

ACT 148

H.B. NO. 31

A Bill for an Act Relating to Firearms.

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

SECTION 1. The legislature finds that an estimated 4,600,000 children and adolescents in the United States live in homes with at least one unsecured firearm and that the presence of unsecured firearms in the home increases the risk of unintentional and intentional shootings. Furthermore, the United States Secret Service and the United States Department of Education report that in sixty-eight per cent of deadly school shootings, the attacker obtained the firearm from the attacker's home or that of a relative. In addition, over seventy-five per cent of firearms used in suicide attempts and unintentional firearm injuries

among children and adolescents were stored in the residence of the victim, a relative, or a friend. The legislature further finds that teenagers between the ages of sixteen and eighteen have the highest rates of suicide attempts among all children and adolescents, while more than half of all school shootings have been perpetrated by sixteen and seventeen-year-olds. The legislature therefore finds that it is necessary to raise the maximum age of minors for which safe storage of firearms is required from sixteen to eighteen years.

SECTION 2. Section 134-10.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~134-10.5 Storage of firearm; responsibility with respect to minors.

No person shall store or keep any firearm on any premises under the person’s control if the person knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor, unless the person:

- (1) Keeps the firearm in a securely locked box or other container or in a location that a reasonable person would believe to be secure; or
- (2) Carries the firearm on the person or within such close proximity thereto that the person [~~readily~~] can readily retrieve and use it as if it were carried on the person.

For purposes of this section, “minor” means any person under the age of [~~sixteen~~] eighteen years.”

SECTION 3. Section 707-714.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminally negligent storage of a firearm if the person violates section 134-10.5 and a minor obtains the firearm. For purposes of this section, “minor” means any person under the age of [~~sixteen~~] eighteen years.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 1, 2021.)