

JAN 23 2009

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§134- Prohibition against seizure of firearms or
5 ammunition during emergency or disaster; suspension of permit or
6 license. (a) Notwithstanding any provision of chapter 128 or
7 any other law to the contrary, no person or government entity
8 shall seize or confiscate, under any civil defense, emergency,
9 or disaster relief powers or functions conferred, or during any
10 civil defense emergency period, as defined in section 128-2, or
11 during any time of national emergency or crisis, as defined in
12 section 134-34, any firearm or ammunition from any individual
13 who is lawfully permitted to carry or possess the firearm or
14 ammunition under part I of this chapter and who carries,
15 possesses, or uses the firearm or ammunition in a lawful manner
16 and in accordance with the criminal laws of this State.



1 (b) Notwithstanding any provision of chapter 128 or any
2 other law to the contrary, no person or government entity shall
3 suspend, revoke, or limit, under any civil defense, emergency,
4 or disaster relief powers or functions conferred, any lawfully
5 acquired and maintained permit or license obtained under and in
6 accordance with part I of this chapter.

7 (c) For purposes of this section, "government entity"
8 means any unit of government in this State, including the State
9 and any county or combination of counties, department, agency,
10 institution, board, commission, district, council, bureau,
11 office, governing authority, or other instrumentality of state
12 or county government, or corporation or other establishment
13 owned, operated, or managed by or on behalf of this State or any
14 county."

15 SECTION 2. Section 128-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§128-6 Civil defense powers, in general.** The governor
18 may:

19 (1) Plans and programs. Prepare comprehensive plans and
20 programs for the civil defense of this State, the
21 plans and programs to be integrated into and
22 coordinated with the civil defense plans of the



1 federal government and of other states to the fullest
2 possible extent; and coordinate the preparation of
3 plans and programs for civil defense by the political
4 subdivisions of the State, the plans to be integrated
5 into and coordinated with the civil defense plans and
6 programs of the State to the fullest possible extent.

7 (2) Training, public information. Institute training
8 programs and public information programs.

9 (3) Direct operational control, when. In the event of
10 disaster or emergency beyond local control, or which
11 in the opinion of the governor is such as to make
12 state operational control necessary, assume direct
13 operational control over all or any part of the civil
14 defense functions within this State.

15 (4) Insignia. Provide or authorize suitable insignia of
16 authority for all authorized personnel.

17 (5) Registration and blood typing. Provide for:

18 (A) Compulsory registration and identification to the
19 extent that voluntary registration and
20 identification has not been accomplished under
21 chapter 846, part II; and



1 (B) Compulsory RHo blood typing on females of child
2 bearing age or younger, and such other compulsory
3 blood typing as may be approved by competent
4 medical authority.

5 (6) Protection of facilities. Require each public
6 utility, or any person owning, controlling, or
7 operating a vital facility, to protect and safeguard
8 its or the person's property, or to provide for the
9 protection and safeguarding; and provide for the
10 protection and safeguarding of all public properties,
11 or such other properties as the governor may consider
12 advisable; provided that without prejudice to the
13 generality of the foregoing two clauses, the
14 protecting and safeguarding may include the regulation
15 or prohibition of public entry thereon, or the
16 permission of the entry upon such terms and conditions
17 as the governor may prescribe.

18 (7) Explosives, etc. [~~Whenever~~] Except as provided in
19 section 134- , whenever in the governor's opinion the
20 laws of the State do not adequately provide for the
21 common defense, public health, safety, and welfare,
22 investigate, regulate, or prohibit the storage,



1 transportation, use, possession, maintenance,
2 furnishing, sale, or distribution of, as well as any
3 transaction related to, explosives, firearms, and
4 ammunition [~~including the power to require the~~
5 ~~reregistration of firearms~~], inflammable materials
6 and other objects, implements, substances, businesses,
7 or services of a hazardous or dangerous character, or
8 particularly capable of misuse by disloyal persons or
9 the enemy, or obstructive of or tending to obstruct
10 military operations or civil defense, including,
11 without limitation, intoxicating liquor and the liquor
12 business; and authorize the seizure and forfeiture of
13 any such objects, implements, or substances unlawfully
14 possessed, as provided in section 128-28.

