

H.B. NO. 2300

A BILL FOR AN ACT

RELATING TO CHAPTER 134.

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

1 SECTION 1. Section 134-2, Hawaii Revised Statutes, is
2 amended as follows:

3 (1) By amending subsection (b) to read as follows:

4 "(b) The permit application form shall include the
5 applicant's name, address, sex, height, weight, date of birth,
6 place of birth, country of citizenship, social security number,
7 alien or admission number, and information regarding the
8 applicant's mental health history and shall require the
9 fingerprinting and photographing of the applicant by the police
10 department of the county of registration; provided that where
11 fingerprints and photograph are already on file with the
12 department, these may be waived."

13 (2) By amending subsection (e) to read as follows:

14 "(e) The permit application form shall be signed by the
15 applicant and by the issuing authority. One copy of the permit
16 shall be retained by the issuing authority as a permanent
17 official record. Except for sales to dealers licensed under
18 section 134-31, or dealers licensed by the United States

1 Department of [~~the Treasury,~~] Justice, or law enforcement
2 officers, or where a license is granted under section 134-9, or
3 where any firearm is registered pursuant to section 134-3(a), no
4 permit shall be issued to an applicant earlier than fourteen
5 calendar days after the date of the application; provided that a
6 permit shall be issued or the application denied before the
7 twentieth day from the date of application. Permits issued to
8 acquire any pistol or revolver shall be void unless used within
9 ten days after the date of issue. Permits to acquire a pistol
10 or revolver require a separate application and permit for each
11 transaction. Permits issued to acquire any rifle or shotgun
12 shall entitle the permittee to make subsequent purchases of
13 rifles or shotguns for a period of one year from the date of
14 issue without a separate application and permit for each
15 acquisition, subject to the disqualifications under section 134-
16 7 and subject to revocation under section 134-13; provided that
17 if a permittee is arrested for committing a felony or any crime
18 of violence or for the illegal sale of any drug, the permit
19 shall be impounded and shall be surrendered to the issuing
20 authority. The issuing authority must perform an inquiry on an
21 applicant who is a citizen of the United States by using the
22 National Instant Criminal Background Check System before any

1 determination to issue a permit or to deny an application is
2 made. If the applicant is not a citizen of the United States
3 and may be eligible to acquire a firearm under this chapter, the
4 issuing authority must perform an inquiry on the applicant, by
5 using the National Instant Criminal Background Check System, to
6 including a check of the Immigration and Customs Enforcement
7 databases of that system, before any determination to issue a
8 permit or to deny an application is made."

9 SECTION 2. Section 134-7, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) No person who is a fugitive from justice or is a
12 person prohibited from possessing firearms or ammunition under
13 federal law shall own, possess, or control any firearm or
14 ammunition therefor."

15 SECTION 3. Section 134-9, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) In an exceptional case, when an applicant shows
18 reason to fear injury to the applicant's person or property, the
19 chief of police of the appropriate county may grant a license to
20 an applicant who is a citizen of the United States of an age of
21 twenty-one years or more or to a duly accredited official
22 representative of a foreign nation of the age of twenty-one

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1 years or more to carry a pistol or revolver and ammunition
2 therefor concealed on the person within the county where the
3 license is granted. The chief of police of the appropriate
4 county, or the chief's designated representative, must perform
5 an inquiry on an applicant by using the National Instant
6 Criminal Background Check System before any determination to
7 grant a license is made. Where the urgency or the need has been
8 sufficiently indicated, the respective chief of police may grant
9 to an applicant of good moral character who is a citizen of the
10 United States of the age of twenty-one years or more, is engaged
11 in the protection of life and property, and is not prohibited
12 under section 134-7 from the ownership or possession of a
13 firearm, a license to carry a pistol or revolver and ammunition
14 therefor unconcealed on the person within the county where the
15 license is granted. Unless renewed, the license shall expire
16 one year from the date of issue."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

20
21 INTRODUCED BY: Calvin K. Boy

22 BY REQUEST
JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CHAPTER 134.

PURPOSE: To amend chapter 134 in order to comply certain provisions of the federal law contained in the "Brady Bill".

MEANS: Amend sections 134-2, 134-7, and 134-9, Hawaii Revised Statutes.

JUSTIFICATION: First, chapter 134 must be amended to reflect the current Federal requirement that state firearms registration records include place of birth, country of citizenship, and for non-citizens, an alien or admission number.

Next, the federal department with authority over firearms is no longer the Department of the Treasury; it is the Department of Justice. Chapter 134 has not yet been amended to reflect this change.

Next, chapter 134 has also not yet been amended to reflect the federal mandate that the National Instant Criminal Background Check System and the Immigration and Customs Enforcement databases be checked prior to the issuance of firearms permits.

Finally, chapter 134 also does not comply with the federal requirement that persons be prohibited from possessing firearms under state law if they are prohibited from possessing firearms under federal law.

Impact on the public: None.

Impact on the department and other agencies: Police departments will be required to check the National Instant Criminal Background Check System and the Immigration and, for alien firearms applicants, check the Customs

Enforcement databases be checked prior to issuing firearms permits. For firearm applicants, police departments would be required to ascertain place of birth, citizenship status, and, for non-citizens, alien Number or admission Number.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: County police.

EFFECTIVE DATE: Upon approval.