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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. The legislature finds that some firearms are  
2 lawfully acquired but become unlawfully possessed thereafter  
3 because they are inadvertently not registered. Firearms  
4 acquired through family inheritance or brought to Hawaii  
5 following relocation from out of state by persons who are  
6 unfamiliar with Hawaii's firearm laws may not thereafter be  
7 registered. In such cases, once the period within which a  
8 firearm must be registered has elapsed, a person may be  
9 unwilling to register the firearm for fear of being charged with  
10 violating registration requirements.

11           The legislature further finds that a process should be  
12 established to allow a person in possession of an unregistered  
13 firearm to surrender the firearm to law enforcement, without  
14 fear of arrest or prosecution, for registration processing.  
15 Such a process would help ensure that more firearms are properly  
16 registered and possessed.

17           The purpose of this Act is to promote the lawful  
18 registration of all firearms by facilitating the voluntary



1 surrender of unregistered firearms to law enforcement without  
2 the risk of arrest or prosecution. This Act also allows those  
3 who surrender unregistered firearms to reclaim the firearms upon  
4 compliance with registration requirements if the firearms have  
5 been found not to be stolen or associated with a crime. In  
6 addition, this Act appropriates funds for each county to  
7 establish firearm buy-back programs to provide cash incentives  
8 for the forfeiture of firearms to law enforcement.

9 SECTION 2. Chapter 134, Hawaii Revised Statutes, is  
10 amended by adding a new section to part I to be appropriately  
11 designated and to read as follows:

12 "§134- Amnestly for unregistered firearms surrendered  
13 voluntarily. (a) A person in possession of any firearm that  
14 has not been duly registered pursuant to section 134-3 may  
15 voluntarily surrender the firearm in accordance with this  
16 section and thereafter shall not be arrested or prosecuted on a  
17 charge of violating section 134-3 or any other provision of law  
18 with respect to registration of the firearm.

19 (b) The surrender of any firearm under this section shall  
20 be made at any police station in accordance with any terms and  
21 conditions as may be established by the chief of police of the  
22 county in which the police station is located; provided that:



1       (1) Upon a person's surrender of a firearm, the police  
2       shall issue to the person a receipt for the firearm  
3       and investigate the origin of the firearm to determine  
4       whether the firearm has been stolen or is associated  
5       with a crime;

6       (2) If the investigation conducted under paragraph (1)  
7       determines that the firearm has been stolen or is  
8       associated with a crime, the police shall attempt to  
9       identify and contact the legal owner of the firearm.  
10      The police shall retain possession of the firearm as  
11      evidence until the crime with which the firearm is  
12      associated is finally adjudicated. If the legal owner  
13      of the firearm cannot be contacted or declines to  
14      reclaim the firearm within the six months immediately  
15      following the completion of the investigation or upon  
16      final adjudication of the crime with which the firearm  
17      is associated, whichever occurs later, the firearm may  
18      be released to the person who surrendered the firearm  
19      pursuant to this section upon compliance with section  
20      134-3;

21      (3) If the investigation conducted under paragraph (1)  
22      determines that the firearm has not been stolen or is



1           not associated with a crime, the firearm may be  
2           released to the person who surrendered the firearm  
3           pursuant to this section upon compliance with section  
4           134-3; and

5       (4) If after ninety days following the time at which the  
6           firearm becomes eligible for release pursuant to  
7           paragraph (2) or (3) the firearm has not been disposed  
8           of in accordance with the applicable paragraph, the  
9           firearm shall be forfeited to the State and disposed  
10          of in accordance with section 134-12.5."

11           SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$            or so much  
13 thereof as may be necessary for fiscal year 2014-2015 for the  
14 county police departments to establish any firearm buy-back  
15 program that offers cash incentives for the forfeiture of  
16 firearms, to be allocated as follows:

- 17           \$                   to the Honolulu police department;
- 18           \$                   to the Maui police department;
- 19           \$                   to the Hawaii police department; and
- 20           \$                   to the Kauai police department;

21 provided that no person who forfeits any firearm under a buy-  
22 back program established by any funds appropriated under this



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1 section shall be required to furnish any information about the  
2 firearm or any information that may be used to identify the  
3 person.

4 The sum appropriated shall be expended by the counties for  
5 the purposes of this Act.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:

*Cindy Evans*

JAN - 8 2014



# H.B. NO. 1538

**Report Title:**

Firearm Registration; Amnesty; County Buy-back Programs;  
Appropriation

**Description:**

Provides for the voluntary surrender of unregistered firearms to law enforcement without the risk of arrest or prosecution.

Allows those who surrender unregistered firearms to reclaim the firearms upon compliance with registration requirements if the firearms are not stolen or associated with a crime.

Appropriates funds for each county to establish firearm buy-back programs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

