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# 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 *United States v. Rahimi*, 144 S.Ct. 1889, 1897  
11      (2024), the United States Supreme Court recognized that "[a]t  
12      the founding, the bearing of arms was subject to regulations"  
13      covering a range of subjects, including "rules about firearm  
14      storage".

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



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

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

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

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

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

(1) [~~Keeps~~] Secures the firearm in a [~~securely~~] locked box 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.



1       SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

Firearms; Storage; Dealers; Notice

**Description:**

Requires retail sellers or transferers 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. (HD1)

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

