
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the number of
2 households with firearms has steadily decreased from fifty-four
3 per cent in 1977 to thirty-five per cent in 2006. The Brady
4 Campaign to Prevent Gun Violence has given Hawaii an A- for its
5 state policies protecting residents from gun violence. However,
6 the legislature recognizes that continued focus must be placed
7 on efforts to curb gun-related accidents and fatalities because
8 at least two hundred million firearms are owned by private
9 individuals in the United States, more than any other country.

10 The legislature finds that gun violence continues to be one
11 of our most challenging social problems. In April 2007, a
12 Virginia Tech University student killed thirty-three people,
13 including himself, using two semiautomatic pistols. In December
14 2007, a young man in Omaha, Nebraska killed eight people using
15 an assault rifle. On January 8, 2011, a gunman in Tucson,
16 Arizona, shot nineteen people, six of them fatally. The
17 legislature has worked to provide law enforcement with the



1 necessary tools to prevent gun-related fatalities in Hawaii and
2 will continue to do so in the future.

3 The purpose of this Act is to:

4 (1) Require that all guns be sold with safety devices to
5 prevent unintentional discharges by children and
6 unauthorized users;

7 (2) Prohibit the sale of ammunition unless the purchaser
8 shows proof of registration for the firearm for which
9 the ammunition is to be purchased and photo
10 identification proving that the purchaser is the
11 person to whom the firearm is registered;

12 (3) Require the attorney general to adopt rules setting
13 minimum standards for firearms dealers to secure
14 firearms in the ordinary course of business and in the
15 event of a natural disaster;

16 (4) Require firearms dealers to report theft of a firearm
17 within twenty-four hours;

18 (5) Prohibit the importation, manufacture, possession,
19 sale, barter, trade, gift, transfer, or acquisition of
20 any .50 BMG rifle or .50 BMG cartridge; and

21 (6) Prohibit disclosure to a firearm permit applicant of
22 the source of the information used to deny the



1 application, when the application is denied because
2 the applicant was diagnosed with a mental disorder.

3 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
4 amended by adding three new sections to be appropriately
5 designated and to read as follows:

6 "§134-A Safety device required for sale of firearm. (a)

7 All firearms sold in this State by a dealer licensed under
8 section 134-31 and all firearms manufactured in this State shall
9 include or be accompanied by a firearms safety device.

10 (b) The sale of a firearm shall be exempt from subsection

11 (a) if both of the following apply:

12 (1) The purchaser owns a gun safe; and

13 (2) The purchaser presents an original receipt for

14 purchase of the gun safe, or other proof of purchase

15 or ownership of the gun safe, to the dealer. The

16 dealer shall maintain a copy of this receipt or proof

17 of purchase with the dealer's record of sales of

18 firearms.

19 (c) The sale of a firearm shall be exempt from subsection

20 (a) if all of the following apply:



1 (1) The purchaser purchases a firearms safety device no
2 more than thirty days prior to the day the purchaser
3 takes possession of the firearm from the dealer;

4 (2) The purchaser presents the firearms safety device to
5 the dealer when taking possession of the firearm;

6 (3) The purchaser presents an original receipt to the
7 dealer that shows the date of purchase and the name
8 and model number of the firearms safety device;

9 (4) The dealer verifies that the requirements in
10 paragraphs (1) to (3) have been satisfied; and

11 (5) The dealer maintains a copy of the receipt together
12 with the dealer's record of sales of firearms.

13 (d) Violation of this section is a misdemeanor.

14 (e) For purposes of this section:

15 "Firearms safety device" means a device, other than a gun
16 safe, that locks and is designed to prevent children and
17 unauthorized users from firing a firearm. The device may be
18 installed on a firearm, be incorporated into the design of the
19 firearm, or prevent access to the firearm.

20 "Gun safe" means a locking container that fully contains
21 and secures one or more firearms.



1 §134-B Ammunition purchase; proof of registration;

2 exception. (a) No person shall sell ammunition for any firearm
3 unless the purchaser first demonstrates that the purchaser is
4 the registered owner of the firearm for which the ammunition is
5 to be purchased. Presentation to the seller of the registration
6 issued pursuant to section 134-3 together with government-issued
7 photographic identification, such as a driver's license, a
8 certificate of identification issued pursuant to section 846-30,
9 a military identification card, or a United States passport,
10 shall be sufficient to demonstrate that the purchaser is the
11 registered owner of the firearm for which the ammunition is to
12 be purchased.

13 (b) Violation of this section is a class C felony.

