

ACT 168

S.B. NO. 2550-82

A Bill for an Act Relating to Firearms.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 134-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Every person who acquires a pistol or revolver pursuant to section 134-3 shall, within five days of acquisition, register it in the manner prescribed by this section.

Registration shall not be required for: (1) any device designed to fire loose black powder; (2) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; or (3) all unserviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, and Firearms of the U.S. Department of the Treasury pursuant to Title 27, Code of Federal Regulations.

The registration shall be on such forms [as may be] designated by the [department of the] attorney general, which shall be uniform throughout the State, and shall include the names of the manufacturer and importer, model, type of action, caliber or gauge, the serial number, [quantity and class of ammunition in the person's ownership and/or possession,] and the source from which receipt was obtained, including the name and address of the prior registrant.

No fee shall be charged for the registration.”

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

“§134-3 **Permits to acquire; penalty.** (a) No person shall acquire the ownership of a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until [such] the person has first procured from the chief of police of the county of the person's place of business, or if there be no place of business, [such] the person's residence, or if there be neither place of business nor residence, [such] the person's place of sojourn, a permit to acquire as prescribed [herein;] in this section; provided that when title to any [such] firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of [same.] the firearm.

(b) The permit application form shall include the applicant's name, address, sex, height, weight, date of birth, place of birth, information regarding the applicant's mental health history, and social security number, and shall require the fingerprinting and photographing of the applicant by the police department of the county of registration, provided that where fingerprints and photograph are already on file with [said] the department, the fingerprinting and photographing may be waived.

(c) Applicants for a permit shall sign a waiver at time of application, upon forms to be specified by the [department of the] attorney general, allowing the chief of police of the county issuing permits access to any records which have a bearing on the mental health of the applicant. The forms prescribed by the attorney general under this section shall be uniform throughout the State.

(d) No person shall keep in his possession any firearm which is owned by another, whether or not the owner has consented to its possession, without a permit from the chief of police of the appropriate county, except as provided in section 134-5.

(e) Any lawfully acquired rifle or shotgun may be loaned to an adult for use within the State for a period not to exceed fifteen days without obtaining a permit, provided that where the rifle or shotgun is to be used outside of the State, the loan may be for a period not to exceed seventy-five days.

(f) No firearm shall knowingly be loaned to any person who is prohibited under section 134-7 from ownership or possession of a firearm.

(g) Each chief of police may issue permits, within the chief's jurisdiction, to acquire firearms to citizens of the United States of the age of eighteen years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien has first procured a hunting license under sections 191-1 to 191-6.

(h) Applications for the permits shall be signed by the applicant upon forms to be specified by the [department of the] attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. Except for sales to dealers licensed under section 134-31, or dealers licensed by the United States Department of the Treasury, or to law enforcement officers, or where a license is granted under section 134-9, or where any firearm is registered pursuant to section 134-2(a), a permit shall be issued to a first time firearm purchaser no earlier than ten calendar days after the date of application; provided that a permit shall be issued, or an application denied, no later than fifteen days from the date of the application. Persons who have previously obtained permits subject to the ten-day waiting period required by this subsection may be issued permits in less than ten days upon subsequent applications within one year. Permits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue. Permits to acquire a pistol or revolver require a separate application and permit for each [acquisition.] transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue, subject to the disqualifications under section 134-7. In all cases where possession of a pistol or revolver is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. The person shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight, or otherwise, from sources without the State, the person to

whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm [or ammunition] except in accordance with this section.

(i) No fee shall be charged for permits under this section.

(j) Any person who violates this section shall be guilty of a misdemeanor."

SECTION 3. Section 134-5, Hawaii Revised Statutes, is amended to read as follows:

"§134-5 Possession by licensed hunters and minors; issuance of permits.

(a) Any person of the age of sixteen years or over, or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting, or while going to and from the place of hunting or target shooting, if the person has procured a hunting license under section 191-1 to [191-6] 191-5 and provided minors shall also obtain a permit pursuant to subsection (b)[.] and provided further that a hunting license shall not be required for persons engaging in target shooting.

(b) The chief of police of each county may issue permits to citizens of the United States who are minors, but such permits shall be limited to the sole purpose of carrying and using any rifle or shotgun as provided in subsection (a). This permit shall expire [on the expiration date of the hunting license as provided in section 191-3.] one year from the date of issuance and shall be valid in all counties.

(c) Any lawfully acquired firearm may be loaned to another, even though the other person is a minor, upon a target range or similar facility for a period not longer than to allow the other person to then and there use it for target shooting, without a permit."

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

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

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

(Approved June 5, 1982.)