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# A BILL FOR AN ACT

RELATING TO THE LIABILITY OF A FIREARM OWNER.

**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.** (a) 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.

7 (b) It shall be an affirmative defense to [~~such~~] the  
8 absolute liability that [~~the~~]:

9 (1) The firearm was not in the possession of the owner  
10 [~~and was~~];

11 (2) The firearm was taken from the owner's possession  
12 without the owner's permission; and [~~the~~]

13 (3) The owner either [~~had reported~~]:

14 (A) Reported the theft to the police prior to the  
15 discharge; or [~~despite~~]

16 (B) Despite the exercise of reasonable care [~~had~~]:



1                    (i) Had not discovered the theft prior to the  
2    discharge; or [~~was~~]

3                    (ii) Was not reasonably able to report the theft  
4    to the police prior to the discharge.

5            (c) This section shall not apply when the discharge of the  
6 firearm was legally justified.

7            (d) The absolute liability under subsection (a) shall not  
8 apply to the State or counties for the use of a firearm owned by  
9 the State or county, as applicable, and used by a law  
10 enforcement officer employed by the State or county, outside of  
11 the course and scope of employment as a law enforcement officer;  
12 provided that this section shall not be construed to relieve the  
13 State and counties from any other tort liability that may be  
14 applicable to the State or counties."

15            SECTION 2. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun, before its effective date.

18            SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20            SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 2204  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Hawaii County Package; Liability of Firearm Owners

**Description:**

Exempts state and counties from absolute liability for use of a firearm owned by the state or county if it is used by a law enforcement officer outside of the course and scope of the officer's duties as a law enforcement officer. (HB2204 CD1)

