
A BILL FOR AN ACT

RELATING TO CONCEALED CARRY LICENSE OF PISTOLS OR REVOLVERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§134- Licenses to carry concealed pistols or
5 revolvers. (a) The chief of police of the appropriate county
6 shall grant a license to carry a concealed pistol or revolver to
7 an applicant who:

8 (1) Is a citizen of the United States;

9 (2) Has resided in the State for at least six months or is
10 a member of, or spouse of a member of, the military
11 stationed in the State, or a retired law enforcement
12 officer;

13 (3) Is twenty-three years of age or older;

14 (4) Is not ineligible to possess a firearm pursuant to
15 section 134-7;

16 (5) Has demonstrated competence with a firearm by meeting
17 the training requirements of 134-2(g), to include
18 practical training in drawing and replacing a pistol



1 or revolver from and to a holster or any other
2 practical means of carrying a concealed pistol or
3 revolver. The chief of police of the appropriate
4 county shall adopt procedures to require that any
5 applicant for a license to carry a concealed pistol or
6 revolver on the person shall have additional training
7 that demonstrates:

8 (A) Knowledge of federal, state, and local laws
9 pertaining to the purchase, ownership,
10 transportation, and possession of firearms;

11 (B) Knowledge of federal, state, and local laws
12 pertaining to the use of firearms, including, but
13 not limited to, use of a pistol or revolver for
14 self-defense and restrictions on the use of
15 deadly force;

16 (C) Knowledge of ways to avoid a criminal attack and
17 to defuse or control a violent confrontation; and

18 (D) Knowledge or aptitude in any other area deemed
19 necessary for licensure by the chief of police of
20 the appropriate county.

21 A photocopy of an affidavit from the certified
22 instructor or standard government form from the



1 government agency providing the training, attesting to
2 the successful completion of the training, shall
3 constitute evidence of qualification under this
4 paragraph;

5 (6) Does not chronically and habitually use intoxicating
6 liquor or other substances to the extent that the
7 person's normal faculties are impaired. It shall be
8 presumed that an applicant chronically and habitually
9 uses intoxicating liquor or other substances to the
10 extent that the person's normal faculties are impaired
11 if the applicant:

12 (A) Has been committed under the substance abuse
13 provisions of chapter 334;

14 (B) Has been convicted of any offense relating to a
15 dangerous, harmful, or detrimental drug,
16 intoxicating compound or liquor, or marijuana
17 under part IV of chapter 712;

18 (C) Has been deemed a habitual offender under section
19 291E-61.5; or

20 (D) Has had two or more convictions under section
21 291E-61, or similar laws of any other state,
22 within the three-year period immediately



- 1 preceding the date on which the application is
2 submitted;
- 3 (7) Desires a legal means to carry a concealed pistol or
4 revolver for lawful purposes;
- 5 (8) Has not been adjudicated incapacitated or an
6 incapacitated person as defined under section 554B-1
7 or 560:5-102, or similar laws of any other state,
8 unless five years have elapsed since the applicant's
9 restoration to capacity by court order;
- 10 (9) Has not been committed to a mental institution under
11 chapter 334, or similar laws of any other state,
12 unless the applicant produces a certificate from a
13 licensed psychiatrist that the applicant has not
14 suffered from disability for at least five years prior
15 to the date of submission of the application, and is
16 highly unlikely to relapse;
- 17 (10) Has not had adjudication of guilt withheld or
18 imposition of sentence suspended on any felony, unless
19 three years have elapsed since probation or any other
20 conditions set by the court have been fulfilled, or
21 the record has been sealed or expunged;



1 (11) Has been deemed a suitable person to be so licensed by
2 the issuing police officer through means of a face-to-
3 face interview; and

4 (12) Has met the requirements of subsection (d)(6).

