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# HOUSE 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

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29           WHEREAS, this practice subverts the purpose of the law  
30 because it discourages mental health professionals from being  
31 forthright with police due to a fear of confrontation or



1 retaliation by an applicant with a disorder who may be erratic  
2 or even violent; and

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

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

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

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27 BE IT FURTHER RESOLVED that certified copies of this  
28 Resolution be transmitted to the Attorney General, the  
29 Corporations Counsel, and the county Chiefs of Police.

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OFFERED BY: *Guthrie Threlker*

MAR 09 2006

