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## 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 caliber Browning machine gun cartridge" means a  
5 cartridge that includes a ball, tracer, incendiary, armor  
6 piercing, armor piercing incendiary, armor piercing incendiary  
7 tracer, and saboted light armor penetrator and is designed and  
8 intended to be fired from a center fire rifle and that meets all  
9 of the following 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  
15           .800 inches to and including .804 inches; and
- 16           (4) A cartridge length of 3.91 inches.



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

4       (1) A weapon defined as an automatic firearm in section  
5       134-1;

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



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

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

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

18 (d) After July 1, 2009, no person shall bring or cause to  
19 be brought into the State a .50 caliber Browning machine gun  
20 rifle or .50 caliber Browning machine gun cartridges. No .50  
21 caliber Browning machine gun rifle or .50 caliber Browning  
22 machine gun cartridge may be sold or transferred on or after



1 July 1, 2009, to anyone within the State other than a dealer  
2 licensed under section 134-31 or the chief of police of any  
3 county; provided that any person who obtains title by bequest or  
4 intestate succession to a .50 caliber Browning machine gun rifle  
5 registered within the State, within sixty days, shall render the  
6 weapon permanently inoperable, sell or transfer the weapon to a  
7 licensed dealer or the chief of police of any county, or remove  
8 the weapon from the State.

9 (e) Except as provided by this section, the manufacture,  
10 possession, sale, barter, trade, gift, transfer, or acquisition  
11 of any .50 caliber Browning machine gun rifle or .50 caliber  
12 Browning machine gun cartridges are prohibited. This includes  
13 the following types of ammunition: ball, tracer, incendiary,  
14 armor piercing, armor piercing incendiary, armor piercing  
15 incendiary tracer, or saboted light armor penetrator.

16 [~~(d)~~] (f) Any person violating subsection (a) or (b) shall  
17 be guilty of a class C felony and shall be imprisoned for a term  
18 of five years without probation. Any person violating  
19 subsection (c) shall be guilty of a misdemeanor except when a  
20 detachable magazine prohibited under this section is possessed  
21 while inserted into a pistol in which case the person shall be  
22 guilty of a class C felony. Any person violating subsection (d)



1 or (e) shall be guilty of a class B felony and shall be  
2 imprisoned for a term of ten years without probation."

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

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Rep. Hawken  
Sen. ...  
...

...  
Alfred Hokashima  
May Lee  
...

JAN 23 2009

**Report Title:**

Firearms; Ammunition

**Description:**

Prohibits importation, manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any .50 caliber Browning machine gun rifle or .50 caliber Browning machine gun cartridge.

