
A BILL FOR AN ACT

RELATING TO FIREARMS.

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- License to carry a concealed firearm. (a) The
5 chief of police from each respective county shall issue a
6 concealed carry firearm license to persons qualified as provided
7 in this section. These licenses shall be valid statewide for a
8 period of three years. Each license shall be laminated and bear
9 a color photograph of the licensee. Any person in compliance
10 with the terms of the license may carry a concealed firearm.
11 The licensee shall carry the license, together with valid
12 identification, at all times in which the licensee is in actual
13 possession of a firearm and shall display the license and proper
14 identification upon demand by a law enforcement officer.

15 (b) A violation of this section shall constitute a petty
16 misdemeanor; provided that the maximum term of imprisonment
17 shall be three days, and the maximum fine shall be \$500.



1 (c) For the purposes of this section, "concealed firearm"
2 means a firearm that is a pistol or a revolver, and that is
3 carried on or about an individual completely or mostly concealed
4 from view of the public or on or about a person within a
5 vehicle. The term does not include an assault pistol or
6 automatic firearm as defined in section 134-1.

7 (d) The appropriate chief of police shall issue a license
8 if the applicant:

- 9 (1) Is a citizen of the United States;
10 (2) Has resided in the State for at least six months or is
11 a member of, or spouse of a member of, the military,
12 as defined in section 124A-1, that is stationed in the
13 State, or is a retired law enforcement officer;
14 (3) Is twenty-three years of age or older;
15 (4) Is not ineligible to possess a firearm pursuant to
16 section 134-7;
17 (5) Has demonstrated competence with a firearm by meeting
18 the training requirements of section 134-2(g), to
19 include practical training in drawing and replacing a
20 handgun from and to a holster. A photocopy of an
21 affidavit from the certified instructor or standard
22 government form from the government agency providing



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

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

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

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

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

19 (D) Has had two or more convictions under section
20 291E-61, or similar laws of any other state,
21 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 firearm for
4 lawful purposes, including personal self-defense and
5 protection of personal property;

6 (8) Has not been adjudicated as an incapacitated person as
7 defined under section 554B-1 or 560:5-102, or similar
8 laws of any other state, unless five years have
9 elapsed since the applicant's restoration to capacity
10 by court order; and

11 (9) Has not been committed to a mental institution under
12 chapter 334, or similar laws of any other state,
13 unless the applicant produces a certificate from a
14 licensed psychiatrist that the applicant has not
15 suffered from disability for at least five years prior
16 to the date of submission of the application, and is
17 highly unlikely to relapse.

18 (e) The application shall be completed, under oath, on a
19 form prescribed by the attorney general, which shall be uniform
20 throughout the State, and shall include:

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



- 1 (2) A statement that the applicant has been made aware of
2 an internet address containing an electronic copy of
3 this chapter and any applicable administrative rules,
4 and is knowledgeable of its provisions;
- 5 (3) A conspicuous warning that the application is executed
6 under oath and that a false answer to any question, or
7 the submission of any false document by the applicant,
8 subjects the applicant to criminal prosecution under
9 section 134-17(a); and
- 10 (4) A statement that the applicant desires a concealed
11 carry firearm license for lawful purposes, including
12 lawful personal self-defense and protection of
13 personal property.
- 14 (f) The applicant shall submit to the appropriate chief of
15 police:
 - 16 (1) A completed application in accordance with subsection
17 (e);
 - 18 (2) A nonrefundable license fee not to exceed \$100, if the
19 applicant has not previously been issued a license, or
20 a nonrefundable license fee not to exceed \$50 for
21 renewal of a license;



1 (3) A full set of fingerprints of the applicant
2 administered by a law enforcement agency. Costs for
3 processing the set of fingerprints shall be borne by
4 the applicant;

5 (4) A photocopy of a certificate or an affidavit or
6 document as described in subsection (d)(5); and

7 (5) A full frontal view color photograph of the applicant
8 taken within the preceding thirty days, in which the
9 head, including hair, measures seven-eighths of an
10 inch wide and one and one-eighth of an inch high.

