

ACT 22

H.B. NO. 125

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 the presence of unsecured or improperly stored firearms contributes to a heightened risk of accidental injury, accidental death, suicide by firearm, theft or loss of firearms, and increased lethality in domestic violence situations. The legislature also finds that regulations providing for the safe and secure storage of firearms can reduce these risks. Additionally, the legislature finds that there is a longstanding and well-established historical tradition of regulating firearm storage to protect public safety. In *United States v. Rahimi*, 144 S.Ct. 1889, 1897 (2024), the United States Supreme Court recognized that “[a]t the founding, the bearing of arms was subject to regulations” covering a range of subjects, including “rules about firearm storage”.

The purpose of this Act is to protect public safety by providing for the safe and secure storage of firearms.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§134- Notice of responsibility to securely store firearm. (a) A person engaged in the retail sale or transfer of firearms shall, at the time of sale or transfer, provide to the purchaser of a firearm a written copy of section 134-10.5. (b) Any person who violates this section shall be deemed to have engaged in an unfair or deceptive act or practice within the meaning of section 480-2.”

SECTION 3. Section 134-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§134-10.5 [Storage] Secure storage of [firearm; responsibility with respect to minors.] firearms. (a) No person shall store or ~~[keep]~~ leave 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]~~ Secures the firearm in a ~~[securely]~~ locked box or other container ~~[or]~~, such as a gun safe, or by using a properly engaged tamper-resistant mechanical lock or other tamper-resistant safety device that renders the firearm inoperable by any person other than the owner or lawfully authorized user;
- (2) Stores the firearm in a location that a reasonable person would believe to be secure; or
- ~~[(2)]~~ (3) Carries the firearm on the person or within such close proximity [thereto] to the person that the person can readily retrieve and use [it] the firearm as if it were carried on the person.

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

(b) Any person who violates this section shall be guilty of a violation and fined no more than \$500; provided that a person who commits the offense of criminally negligent storage of a firearm under section 707-714.5 shall be guilty of a misdemeanor.

(c) Any person who violates this section shall be strictly liable for damages incurred if the firearm obtained as a result of the violation is used to injure a person or property within two years of the violation; provided that this subsection shall not apply if:

- (1) The injury results from a lawful act of self-defense or defense of another person; or
- (2) The unsecured firearm was obtained by a person as a result of a person entering or remaining on the premises unlawfully.

(d) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(e) For purposes of this section, “premises” does not include a vehicle.”

SECTION 4. Section 707-714.5, Hawaii Revised Statutes, is amended to read as follows:

“§707-714.5 Criminally negligent storage of a firearm. (1) A person commits the offense of criminally negligent storage of a firearm if ~~[the];~~

- (a) The person violates section 134-10.5 [and a];
- (b) 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; and

- (c) A minor obtains the firearm. [For purposes of this section, “minor” means any person under the age of eighteen years.]
- (2) This section shall not apply if the minor obtains the firearm as a result of an unlawful entry to any premises by any person.
- (3) Criminally negligent storage of a firearm [is] shall be a misdemeanor.
- (4) For purposes of this section, “minor” means any person under the age of eighteen years.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Every provision in this Act and every application of each provision in this Act is severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is determined by any court to be invalid, the remainder of this Act and the application of the Act’s provisions to all other persons and circumstances shall not be affected.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved April 22, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.