
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.

5 Under current law, if the owner of a firearm has been
6 disqualified from owning, possessing, or controlling a firearm
7 due to mental illness, the owner has thirty days after receiving
8 notification of the disqualification to voluntarily surrender
9 the firearm. There is no provision in the law, even in
10 emergency situations, that allows the police to seize the
11 firearm before the thirty-day period has elapsed.

12 The purpose of this Act is to:

13 (1) Require firearm owners who have been disqualified from
14 owning, possessing, or controlling firearms and
15 ammunition due to mental illness to immediately
16 surrender their firearms and ammunition to the chief



1 of police upon written notification given by the chief
2 of police; and

3 (2) Authorize the county chiefs of police to immediately
4 seize the firearms and ammunition if a person fails to
5 voluntarily surrender them as required by law.

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

8 **"§134-7.3 Seizure of firearms upon disqualification. (a)**

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

18 (b) ~~[Any]~~ Except as provided in subsection (c), any person
19 disqualified from ownership, possession, or control of firearms
20 and ammunition under section 134-7 shall voluntarily surrender
21 all firearms and ammunition to the chief of police where the



1 person resides or dispose of all firearms and ammunition. If
2 any person fails to voluntarily surrender or dispose of all
3 firearms and ammunition within thirty days from the date of
4 disqualification[7] or as provided in subsection (c), the chief
5 of police may seize all firearms and ammunition.

6 (c) Any person disqualified from ownership, possession, or
7 control of firearms and ammunition under section 134-7(c), or
8 who underwent an emergency hospitalization under section 334-59,
9 shall immediately surrender all firearms and ammunition to the
10 chief of police upon written notification from the chief of
11 police. The notification shall set forth the reasons for the
12 disqualification and shall state the requirement that the
13 applicant immediately surrender all firearms and ammunition to
14 the chief of police. If any person fails to voluntarily
15 surrender all firearms and ammunition, the chief of police may
16 seize all firearms and ammunition.

17 [~~e~~] (d) For the purposes of this section, "dispose"
18 means selling the firearms to a gun dealer licensed under
19 section 134-31, transferring ownership of the firearms to any
20 person who meets the requirements of section 134-2, or
21 surrendering all firearms to the chief of police where the



1 person resides for storage or disposal; provided, for a person
2 subject to section 134-7(f), "dispose" shall not include
3 transferring ownership of the firearms to any person who meets
4 the requirements of section 134-2.

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

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

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

13 SECTION 5. This Act shall take effect on July 1, 2070.



Report Title:

Seizure of Firearms; Mental Illness; Police

Description:

Requires firearms owners who have been disqualified from owning a firearm and ammunition due to mental illness to immediately surrender their firearms and ammunition to the Chief of Police.
(HB2632 HD1)

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