5 (b) The chief of police of the appropriate county may deny
6 a license if the applicant has been found guilty of one or more
7 crimes of violence constituting a misdemeanor, unless three
8 years have elapsed since probation or any other conditions set
9 by the court have been fulfilled, or the record has been sealed
10 or expunged. The chief of police may deny a license if the
11 applicant has been found guilty of one or more crimes of
12 violence constituting a felony, unless the record has been
13 expunged. The chief of police may revoke a license if the
14 licensee has been found guilty of one or more misdemeanor or
15 felony crimes of violence within the preceding three years, and
16 shall revoke the license if so ordered by the court. The chief
17 of police, upon notification by a law enforcement agency, a
18 court, or the attorney general, and subsequent written
19 verification, shall suspend a license or the processing of an
20 application for a license if the licensee or applicant is
21 arrested or formally charged with a crime that would disqualify
22 the person from having a license under this section. Upon final



1 disposition of the case, the chief of police shall grant,
2 revoke, or reinstate the license as appropriate.

3 (c) The application shall be completed, under oath, on a
4 form prescribed by the attorney general, which shall be uniform
5 throughout the State, and shall include:

6 (1) The name, address, place and date of birth, race, and
7 occupation of the applicant;

8 (2) A statement that the applicant is in compliance with
9 criteria contained within subsections (a) and (b);

10 (3) A statement that the applicant has been furnished a
11 copy of this chapter and applicable administrative
12 rules adopted hereunder, and is knowledgeable of their
13 provisions;

14 (4) A conspicuous warning that the application is executed
15 under oath and that a false answer to any question, or
16 the submission of any false document by the applicant,
17 subjects the applicant to criminal prosecution under
18 section 134-17(a); and

19 (5) A statement that the applicant desires a concealed
20 pistol or revolver license for lawful purposes.

21 (d) The applicant shall submit to the chief of police of
22 the appropriate county:



- 1 (1) A completed application as described in subsection
2 (c);
- 3 (2) A nonrefundable license fee not to exceed \$10. If any
4 individual described in section 134-11(a)(1) or (4)
5 wishes to receive a concealed pistol or revolver
6 license, the person is exempt from the background
7 investigation and all background investigation fees,
8 but shall pay the current license fees regularly
9 required to be paid by nonexempt applicants; provided
10 further that the person is exempt from the required
11 fees and background investigation for a period of one
12 year subsequent to the date of retirement of the
13 person;
- 14 (3) A full set of fingerprints of the applicant
15 administered by a law enforcement agency. Costs for
16 processing the set of fingerprints shall be borne by
17 the applicant;
- 18 (4) A photocopy of a certificate or an affidavit or
19 document as described in subsection (a)(5);
- 20 (5) A full frontal view color photograph of the applicant
21 taken within the preceding thirty days, in which the



- 1 head, including hair, measures seven-eighths of an
2 inch wide and one and one-eighth inches high; and
3 (6) A written psychological evaluation that finds the
4 applicant to be free from any emotional or mental
5 condition that might adversely affect the ability of
6 the applicant to carry a concealed pistol or revolver
7 in a safe, lawful, and responsible manner. The
8 psychological evaluation shall have been performed
9 within six months prior to the date of application.
10 Emotional and mental condition shall be evaluated by
11 either of the following:
- 12 (A) A licensed psychiatrist who has at least the
13 equivalent of five full-time years of experience
14 in the diagnosis and treatment of emotional and
15 mental disorders, including the equivalent of
16 three full-time years accrued after completion of
17 the postgraduate medical residency education
18 program in psychiatry; or
- 19 (B) A licensed psychologist who has at least the
20 equivalent of five full-time years of experience
21 in the diagnosis and treatment of emotional and



1 mental disorders, including the equivalent of
2 three full-time years accrued post-doctorate.

