
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 663-9.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~]**663-9.5**[~~]~~ **Liability of firearm owners.** The owner of
4 a firearm, if the discharge of the firearm proximately causes
5 either personal injury or property damage to any person, shall
6 be absolutely liable for such damage. It shall be an
7 affirmative defense to such absolute liability that the firearm
8 was not in the possession of the owner and was taken from the
9 owner's possession without the owner's permission and the owner
10 either had reported the theft to the police prior to the
11 discharge or, despite the exercise of reasonable care, had not
12 discovered the theft prior to the discharge or was not
13 reasonably able to report the theft to the police prior to the
14 discharge. This section shall not apply when the discharge of
15 the firearm was legally justified. As used in this section,
16 "owner" does not include the State or any political subdivision
17 thereof."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

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HB 2118

Report Title:

Firearms; Liability

Description:

Excepts government entities from the definition of "owner" in statute that imposes strict liability on firearms owner for injury or damage proximately caused by the firearm.