14 (c) This section shall not apply to ammunition purchases:

15 (1) For firearms manufactured before 1899;

16 (2) By federal, state, or county law enforcement officers;

17 (3) By procurement officials purchasing ammunition as part
18 of the official equipment of any federal, state, or
19 county law enforcement agency; and

20 (4) By law enforcement officers on official assignment in
21 Hawaii from any state that by compact permits law
22 enforcement officers from Hawaii while on official



1 assignment in that state to carry firearms without
2 registration.

3 §134-C Secure storage of firearms and ammunition by
4 dealers; report of theft; penalty. (a) Any dealer licensed
5 under section 134-31 shall ensure that all firearms and
6 ammunition in the dealer's inventory are secured from theft at
7 all times. Dealers shall maintain an accurate and current
8 inventory of all firearms in the dealer's possession, which
9 shall be made available for inspection by the chief of police of
10 each county during normal business hours at the dealer's place
11 of business.

12 (b) Dealers licensed under section 134-31 shall report the
13 theft of any firearm in the dealer's inventory to the
14 appropriate chief of police within twenty-four hours after the
15 theft is discovered or should have been discovered.

16 (c) The attorney general shall adopt rules pursuant to
17 chapter 91 necessary to ensure secure storage of the inventory
18 of dealers licensed under section 134-31 both in the ordinary
19 course of business and in times of natural disaster or national
20 emergency. The rules shall require permanent, minimum safety
21 and security standards for windows, doors, storage areas,
22 containers, safes, and alarms on a dealer's premises, to be

1 augmented with additional safeguards during a natural disaster
2 or national emergency.

3 (d) Violation of this section or of any rules adopted
4 hereunder shall be a misdemeanor.

5 (e) For purposes of this section:

6 "National emergency" has the same meaning as in section
7 134-34.

8 "Natural disaster" means damage caused by earthquake, fire,
9 flood, hurricane, tidal wave, volcanic eruption, or other
10 natural causes."

11 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
12 amended by adding two new definitions to be appropriately
13 inserted and to read as follows:

14 ".50 BMG cartridge" means a cartridge that includes ball,
15 tracer, incendiary, armor piercing, armor piercing incendiary,
16 armor piercing incendiary tracer, or sabotaged light armor
17 penetrator and is designed and intended to be fired from a
18 center fire rifle and that meets all of the following criteria:

19 (1) An overall length of 5.54 inches from base to the tip
20 of the bullet;

21 (2) The bullet diameter for the cartridge is from .510 to,
22 and including, .511, inches;



1 (3) The case base diameter for the cartridge is from .800
2 inches to, and including, .804 inches; and

3 (4) A cartridge case length of 3.91 inches.

4 ".50 BMG rifle" means a center fire rifle that can fire a
5 .50 BMG cartridge and is not an automatic firearm; provided that
6 the term does not include any antique firearm nor any curio or
7 relic as those terms are used in 18 United States Code section
8 921(a)(16) or 27 Code of Federal Regulations 478.11."

9 SECTION 4. Section 134-2, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) An applicant for a permit shall sign a waiver at the
12 time of application, allowing the chief of police of the county
13 issuing the permit access to any records that have a bearing on
14 the mental health of the applicant. The waiver shall allow the
15 chief of police to withhold from, and the chief of police shall
16 not thereafter disclose to, the applicant the source of any
17 information used to deny the application pursuant to section
18 134-7(c). The permit application form and the waiver form shall
19 be prescribed by the attorney general and shall be uniform
20 throughout the State."

21 SECTION 5. Section 134-8, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§134-8 Ownership, etc., of automatic firearms, silencers,
2 etc., prohibited; penalties. (a) The manufacture, possession,
3 sale, barter, trade, gift, transfer, or acquisition of any of
4 the following is prohibited: assault pistols, except as
5 provided by section 134-4(e); automatic firearms; rifles with
6 barrel lengths less than sixteen inches; shotguns with barrel
7 lengths less than eighteen inches; cannons; mufflers, silencers,
8 or devices for deadening or muffling the sound of discharged
9 firearms; hand grenades, dynamite, blasting caps, bombs, or
10 bombshells, or other explosives; or any type of ammunition or
11 any projectile component thereof coated with teflon or any other
12 similar coating designed primarily to enhance its capability to
13 penetrate metal or pierce protective armor; and any type of
14 ammunition or any projectile component thereof designed or
15 intended to explode or segment upon impact with its target.

16 (b) Any person who installs, removes, or alters a firearm
17 part with the intent to convert the firearm to an automatic
18 firearm shall be deemed to have manufactured an automatic
19 firearm in violation of subsection (a).

20 (c) The manufacture, possession, sale, barter, trade,
21 gift, transfer, or acquisition of detachable ammunition
22 magazines with a capacity in excess of ten rounds [~~which~~] that



1 are designed for or capable of use with a pistol is prohibited.
2 This subsection shall not apply to magazines originally designed
3 to accept more than ten rounds of ammunition [~~which~~] that have
4 been modified to accept no more than ten rounds and [~~which~~] that
5 are not capable of being readily restored to a capacity of more
6 than ten rounds.