3 Any costs associated with obtaining the psychological
4 evaluation shall be borne by the applicant.

5 (e) The chief of police of the appropriate county, upon
6 receipt of the items listed in subsection (d), shall forward
7 within three working days the full set of fingerprints of the
8 applicant to the attorney general and the Federal Bureau of
9 Investigation for state and federal identification processing;
10 provided the federal service is available. The cost of
11 processing the fingerprints shall be borne by the applicant and
12 be payable to the processing agency. The chief of police shall
13 provide fingerprinting service, if requested by the applicant,
14 and may charge a fee not to exceed \$5 for this service. The
15 chief of police, within forty-five days after the date of
16 receipt of the items listed in subsection (d), shall:

17 (1) Issue the license;

18 (2) Deny the application based solely on the ground that
19 the applicant fails to qualify under subsection (a) or
20 (b). Upon a denial of the application, the chief of
21 police shall notify the applicant in writing, stating



1 the ground for denial and informing the applicant of
2 any right to a hearing pursuant to subsection (k); or
3 (3) Suspend the time limitation prescribed by this
4 paragraph if the chief of police receives criminal
5 history information with no final disposition on a
6 crime that may disqualify the applicant until receipt
7 of the final disposition or proof of restoration of
8 civil and firearm rights.

9 If a legible set of fingerprints, as determined by the
10 attorney general or the Federal Bureau of Investigation, cannot
11 be obtained after two attempts, the attorney general shall
12 determine eligibility based upon appropriate record checks
13 conducted by the criminal justice data center. If the chief of
14 police fails to issue or deny the license within forty-five days
15 after the date of receipt of the items listed in subsection (d)
16 or within such further time as may be necessary under subsection
17 (e) (3), the application shall be deemed denied and the applicant
18 shall have the right to a hearing as provided in subsection (k).

19 (f) The licensee shall carry the license, together with
20 valid identification, at all times in which the licensee is in
21 possession of a concealed pistol or revolver and shall display
22 both the license and proper identification upon demand by a law



1 enforcement officer. Violations of this subsection shall
2 constitute a petty misdemeanor, provided that the maximum term
3 of imprisonment shall be three days, and the maximum fine shall
4 be \$500.

5 (g) The attorney general shall maintain an automated
6 listing of license holders and pertinent information, which
7 shall be available on the internet, upon request, at all times
8 to all law enforcement agencies through the criminal justice
9 data center.

10 (h) Within thirty days after the changing of a permanent
11 address, or within thirty days after having a license lost or
12 destroyed, the licensee shall notify the chief of police of the
13 appropriate county of the change or loss. Failure to notify the
14 appropriate chief of police pursuant to this subsection shall
15 constitute a noncriminal violation with a penalty of a \$25 fine.

16 (i) If a concealed pistol or revolver license is lost or
17 destroyed, the license shall be automatically invalid, and the
18 person to whom the license was issued, upon payment of \$15 to
19 the appropriate chief of police, may obtain a duplicate, or
20 substitute thereof, upon furnishing a notarized statement to the
21 chief of police that the license has been lost or destroyed.



1 (j) A license issued under this section shall be suspended
2 or revoked by the chief of police of the appropriate county if
3 the licensee is found to be or subsequently becomes ineligible
4 under the criteria set forth in subsection (a) or (b).

5 (k) Any person denied a license, or who has a license
6 suspended or revoked under this section shall have the right to
7 a hearing on the denial, suspension, or revocation, subject to
8 the requirements for contested cases and judicial review under
9 chapter 91.

10 (l) Not less than ninety days prior to the expiration date
11 of a license, the chief of police of the appropriate county
12 shall mail to the licensee a written notice of the expiration
13 and a renewal form prescribed by the attorney general, which
14 shall be uniform throughout the State. The licensee must renew
15 the license, on or before the expiration date, by filing with
16 the chief of police the renewal form containing: a notarized
17 affidavit stating that the licensee remains qualified pursuant
18 to the criteria specified in subsections (a) and (b); a new
19 color photograph as specified in subsection (d)(5); and the
20 required renewal fee. The license shall be renewed upon receipt
21 of the completed renewal form, color photograph, appropriate
22 payment of fees, and, if applicable, a completed fingerprint



1 card. A licensee who fails to file a renewal application on or
2 before its expiration date shall be assessed a late fee of \$15.
3 No license shall be renewed six months or more after its
4 expiration date, and the license shall be deemed to be
5 permanently expired. A person whose license has permanently
6 expired may reapply for licensure; however, an application for
7 licensure and fees pursuant to subsection (d) shall be
8 submitted, and a background investigation shall be conducted
9 pursuant to this section. Any person who knowingly submits
10 false information pursuant to this subsection shall be subject
11 to criminal prosecution under section 134-17(a).