11 (g) The appropriate chief of police, upon receipt of the
12 items listed in subsection (f), shall forward within three
13 working days the full set of fingerprints of the applicant to
14 the attorney general and the Federal Bureau of Investigation for
15 state and federal processing; provided that the federal service
16 is available. The cost of processing the fingerprints shall be
17 borne by the applicant and shall be payable to the processing
18 agency.

19 The county police department shall provide fingerprinting
20 service, if requested by the applicant, and may charge a fee not
21 to exceed \$5 for this service.



1 The appropriate chief of police, within forty-five days
2 after the date of receipt of the items listed in subsection (f),
3 shall:

4 (1) Issue a license;
5 (2) Deny the application based solely on the ground that
6 the applicant fails to qualify under subsection (d).

7 Upon a denial of the application, the chief of police
8 shall notify the applicant in writing, stating the
9 grounds for denial and informing the applicant of any
10 right to a hearing pursuant to subsection (1); or

11 (3) Suspend the time limitation prescribed by this
12 subsection if the chief of police receives criminal
13 history information that is pending final disposition
14 on a crime that may disqualify the applicant until
15 receipt of the final disposition or proof of
16 restoration of civil and firearm rights.

17 If a legible set of fingerprints, as determined by the
18 attorney general or the Federal Bureau of Investigation, cannot
19 be obtained after two attempts, the attorney general shall
20 determine eligibility based upon name checks conducted by the
21 criminal justice data center.



1 If the appropriate county chief of police fails to issue or
2 deny the license within forty-five days after the date of
3 receipt of the items listed in subsection (f) or within such
4 further time limits as this subsection allows, the application
5 shall be deemed denied and the applicant shall have the right to
6 a hearing as provided in subsection (l).

7 (h) The attorney general shall maintain an automated
8 listing of license holders and pertinent information, which
9 shall be available on the Internet to all law enforcement
10 agencies through the criminal justice data center.

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

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



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

5 (l) 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 (m) Not less than ninety days prior to the expiration date
11 of the license, the appropriate chief of police shall mail to
12 each licensee a written notice of the expiration and a renewal
13 form prescribed by the attorney general, which shall be uniform
14 throughout the State. The licensee shall renew the license, on
15 or before the expiration date, by filing with the appropriate
16 chief of police the renewal form containing:

17 (1) A notarized affidavit stating that the licensee
18 remains qualified pursuant to the criteria specified
19 in subsection (d);

20 (2) A color photograph as specified in subsection (f) (5);
21 and

22 (3) The required renewal fee.



1 The license shall be renewed upon receipt of the completed
2 renewal form, color photograph, appropriate payment of fees,
3 and, if applicable, a completed fingerprint card. A licensee
4 who fails to file a renewal application on or before its
5 expiration date shall pay a late fee of \$15 to renew the
6 license. No license shall be renewed six months or more after
7 its expiration date, and the license shall be deemed to be
8 permanently expired and destroyed. A person whose license has
9 permanently expired may reapply for licensure; however, an
10 application for licensure and fees pursuant to subsection (f)
11 shall be submitted, and a background investigation shall be
12 conducted pursuant to this section. Any person who knowingly
13 files false information pursuant to this subsection shall be
14 subject to criminal prosecution under section 134-17(a).

15 (n) No license issued pursuant to this section shall
16 authorize any person to carry a concealed firearm into any:

17 (1) Place used to commit violations that constitute a
18 nuisance pursuant to section 712-1270;

19 (2) Police station;

20 (3) Detention facility, prison, or jail;

21 (4) Courthouse, except where permitted by paragraph (5);



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- 1 (5) Courtroom, except that nothing in this section shall
- 2 preclude a judge from lawfully carrying a concealed
- 3 firearm or determining who may carry a concealed
- 4 firearm in the courtroom;
- 5 (6) Polling place;
- 6 (7) Meeting of the governing body of a county or other
- 7 political subdivision, the board of education, or any
- 8 neighborhood board;
- 9 (8) Meeting of the legislature or a committee thereof;
- 10 (9) School administration building;
- 11 (10) Public school facility, state university, and
- 12 community college, including the parking areas and
- 13 grounds;
- 14 (11) Any establishment licensed to serve alcohol for on-
- 15 premises consumption;
- 16 (12) Any establishment or event open to the public where
- 17 the operator makes a reasonable request for the
- 18 licensee to remove the firearm from the premises;
- 19 (13) Designated federal security screening areas within the
- 20 passenger terminal and sterile areas of any airport;
- 21 and
- 22 (14) Locked psychiatric units.



