

JAN 25 2006

S.B. NO. 2408

A BILL FOR AN ACT

RELATING TO LIABILITY OF FIREARM OWNERS.

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~~] the damage. It shall be an
7 affirmative defense to [~~such~~] absolute liability that the
8 firearm was not in the possession of the owner and was taken
9 from the owner's possession without the owner's permission and
10 the owner either had reported the theft to the police prior to
11 the discharge or, despite the exercise of reasonable care, had
12 not 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. "Owner" as used in this
16 section, does not include government entities."

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 Statutory material to be repealed is bracketed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



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

2

INTRODUCED BY: 

By Request



SB 2408

Report Title:

Firearms; Government 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.