7 (d) After July 1, 2011, no person shall bring or cause to
8 be brought into the State a .50 BMG rifle or .50 BMG cartridge.
9 No .50 BMG rifle or .50 BMG cartridge may be sold or transferred
10 on or after July 1, 2011, to anyone within the State other than
11 a dealer licensed under section 134-31 or the chief of police of
12 any county; provided that any person who obtains title by
13 bequest or intestate succession to a .50 BMG rifle registered
14 within the State, within sixty days, shall render the weapon
15 permanently inoperable, sell or transfer the weapon to a
16 licensed dealer or the chief of police of any county, or remove
17 the weapon from the State.

18 (e) Except as provided by this section, the manufacture,
19 possession, sale, barter, trade, gift, transfer, or acquisition
20 of any .50 BMG rifle or .50 BMG cartridge is prohibited.

21 [~~(d)~~] (f) Any person violating subsection (a) or (b) shall
22 be guilty of a class C felony and shall be imprisoned for a term



1 of five years without probation. Any person violating
 2 subsection (c) shall be guilty of a misdemeanor except when a
 3 detachable magazine prohibited under this section is possessed
 4 while inserted into a pistol in which case the person shall be
 5 guilty of a class C felony. Any person violating subsection (d)
 6 or (e) shall be guilty of a class B felony and shall be
 7 imprisoned for a term of ten years without probation."

8 SECTION 6. Section 134-10.5, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "[+]§134-10.5[+] **Storage of firearm; responsibility with**
 11 **respect to minors.** No person shall store or keep any firearm on
 12 any premises under the person's control if the person knows or
 13 reasonably should know that a minor is likely to gain access to
 14 the firearm without the permission of the parent or guardian of
 15 the minor, unless the person:

16 (1) Keeps the firearm in a securely locked box or other
 17 container or in a location that a reasonable person
 18 would believe to be secure; [øø]

19 (2) Ensures that the firearm is equipped with a firearms
 20 safety device, as defined in section 134-A; or

21 [-2+] (3) Carries the firearm on the person or within such
 22 close proximity thereto that the person readily can



1 retrieve and use it as if it were carried on the
2 person.

3 For purposes of this section, "minor" means any person under the
4 age of sixteen years."

5 SECTION 7. Section 134-32, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§134-32 License to sell and manufacture firearms;**
8 **conditions.** Every license issued pursuant to this part shall be
9 issued and shall be regarded as having been accepted by the
10 licensee subject to the following conditions:

11 (1) That the licensee at all times shall comply with all
12 provisions of law relative to the sale of firearms~~[+]~~;

13 (2) That the licensee shall comply with the requirements
14 of section 134-C and rules adopted thereunder relating
15 to the secure storage of firearms and ammunition;

16 ~~[(2)]~~ (3) That the license during any time of national
17 emergency or crisis, as defined in section 134-34, may
18 be canceled or suspended~~[+]~~;

19 ~~[(3)]~~ (4) That all firearms in the possession and control
20 of any licensee at any time of national emergency or
21 crisis, as defined in section 134-34, may be seized
22 and held in possession or purchased by or on the order



1 of the governor until such time as the national
 2 emergency or crisis has passed, or until such time as
 3 the licensee and the government of the United States
 4 or the government of the State may agree upon some
 5 other disposition of the same~~[-]~~;

6 ~~[-(4)]~~ (5) That all firearms in the possession and control
 7 of the licensee or registered pursuant to section 134-
 8 3(c) by the licensee shall be subject to physical
 9 inspection by the chief of police of each county
 10 during normal business hours at the licensee's place
 11 of business~~[-]~~; and

12 ~~[-(5)]~~ (6) That the license may be revoked for a violation
 13 of any of the conditions of this section."

14 SECTION 8. In codifying the new sections added by section
 15 2 of this Act, the revisor of statutes shall substitute
 16 appropriate section numbers for the letters used in designating
 17 the new sections in this Act.

18 SECTION 9. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun, before its effective date.

21 SECTION 10. Statutory material to be repealed is bracketed
 22 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect on July 1, 2011.

2

INTRODUCED BY: 

JAN 21 2011



Report Title:

Firearms

Description:

Requires firearms to be sold with safety devices. Requires proof of registration for ammunition purchases. Requires secure storage of firearms and ammunition by firearms dealers. Prohibits disclosure to a firearm permit applicant of the source of information used to deny the application based on the applicant's mental disorder. Prohibits import, sale, and transfer of .50 BMG rifle or cartridge after 07/01/11.

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