THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

# S.B. NO. 433

JAN 16 2025

# A BILL FOR AN ACT

RELATING TO WEAPONS.

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

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

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

(1) Openly on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Carries the weapon in any sensitive location or premises as defined in section 134-9.1(a); or

(2) Displays the weapon with the intent to cause alarm by a member or members of the public or in reckless disregard of the risk thereof.

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

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

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

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

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

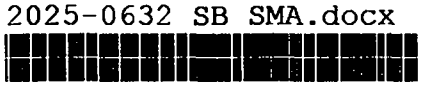
SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: _____

# S.B. NO. 433

**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.

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