

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. 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 the damage.

7 (b) It shall be an affirmative defense to the absolute
8 liability that:

9 (1) The firearm was not in the possession of the owner;

10 (2) The firearm was taken from the owner's possession
11 without the owner's permission; and

12 (3) The owner either:

13 (A) Reported the theft to the police prior to the
14 discharge; or

15 (B) Despite the exercise of reasonable care:

16 (i) Had not discovered the theft prior to the
17 discharge; or



1 (ii) Was not reasonably able to report the theft
2 to the police prior to the discharge.

3 (c) This section shall not apply when the discharge of the
4 firearm was legally justified.

5 (d) The absolute liability under subsection (a) shall not
6 apply to the State or counties for the use of a firearm owned by
7 the State or county, as applicable, and used by a law
8 enforcement officer employed by the State or county, outside of
9 the course and scope of employment as a law enforcement officer;
10 provided that this section shall not be construed to relieve the
11 State and counties from any other tort liability that may be
12 applicable to the State or counties.

13 (e) The absolute liability under subsection (a) shall not
14 apply to the National Rifle Association certified firearms
15 instructors during the course of providing training to persons
16 seeking to acquire a permit for the acquisition of a pistol or
17 revolver in accordance with section 134-2(g)(4); provided that
18 this section shall not be construed to relieve a National Rifle
19 Association certified instructor from any other tort liability
20 that may be applicable."

21 SECTION 2. New statutory material is underscored.

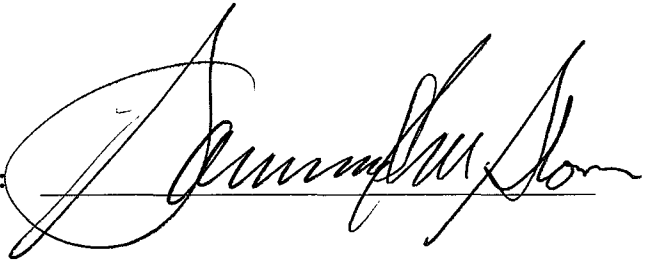
22 SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 364

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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Assemblyman".

Report Title:

National Rifle Association Certified Firearms Instructors;
Exemption; Absolute Liability

Description:

Exempts National Rifle Association certified firearms
instructors from absolute liability for their firearms during
the course of providing training under section 134-2(g)(4),
Hawaii Revised Statutes.

