

---

# 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 the Terrorist  
2 Screening Database, informally referred to as the terrorist  
3 watchlist, was established under President George W. Bush in  
4 2003 as a response to the September 11, 2001 attacks. Several  
5 different federal agencies can submit information to the  
6 watchlist which is administered by the Federal Bureau of  
7 Investigation's Terrorist Screening Center. Individuals are  
8 placed on the watchlist when there is reasonable suspicion that  
9 they are known or suspected terrorists.

10           According to the United States Government Accountability  
11 Office, individuals on the watchlist attempted to purchase  
12 firearms from United States dealers at least 2,233 times and  
13 succeeded 91 per cent of the time. The legislature concludes  
14 that inclusion on the Federal Bureau of Investigation's  
15 Terrorist Screening Database indicates that an individual poses  
16 a serious and potentially threatening risk to public safety that  
17 warrants disqualification from firearms ownership, possession,



1 or control under Hawaii law. At least two other states have  
2 implemented, and several others are considering, prohibitions on  
3 firearms ownership by individuals on the watchlist that are  
4 similar to this measure.

5 The purpose of this Act is to temporarily disqualify a  
6 person who is included in the watchlist maintained by the  
7 Terrorist Screening Center of the Federal Bureau of  
8 Investigation from firearms ownership, possession, or control  
9 and rescind the disqualification upon the removal of the person  
10 from the watchlist.

11 SECTION 2. Section 134-7, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§134-7 Ownership or possession prohibited, when; penalty.**

14 (a) No person who is a fugitive from justice or is a person  
15 prohibited from possessing firearms or ammunition under federal  
16 law shall own, possess, or control any firearm or ammunition  
17 therefor.

18 (b) No person who is under indictment for, or has waived  
19 indictment for, or has been bound over to the circuit court for,  
20 or has been convicted in this State or elsewhere of having  
21 committed a felony, or any crime of violence, or an illegal sale



1 of any drug shall own, possess, or control any firearm or  
2 ammunition therefor.

3 (c) No person who:

4 (1) Is or has been under treatment or counseling for  
5 addiction to, abuse of, or dependence upon any  
6 dangerous, harmful, or detrimental drug, intoxicating  
7 compound as defined in section 712-1240, or  
8 intoxicating liquor;

9 (2) Has been acquitted of a crime on the grounds of mental  
10 disease, disorder, or defect pursuant to section 704-  
11 411; or

12 (3) Is or has been diagnosed as having a significant  
13 behavioral, emotional, or mental [~~disorders~~] disorder  
14 as defined by the most current diagnostic manual of  
15 the American Psychiatric Association or for treatment  
16 for organic brain syndromes;

17 shall own, possess, or control any firearm or ammunition  
18 therefor, unless the person has been medically documented to be  
19 no longer adversely affected by the addiction, abuse,  
20 dependence, mental disease, disorder, or defect.



1 (d) No person who is less than twenty-five years old and  
2 has been adjudicated by the family court to have committed a  
3 felony, two or more crimes of violence, or an illegal sale of  
4 any drug shall own, possess or control any firearm or ammunition  
5 therefor.

6 (e) No minor who:

7 (1) Is or has been under treatment for addiction to any  
8 dangerous, harmful, or detrimental drug, intoxicating  
9 compound as defined in section 712-1240, or  
10 intoxicating liquor;

11 (2) Is a fugitive from justice; or

12 (3) Has been determined not to have been responsible for a  
13 criminal act or has been committed to any institution  
14 on account of a mental disease, disorder, or defect;

15 shall own, possess, or control any firearm or ammunition  
16 therefor, unless the minor has been medically documented to be  
17 no longer adversely affected by the addiction, mental disease,  
18 disorder, or defect.

19 For the purposes of enforcing this section, and  
20 notwithstanding section 571-84 or any other law to the contrary,  
21 any agency within the State shall make its records relating to



1 family court adjudications available to law enforcement  
2 officials.

3 (f) No person who has been restrained pursuant to an order  
4 of any court, including an ex parte order as provided in this  
5 subsection, from contacting, threatening, or physically abusing  
6 any person, shall possess, control, or transfer ownership of any  
7 firearm or ammunition therefor, so long as the protective order,  
8 restraining order, or any extension is in effect, unless the  
9 order, for good cause shown, specifically permits the possession  
10 of a firearm and ammunition. The restraining order or order of  
11 protection shall specifically include a statement that  
12 possession, control, or transfer of ownership of a firearm or  
13 ammunition by the person named in the order is prohibited. Such  
14 person shall relinquish possession and control of any firearm  
15 and ammunition owned by that person to the police department of  
16 the appropriate county for safekeeping for the duration of the  
17 order or extension thereof. In the case of an ex parte order,  
18 the affidavit or statement under oath that forms the basis for  
19 the order shall contain a statement of the facts that support a  
20 finding that the person to be restrained owns, intends to obtain  
21 or to transfer ownership of, or possesses a firearm, and that



1 the firearm may be used to threaten, injure, or abuse any  
2 person. The ex parte order shall be effective upon service  
3 pursuant to section 586-6. At the time of service of a  
4 restraining order involving firearms and ammunition issued by  
5 any court, the police officer may take custody of any and all  
6 firearms and ammunition in plain sight, those discovered  
7 pursuant to a consensual search, and those firearms surrendered  
8 by the person restrained. If the person restrained is the  
9 registered owner of a firearm and knows the location of the  
10 firearm, but refuses to surrender the firearm or refuses to  
11 disclose the location of the firearm, the person restrained  
12 shall be guilty of a misdemeanor. In any case, when a police  
13 officer is unable to locate the firearms and ammunition either  
14 registered under this chapter or known to the person granted  
15 protection by the court, the police officer shall apply to the  
16 court for a search warrant pursuant to chapter 803 for the  
17 limited purpose of seizing the firearm and ammunition.

18 For the purposes of this subsection, good cause shall not  
19 be based solely upon the consideration that the person subject  
20 to restraint pursuant to an order of any court, including an ex  
21 parte order as provided for in this subsection, is required to



1 possess or carry firearms or ammunition during the course of the  
2 person's employment. Good cause consideration may include but  
3 not be limited to the protection and safety of the person to  
4 whom a restraining order is granted.

5 (g) Any person who is named on the Terrorist Screening  
6 Database maintained by the Terrorist Screening Center  
7 administered by the Federal Bureau of Investigation, or any  
8 successor to the Terrorist Screening Database, shall be  
9 prohibited from owning, possessing, or controlling any firearm  
10 or ammunition therefor until the person is removed from the  
11 Terrorist Screening Database or the federal government otherwise  
12 indicates that there is no basis for disqualifying the person  
13 from owning, possessing, or controlling a firearm or ammunition.

14 [~~g~~] (h) Any person disqualified from ownership,  
15 possession, control, or the right to transfer ownership of  
16 firearms and ammunition under this section shall surrender or  
17 dispose of all firearms and ammunition in compliance with  
18 section 134-7.3.

19 [~~h~~] (i) Any person violating subsection (a) or (b) shall  
20 be guilty of a class C felony; provided that any felon violating  
21 subsection (b) shall be guilty of a class B felony. Any person



1 violating subsection (c), (d), (e), (f), or [~~g~~] (h) shall be  
2 guilty of a misdemeanor."

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

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





**Report Title:**

Relating to Firearms; Terrorist Screening Database

**Description:**

Temporarily prohibits a person listed in the federal Terrorist Screening Database from owning, possessing, or controlling a firearm or ammunition. Requires surrender or disposal of firearms and ammunition. Allows for removal of the disqualification. (HB1813 HD1)

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

