

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 679
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 679, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent 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 firearms training at firearms training facilities to certain persons seeking to acquire a firearms permit.

Your Committee received testimony in support of this measure from the Hawaii Rifle Association, Lessons in Firearms Education, and thirty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Existing law assigns absolute liability for firearms owners if a firearm discharges and proximately causes personal injury or property damage, and permits an affirmative defense to absolute liability if the firearm was not in the owner's possession. Your Committee finds that National Rifle Association certified firearms instructors provide their own personal firearms for the public to use to obtain safety training, a prerequisite under state law for obtaining a permit to acquire a pistol or revolver. This measure



would protect National Rifle Association certified firearms instructors from this absolute liability in certain circumstances.

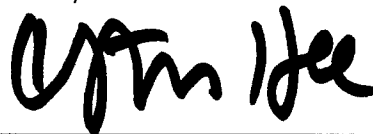
Your Committee notes that this measure extends the exemption from absolute liability for firearms training or safety courses or classes that occur at a firing range or other firearms training facility. Your Committee further finds that the term "other firearms training facility" may be overly broad and concludes that the exemption should be narrowed to apply only to training, courses, or classes at a firing range.

Your Committee has amended this measure by:

- (1) Clarifying that National Rifle Association certified firearms instructors are exempt from absolute liability for injury or damage only during the course of providing firearms training or safety courses or classes at a firing range; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

| | | | | |
|--|-----------------------------------|------------------------|-----|----------|
| Bill / Resolution No.:* HB 679, HD 1 | Committee Referral: JDL | Date: 4/2/12 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| HEE, Clayton (C) | ✓ | | | |
| SHIMABUKURO, Maile (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| IHARA, Jr., Les | ✓ | | | |
| SLOM, Sam | | | | ✓ |
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| TOTAL | 4 | | | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes