

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2408  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2408 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY OF FIREARM OWNERS,"

begs leave to report as follows:

The purpose of this measure is to exempt government entities from the definition of "owner" in section 663-9.5, Hawaii Revised Statutes, that imposes strict liability on firearms owners for injury or damage proximately caused by the firearm.

Your Committee received testimony in support of this measure from the Attorney General, the Department of the Corporation Council for the City and County of Honolulu, the Office of the Corporation Council for the County of Hawaii, and the Honolulu Police Department. Testimony in opposition to this measure was submitted by the Hawaii Rifle Association.

Your Committee finds that in its current form, section 663-9.5, Hawaii Revised Statutes, leaves open the possibility that the State or the counties could be held absolutely liable if a law enforcement officer were to use his or her service weapon to commit a criminal act that results in personal injury or property damage. This measure will clarify that the potential for absolute liability against owners of firearms does not apply to the State or counties.

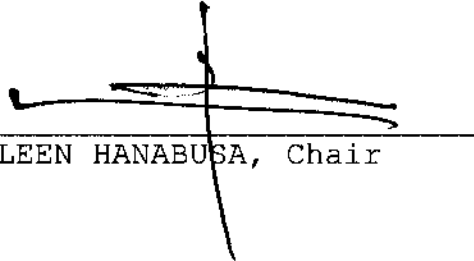
Your Committee notes that this measure was originally proposed by the County of Hawaii. Your Committee further notes



that discussions with the Attorney General indicate that this bill will not override *Doe Parents v. State of Hawaii*, 100 Haw. 3, 58 P.3d 545 (2002).

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2408, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



A handwritten signature in black ink, appearing to read 'COLLEEN HANABUSA', is written over a horizontal line. A vertical line extends downwards from the center of the signature.

COLLEEN HANABUSA, Chair



