



**GOV. MSG. NO. 1209**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 22, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 22, 2016, the following bill was signed into law:

SB2954 SD2 HD1

RELATING TO FIREARMS  
**ACT 108 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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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 criminal background  
2 checks on firearms applicants are critical to ensure the safety  
3 of the community.

4           The rap back system is a service of the Federal Bureau of  
5 Investigation that provides continuous criminal record  
6 monitoring for authorized government agencies, including law  
7 enforcement agencies, and notifies them when an individual  
8 subject to a criminal history record check is arrested for a  
9 criminal offense anywhere in the country. This notification  
10 will allow county police departments in Hawaii to evaluate if  
11 the owner of a firearm may continue to legally possess and own  
12 firearms.

13           The purpose of this Act is to authorize county police  
14 departments in Hawaii to enroll firearms applicants and  
15 individuals who are registering their firearms into the rap back  
16 system.



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

3 1. By amending subsection (e) to read:

4 "(e) The permit application form shall be signed by the  
5 applicant and by the issuing authority. One copy of the permit  
6 shall be retained by the issuing authority as a permanent  
7 official record. Except for sales to dealers licensed under  
8 section 134-31, or dealers licensed by the United States  
9 Department of Justice, or law enforcement officers, or where a  
10 license is granted under section 134-9, or where any firearm is  
11 registered pursuant to section 134-3(a), no permit shall be  
12 issued to an applicant earlier than fourteen calendar days after  
13 the date of the application; provided that a permit shall be  
14 issued or the application denied before the twentieth day from  
15 the date of application. Permits issued to acquire any pistol  
16 or revolver shall be void unless used within ten days after the  
17 date of issue. Permits to acquire a pistol or revolver shall  
18 require a separate application and permit for each transaction.  
19 Permits issued to acquire any rifle or shotgun shall entitle the  
20 permittee to make subsequent purchases of rifles or shotguns for  
21 a period of one year from the date of issue without a separate



1 application and permit for each acquisition, subject to the  
2 disqualifications under section 134-7 and subject to revocation  
3 under section 134-13; provided that if a permittee is arrested  
4 for committing a felony or any crime of violence or for the  
5 illegal sale of any drug, the permit shall be impounded and  
6 shall be surrendered to the issuing authority. The issuing  
7 authority shall perform an inquiry on an applicant [~~who is a~~  
8 ~~citizen of the United States by using the National Instant~~  
9 ~~Criminal Background Check System~~] by using the International  
10 Justice and Public Safety Network, including the United States  
11 Immigration and Customs Enforcement query, the National Crime  
12 Information Center, and the National Instant Criminal Background  
13 Check System, pursuant to section 846-2.7 before any  
14 determination to issue a permit or to deny an application is  
15 made. [~~If the applicant is not a citizen of the United States~~  
16 ~~and may be eligible to acquire a firearm under this chapter, the~~  
17 ~~issuing authority shall perform an inquiry on the applicant, by~~  
18 ~~using the National Instant Criminal Background Check System, to~~  
19 ~~include a check of the Immigration and Customs Enforcement~~  
20 ~~databases, before any determination to issue a permit or to deny~~  
21 ~~an application is made.] "~~



1           2. By amending subsection (i) to read:

2           "(i) No fee shall be charged for permits, or applications  
3 for permits, under this section, except for a single fee  
4 chargeable by and payable to the issuing county, for individuals  
5 applying for their first permit, in an amount equal to the fee  
6 [actually] charged by the [~~Federal Bureau of Investigation to~~  
7 ~~the issuing police department for a fingerprint check in~~  
8 ~~connection with that application or permit.~~] Hawaii criminal  
9 justice data center pursuant to section 846-2.7. In the case of  
10 a joint application, the fee provided for in this section may be  
11 charged to each person to whom no previous permit has been  
12 issued."