1 Any person who violates this subsection shall be guilty of
2 a class C felony.

3 (o) All funds received by a county police department
4 pursuant to this section shall be deposited into the general
5 fund of the respective county and shall be encumbered and
6 expended strictly for administrative purposes in support of:

7 (1) Processing applications of licenses to carry concealed
8 firearms;

9 (2) Maintaining shooting ranges; and

10 (3) Development of a firearms safety and licensing manual.

11 (p) The attorney general shall maintain statistical
12 information on the number of licenses issued, revoked,
13 suspended, and denied."

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

16 "(e) The permit application form shall be signed by the
17 applicant and by the issuing authority. One copy of the permit
18 shall be retained by the issuing authority as a permanent
19 official record. Except for sales to dealers licensed under
20 section 134-31, or dealers licensed by the United States
21 Department of Justice, or law enforcement officers, or where a
22 license is granted under section 134-9[7] or 134- , or where



1 any firearm is registered pursuant to section 134-3(a), no
2 permit shall be issued to an applicant earlier than fourteen
3 calendar days after the date of the application; provided that a
4 permit shall be issued or the application denied before the
5 twentieth day from the date of application. Permits issued to
6 acquire any pistol or revolver shall be void unless used within
7 ten days after the date of issue. Permits to acquire a pistol
8 or revolver shall require a separate application and permit for
9 each transaction. Permits issued to acquire any rifle or
10 shotgun shall entitle the permittee to make subsequent purchases
11 of rifles or shotguns for a period of one year from the date of
12 issue without a separate application and permit for each
13 acquisition, subject to the disqualifications under section
14 134-7 and subject to revocation under section 134-13; provided
15 that if a permittee is arrested for committing a felony or any
16 crime of violence or for the illegal sale of any drug, the
17 permit shall be impounded and shall be surrendered to the
18 issuing authority. The issuing authority shall perform an
19 inquiry on an applicant who is a citizen of the United States by
20 using the National Instant Criminal Background Check System
21 before any determination to issue a permit or to deny an
22 application is made. If the applicant is not a citizen of the



1 United States and may be eligible to acquire a firearm under
2 this chapter, the issuing authority shall perform an inquiry on
3 the applicant, by using the National Instant Criminal Background
4 Check System, to include a check of the Immigration and Customs
5 Enforcement databases, before any determination to issue a
6 permit or to deny an application is made."

7 SECTION 3. Section 134-9, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) No person shall carry concealed or unconcealed on the
10 person a pistol or revolver without being licensed to do so
11 under this section or section 134- , or in compliance with
12 sections 134-5(c) or 134-25."

13 SECTION 4. Section 134-11, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§134-11 Exemptions.** (a) Sections 134-7 to 134-9 [~~and~~],
16 134-21 to 134-27, and 134- , except section 134-7(f), shall not
17 apply:

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



- 1 (2) To members of the armed forces of the State and of the
2 United States and mail carriers while in the
3 performance of their respective duties if those duties
4 require them to be armed;
- 5 (3) To regularly enrolled members of any organization duly
6 authorized to purchase or receive the weapons from the
7 United States or from the State; provided the members
8 are either at, or going to or from, their places of
9 assembly or target practice;
- 10 (4) To persons employed by the State, or subdivisions
11 thereof, or the United States while in the performance
12 of their respective duties or while going to and from
13 their respective places of duty if those duties
14 require them to be armed;
- 15 (5) To aliens employed by the State, or subdivisions
16 thereof, or the United States while in the performance
17 of their respective duties or while going to and from
18 their respective places of duty if those duties
19 require them to be armed; and
- 20 (6) To police officers on official assignment in Hawaii
21 from any state which by compact permits police
22 officers from Hawaii while on official assignment in



1 that state to carry firearms without registration.
2 The governor of the State or the governor's duly
3 authorized representative may enter into compacts with
4 other states to carry out this paragraph.

