
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that under existing law,
2 a person may be prohibited by a lawful judicial protective order
3 or restraining order from possessing, controlling, or
4 transferring ownership of a firearm or ammunition. However, a
5 violation of this prohibition is subject to only a misdemeanor
6 penalty.

7 The legislature further finds that an active court order
8 for protection or restraining order is an indication of an
9 increased lethality risk for the protected party and others, and
10 that unlawful possession, control, or transfer of a firearm or
11 ammunition under such circumstances is a serious violation of
12 public safety.

13 Accordingly, the purpose of this Act is to amend the
14 penalty for the unlawful possession, control, or transfer of a
15 firearm or ammunition in violation of a judicial protective
16 order or restraining order by reclassifying the offense from a
17 misdemeanor to a class C felony.



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

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

4 "(f) No person who has been restrained pursuant to an
5 order of any court, including a gun violence protective order
6 issued pursuant to part IV, from contacting, threatening, or
7 physically abusing any person, shall possess, control, or
8 transfer ownership of any firearm or ammunition, so long as the
9 protective order, restraining order, or any extension is in
10 effect. The protective order or restraining order shall
11 specifically include a statement that possession, control, or
12 transfer of ownership of a firearm or ammunition by the person
13 named in the order is prohibited. The person shall relinquish
14 possession and control of any firearm and ammunition owned by
15 that person to the police department of the appropriate county
16 for safekeeping for the duration of the order or extension
17 thereof. At the time of service of a protective order or
18 restraining order involving firearms and ammunition issued by
19 any court, a police officer may take custody of any and all
20 firearms and ammunition in plain sight, those discovered
21 pursuant to a consensual search, and those firearms surrendered



1 by the person restrained. If the person restrained is the
 2 registered owner of a firearm and knows the location of the
 3 firearm, [~~but refuses to~~] the person restrained shall surrender
 4 the firearm or disclose the location of the firearm[~~, the person~~
 5 ~~restrained shall be guilty of a misdemeanor~~]. In any case, when
 6 a police officer is unable to locate the firearms and ammunition
 7 either registered under this chapter or known to the person
 8 granted protection by the court, the police officer shall apply
 9 to the court for a search warrant pursuant to chapter 803 for
 10 the limited purpose of seizing the firearm and ammunition."

11 2. By amending subsection (j) to read:

12 "(j) Any person violating subsection (a) [~~or~~], (b), or (f)
 13 shall be guilty of a class C felony; provided that if a person
 14 violates subsection (f) solely by refusing to surrender a
 15 firearm or disclose the location of a firearm, the person
 16 restrained shall be guilty of a misdemeanor; provided further
 17 that any felon violating subsection (b) shall be guilty of a
 18 class B felony and if said prior felony conviction is that of a
 19 crime of violence, as defined in section 134-1, the defendant
 20 shall be sentenced to an indeterminate term of imprisonment as



1 provided by law. Any person violating subsection (c), (d), (e),
2 [~~f~~] (g), or (h) shall be guilty of a misdemeanor."

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

8 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii Law Enforcement Coalition Package; Protective Orders;
Restraining Orders; Firearms; Prohibition

Description:

Amends the penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order by reclassifying the offense from a misdemeanor to a class C felony. Effective 7/1/3000. (HD1)

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