

ACT 272

S.B. NO. 2124

A Bill for an Act Relating to Firearms and Explosives.

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

SECTION 1. The purpose of this Act is to create a special permit for the possession, transportation, and use of firearms by motion picture film or television program production personnel. This special permit, with proper safeguards, will facilitate the State's efforts to promote and develop the film industry in Hawaii.

SECTION 2. Section 134-11, Hawaii Revised Statutes, is amended to read as follows:

“§134-11 Exemptions. (a) Sections 134-6 to 134-9 shall not apply:

- (1) To members of police departments, sheriffs, and law enforcement officers;
- (2) To members of the armed forces of the State and of the United States and mail carriers [whose duties require them to be armed,] while in the performance of their respective duties[;] if those duties require them to be armed;

- (3) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are either at, or going to or from, their places of assembly[,], or target practice;
- (4) To persons employed by the State, or subdivisions thereof, or the United States [whose duties require them to be armed,] while [the persons are] in the performance of their respective duties[,], or while going to and from their respective places of duty[;] if those duties require them to be armed;
- (5) To aliens employed by the State, or subdivisions thereof, or the United States [whose duties require them to be armed,] while [the persons are] in the performance of their respective duties[,], or while going to and from their respective places of duty[;] if those duties require them to be armed;
- (6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this section.

[Nor shall sections] (b) Sections 134-2 and 134-3 shall not apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

(c) Sections 134-6, 134-8, and 134-9 shall not apply to the possession, transportation, or use, with blank cartridges, of any firearm or explosive solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county pursuant to section 134- and not in violation of federal law."

SECTION 3. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§134- Permits. (a) Upon a finding that public safety is not endangered, the chief of police of the appropriate county may issue permits, initially valid for a period of one year and renewable annually thereafter, for the possession, transportation, or use, with blank cartridges, of firearms or explosives solely as props for motion picture films or television program production upon a showing that good cause exists for the issuance of a permit to the applicant and upon sufficient proof of a federal firearms license and a state film permit required under section 201-3. No permit shall be issued to a person who is under twenty years of age or who is disqualified under section 134-7.

(b) Applications for permits shall be in writing, signed by the individual applicant or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, and a full description of the use to which the firearms or explosives are to be put, including the names of the persons who will actually use the props. The application shall also require the fingerprinting and photographing of the applicant. Applications and permits shall be uniform throughout the State on forms prescribed by the attorney general.

(c) The attorney general shall establish rules pursuant to chapter 91 concerning security requirements for storing and transporting firearms or explosives for which permits are issued. Permits shall be issued only upon a showing of the applicant's ability to meet these security requirements.

(d) A fee of \$50 should be charged for each permit issued under this section.

(e) Every applicant to whom a permit is issued shall keep it on the applicant's person or at the place where the firearms or explosives are stored. The permit,

firearms and explosives, shall be available for inspection by any law enforcement officer or any other person designated by the respective chief of police.

(f) Every firearm or explosive for which a permit is issued shall bear a unique identifying number. If the firearm or explosive does not bear a unique identifying number, the chief of police of the appropriate county shall assign a number that shall be stamped or placed thereon.

(g) The chief of police of the respective county shall revoke permits issued under this section any time it appears that the holder of the permit has used the firearms or explosives for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any firearms or explosive possessed under the permit.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on August 1, 1988.

(Approved June 13, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.