

JAN 18 2008

S.B. NO. 2578

A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 134-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 ".50 Browning machine gun cartridge" means a cartridge
5 that includes a ball, tracer, incendiary, armor piercing, armor
6 piercing incendiary, armor piercing incendiary tracer, saboted
7 light armor penetrator, and is designed and intended to be fired
8 from a center fire rifle and that meets all of the following
9 criteria:

- 10 (1) An overall length of 5.54 inches from base to the tip
11 of the bullet;
- 12 (2) The bullet diameter for the cartridge is from .510 to
13 and including .511 inches;
- 14 (3) The case base diameter for the cartridge is from .800
15 inches to and including .804 inches; and
- 16 (4) A cartridge length of 3.91 inches.



1 ".50 Browning machine gun rifle" means a center fire rifle
2 that can fire a .50 Browning machine gun cartridge but does not
3 include:

- 4 (1) A weapon described as an automatic firearm in section
5 134-8(a);
6 (2) Any antique firearm as defined in this section; or
7 (3) Any curio or relic as those terms are used in 18
8 United States Code section 921(16) or 27 Code of
9 Federal Regulations 178.11."

10 SECTION 2. Section 134-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§134-8 Ownership, etc., of automatic firearms, silencers,**
13 **Browning machine guns, etc., prohibited; penalties.** (a) The
14 manufacture, possession, sale, barter, trade, gift, transfer, or
15 acquisition of any of the following is prohibited: assault
16 pistols, except as provided by section 134-4(e); automatic
17 firearms; rifles with barrel lengths less than sixteen inches;
18 shotguns with barrel lengths less than eighteen inches; cannons;
19 mufflers, silencers, or devices for deadening or muffling the
20 sound of discharged firearms; hand grenades, dynamite, blasting
21 caps, bombs, or bombshells, or other explosives; or any type of
22 ammunition or any projectile component thereof coated with



1 teflon or any other similar coating designed primarily to
2 enhance its capability to penetrate metal or pierce protective
3 armor; and any type of ammunition or any projectile component
4 thereof designed or intended to explode or segment upon impact
5 with its target.

6 (b) Any person who installs, removes, or alters a firearm
7 part with the intent to convert the firearm to an automatic
8 firearm shall be deemed to have manufactured an automatic
9 firearm in violation of subsection (a).

10 (c) The manufacture, possession, sale, barter, trade,
11 gift, transfer, or acquisition of detachable ammunition
12 magazines with a capacity in excess of ten rounds which are
13 designed for or capable of use with a pistol is prohibited.
14 This subsection shall not apply to magazines originally designed
15 to accept more than ten rounds of ammunition which have been
16 modified to accept no more than ten rounds and which are not
17 capable of being readily restored to a capacity of more than ten
18 rounds.

19 (d) Except as provided in this section, the manufacture,
20 possession, barter, trade, gift, transfer, or acquisition of any
21 .50 Browning machine gun rifle or .50 Browning machine gun
22 cartridge is prohibited.



1 (e) After July 1, 2008, no person shall bring or cause to
2 bring into the State a .50 Browning machine gun rifle or .50
3 Browning machine gun cartridge.

4 (f) After July 1, 2008, no person shall sell or transfer a
5 .50 Browning machine gun rifle or .50 Browning machine gun
6 cartridge to anyone within the State except:

7 (1) To a dealer licensed under section 132-32; or

8 (2) To the chief of police of any county.

9 (g) Notwithstanding subsection (f), a person who obtains
10 title to a .50 Browning machine gun rifle or .50 Browning
11 machine gun cartridge by bequest or intestate succession within
12 ninety days of the passing of title shall:

13 (1) Render the weapon permanently inoperable;

14 (2) Sell or transfer the weapon to a dealer licensed under
15 section 132-32;

16 (3) Transfer the weapon to the chief of police of any
17 county; or

18 (4) Remove the weapon from the State.

19 ~~[(d)]~~ (h) Any person violating subsection (a) or (b) shall
20 be guilty of a class C felony and shall be imprisoned for a term
21 of five years without probation. Any person violating
22 subsection (c) shall be guilty of a misdemeanor except when a



1 detachable magazine prohibited under this section is possessed
2 while inserted into a pistol, in which case the person shall be
3 guilty of a class C felony. Any person violating subsections
4 (d), (e), (f), and (g) shall be guilty of a class B felony and
5 shall be imprisoned for a term of ten years and shall not be
6 eligible for probation."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: *Anne Mercedes L.*



Report Title:

Honolulu Police Department Package; Firearms

Description:

Prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of a .50 Browning machine gun rifle or .50 cartridge. Creates penalties. Adds definitions.

