

STAND. COM. REP. NO. 605-12

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 679

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

Sir:

Your Committee on Public Safety & Military Affairs, 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 certified firearms instructors from absolute liability for injury or damage caused by discharge of their firearms during the course of providing training to persons seeking a permit to acquire firearms.

The Hawaii Rifle Association, Lessons in Firearms Education, Verizon Wireless, and several individuals testified in support of the measure. Hawaii Association for Justice testified in opposition to this measure.

In discussion, your Committee noted the comments raised that under section 663-9.5, Hawaii Revised Statutes, relating to the liability of firearms, a firearm owner is only liable for his or her shooting of the firearm and is not liable if others shoot the firearm. However, under this measure, a National Rifle Association certified firearms instructor would only be liable if he or she shot someone; the instructor would not be liable if another person being trained shoots another person with a firearm provided by the trainer or a firearm brought by the trainee. Your Committee recognizes that the exemption provided in the measure to National Rifle Association-certified firearms instructors creates ambiguity as to what is intended by the exemption. Your Committee

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respectfully requests the House Committee on Judiciary to consider the comments raised and to consider possible language to address the comments.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 679 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

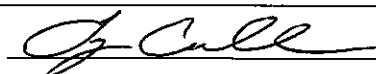
Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety &  
Military Affairs,

  
HENRY J.C. AQUINO, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Public Safety & Military Affairs

Bill/Resolution No.: HB 679	Committee Referral: PBM, J40	Date: 2/16/2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBM Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	✓			
2. CULLEN, Ty (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. LEE, Marilyn B.				✓
5. LUKE, Sylvia			✓	
<del>6. OKAMURA, Tom</del>				
7. SAIKI, Scott K.				✓
8. SOUKI, Joseph M.				✓
9. TAKAI, K. Mark		✓		
10. TAKUMI, Roy M.				✓
11. YAMASHITA, Kyle T.	✓			
12. FONTAINE, George R.	✓			
13. JOHANSON, Aaron Ling	✓			
TOTAL (13)	6	1	1	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				