12 (m) No license issued pursuant to this section shall
13 authorize any person to carry a concealed pistol or revolver
14 into any:

- 15 (1) Place of nuisance pursuant to section 712-1270;
- 16 (2) Police station, with the exception of police officers
17 who are so authorized;
- 18 (3) Detention facility, prison, or jail;
- 19 (4) Courthouse, except where permitted by subsection
20 (m) (5);
- 21 (5) Courtroom, except that nothing in this section shall
22 preclude a judge from carrying a concealed weapon or



1 determining who may carry a concealed weapon in the
2 courtroom;

3 (6) Polling place;

4 (7) Meeting of the governing body of a county or any
5 political subdivision, the board of education, or any
6 neighborhood board;

7 (8) Meeting of the legislature or a committee thereof;

8 (9) School administration building;

9 (10) Elementary or secondary school facility;

10 (11) Designated federal security screening area within the
11 passenger terminal and sterile area of any airport;

12 (12) Locked psychiatric units; and

13 (13) Any place where the carrying of a firearm is
14 prohibited by state or federal law.

15 Any person who intentionally or knowingly violates any
16 provision of this subsection shall be guilty of a class C
17 felony.

18 (n) All funds received by a county police department
19 pursuant to this section shall be deposited into the general
20 fund of the respective county and shall be budgeted to the
21 police department.



1 (o) The attorney general shall maintain statistical
2 information on the number of licenses issued, revoked,
3 suspended, and denied.

4 (p) A license granted under this section shall only
5 entitle the licensee to carry concealed pistols or revolvers
6 with magazine capacities of ten rounds or less and that do not
7 contain magnum caliber ammunition."

8 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) The permit application form shall be signed by the
11 applicant and by the issuing authority. One copy of the permit
12 shall be retained by the issuing authority as a permanent
13 official record. Except for sales to dealers licensed under
14 section 134-31, or dealers licensed by the United States
15 Department of Justice, or law enforcement officers, or where a
16 license is granted under section [~~134-9,~~ 134-___, or where any
17 firearm is registered pursuant to section 134-3(a), no permit
18 shall be issued to an applicant earlier than fourteen calendar
19 days after the date of the application; provided that a permit
20 shall be issued or the application denied before the twentieth
21 day from the date of application. Permits issued to acquire any
22 pistol or revolver shall be void unless used within ten days



1 after the date of issue. Permits to acquire a pistol or
2 revolver shall require a separate application and permit for
3 each transaction. Permits issued to acquire any rifle or
4 shotgun shall entitle the permittee to make subsequent purchases
5 of rifles or shotguns for a period of one year from the date of
6 issue without a separate application and permit for each
7 acquisition, subject to the disqualifications under section
8 134-7 and subject to revocation under section 134-13; provided
9 that if a permittee is arrested for committing a felony or any
10 crime of violence or for the illegal sale of any drug, the
11 permit shall be impounded and shall be surrendered to the
12 issuing authority. The issuing authority shall perform an
13 inquiry on an applicant who is a citizen of the United States by
14 using the National Instant Criminal Background Check System
15 before any determination to issue a permit or to deny an
16 application is made. If the applicant is not a citizen of the
17 United States and may be eligible to acquire a firearm under
18 this chapter, the issuing authority shall perform an inquiry on
19 the applicant, by using the National Instant Criminal Background
20 Check System, to include a check of the Immigration and Customs
21 Enforcement databases, before any determination to issue a
22 permit or to deny an application is made."



