
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:

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:

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 shall require a separate application and permit for
11 each transaction. Permits issued to acquire any rifle or
12 shotgun shall entitle the permittee to make subsequent purchases
13 of 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
16 134-7 and subject to revocation under section 134-13; provided
17 that if a permittee is arrested for committing a felony or any
18 crime of violence or for the illegal sale of any drug, the
19 permit shall be impounded and shall be surrendered to the
20 issuing authority. The issuing authority shall perform an
21 inquiry on an applicant who is a citizen of the United States by
22 using the National Instant Criminal Background Check System



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

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

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

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

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

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

20 SECTION 4. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

Firearms; Federal Compliance

Description:

Amends chapter 134 to comply with certain provisions of the federal law contained in the "Brady Bill" by: (1) reflecting 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; (2) reflecting 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; (3) prohibiting a person's possession of firearms under state law if the person is prohibited from possessing firearms under federal law. (SD1)

