
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 663-9.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§663-9.5 Liability of firearm owners.** (a) If a firearm
4 discharges and the discharge of the firearm proximately causes
5 either personal injury or property damage to any person, the
6 owner of the firearm shall be absolutely liable for the damage.

7 (b) It shall be an affirmative defense to the absolute
8 liability that the firearm was not in the possession of the
9 owner.

10 (c) It shall be an affirmative defense to the absolute
11 liability that:

12 (1) The firearm was taken from the owner's possession
13 without the owner's permission; and

14 (2) The owner either:

15 (A) Reported the theft to the police prior to the
16 discharge; or

17 (B) Despite the exercise of reasonable care:



1 (i) Had not discovered the theft prior to the
2 discharge; or

3 (ii) Was not reasonably able to report the theft
4 to the police prior to the discharge.

5 (d) This section shall not apply when the discharge of the
6 firearm was legally justified.

7 (e) The absolute liability under subsection (a) shall not
8 apply to the State or counties for the use of a firearm owned by
9 the State or county, as applicable, and used by a law
10 enforcement officer employed by the State or county, outside of
11 the course and scope of employment as a law enforcement officer;
12 provided that this section shall not be construed to relieve the
13 State and counties from any other tort liability that may be
14 applicable to the State or counties.

15 ~~[(f) The absolute liability under subsection (a) shall not~~
16 ~~apply to National Rifle Association certified firearms~~
17 ~~instructors during the course of providing firearms training or~~
18 ~~safety courses or classes at a firing range to persons seeking~~
19 ~~to acquire a permit for the acquisition of a pistol or revolver~~
20 ~~in accordance with section 134-2(g)(4); provided that this~~
21 ~~section shall not be construed to relieve a National Rifle~~



1 ~~Association certified firearms instructor from any other tort~~
2 ~~liability that may be applicable.] "~~

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Scott. Sm*

JAN 18 2013



H.B. NO. 426

Report Title:

Firearms Instructors; Exemption from Liability; Repeal

Description:

Repeals exemption of 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 a firing range to persons seeking to acquire a firearms permit.

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

