
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. This Act shall be known and may be cited as
2 "Officer O's Crime Bill" in memory of Officer Suzanne O.

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

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

6 "(f) No person who has been restrained pursuant to an
7 order of any court, including a gun violence protective order
8 issued pursuant to part IV, from contacting, threatening, or
9 physically abusing any person, shall possess, control, or
10 transfer ownership of any firearm or ammunition, so long as the
11 protective order, restraining order, or any extension is in
12 effect. The protective order or restraining order shall
13 specifically include a statement that possession, control, or
14 transfer of ownership of a firearm or ammunition by the person
15 named in the order is prohibited. The person named in the order
16 shall relinquish possession and control of any firearm and
17 ammunition owned by that person to the police department of the



1 appropriate county for safekeeping for the duration of the order
2 or extension thereof. At the time of service of a protective
3 order or restraining order involving firearms and ammunition
4 issued by any court, a police officer may take custody of any
5 and all firearms and ammunition in plain sight, those discovered
6 pursuant to a consensual search, and those firearms surrendered
7 by the person restrained. If the person restrained is the
8 registered owner of a firearm and knows the location of the
9 firearm, [~~but refuses to~~] the person restrained shall surrender
10 the firearm or disclose the location of the firearm[~~, the person~~
11 ~~restrained shall be guilty of a misdemeanor~~]. In any case, when
12 a police officer is unable to locate the firearms and ammunition
13 either registered under this chapter or known to the person
14 granted protection by the court, the police officer shall apply
15 to the court for a search warrant pursuant to chapter 803 for
16 the limited purpose of seizing the firearm and ammunition."

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

18 "(j) Any person violating [subsection]:

19 (1) Subsection (f) shall be guilty of a class C felony;

20 provided that if the person restrained is the

21 registered owner of a firearm and knows the location



1 of the firearm, but refused to surrender the firearm
2 or disclose the location of the firearm, the person
3 restrained shall be guilty of a misdemeanor;

4 (2) Subsection (a) or (b) shall be guilty of a class C
5 felony; provided that any felon violating subsection
6 (b) shall be guilty of a class B felony and if said
7 prior felony conviction is that of a crime of
8 violence, as defined in section 134-1, the defendant
9 shall be sentenced to an indeterminate term of
10 imprisonment as provided by law~~[.]~~; and

11 (3) ~~[Any person violating subsection]~~ Subsection (c), (d),
12 (e), ~~[+(f),]~~ (g), or (h) shall be guilty of a
13 misdemeanor."

14 SECTION 3. Section 134-9.4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[+]§134-9.4[+]~~ **Unlawful conduct while carrying a firearm;**
17 **penalty.** (a) A person carrying a firearm shall not:
18 (1) Consume alcohol or intoxicating liquor;
19 (2) Consume a controlled substance;
20 (3) Be under the influence of alcohol or intoxicating
21 liquor; ~~[or]~~



1 (4) Be under the influence of a controlled substance[+];
 2 or
 3 (5) Unlawfully possess methamphetamine in violation of
 4 part IV of chapter 712.

5 [~~(b) As used in this section:~~
 6 ~~"Alcohol" and "intoxicating liquor" shall have the same~~
 7 ~~meaning as in section 281-1.~~

8 ~~"Controlled substance" means a drug, substance, or~~
 9 ~~immediate precursor in schedules I through III of part II of~~
 10 ~~chapter 329.~~

11 ~~(e)]~~ (b) Any person who violates this section shall be
 12 guilty of a misdemeanor; provided that any person who violates
 13 this section by [~~consuming~~]:

14 (1) Being under the influence of a controlled substance
 15 shall be guilty of a class B felony;

16 (2) Unlawfully possessing methamphetamine in violation of
 17 part IV of chapter 712 shall be guilty of a class B
 18 felony; and

19 (3) Consuming or being under the influence of alcohol or
 20 an intoxicating liquor shall be guilty of a petty
 21 misdemeanor.



1 (c) For the purposes of this section:
2 "Alcohol" has the same meaning as defined in section 281-1.
3 "Controlled substance" means a drug, substance, or
4 immediate precursor in schedules I through III of part II of
5 chapter 329.

6 "Intoxicating liquor" has the same meaning as defined in
7 section 281-1."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Firearms; Penalties; Possession; Temporary Restraining Orders; Protective Orders; Controlled Substances; Methamphetamine

Description:

Changes from a misdemeanor to a class C felony the penalty for possessing, controlling, or transferring ownership of any firearm or ammunition by a person who is restrained by court order from contacting, threatening, or physically abusing any person. Changes from a misdemeanor to a class B felony the penalty for carrying a firearm while under the influence of a controlled substance. Establishes unlawful possession of methamphetamine while carrying a firearm as a class B felony. Effective 7/1/3000. (HD1)

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