
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~~]:

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

11 (2) Was taken from the owner's possession without the
12 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) As used in this section, "owner" shall not include
8 government entities; provided that this shall not be construed
9 to relieve government entities from any other tort liability."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



Report Title:

Hawaii County Package; Liability of Firearm Owners

Description:

Removes government entities from definition of firearm owner for purpose of establishing liability. Specifies for what amounts government entities will be liable. (HB2204 HD1)