15 (8) Air raid drills, etc. Direct or control, as may be
16 necessary for civil defense:

17 (A) Air raid drills, and other alerts, tests, and
18 exercises;

19 (B) Blackouts and practice blackouts;

20 (C) Partial or full mobilization of civil defense
21 organizations in advance of actual disaster;



- 1 (D) Warnings and signals for drills, alerts, or
2 attacks, and the mechanical devices to be used in
3 connection therewith;
- 4 (E) Shutting off water mains, gas mains, electric
5 power connections, or suspension of other
6 services; and to the extent permitted by or under
7 federal law, suspension of radio transmission;
- 8 (F) The conduct of civilians and the movement and
9 cessation of movement of pedestrians and
10 vehicular traffic during, before, and after
11 blackouts, drills, alerts, or attacks;
- 12 (G) Traffic control;
- 13 (H) The congregation of the public in stricken or
14 danger areas or under dangerous conditions; and
- 15 (I) The evacuation and reception of the civilian
16 population, provided that only during a civil
17 defense emergency period shall there be
18 instituted under this paragraph mandatory or
19 prohibitory requirements having the force and
20 effect of law."

21 SECTION 3. Section 134-32, Hawaii Revised Statutes, is
22 amended to read as follows:



1 **"§134-32 License to sell and manufacture firearms;**
2 **conditions.** Every license issued pursuant to this part shall be
3 issued and shall be regarded as having been accepted by the
4 licensee subject to the following conditions:

- 5 (1) That the licensee at all times shall comply with all
6 provisions of law relative to the sale of firearms.
- 7 (2) That the license during any time of national emergency
8 or crisis, as defined in section 134-34, may be
9 canceled or suspended.
- 10 (3) That all firearms in the possession and control of any
11 licensee at any time of national emergency or crisis,
12 as defined in section 134-34, may be seized and held
13 in possession or purchased by or on the order of the
14 governor, except as provided in section 134- , until
15 such time as the national emergency or crisis has
16 passed, or until such time as the licensee and the
17 government of the United States or the government of
18 the State may agree upon some other disposition of the
19 same.
- 20 (4) That all firearms in the possession and control of the
21 licensee or registered pursuant to section 134-3(c) by
22 the licensee shall be subject to physical inspection



1 by the chief of police of each county during normal
2 business hours at the licensee's place of business.

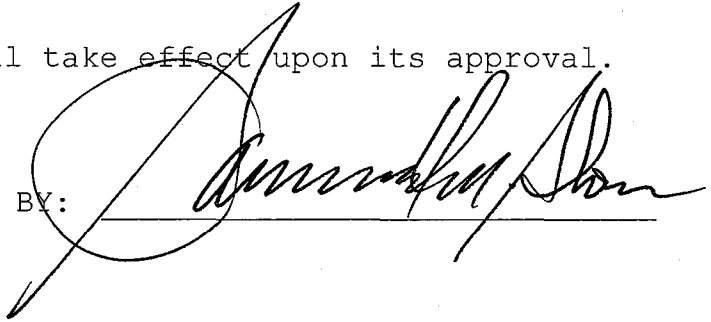
3 (5) That the license may be revoked for a violation of any
4 of the conditions of this section."

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

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

8

INTRODUCED BY:

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to be the name of a legislator.

Report Title:

Firearms; Prohibition Against Seizure During Emergency

Description:

Prohibits person or government entity from seizing any firearm or ammunition under civil defense, emergency, or disaster relief powers, or during any civil defense emergency period or any time of national emergency or crisis, from any individual who is lawfully permitted to carry or possess the firearm or ammunition under part I of chapter 134 and who carries, possesses, or uses the firearm or ammunition in a lawful manner. Prohibits suspension or revocation, under emergency powers, of permits or licenses lawfully acquired and maintained under part I of chapter 134.

