
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 keeping firearms out
2 of the hands of people who are suffering from mental illness is
3 critical to ensure the safety of those individuals and of the
4 community. Tragic events caused by mass shootings that involve
5 mental illness clearly demonstrate the need for legislative
6 action. Under current law, if the owner of a firearm has been
7 disqualified from owning, possessing, or controlling a firearm
8 for a variety of reasons, including mental illness, the owner
9 has thirty days after receiving notification of the
10 disqualification to voluntarily surrender the firearm, after
11 which the police chief may take possession of the firearm.
12 There is no provision in the law that specifically addresses
13 prompt dispossession of a person's firearms in situations that
14 require immediate action, such as when a person is hospitalized
15 by emergency admission due to a determination by a physician,
16 advanced practice registered nurse, or psychologist that the
17 person is mentally ill or suffering from substance abuse, is



1 imminently dangerous to self or others, and is in need of care
2 or treatment or both.

3 The legislature finds that the vast majority of firearm
4 permit applicants will not be affected by this Act. Data from
5 the crime prevention and justice assistance division of the
6 department of the attorney general reflect that approximately
7 one per cent of firearms permits are denied each year for any
8 reason. Of those, only eighteen per cent are for mental health
9 reasons. Over the last ten years, 133,000 permit applications
10 have been granted and two hundred sixty-nine have been denied
11 for mental health reasons.

12 The purpose of this Act is to:

13 (1) Require the immediate surrender of a person's firearms
14 and ammunition; or

15 (2) If voluntary surrender is not effectuated, allow
16 seizure of the same by the chief of police,

17 if a person has been disqualified from owning, possessing, or
18 controlling firearms and ammunition due to a diagnosis of having
19 a significant behavioral, emotional, or mental disorder, or due
20 to emergency or involuntary admission to a psychiatric facility
21 pursuant to part IV of chapter 334, Hawaii Revised Statutes.



1 This Act also sets forth the notice requirements for such
2 surrender or seizure of firearms and ammunition.

3 SECTION 2. Section 134-7.3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§134-7.3 Seizure of firearms upon disqualification. (a)

6 If any applicant is denied a permit, the chiefs of police of the
7 respective counties shall send, by certified mail, a notice
8 setting forth the reasons for the denial and may require that
9 the applicant voluntarily surrender all firearms and ammunition
10 to the chief of police where the applicant resides or dispose of
11 all firearms and ammunition. If an applicant fails to
12 voluntarily surrender or dispose of all firearms and ammunition
13 within thirty days from the date notice was mailed, the chief of
14 police may seize all firearms and ammunition.

15 (b) Any person disqualified from ownership, possession, or
16 control of firearms and ammunition under section 134-7 shall
17 voluntarily surrender all firearms and ammunition to the chief
18 of police where the person resides or dispose of all firearms
19 and ammunition. If any person fails to voluntarily surrender or
20 dispose of all firearms and ammunition within thirty days from



1 the date of disqualification, the chief of police may seize all
2 firearms and ammunition.

3 (c) For any person disqualified from ownership,
4 possession, or control of firearms and ammunition under section
5 134-7(c), or because the person has been admitted to a
6 psychiatric facility, whether for emergency or involuntary
7 hospitalization, pursuant to part IV of chapter 334, once the
8 chief of police is notified that the person is disqualified, the
9 chief of police shall promptly issue a notice to the
10 disqualified person to immediately surrender all firearms and
11 ammunition. The notice shall be in writing, shall set forth the
12 reasons for the disqualification, and shall state the
13 requirement that the person immediately surrender all firearms
14 and ammunition to the chief of police. If any person fails to
15 voluntarily surrender all firearms and ammunition upon receiving
16 notice, the chief of police may seize all firearms and
17 ammunition. The firearms and ammunition shall be held in police
18 custody until the person has been medically documented to be no
19 longer adversely affected as provided in section 134-7 or until
20 transferred or sold by the owner. Nothing in this subsection



1 shall be construed to limit the duties imposed by subsection
2 (b).

3 ~~[(e)]~~ (d) For the purposes of this section, "dispose"
4 means selling the firearms to a gun dealer licensed under
5 section 134-31, transferring ownership of the firearms to any
6 person who meets the requirements of section 134-2, or
7 surrendering all firearms to the chief of police where the
8 person resides for storage or disposal; provided, for a person
9 subject to section 134-7(f), "dispose" shall not include
10 transferring ownership of the firearms to any person who meets
11 the requirements of section 134-2.

12 ~~[(d)]~~ (e) The chief of police of the respective counties
13 shall adopt procedures to implement and administer the
14 provisions of this section by December 31, 2001."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

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

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



Report Title:

Firearms Disqualification; Mental Illness; Police

Description:

Requires firearms owners who have been disqualified from owning a firearm and ammunition due to a diagnosis of significant behavioral, emotional, or mental disorder, or due to emergency or involuntary hospitalization to a psychiatric facility, to immediately surrender their firearms and ammunition to the Chief of Police. Allows the Chief of Police to seize firearms and ammunition if a disqualified individual fails to surrender the firearms and ammunition after receiving written notice of the disqualification. (HB2632 CD1)

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

