

---

---

## 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,~~] Subject to subsection (b), the chief of  
6 police of the appropriate county [~~may~~] shall grant a license to  
7 carry a concealed firearm and ammunition on the person in the  
8 county where the license is granted to an applicant who is a:

9           (1) [~~citizen~~] Citizen of the United States of the age of  
10           twenty-one years or more; or [~~to a~~]

11           (2) [~~duly~~] Duly accredited official representative of a  
12           foreign nation of the age of twenty-one years or more  
13 [~~to carry a pistol or revolver and ammunition therefor concealed~~  
14 ~~on the person within the county where the license is granted.~~  
15 ~~Where the urgency or the need has been sufficiently indicated,~~  
16 ~~the respective chief of police may grant to an applicant of good~~  
17 ~~moral character who is a citizen of the United States of the age~~  
18 ~~of twenty one years or more, is engaged in the protection of~~



1 ~~life and property, and is not prohibited under section 134-7~~  
2 ~~from the ownership or possession of a firearm, a license to~~  
3 ~~carry a pistol or revolver and ammunition therefor unconcealed~~  
4 ~~on the person within the county where the license is granted].~~

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

- 9 (1) The person is qualified to use the firearm in a safe  
10 manner;  
11 (2) The person is of good moral character and appears  
12 suitable to be so licensed;  
13 (3) The person is not prohibited under section 134-7 from  
14 the ownership or possession of a firearm; and  
15 (4) The person is not adjudged insane or is not mentally  
16 deranged.

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



1 is made. [~~Unless renewed, the license shall expire one year~~  
2 ~~from the date of issue.~~] The license shall be valid for a  
3 period of five years provided that the applicant remains  
4 qualified to be licensed under this section and does not become  
5 ineligible to possess firearms under section 134-7 during this  
6 period, or unless the license is revoked for just cause by the  
7 issuing county police department. In the event a licensee  
8 becomes ineligible under section 134-7, the license shall be  
9 automatically revoked. Fees or portions thereof, paid to obtain  
10 a license issued pursuant to this section, shall not be  
11 refundable in whole or in part. An applicant wishing to renew a  
12 license shall comply with the procedures set forth by the chief  
13 of police in the applicant's county of residence.

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

- 17 (1) ~~Be qualified to use the firearm in a safe manner;~~  
18 (2) ~~Appear to be a suitable person to be so licensed;~~  
19 (3) ~~Not be prohibited under section 134-7 from the~~  
20 ~~ownership or possession of a firearm; and~~  
21 (4) ~~Not have been adjudged insane or not appear to be~~  
22 ~~mentally deranged.]~~



1        (c) A justice or judge shall be permitted to carry  
2 concealed on the person a loaded firearm for personal  
3 protection.

4        (d) No license issued pursuant to this section shall  
5 authorize any person to carry a concealed firearm, whether  
6 loaded or unloaded, into any:

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

11       (2) Detention facility, prison, courthouse, city hall, or  
12 public building, except that a justice or judge shall  
13 not be precluded from carrying a firearm for personal  
14 protection;

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

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

18       (5) Professional, semi-professional, collegiate, or other  
19 organized sporting event;

20       (6) Establishment or portion thereof that is licensed to  
21 serve alcoholic beverages for consumption upon those  
22 premises;



- 1        (7) Official polling place or meeting place of any state  
2        or county agency school district, community, or  
3        special district;
- 4        (8) Assembly of the legislature or committees thereof,  
5        which shall include political party offices, rallies,  
6        and other places where organized demonstrations or  
7        lobbying are authorized to take place;
- 8        (9) Airport passenger terminal, sterile, or restricted  
9        areas; and
- 10       (10) Military base, support and ancillary facility,  
11       recruiting office, clubhouse, golf course, or other  
12       area controlled by the military or federal government  
13       specifically for the use of the military and its  
14       personnel; except when the person is lawfully licensed  
15       to carry a firearm by the commanding officer of that  
16       facility, or that it is necessary for national defense  
17       in support of that facility or to support homeland  
18       security efforts.
- 19       (e) The State may enter into a reciprocal agreement with  
20       another state if the other state has a concealed firearm  
21       licensing program for which the standards and requirements to  
22       acquire the license are substantially similar and the other



1 state is willing and able to grant a reciprocal agreement to the  
2 State for that purpose.

3 (f) The license shall be carried with valid identification  
4 at all times that the firearm is carried concealed upon the  
5 person in every place it may be carried. Failure to possess or  
6 produce a license issued under this section, upon request of a  
7 law enforcement officer, shall constitute a misdemeanor.

8 ~~[(e)]~~ (g) No person shall carry concealed or unconcealed  
9 on the person a pistol or revolver without being licensed to do  
10 so under this section or in compliance with sections 134-5(c) or  
11 134-25.

12 ~~[(d)]~~ (h) A fee of ~~[\$10]~~ \$150 shall be charged for each  
13 license and ~~[shall be deposited in the treasury of the county in~~  
14 ~~which the license is granted.]~~ a fee of \$85 shall be charged for  
15 each license renewal. The fees shall be deposited with the  
16 respective county police department; provided that \$40 of each  
17 license fee, whether new or renewal, shall be transferred to the  
18 domestic violence and sexual assault special fund established  
19 under section 321-1.3."

20 SECTION 2. This Act does not affect rights and duties that  
21 matured, penalties that were incurred, and proceedings that were  
22 begun before its effective date.



# H.B. NO. 417

1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY: Calvin L. Boy

BY REQUEST

JAN 21 2011



**Report Title:**

Concealed Firearms; Licensing

**Description:**

Requires county chiefs of police to grant licenses to carry concealed firearms if the applicant meets certain criteria, restricts possession of concealed firearms in certain places, and raises licensing fees.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

