

ACT 18

H.B. NO. 392

A Bill for an Act Relating to Firearms.

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

SECTION 1. Section 134-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Ghost gun” means a firearm, including a firearm frame or firearm receiver, that has not been imprinted with a serial number registered with a federally licensed manufacturer. “Ghost gun” does not include a firearm that has been rendered permanently inoperable.”

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§706- Sentence of imprisonment for use of a ghost gun in a felony.**

(1) A person convicted of a felony, where the person had a ghost gun in the person’s possession or threatened its use or used the ghost gun while engaged in the commission of the felony, whether the ghost gun was loaded or not, may in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—up to fifteen years;
- (b) For a class A felony—up to ten years;
- (c) For a class B felony—up to five years; and
- (d) For a class C felony—up to three years.

The sentence of imprisonment for a felony involving the use of a ghost gun as provided in this section shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(2) A person convicted of a second or subsequent ghost gun felony offense as provided in subsection (1), where the person had a ghost gun in the

person's possession or threatened its use or used the ghost gun while engaged in the commission of the felony, whether the ghost gun was loaded or not, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—twenty years;
- (b) For a class A felony—thirteen years, four months;
- (c) For a class B felony—six years, eight months; and
- (d) For a class C felony—three years, four months.

The sentence of imprisonment for a second or subsequent felony offense involving the use of a ghost gun as provided in this subsection shall not be subject to the procedure for determining a minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(3) Any person convicted of a ghost gun felony offense as provided in subsection (1) who has previously been convicted of a felony offense involving the use of a firearm under section 706-660.1, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—twenty years;
- (b) For a class A felony—thirteen years, four months;
- (c) For a class B felony—six years, eight months; and
- (d) For a class C felony—three years, four months.

The sentence of imprisonment as provided in this subsection shall not be subject to the procedure for determining a minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(4) In this section:

“Firearm” has the same meaning defined in section 134-1.

“Ghost gun” has the same meaning defined in section 134-1.”

SECTION 3. Section 134-8, Hawaii Revised Statutes, is amended to read as follows:

**“§134-8 Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties.** (a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following [is] shall be prohibited: assault pistols, except as provided by section 134-4(e); automatic firearms; rifles with barrel lengths less than sixteen inches; ghost guns; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms; hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives; or any type of ammunition or any projectile component thereof coated with teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor; and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target.

(b) Any person who installs, removes, or alters a firearm part with the intent to convert the firearm to an automatic firearm shall be deemed to have manufactured an automatic firearm in violation of subsection (a).

(c) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds ~~[which] that~~ are designed for or capable of use with a pistol ~~[is] shall be~~ prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition ~~[which] that~~ have been modified to accept no more than ten rounds and ~~[which] that~~ are not capable of being readily restored to a capacity of more than ten rounds.

(d) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a pistol in which case the person shall be guilty of a class C felony.

(e) In any prosecution for the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of a ghost gun, it shall be an affirmative defense that the person holds a current license to sell and manufacture firearms for sale under section 134-31, or that the person is a dealer licensed by the United States Department of Justice, or that the firearm is not required to have a serial number under the federal Gun Control Act of 1968."

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

SECTION 7. This Act shall take effect upon its approval.

(Approved April 10, 2025.)

**Note**

1. Edited pursuant to HRS §23G-16.5.