

Honolulu, Hawaii

April 25, 2014RE: H.B. No. 2246
H.D. 1
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2246, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote state compliance with federal firearm regulations by:

- (1) Establishing a court-based program for persons who are federally prohibited from possessing a firearm based on previous adjudication as mentally defective or commitment to a mental institution to petition for relief from the federal firearm prohibitor;
- (2) Providing that the court shall grant such a petition for relief when the petitioner can show by a preponderance of the evidence that the petitioner is not likely to act in a



manner dangerous to public safety and granting relief is not contrary to the public interest; and

- (3) Requiring the courts to provide information relating to the outcome of such petitions and to involuntary civil commitments to the Hawaii Criminal Justice Data Center for use by law enforcement officials for firearms permitting or registration and for submission to the Federal Bureau of Investigation National Instant Criminal Background Check System (NICS) database for gun control purposes.


Your Committee on Conference has amended this measure by increasing the standard of proof from preponderance of the evidence to clear and convincing evidence for a petitioner to prove that the petitioner will not be likely to act in a manner dangerous to public safety and the granting of relief will not be contrary to public interest in order for the court to grant a petition for relief.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2246, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2246, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



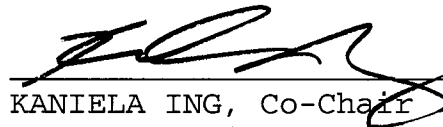
JOSH GREEN, Chair



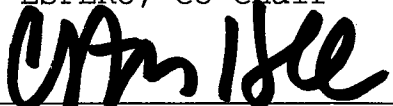
KARL RHOADS, Co-Chair



WILL ESPERO, Co-Chair



KANIELA ING, Co-Chair



CLAYTON HEE, Co-Chair




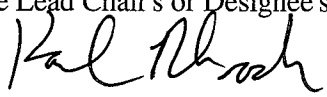
SUZANNE CHUN OAKLAND, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 119-14

Bill / Concurrent Resolution No.: HB 2246, HD 1, SD 1					Date/Time: <i>Apr 25, 2014 / 4:41 pm</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GREEN, Josh, Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
ESPERO, Will, Co-Chr.	✓				ING, Kaniela, Co-Chr.	✓			
HEE, Clayton, Co-Chr.				✓	CREAGAN, Richard	✓			
CHUN OAKLAND, Suzanne, Co-Chr.	✓				THIELEN, Cynthia	✓			
SLOM, Sam				✓					
TOTAL	3	0	0	2	TOTAL	4	0	0	0
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution:		Original <i>File with Conference Committee Report</i>			Yellow <i>House Clerk's Office</i>		Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>