
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 establish a
14 class C felony penalty for the unlawful possession, control, or
15 transfer of a firearm or ammunition in violation of a judicial
16 protective order or restraining order.



1 SECTION 2. Section 134-7, Hawaii Revised Statutes, is
2 amended by amending subsection (j) to read as follows:
3 "(j) Any person violating subsection (a) [~~or~~], (b), or (f)
4 shall be guilty of a class C felony; provided that any felon
5 violating subsection (b) shall be guilty of a class B felony and
6 if said prior felony conviction is that of a crime of violence,
7 as defined in section 134-1, the defendant shall be sentenced to
8 an indeterminate term of imprisonment as provided by law. Any
9 person violating subsection (c), (d), (e), [~~(f)~~] (g), or (h)
10 shall be guilty of a misdemeanor."

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 Statutory material to be repealed is bracketed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

16 SECTION 5. This Act shall take effect on March 22, 2075.



S.B. NO. 2517
S.D. 1

Report Title:

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

Description:

Establishes a class C felony penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order. Effective 3/22/2075. (SD1)

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