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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~~] 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 [+2] (1) The firearm was taken from the owner's possession  
15 without the owner's permission; and

16 [+3] (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 Statutory material to be repealed is bracketed  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.



**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  
firearms training at a firing range to persons seeking to  
acquire a firearms permit. (HB679 CD1)

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