THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2575 S.D. 1

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

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

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§706- **Sentence of imprisonment for firearm offenses.** Notwithstanding section 706-669 and any other law to the contrary, any person convicted of any of the following class A felonies:

(a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition; or

(b) Section 134-9.4 relating to unlawful conduct while carrying a firearm;

shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole during that period, the length of which shall be twenty years."

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

1. By amending subsection (f) to read:

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

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

2. By amending subsection (j) to read:

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

(1) Subsection (f) shall be guilty of a class A felony; provided that if the person restrained is the registered owner of a firearm and knows the location of the firearm, but refused to surrender the firearm or disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor;

(2) Subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class [~~B~~] A felony [~~and if~~

~~said prior felony conviction is that of a crime of violence, as defined in section 134-1, the defendant shall be sentenced to an indeterminate term of imprisonment as provided by law.~~]; and

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

SECTION 4. Section 134-9.4, Hawaii Revised Statutes, is amended to read as follows:

"**[~~[~~]§134-9.4[~~]~~] Unlawful conduct while carrying a firearm; penalty.** (a) A person carrying a firearm shall not:

(1) Consume alcohol or intoxicating liquor;

(2) Consume a controlled substance;

(3) Be under the influence of alcohol or intoxicating liquor; [~~or~~]

(4) Be under the influence of a controlled substance[~~.~~]; or

(5) Unlawfully possess methamphetamine in violation of part IV of chapter 712.

[~~(b) As used in this section:~~

~~"Alcohol" and "intoxicating liquor" shall have the same meaning as in section 281-1.~~

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

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

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

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

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

(c) For the purposes of this section:

"Alcohol" has the same meaning as defined in section 281-1.

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

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

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

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

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Report Title:
Firearms; Mandatory Minimum Term of Imprisonment; Class A Felony; Possession; Controlled Substance; Methamphetamine; Temporary Restraining Order; Protective Order; Court Order

Description:
Establishes mandatory minimum terms of imprisonment for certain class A felonies involving firearms. Changes from a class B felony to a class A felony the penalty for owning, possessing, or controlling any firearm or ammunition while being prosecuted for or having been convicted of committing a felony, a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug. Changes from a misdemeanor to a class A felony the penalty for ownership, possession, control, or transfer of ownership of any firearms or ammunition by a person who a court order has restrained from contacting, threatening, or physically abusing any person. Changes from a misdemeanor to a class A 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 A felony. (SD1)

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