1 SECTION 3. Section 134-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§134-11 Exemptions. (a) Sections 134-7 [~~to 134-9 and~~
4 to 134-8, 134-21 to 134-27, and 134- , except section 134-7(f),
5 shall not apply:

6 (1) To state and county law enforcement officers; provided
7 that such persons are not convicted of an offense
8 involving abuse of a family or household member under
9 section 709-906;

10 (2) To members of the armed forces of the State and of the
11 United States and mail carriers while in the
12 performance of their respective duties if those duties
13 require them to be armed;

14 (3) To regularly enrolled members of any organization duly
15 authorized to purchase or receive the weapons from the
16 United States or from the State; provided the members
17 are either at, or going to or from, their places of
18 assembly or target practice;

19 (4) To persons employed by the State, or subdivisions
20 thereof, or the United States while in the performance
21 of their respective duties or while going to and from



1 their respective places of duty if those duties
2 require them to be armed;

3 (5) To aliens employed by the State, or subdivisions
4 thereof, or the United States while in the performance
5 of their respective duties or while going to and from
6 their respective places of duty if those duties
7 require them to be armed; and

8 (6) To police officers on official assignment in Hawaii
9 from any state which by compact permits police
10 officers from Hawaii while on official assignment in
11 that state to carry firearms without registration.
12 The governor of the State or the governor's duly
13 authorized representative may enter into compacts with
14 other states to carry out this paragraph.

15 (b) Sections 134-2 and 134-3 shall not apply to such
16 firearms or ammunition that are a part of the official equipment
17 of any federal agency.

18 (c) Sections 134-8, [~~134-9, and~~] 134-21 to 134-27, and
19 134- , shall not apply to the possession, transportation, or
20 use, with blank cartridges, of any firearm or explosive solely
21 as props for motion picture film or television program
22 production when authorized by the chief of police of the

1 appropriate county pursuant to section 134-2.5 and not in
2 violation of federal law."

3 SECTION 4. Section 134-23, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Except as provided in [~~section~~] sections 134-5[~~7~~] and
6 134-__, all firearms shall be confined to the possessor's place
7 of business, residence, or sojourn; provided that it shall be
8 lawful to carry unloaded firearms in an enclosed container from
9 the place of purchase to the purchaser's place of business,
10 residence, or sojourn, or between these places upon change of
11 place of business, residence, or sojourn, or between these
12 places and the following:

- 13 (1) A place of repair;
- 14 (2) A target range;
- 15 (3) A licensed dealer's place of business;
- 16 (4) An organized, scheduled firearms show or exhibit;
- 17 (5) A place of formal hunter or firearm use training or
18 instruction; or
- 19 (6) A police station.

20 "Enclosed container" means a rigidly constructed
21 receptacle, or a commercially manufactured gun case, or the
22 equivalent thereof that completely encloses the firearm."



1 SECTION 5. Section 134-24, Hawaii Revised Statutes,
2 is amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in [~~section~~] sections 134-5[~~7~~] and
4 134-__, all firearms shall be confined to the possessor's place
5 of business, residence, or sojourn; provided that it shall be
6 lawful to carry unloaded firearms in an enclosed container from
7 the place of purchase to the purchaser's place of business,
8 residence, or sojourn, or between these places upon change of
9 place of business, residence, or sojourn, or between these
10 places and the following:

- 11 (1) A place of repair;
- 12 (2) A target range;
- 13 (3) A licensed dealer's place of business;
- 14 (4) An organized, scheduled firearms show or exhibit;
- 15 (5) A place of formal hunter or firearm use training or
16 instruction; or
- 17 (6) A police station.

18 "Enclosed container" means a rigidly constructed
19 receptacle, or a commercially manufactured gun case, or the
20 equivalent thereof that completely encloses the firearm."

21 SECTION 6. Section 134-25, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) Except as provided in sections 134-5 and [~~134-9,~~
2 134-__, all firearms shall be confined to the possessor's place
3 of business, residence, or sojourn; provided that it shall be
4 lawful to carry unloaded firearms in an enclosed container from
5 the place of purchase to the purchaser's place of business,
6 residence, or sojourn, or between these places upon change of
7 place of business, residence, or sojourn, or between these
8 places and the following:

- 9 (1) A place of repair;
- 10 (2) A target range;
- 11 (3) A licensed dealer's place of business;
- 12 (4) An organized, scheduled firearms show or exhibit;
- 13 (5) A place of formal hunter or firearm use training or
14 instruction; or
- 15 (6) A police station.

