



GOV. MSG. NO. 1418

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

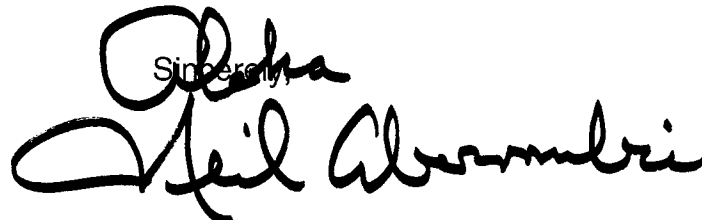
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB679 HD1 SD1 CD1

RELATING TO FIREARMS.
Act 301 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

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~~] If a firearm discharges and the discharge of the
5 firearm proximately causes either personal injury or property
6 damage to any person, the owner of the firearm shall be
7 absolutely liable for the damage.

8 (b) It shall be an affirmative defense to the absolute
9 liability that[+]

10 ~~(1) The~~ the firearm was not in the possession of the
11 owner[+].

12 (c) It shall be an affirmative defense to the absolute
13 liability that:

14 ~~(1)~~ (1) The firearm was taken from the owner's possession
15 without the owner's permission; and

16 ~~(2)~~ (2) The owner either:



1 (A) Reported the theft to the police prior to the
2 discharge; or

3 (B) Despite the exercise of reasonable care:

4 (i) Had not discovered the theft prior to the
5 discharge; or

6 (ii) Was not reasonably able to report the theft
7 to the police prior to the discharge.

8 [~~e~~] (d) This section shall not apply when the discharge of
9 the firearm was legally justified.

10 [~~d~~] (e) The absolute liability under subsection (a) shall
11 not apply to the State or counties for the use of a firearm
12 owned by the State or county, as applicable, and used by a law
13 enforcement officer employed by the State or county, outside of
14 the course and scope of employment as a law enforcement officer;
15 provided that this section shall not be construed to relieve the
16 State and counties from any other tort liability that may be
17 applicable to the State or counties.

18 (f) The absolute liability under subsection (a) shall not
19 apply to National Rifle Association certified firearms
20 instructors during the course of providing firearms training or
21 safety courses or classes at a firing range to persons seeking



1 to acquire a permit for the acquisition of a pistol or revolver
2 in accordance with section 134-2(g)(4); provided that this
3 section shall not be construed to relieve a National Rifle
4 Association certified firearms instructor from any other tort
5 liability that may be applicable."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

APPROVED this 9 day of JUL, 2012



GOVERNOR OF THE STATE OF HAWAII