13           SECTION 3. Section 134-3, Hawaii Revised Statutes, is  
14 amended as follows:

15           1. By amending subsection (a) to read:

16           "(a) Every person arriving in the State who brings or by  
17 any other manner causes to be brought into the State a firearm  
18 of any description, whether usable or unusable, serviceable or  
19 unserviceable, modern or antique, shall register the firearm  
20 within five days after arrival of the person or of the firearm,  
21 whichever arrives later, with the chief of police of the county

1 of the person's place of business or, if there is no place of  
2 business, the person's residence or, if there is neither a place  
3 of business nor residence, the person's place of sojourn. A  
4 nonresident alien may bring firearms not otherwise prohibited by  
5 law into the State for a continuous period not to exceed ninety  
6 days; provided that the person meets the registration  
7 requirement of this section and the person possesses:

- 8 (1) A valid Hawaii hunting license procured under chapter  
9 183D, part II, or a commercial or private shooting  
10 preserve permit issued pursuant to section 183D-34;
- 11 (2) A written document indicating the person has been  
12 invited to the State to shoot on private land; or
- 13 (3) Written notification from a firing range or target  
14 shooting business indicating that the person will  
15 actually engage in target shooting.

16 The nonresident alien shall be limited to a nontransferable  
17 registration of not more than ten firearms for the purpose of  
18 the above activities.

19 Every person registering a firearm under this subsection  
20 shall be fingerprinted and photographed by the police department  
21 of the county of registration; provided that this requirement



1 shall be waived where fingerprints and photographs are already  
2 on file with the police department. The police department shall  
3 perform an inquiry on the person by using the [~~National Instant~~  
4 ~~Criminal Background Check System~~] International Justice and  
5 Public Safety Network, including the United States Immigration  
6 and Customs Enforcement query, the National Crime Information  
7 Center, and the National Instant Criminal Background Check  
8 System, pursuant to section 846-2.7 before any determination to  
9 register a firearm is made."

10 2. By amending subsection (b) to read:

11 "(b) Every person who acquires a firearm pursuant to  
12 section 134-2 shall register the firearm in the manner  
13 prescribed by this section within five days of acquisition. The  
14 registration shall be on forms prescribed by the attorney  
15 general, which shall be uniform throughout the State, and shall  
16 include the following information: name of the manufacturer and  
17 importer; model; type of action; caliber or gauge; serial  
18 number; and source from which receipt was obtained, including  
19 the name and address of the prior registrant. If the firearm  
20 has no serial number, the permit number shall be entered in the  
21 space provided for the serial number, and the permit number



1 shall be engraved upon the receiver portion of the firearm prior  
2 to registration. All registration data that would identify the  
3 individual registering the firearm by name or address shall be  
4 confidential and shall not be disclosed to anyone, except as may  
5 be required ~~[fee]~~;

6 (1) For processing the registration ~~[or as may be required~~  
7 ~~by]~~;

8 (2) For database management by the Hawaii criminal justice  
9 data center;

10 (3) By a law enforcement agency for the lawful performance  
11 of its duties; or ~~[as may be required by]~~

12 (4) By order of a court."

13 3. By amending subsection (e) to read:

14 "(e) No fee shall be charged for the registration of a  
15 firearm under this section, except for a fee chargeable by and  
16 payable to the registering county for persons registering a  
17 firearm under subsection (a), in an amount equal to the fee  
18 ~~[actually] charged by the [Federal Bureau of Investigation to~~  
19 ~~the registering police department for a fingerprint check in~~  
20 ~~connection with the registration.] Hawaii criminal justice data  
21 center pursuant to section 846-2.7. In the case of a joint~~





1 registration, the fee provided for in this section may be  
2 charged to each person."

3 SECTION 4. Section 846-2.7, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) Criminal history record checks may be conducted by:

- 6 (1) The department of health or its designee on operators  
7 of adult foster homes for individuals with  
8 developmental disabilities or developmental  
9 disabilities domiciliary homes and their employees, as  
10 provided by section 321-15.2;
- 11 (2) The department of health or its designee on  
12 prospective employees, persons seeking to serve as  
13 providers, or subcontractors in positions that place  
14 them in direct contact with clients when providing  
15 non-witnessed direct mental health or health care  
16 services as provided by section 321-171.5;
- 17 (3) The department of health or its designee on all  
18 applicants for licensure or certification for,  
19 operators for, prospective employees, adult  
20 volunteers, and all adults, except adults in care, at  
21 health care facilities as defined in section 321-15.2;



