

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 679

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 679 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to exempt National Rifle Association (NRA) certified firearms instructors from absolute liability during the course of providing firearms training to a person seeking to acquire a pistol or revolver permit as required by state law.

Lessons in Firearms Education, Hawaii Rifle Association, and numerous concerned individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure. The Department of Land and Natural Resources provided comments.

Your Committee wishes to avoid the situation where a NRA firearms instructor seeks an exemption from absolute liability when the training occurs at a place other than a firing range or firearms training facility. Accordingly, your Committee has amended this measure by requiring that the firearm training occur at a firing range or other firearms training facility in order for the NRA certified firearms instructor to qualify for the exemption from absolute liability.



Additionally, your Committee has amended this measure by:

- (1) Clarifying the two affirmative defenses to absolute liability available to the owner of the firearm by separating them into separate subsections;
- (2) Changing the effective date of the bill to January 7, 2059, in order to further discussion on this measure; and
- (3) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 679, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 679, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



