

## ACT 144

H.B. NO. 1107

A Bill for an Act Relating to the Hawaii National Guard.

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

SECTION 1. Last year, President Barack Obama selected Honolulu as the site for the annual Asia-Pacific Economic Cooperation Leaders Meeting in November 2011. The Asia-Pacific Economic Cooperation is the premier forum for cooperation among Asia-Pacific economies on trade and investment issues.

The annual Asia-Pacific Economic Cooperation gathering is one of the world's largest intergovernmental meetings and is attended by heads of state, cabinet ministers, heads of the World Bank and World Trade Organization, and other business leaders. This will be the single largest gathering of distinguished world leaders in Hawaii's history.

Scheduled for the week beginning November 13, 2011, the meetings will be very beneficial for Hawaii's economy, as they are expected to draw more than ten thousand people to Honolulu and will provide a boost to the State's struggling tourism industry.

High profile events, such as the Asia-Pacific Economic Cooperation meetings, carry many security concerns. With security preparations already underway, it is in the State's best interest to maximize its security resources.

The purpose of this Act is to authorize members of the army and air national guard to use electric guns to support civil authorities in disaster relief, civil defense, or law enforcement functions.

SECTION 2. Chapter 121, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§121- Use of electric guns.** Members of the army or air national guard who have been qualified by training and are authorized by their commanders may use electric guns, as specifically provided in section 134-16(c) and (d), when assisting civil authorities in disaster relief, civil defense, or law enforcement functions; provided that "training" for the purposes of this section means a course of instruction or training in the use of any electric gun authorized pursuant to this section, that is provided or authorized by the manufacturer or is manufacturer-approved or is an electric gun training program approved by the army or air national guard, prior to deployment or issuance of electric guns and related equipment."

SECTION 3. Section 134-16, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

- "(c) This section shall not apply to [law];
- (1) Law enforcement officers of county police departments[~~law~~];
  - (2) Law enforcement officers of the department of public safety[~~and conservation~~];
  - (3) Conservation and resources enforcement officers of the department of land and natural resources[~~or vendors~~];
  - (4) Members of the army or air national guard when assisting civil authorities in disaster relief, civil defense, or law enforcement functions, subject to the requirements of section 121- ; and
  - (5) Vendors providing electric guns to [these entities]; the individuals described in paragraphs (1) through (4);

provided that electric guns shall at all times remain in the custody and control of the law enforcement officers of the county police departments, the law enforcement officers of the department of public safety, ~~[or]~~ the conservation and resources enforcement officers of the department of land and natural resources~~[-]~~, or the members of the army or air national guard.

(d) The county police departments of this State, the department of public safety, ~~[and]~~ the department of land and natural resources, and the army and air national guard shall maintain records regarding every electric gun in their custody and control. The records shall report every instance of usage of the electric guns; in particular, records shall be maintained in a similar manner as for those of discharging of firearms. The county police departments, the department of public safety, ~~[and]~~ the department of land and natural resources, and the army and air national guard shall annually report to the legislature regarding these records no later than twenty days before the beginning of each regular session of the legislature.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2011.

(Approved June 20, 2011.)

**Note**

1. Edited pursuant to HRS §23G-16.5.