

JAN 17 2025

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 presence of
2 unsecured or improperly stored firearms contributes to a
3 heightened risk of accidental injury, accidental death, suicide
4 by firearm, theft or loss of firearms, and increased lethality
5 in domestic violence situations. The legislature also finds
6 that regulations providing for the safe and secure storage of
7 firearms can reduce these risks. Additionally, the legislature
8 finds that there is a longstanding and well-established
9 historical tradition of regulating firearm storage to protect
10 public safety. In the *United States v. Rahimi*, 144 S.Ct. 1889,
11 1897 (2024), the United States Supreme Court recognized that
12 "[a]t the founding, the bearing of arms was subject to
13 regulations" covering a range of subjects, including "rules
14 about firearm storage".

15 The purpose of this Act is to protect public safety by
16 providing for the safe and secure storage of firearms.



1 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§134- Notice of responsibility to securely store
5 firearm. (a) A person engaged in the retail sale of firearms
6 shall, at the time of sale, provide to the purchaser of a
7 firearm a written copy of section 134-10.5.

8 (b) Any person who violates this section shall be deemed
9 to have engaged in an unfair or deceptive act or practice within
10 the meaning of section 480-2."

11 SECTION 3. Section 134-10.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§134-10.5 [Storage] Secure storage of [firearm;
14 responsibility with respect to minors.] firearms. (a) No
15 person shall store or [~~keep~~] leave any firearm on any premises
16 under the person's control [~~if the person knows or reasonably~~
17 ~~should know that a minor is likely to gain access to the firearm~~
18 ~~without the permission of the parent or guardian of the minor,~~]
19 unless the person:

20 (1) [~~Keeps~~] Secures the firearm in a [~~securely~~] locked box
21 or other container [~~or~~], such as a gun safe, or by



1 using a properly engaged tamper-resistant mechanical
2 lock or other tamper-resistant safety device that
3 renders the firearm inoperable by any person other
4 than the owner or lawfully authorized user;

5 (2) Stores the firearm in a location that a reasonable
6 person would believe to be secure; or

7 ~~[(2)]~~ (3) Carries the firearm on the person or within such
8 close proximity ~~[thereto]~~ to the person that the
9 person can readily retrieve and use ~~[it]~~ the firearm
10 as if it were carried on the person.

11 ~~[For purposes of this section, "minor" means any person under~~
12 ~~the age of eighteen years.]~~

13 (b) Any person who violates this section shall be guilty
14 of a violation and fined no more than \$500; provided that a
15 person who commits the offense of criminally negligent storage
16 of a firearm under section 707-714.5 shall be guilty of a
17 misdemeanor.

18 (c) Any person who violates this section shall be strictly
19 liable for damages incurred if the firearm obtained as a result
20 of the violation is used to injure a person or property within



1 two years of the violation; provided that this subsection shall
2 not apply if:

3 (1) The injury results from a lawful act of self-defense
4 or defense of another person; or

5 (2) The unsecured firearm was obtained by a person as a
6 result of a person entering or remaining on the
7 premises unlawfully.

8 (d) This section shall not apply to a person in an exempt
9 category identified in section 134-11(a).

10 (e) For purposes of this section, "premises" does not
11 include a vehicle."

12 SECTION 4. Section 707-714.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§707-714.5 Criminally negligent storage of a firearm.**

15 (1) A person commits the offense of criminally negligent
16 storage of a firearm if [~~the~~]:

17 (a) The person violates section 134-10.5 [~~and a~~];

18 (b) The person knows or reasonably should know that a
19 minor is likely to gain access to the firearm without
20 the permission of the parent or guardian of the minor;
21 and



1 (c) A minor obtains the firearm. [~~For purposes of this~~
2 section, "minor" means any person under the age of
3 eighteen years.]

4 (2) This section shall not apply if the minor obtains the
5 firearm as a result of an unlawful entry to any premises by any
6 person.

7 (3) Criminally negligent storage of a firearm [~~is~~] shall
8 be a misdemeanor.

9 (4) For purposes of this section, "minor" means any person
10 under the age of eighteen years."

11 SECTION 5. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 6. Every provision in this Act and every
15 application of each provision in this Act is severable from each
16 other. If any application of any provision in this Act to any
17 person or group of persons or circumstances is determined by any
18 court to be invalid, the remainder of this Act and the
19 application of the Act's provisions to all other persons and
20 circumstances shall not be affected.



S.B. NO. 862

Report Title:

Firearms; Storage; Notice

Description:

Requires retail sellers of firearms to provide purchasers with notice regarding the law on firearms storage. Expands the requirements for the secure storage of firearms. Clarifies the offense of criminally negligent storage of a firearm.

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

