
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 firearm was not in the possession of the owner[+].

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

13 [+2)] (1) The firearm was taken from the owner's possession
14 without the owner's permission; and

15 [+3)] (2) The owner either:

16 (A) Reported the theft to the police prior to the
17 discharge; or

18 (B) Despite the exercise of reasonable care:



1 (i) Had not discovered the theft prior to the
2 discharge; or

3 (ii) Was not reasonably able to report the theft
4 to the police prior to the discharge.

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

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

15 (f) The absolute liability under subsection (a) shall not
16 apply to National Rifle Association certified firearms
17 instructors during the course of providing firearms training or
18 safety courses or classes at a firing range or other firearms
19 training facility to persons seeking to acquire a permit for the
20 acquisition of a pistol or revolver in accordance with section
21 134-2(g)(4); provided that this section shall not be construed
22 to relieve a National Rifle Association certified firearms



1 instructor from any other tort liability that may be
2 applicable."

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 Statutory material to be repealed is bracketed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

5 SECTION 3. This Act shall take effect on January 7, 2059.



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 firearms training facilities to persons
seeking to acquire a firearms permit. Effective January 7,
2059. (HB679 HD1)

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not legislation or evidence of legislative intent.*