- 1           (4) The department of education on employees, prospective  
2           employees, and teacher trainees in any public school  
3           in positions that necessitate close proximity to  
4           children as provided by section 302A-601.5;
- 5           (5) The counties on employees and prospective employees  
6           who may be in positions that place them in close  
7           proximity to children in recreation or child care  
8           programs and services;
- 9           (6) The county liquor commissions on applicants for liquor  
10          licenses as provided by section 281-53.5;
- 11          (7) The county liquor commissions on employees and  
12          prospective employees involved in liquor  
13          administration, law enforcement, and liquor control  
14          investigations;
- 15          (8) The department of human services on operators and  
16          employees of child caring institutions, child placing  
17          organizations, and foster boarding homes as provided  
18          by section 346-17;
- 19          (9) The department of human services on prospective  
20          adoptive parents as established under section  
21          346-19.7;



- 1       (10) The department of human services on applicants to  
2       operate child care facilities, prospective employees  
3       of the applicant, and new employees of the provider  
4       after registration or licensure as provided by section  
5       346-154;
- 6       (11) The department of human services on persons exempt  
7       pursuant to section 346-152 to be eligible to provide  
8       child care and receive child care subsidies as  
9       provided by section 346-152.5;
- 10      (12) The department of health on operators and employees of  
11      home and community-based case management agencies and  
12      operators and other adults, except for adults in care,  
13      residing in community care foster family homes as  
14      provided by section 321-15.2;
- 15      (13) The department of human services on staff members of  
16      the Hawaii youth correctional facility as provided by  
17      section 352-5.5;
- 18      (14) The department of human services on employees,  
19      prospective employees, and volunteers of contracted  
20      providers and subcontractors in positions that place  
21      them in close proximity to youth when providing



- 1 services on behalf of the office or the Hawaii youth  
2 correctional facility as provided by section 352D-4.3;
- 3 (15) The judiciary on employees and applicants at detention  
4 and shelter facilities as provided by section 571-34;
- 5 (16) The department of public safety on employees and  
6 prospective employees who are directly involved with  
7 the treatment and care of persons committed to a  
8 correctional facility or who possess police powers  
9 including the power of arrest as provided by section  
10 353C-5;
- 11 (17) The board of private detectives and guards on  
12 applicants for private detective or private guard  
13 licensure as provided by section 463-9;
- 14 (18) Private schools and designated organizations on  
15 employees and prospective employees who may be in  
16 positions that necessitate close proximity to  
17 children; provided that private schools and designated  
18 organizations receive only indications of the states  
19 from which the national criminal history record  
20 information was provided pursuant to section 302C-1;



- 1       (19) The public library system on employees and prospective  
2           employees whose positions place them in close  
3           proximity to children as provided by section  
4           302A-601.5;
- 5       (20) The State or any of its branches, political  
6           subdivisions, or agencies on applicants and employees  
7           holding a position that has the same type of contact  
8           with children, vulnerable adults, or persons committed  
9           to a correctional facility as other public employees  
10          who hold positions that are authorized by law to  
11          require criminal history record checks as a condition  
12          of employment as provided by section 78-2.7;
- 13       (21) The department of health on licensed adult day care  
14           center operators, employees, new employees,  
15           subcontracted service providers and their employees,  
16           and adult volunteers as provided by section 321-15.2;
- 17       (22) The department of human services on purchase of  
18           service contracted and subcontracted service providers  
19           and their employees serving clients of the adult  
20           protective and community services branch, as provided  
21           by section 346-97;



- 1           (23) The department of human services on foster grandparent  
2                    program, senior companion program, and respite  
3                    companion program participants as provided by section  
4                    346-97;
- 5           (24) The department of human services on contracted and  
6                    subcontracted service providers and their current and  
7                    prospective employees that provide home and community-  
8                    based services under section 1915(c) of the Social  
9                    Security Act, title 42 United States Code section  
10                  1396n(c), or under any other applicable section or  
11                  sections of the Social Security Act for the purposes  
12                  of providing home and community-based services, as  
13                  provided by section 346-97;
- 14          (25) The department of commerce and consumer affairs on  
15                  proposed directors and executive officers of a bank,  
16                  savings bank, savings and loan association, trust  
17                  company, and depository financial services loan  
18                  company as provided by section 412:3-201;
- 19          (26) The department of commerce and consumer affairs on  
20                  proposed directors and executive officers of a



