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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 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 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."

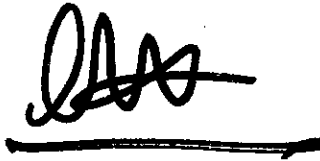
21           SECTION 2. New statutory material is underscored.



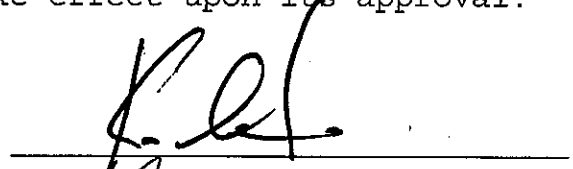
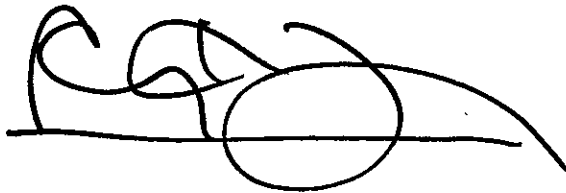
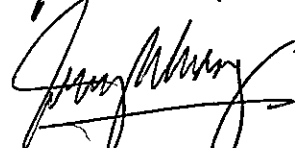
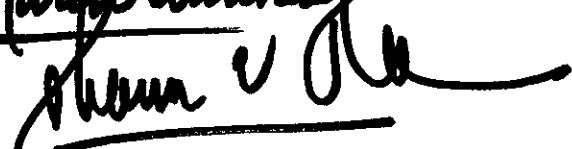
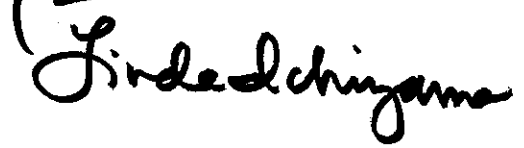
# H.B. NO. 679

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

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INTRODUCED BY:

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JAN 21 2011



**Report Title:**

Firearm Owner Absolute Liability; National Rifle Association  
Certified Firearms Instructors; Exemption

**Description:**

Exempts National Rifle Association certified firearms  
instructors from absolute liability for injury or damage caused  
by discharge of their firearms during the course of providing  
training required to obtain a permit to acquire firearms.

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