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

8 (c) Sections 134-8, 134-9, [~~and~~] 134-21 to 134-27, and
9 134- , shall not apply to the possession, transportation, or
10 use, with blank cartridges, of any firearm or explosive solely
11 as props for motion picture film or television program
12 production when authorized by the chief of police of the
13 appropriate county pursuant to section 134-2.5 and not in
14 violation of federal law."

15 SECTION 5. Section 134-23, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Except as provided in [~~section~~] sections 134-5[~~7~~] and
18 134- , all firearms shall be confined to the possessor's place
19 of business, residence, or sojourn; provided that it shall be
20 lawful to carry unloaded firearms in an enclosed container from
21 the place of purchase to the purchaser's place of business,
22 residence, or sojourn, or between these places upon change of



1 place of business, residence, or sojourn, or between these
2 places and the following:

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

10 "Enclosed container" means a rigidly constructed
11 receptacle, or a commercially manufactured gun case, or the
12 equivalent thereof that completely encloses the firearm."

13 SECTION 6. Section 134-24, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Except as provided in [~~section~~] sections 134-5[7] and
16 134-___, all firearms shall be confined to the possessor's place
17 of business, residence, or sojourn; provided that it shall be
18 lawful to carry unloaded firearms in an enclosed container from
19 the place of purchase to the purchaser's place of business,
20 residence, or sojourn, or between these places upon change of
21 place of business, residence, or sojourn, or between these
22 places and the following:



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

8 "Enclosed container" means a rigidly constructed
9 receptacle, or a commercially manufactured gun case, or the
10 equivalent thereof that completely encloses the firearm."

11 SECTION 7. Section 134-25, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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

- 21 (1) A place of repair;
- 22 (2) A target range;



- 1 (3) A licensed dealer's place of business;
- 2 (4) An organized, scheduled firearms show or exhibit;
- 3 (5) A place of formal hunter or firearm use training or
- 4 instruction; or
- 5 (6) A police station.

6 "Enclosed container" means a rigidly constructed
7 receptacle, or a commercially manufactured gun case, or the
8 equivalent thereof that completely encloses the firearm."

9 SECTION 8. Section 134-26, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) It shall be unlawful for any person on any public
12 highway to carry on the person, or to have in the person's
13 possession, or to carry in a vehicle any firearm loaded with
14 ammunition; provided that this section shall not apply to any
15 person who has in the person's possession or carries a pistol or
16 revolver in accordance with a license issued as provided in
17 section 134-9[-] or 134- ."

18 SECTION 9. Section 134-27, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Except as provided in sections 134-5 [~~and~~], 134-9,
21 and 134- , all ammunition shall be confined to the possessor's
22 place of business, residence, or sojourn; provided that it shall



1 be lawful to carry ammunition in an enclosed container from the
2 place of purchase to the purchaser's place of business,
3 residence, or sojourn, or between these places upon change of
4 place of business, residence, or sojourn, or between these
5 places and the following:

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

13 "Enclosed container" means a rigidly constructed
14 receptacle, or a commercially manufactured gun case, or the
15 equivalent thereof that completely encloses the ammunition."

16 SECTION 10. This Act does not affect rights and duties
17 that matured, penalties that were incurred, and proceedings that
18 were begun, before its effective date.

19 SECTION 11. If any provision of this Act, or the
20 application thereof to any person or circumstance is held
21 invalid, the invalidity does not affect other provisions or
22 applications of the Act, which can be given effect without the



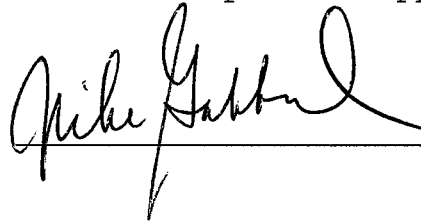
1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 12. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 13. This Act shall take effect upon its approval.

6

INTRODUCED BY:





S.B. NO. 2353

Report Title:

Firearms; Concealed Carry License

Description:

Authorizes the chief of police from each respective county to issue licenses to carry a concealed firearm. Details processes for license applications, renewals, revocations, and record keeping. Strictly prohibits carrying concealed firearms under certain circumstances.

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

