voluntarily surrender~~] dispose of all
15 firearms and ammunition upon receiving notice, the chief of
16 police [~~may~~] shall seize all firearms and ammunition[-] from the
17 person and, as necessary, shall apply to the court for a search
18 warrant pursuant to chapter 803 for the limited purpose of
19 seizing the firearms and ammunition. The firearms and
20 ammunition shall be held in police custody until the person has
21 been medically documented to be no longer adversely affected as



1 provided in section 134-7 or until transferred or sold by the
2 owner. Nothing in this subsection shall be construed to limit
3 the duties imposed by subsection (b).

4 (d) For the purposes of this section, "dispose" means
5 selling the firearms to a gun dealer licensed under section
6 134-31, transferring ownership of the firearms to any person who
7 meets the requirements of section 134-2, or surrendering all
8 firearms to the chief of police where the person resides for
9 storage or disposal[; ~~provided that, for a person subject to~~
10 ~~section 134-7(f) or part IV, "dispose" shall not include~~
11 ~~transferring ownership of the firearms to any person who meets~~
12 ~~the requirements of section 134-2]."~~

13 SECTION 4. Section 134-7.5, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Any police officer who has reasonable grounds to
16 believe that a person has recently assaulted or threatened to
17 assault a family or household member ~~may~~ shall seize all
18 firearms and ammunition that are in plain view of the officer or
19 were discovered pursuant to a consensual search and that the
20 police officer has reasonable grounds to believe were used or
21 threatened to be used in the commission of the offense. ~~The~~



1 ~~police officer may seize any firearms or ammunition that are in~~
2 ~~plain view of the officer or were discovered pursuant to a~~
3 ~~consensual search, as necessary for the protection of the~~
4 ~~officer or any family or household member.]~~ Firearms seized
5 under this section shall be taken to the appropriate county
6 police department for safekeeping or as evidence."

7 SECTION 5. Section 806-11, Hawaii Revised Statutes, is
8 amended by amending subsections (a) through (c) to read as
9 follows:

10 "(a) At the time of arraignment, the court shall order a
11 defendant who is under indictment for, or who has waived
12 indictment for, or who has been bound over to the circuit court
13 for a felony, or any crime of violence, or an illegal sale of
14 any drug, to dispose of all firearms and ammunition within the
15 defendant's possession in a manner in compliance with the
16 provisions of chapter 134 and shall inform the defendant of the
17 provisions of section 134-7(b) and section 134-12.5. The
18 defendant shall comply with an order issued pursuant to this
19 section within forty-eight hours of the issuance of such
20 order[~~→~~] and provide a sworn statement to the chief of police
21 where the defendant resides that the defendant has disposed of



1 all firearms and ammunition in the defendant's possession. A
2 defendant's compliance with the forty-eight hour requirement of
3 this section shall not give rise to a prosecution for violations
4 of sections 134-2, 134-3 or 134-4.

5 (b) The court shall immediately notify the chief of police
6 of the county where the defendant resides that the defendant has
7 been ordered to [~~voluntarily surrender all firearms and~~
8 ~~ammunition to the chief of police or~~] dispose of all firearms
9 and ammunition within the defendant's possession. The chief of
10 police shall search all applicable records to determine whether
11 the defendant has been issued any permits to acquire or has
12 registered any firearms.

13 (c) If the defendant fails to [~~voluntarily surrender all~~
14 ~~firearms and ammunition to the chief of police where the~~
15 ~~defendant resides or~~] dispose of the firearms and ammunition
16 within forty-eight hours of the issuance of the order, the chief
17 of police [~~may~~] shall seize all firearms and ammunition[~~-~~] and,
18 as necessary, shall apply to the court for a search warrant
19 pursuant to chapter 803 for the limited purpose of seizing the
20 firearms and ammunition."



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Karl Rhoads



S.B. NO. 728

Report Title:

Firearms Possession; Disqualification; Disposal; Statement;
Seizure

Description:

Requires individuals denied a firearm permit or otherwise disqualified from possessing firearms and certain defendants to provide a sworn statement that the individual has disposed of any firearms and ammunition in the individual's possession. Requires the applicable chief of police to search firearm permit and registration records for those individuals before serving a protective order or restraining order involving firearms or ammunition, and to seize any firearms or ammunition that were not disposed of. Requires police to seize firearms and ammunition in domestic abuse cases that are in plain view of the officer or discovered by consensual search.

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

