

JAN 16 2025

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# A BILL FOR AN ACT

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RELATING TO WEAPONS.

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

1       SECTION 1. Section 134-51, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**\$134-51 Deadly or dangerous weapons; prohibitions;**  
4 **penalty.** (a) Any person, not authorized by law, who knowingly  
5 carries [~~concealed~~]:

6       (1) Openly on the person;

7       (2) Concealed on the person[~~7~~]; or

8       (3) Concealed in a bag or other container carried by the  
9 person[~~7~~];

10 any dirk, dagger, blackjack, metal knuckles, bladed weapon, or  
11 other deadly or dangerous weapon shall be guilty of a  
12 misdemeanor; provided that this subsection shall not apply to a  
13 billy.

14       (b) Any person who knowingly possesses or intentionally  
15 uses or threatens to use a dirk, dagger, blackjack, metal  
16 knuckles, bladed weapon, or other deadly or dangerous weapon, or



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1 a billy, while engaged in the commission of a separate felony or  
2 misdemeanor shall be guilty of a class C felony.

3 (c) A conviction and sentence under subsection (b) shall  
4 be in addition to and not in lieu of any conviction and sentence  
5 for the separate felony or misdemeanor; provided that the  
6 sentence imposed under subsection (b) may run concurrently or  
7 consecutively with the sentence for the separate felony or  
8 misdemeanor.

9 (d) Upon conviction of a person for carrying or possessing  
10 a deadly or dangerous weapon pursuant to this section, the  
11 deadly or dangerous weapon shall be summarily destroyed by the  
12 chief of police or sheriff.

13 (e) Notwithstanding any provision to the contrary, this  
14 section shall not apply to:

15 (1) A firearm, whether loaded or not, and whether operable  
16 or not;

17 (2) A switchblade knife as defined in section 134-52;

18 (3) A butterfly knife as defined in section 134-53; or

19 (4) An electric gun as defined in section 134-81.



1 (f) For purposes of this section, "billy" includes a  
2 cudgel, truncheon, police baton, collapsible baton, billy club,  
3 or nightstick.

4 (g) It shall be a defense to a prosecution under  
5 subsection (a) that a person was lawfully present in the  
6 person's own home at the time of the offense.

7 (h) It shall be an affirmative defense to a prosecution  
8 for openly carrying a weapon on the person under subsection  
9 (a) (1) that the specific weapon carried by the defendant is  
10 currently in common use in this country for lawful self-defense  
11 purposes; provided that this affirmative defense shall not apply  
12 if the defendant:

13 (1) Carries the weapon in any sensitive location or  
14 premises as defined in section 134-9.1(a); or  
15 (2) Displays the weapon with the intent to cause alarm by  
16 a member or members of the public or in reckless  
17 disregard of the risk thereof.

18 (i) It shall be an affirmative defense to a prosecution  
19 under subsection (a) (3) that the defendant is carrying or  
20 possessing the weapon in a vehicle or in an airport or any  
21 place, facility, or vehicle used for public transportation or



1 public transit and the weapon is secured in a locked hard-sided  
2 container for the purposes of transporting the weapon."

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

6 SECTION 3. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act that can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 4. The courts of this state shall construe and  
13 apply this section in a manner that is consistent with the  
14 requirements of the United States Constitution and the Hawaii  
15 State Constitution.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*Karl Rhoads*



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**Report Title:**

Deadly or Dangerous Weapon; Bladed Weapon; Open Carry;  
Affirmative Defense

**Description:**

Prohibits any person from openly carrying a deadly or dangerous weapon. Includes bladed weapon in the list of deadly or dangerous weapons. Establishes an affirmative defense to a prosecution for the purposes of lawful self-defense and transporting a weapon.

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

