
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL, THE CORPORATIONS COUNSEL, AND THE COUNTY CHIEFS OF POLICE TO STUDY WAYS TO OBTAIN COMPLETE AND ACCURATE MENTAL HEALTH INFORMATION ON APPLICANTS FOR A PERMIT TO ACQUIRE A FIREARM WITHOUT JEOPARDIZING THE SAFETY OF MENTAL HEALTH PROFESSIONALS PROVIDING THE INFORMATION.

1 WHEREAS, section 134-7(b), Hawaii Revised Statutes,
2 prohibits anyone who has been diagnosed as having a significant
3 behavioral, emotional, or mental disorder defined by the
4 American Psychiatric Association from owning, possessing, or
5 controlling any firearm; and

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7 WHEREAS, in order to determine if this prohibition applies
8 to an applicant for a permit to acquire a firearm, section
9 134-2, Hawaii Revised Statutes, provides that the applicant must
10 sign a waiver allowing the chief of police issuing the permit
11 access to any records bearing on the mental health of the
12 applicant; and

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14 WHEREAS, records sought include those indicating that the
15 person has been medically documented to no longer be adversely
16 affected by the disorder because, if so, the chief of police may
17 issue the permit; and

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19 WHEREAS, section 134-18, Hawaii Revised Statutes, gives
20 immunity from civil liability if, without malice, a mental
21 health professional provides information or renders an opinion
22 in response to an inquiry pursuant to section 134-2; and

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24 WHEREAS, it has been the practice of the police to identify
25 to the applicant the source of any information used to deny an
26 application for permit to acquire a firearm because of the
27 mental health of the applicant; and



1 WHEREAS, this practice subverts the purpose of the law
 2 because it discourages mental health professionals from being
 3 forthright with police due to a fear of confrontation or
 4 retaliation by an applicant with a disorder who may be erratic
 5 or even violent; and

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 7 WHEREAS, mental health professionals should be encouraged
 8 to provide accurate and complete information regarding the
 9 mental health of an applicant for a permit to acquire a firearm,
 10 by prohibiting disclosure to the applicant of the source of the
 11 information if the application is denied because of a mental
 12 disorder; now, therefore,

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 14 BE IT RESOLVED by the House of Representatives of the
 15 Twenty-third Legislature of the State of Hawaii, Regular Session
 16 of 2006, the Senate concurring, that the Attorney General, the
 17 Corporations Counsel, and the county Chiefs of Police are
 18 requested to study ways to obtain complete and accurate mental
 19 health information on applicants for a permit to acquire a
 20 firearm without jeopardizing the safety of mental health
 21 professionals providing the information; and

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 23 BE IT FURTHER RESOLVED that the Attorney General is
 24 requested to report the findings and recommendations, including
 25 any proposed legislation, reached by the Attorney General, the
 26 Corporation Counsels, and the county Chiefs of Police not later
 27 than twenty days prior to the convening of the Regular Session
 28 of 2007; and

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 30 BE IT FURTHER RESOLVED that certified copies of this
 31 Concurrent Resolution be transmitted to the Attorney General,
 32 the Corporations Counsel, and the county Chiefs of Police.

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OFFERED BY: *Cynthia Heelan*

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