

JAN 22 2010

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 134-9, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§134-9 Licenses to carry. (a) [In an exceptional case,~~
4 ~~when an applicant shows reason to fear injury to the applicant's~~
5 ~~person or property, the]~~ The chief of police of the appropriate
6 county ~~[may]~~ shall grant a license to ~~[an applicant who is a~~
7 ~~citizen of the United States of the age of twenty one years or~~
8 ~~more or to a duly accredited official representative of a~~
9 ~~foreign nation of the age of twenty one years or more to carry a~~
10 ~~pistol or revolver and ammunition therefor concealed on the~~
11 ~~person within the county where the license is granted. Where~~
12 ~~the urgency or the need has been sufficiently indicated, the~~
13 ~~respective chief of police may grant to an applicant of good~~
14 ~~moral character who is a citizen of the United States of the age~~
15 ~~of twenty one years or more, is engaged in the protection of~~
16 ~~life and property, and is not prohibited under section 134-7~~
17 ~~from the ownership or possession of a firearm, a license to~~



1 ~~carry a pistol or revolver and ammunition therefor unconcealed~~
2 ~~on the person within the county where the license is granted.]~~

3 carry a concealed firearm to an applicant who:

4 (1) Is a citizen of the United States of the age of
5 twenty-one years or more; or

6 (2) Is a duly accredited official representative of a
7 foreign nation of the age of twenty-one years or more.

8 (b) In all cases, the chief of police of each county shall
9 adopt procedures to require that any person granted a license to
10 carry a concealed firearm on the person shall be issued said
11 license only upon meeting the following criteria:

12 (1) Is qualified to use the firearm in a safe manner;

13 (2) Is of good moral character and appears to be suitable
14 to be so licensed;

15 (3) Is not prohibited under section 134-7 from the
16 ownership or possession of a firearm; and

17 (4) Is not adjudged insane or is not mentally deranged.

18 The chief of police of the appropriate county, or the chief's
19 designated representative, shall perform an inquiry on an
20 applicant by using the National Instant Criminal Background
21 Check System, to include a check of the Immigration and Customs
22 Enforcement databases where the applicant is not a citizen of



1 the United States, before any determination to grant a license
2 is made. [~~Unless renewed, the license shall expire one year~~
3 ~~from the date of issue.~~] The license shall be in force for a
4 period of five years, and only if the applicant remains suitable
5 to be lawfully licensed under this section, does not become
6 ineligible to possess firearms under section 134-7 during this
7 period, or unless revoked for just cause by the issuing agency.
8 In the event a license holder becomes ineligible under section
9 134-7, the license is automatically revoked; fees or portions
10 thereof, paid in order to obtain a license issued pursuant to
11 this section, are not refundable in whole or in part, nor by
12 pro-rata. Applicants wishing to renew their license must abide
13 by the procedures set forth by the chief of police in their
14 county of residence.

15 [~~(b) The chief of police of each county shall adopt~~
16 ~~procedures to require that any person granted a license to carry~~
17 ~~a concealed weapon on the person shall:~~

- 18 (1) ~~Be qualified to use the firearm in a safe manner;~~
19 (2) ~~Appear to be a suitable person to be so licensed;~~
20 (3) ~~Not be prohibited under section 134-7 from the~~
21 ~~ownership or possession of a firearm; and~~



1 ~~(4) Not have been adjudged insane or not appear to be~~
2 ~~mentally deranged.]~~

3 (c) Exceptions. A justice or judge may not be precluded
4 from carrying on the judge's person a loaded firearm for
5 personal protection.

6 (d) Restricted areas, defined. No license issued pursuant
7 to this section shall authorize any person to carry a concealed
8 firearm, whether loaded or unloaded, into any:

9 (1) Police station, except when a firearm is being
10 surrendered by its lawful owner for destruction, or is
11 being registered or inspected, and only when
12 transported as provided in section 134-25;

13 (2) Detention facility, prison, city hall, legislative
14 building, or courthouse or courtroom, except that a
15 justice or judge is not precluded from carrying a
16 lawful firearm on the judge's person for the judge's
17 own protection;

18 (3) Elementary, intermediate, or high school campus;

19 (4) Trade, technical, or vocational school or college
20 campus, except as provided by law;

21 (5) Professional, semi-professional, collegiate, or
22 otherwise organized sporting event;



- 1 (6) Establishment or portion thereof that is legally
2 licensed to serve alcoholic beverages for consumption
3 upon those premises, which portion of that
4 establishment is primarily devoted to such purpose;
5 (7) Official polling place, meeting place of any governing
6 body of a municipality, school district, community or
7 special district; any assembly of the legislature or
8 committees thereof, to include political party
9 offices, rallies and other places where organized
10 demonstrations or lobbying are authorized to take
11 place;
12 (8) Airport passenger terminal or sterile, restricted area
13 of an airport; or
14 (9) Military base, support and ancillary facility,
15 recruiting office, clubhouse, golf course, or other
16 area controlled by the military or federal government
17 specifically for the use of the military and its
18 personnel; except when a person is lawfully licensed
19 or certified to carry a firearm by the commanding
20 general of that facility, or when it is necessary for
21 national defense in support of that facility, by



1 members of the military or those authorized to support
2 homeland security efforts.

3 (e) Reciprocity. The state may enter into a reciprocal
4 agreement with another state, if the other state has a concealed
5 firearm licensing program for which the standards and
6 requirements to acquire said license are substantially similar,
7 and if the other state is willing and able to grant reciprocal
8 agreement with the state for that purpose.

9 (f) The license must be carried with valid identification
10 at all times that the firearm is to be concealed upon the
11 person, in every legal place it may be carried. Failure to
12 carry or produce a license issued under this section, upon
13 request of a law enforcement officer, shall constitute a
14 misdemeanor.

15 [~~e~~] (g) No person shall carry concealed or unconcealed
16 on the person a pistol or revolver without being licensed to do
17 so under this section or in compliance with sections 134-5(c) or
18 134-25.

19 [~~d~~] (h) A fee of [~~\$10~~] \$150 shall be charged for each
20 license and shall be deposited in the treasury of the county in
21 which the license is granted[-] for the purpose of administering
22 this program. The fee to renew subsequent licenses shall be \$85



1 per license. The money shall be deposited with the respective
 2 county police department, with \$40 of proceeds for each license,
 3 whether new or renewal, being transferred to the domestic
 4 violence and sexual assault special fund established by section
 5 321-1.3."

6 SECTION 2. Section 321-1.3, Hawaii Revised Statutes, is
 7 amended by amending subsection (c) to read as follows:

8 (c) Fees remitted pursuant to [~~section~~] sections 338-14.5
 9 and 134-9, income tax remittances allocated under section 235-
 10 102.5, interest and investment earnings attributable to the
 11 moneys in the special fund, and grants, donations, and
 12 contributions from private or public sources for the purposes of
 13 the fund, shall be deposited into the special fund."

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

16 SECTION 4. This Act shall take effect upon its
 17 approval.

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INTRODUCED BY:

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Report Title:

Concealed Carry License

Description:

Requires chiefs of police to issue five-year renewable licenses to carry a concealed firearm to those who meet eligibility requirements. Strictly prohibits carrying concealed firearms under certain circumstances. Establishes fees, a portion of which shall be deposited into the domestic violence and sexual assault special fund.

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