
A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 134-7(b),
2 Hawaii Revised Statutes, prohibits anyone who has been diagnosed
3 as having a significant behavioral, emotional, or mental
4 disorder defined by the American Psychiatric Association from
5 owning, possessing, or controlling any firearm. In order to
6 determine if this prohibition applies to an applicant for a
7 permit to acquire a firearm, the applicant is required to sign a
8 waiver allowing the chief of police issuing the permit access to
9 any records bearing on the mental health of the applicant.
10 Records sought include those indicating that the person has been
11 medically documented to no longer be adversely affected by the
12 disorder because, if so, the chief of police may issue the
13 permit.

14 The legislature further finds that section 134-18, Hawaii
15 Revised Statutes, gives immunity from civil liability if,
16 without malice, a mental health professional provides
17 information or renders an opinion in response to an inquiry
18 pursuant to section 134-2, Hawaii Revised Statutes. However, it



1 has been the practice of the police to identify to the applicant
2 the source of any information used to deny an application for
3 permit to acquire a firearm because of the mental health of the
4 applicant. This practice subverts the purpose of the law
5 because it discourages mental health professionals from being
6 forthright with police due to a fear of confrontation or
7 retaliation by an applicant with a disorder who may be erratic
8 or even violent.

9 The purpose of this Act is to encourage mental health
10 professionals to provide accurate and complete information
11 regarding the mental health of an applicant for a permit to
12 acquire a firearm, by prohibiting disclosure to the applicant of
13 the source of the information if the application is denied
14 because of a mental disorder.

15 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) An applicant for a permit shall sign a waiver at the
18 time of application, allowing the chief of police of the county
19 issuing the permit access to any records that have a bearing on
20 the mental health of the applicant. The waiver shall allow the
21 chief of police to withhold from, and the chief of police shall
22 not thereafter disclose to, the applicant the source of any



1 information used to deny the application pursuant to section
2 134-7(c). The permit application form and the waiver form shall
3 be prescribed by the attorney general and shall be uniform
4 throughout the State."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Cynthia Thelen
By request

JAN 13 2006



HB1810

Report Title:

Permit to Acquire Firearms; Mental Health

Description:

Prohibits disclosure to an applicant for a permit to acquire a firearm of the source of the information used to deny the application, when the application is denied because the applicant was diagnosed with a mental disorder.