- 1           nondepository financial services loan company as  
2           provided by section 412:3-301;
- 3       (27) The department of commerce and consumer affairs on the  
4           original chartering applicants and proposed executive  
5           officers of a credit union as provided by section  
6           412:10-103;
- 7       (28) The department of commerce and consumer affairs on:  
8           (A) Each principal of every non-corporate applicant  
9               for a money transmitter license; and  
10          (B) The executive officers, key shareholders, and  
11               managers in charge of a money transmitter's  
12               activities of every corporate applicant for a  
13               money transmitter license,  
14           as provided by sections 489D-9 and 489D-15;
- 15       (29) The department of commerce and consumer affairs on  
16           applicants for licensure and persons licensed under  
17           title 24;
- 18       (30) The Hawaii health systems corporation on:  
19           (A) Employees;  
20           (B) Applicants seeking employment;  
21           (C) Current or prospective members of the corporation



- 1 board or regional system board; or
- 2 (D) Current or prospective volunteers, providers, or
- 3 contractors,
- 4 in any of the corporation's health facilities as
- 5 provided by section 323F-5.5;
- 6 (31) The department of commerce and consumer affairs on:
- 7 (A) An applicant for a mortgage loan originator
- 8 license; and
- 9 (B) Each control person, executive officer, director,
- 10 general partner, and manager of an applicant for
- 11 a mortgage loan originator company license,
- 12 as provided by chapter 454F;
- 13 (32) The state public charter school commission or public
- 14 charter schools on employees, teacher trainees,
- 15 prospective employees, and prospective teacher
- 16 trainees in any public charter school for any position
- 17 that places them in close proximity to children, as
- 18 provided in section 302D-33;
- 19 (33) The counties on prospective employees who work with
- 20 children, vulnerable adults, or senior citizens in
- 21 community-based programs;





- 1           (34) The counties on prospective employees for fire  
2           department positions which involve contact with  
3           children or vulnerable adults;
- 4           (35) The counties on prospective employees for emergency  
5           medical services positions which involve contact with  
6           children or vulnerable adults;
- 7           (36) The counties on prospective employees for emergency  
8           management positions and community volunteers whose  
9           responsibilities involve planning and executing  
10          homeland security measures including viewing,  
11          handling, and engaging in law enforcement or  
12          classified meetings and assisting vulnerable citizens  
13          during emergencies or crises;
- 14          (37) The State and counties on employees, prospective  
15          employees, volunteers, and contractors whose position  
16          responsibilities require unescorted access to secured  
17          areas and equipment related to a traffic management  
18          center;
- 19          (38) The State and counties on employees and prospective  
20          employees whose positions involve the handling or use  
21          of firearms for other than law enforcement purposes;



1 (39) The State and counties on current and prospective  
2 systems analysts and others involved in an agency's  
3 information technology operation whose position  
4 responsibilities provide them with access to  
5 proprietary, confidential, or sensitive information;

6 (40) The department of commerce and consumer affairs on  
7 applicants for real estate appraiser licensure or  
8 certification as provided by chapter 466K;

9 (41) The department of health or its designee on all  
10 license applicants, licensees, employees, contractors,  
11 and prospective employees of medical marijuana  
12 dispensaries, and individuals permitted to enter and  
13 remain in medical marijuana dispensary facilities as  
14 provided under sections 329D-15(a)(4) and  
15 329D-16(a)(3); [~~and~~]

16 (42) The county police departments on applicants for  
17 permits to acquire firearms pursuant to section 134-2  
18 and on individuals registering their firearms pursuant  
19 to section 134-3; and



1        [~~(42)~~] (43) Any other organization, entity, or the State, its  
2                    branches, political subdivisions, or agencies as may  
3                    be authorized by state law."

4            SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6            SECTION 6. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9            SECTION 7. This Act shall take effect upon its approval.

APPROVED this    22    day of    JUN    , 2016



GOVERNOR OF THE STATE OF HAWAII