16 "Enclosed container" means a rigidly constructed
17 receptacle, or a commercially manufactured gun case, or the
18 equivalent thereof that completely encloses the firearm."

19 SECTION 7. Section 134-26, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) It shall be unlawful for any person on any public
22 highway to carry on the person, or to have in the person's

1 possession, or to carry in a vehicle any firearm loaded with
2 ammunition; provided that this section shall not apply to any
3 person who has in the person's possession or carries a pistol or
4 revolver in accordance with a license issued as provided in
5 section [~~134-9.~~] 134-__."

6 SECTION 8. Section 134-27, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Except as provided in sections 134-5 and [~~134-9,~~]
9 134-__, all ammunition shall be confined to the possessor's
10 place of business, residence, or sojourn; provided that it shall
11 be lawful to carry ammunition in an enclosed container from the
12 place of purchase to the purchaser's place of business,
13 residence, or sojourn, or between these places upon change of
14 place of business, residence, or sojourn, or between these
15 places and the following:

- 16 (1) A place of repair;
- 17 (2) A target range;
- 18 (3) A licensed dealer's place of business;
- 19 (4) An organized, scheduled firearms show or exhibit;
- 20 (5) A place of formal hunter or firearm use training or
21 instruction; or
- 22 (6) A police station.



1 "Enclosed container" means a rigidly constructed
2 receptacle, or a commercially manufactured gun case, or the
3 equivalent thereof that completely encloses the ammunition."

4 SECTION 9. Section 134-9, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§134-9 Licenses to carry. (a) In an exceptional case,~~
7 ~~when an applicant shows reason to fear injury to the applicant's~~
8 ~~person or property, the chief of police of the appropriate~~
9 ~~county may grant a license to an applicant who is a citizen of~~
10 ~~the United States of the age of twenty-one years or more or to a~~
11 ~~duly accredited official representative of a foreign nation of~~
12 ~~the age of twenty-one years or more to carry a pistol or~~
13 ~~revolver and ammunition therefor concealed on the person within~~
14 ~~the county where the license is granted. Where the urgency or~~
15 ~~the need has been sufficiently indicated, the respective chief~~
16 ~~of police may grant to an applicant of good moral character who~~
17 ~~is a citizen of the United States of the age of twenty-one years~~
18 ~~or more, is engaged in the protection of life and property, and~~
19 ~~is not prohibited under section 134-7 from the ownership or~~
20 ~~possession of a firearm, a license to carry a pistol or revolver~~
21 ~~and ammunition therefor unconcealed on the person within the~~
22 ~~county where the license is granted. The chief of police of the~~



1 ~~appropriate county, or the chief's designated representative,~~
2 ~~shall perform an inquiry on an applicant by using the National~~
3 ~~Instant Criminal Background Check System, to include a check of~~
4 ~~the Immigration and Customs Enforcement databases where the~~
5 ~~applicant is not a citizen of the United States, before any~~
6 ~~determination to grant a license is made. Unless renewed, the~~
7 ~~license shall expire one year from the date of issue.~~

8 ~~(b) The chief of police of each county shall adopt~~
9 ~~procedures to require that any person granted a license to carry~~
10 ~~a concealed weapon on the person shall:~~

- 11 ~~(1) Be qualified to use the firearm in a safe manner;~~
12 ~~(2) Appear to be a suitable person to be so licensed;~~
13 ~~(3) Not be prohibited under section 134-7 from the~~
14 ~~ownership or possession of a firearm; and~~
15 ~~(4) Not have been adjudged insane or not appear to be~~
16 ~~mentally deranged.~~

17 ~~(c) No person shall carry concealed or unconcealed on the~~
18 ~~person a pistol or revolver without being licensed to do so~~
19 ~~under this section or in compliance with sections 134-5(c) or~~
20 ~~134-25.~~



H.B. NO. 2607

Report Title:

Pistols or Revolvers; Concealed Carry License

Description:

Authorizes chiefs of police to issue licenses to carry a concealed pistol or revolver. Details processes for license applications, renewals, and record keeping. Strictly prohibits carrying concealed pistols or revolvers under certain circumstances. Repeals HRS section 134-9.

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