
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 such voluntary surrender is not effectuated,
16 authorize 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 hospitalization by emergency admission under section 334-59,
21 Hawaii Revised Statutes. This Act also sets forth the notice



1 requirements for such surrender or seizure of firearms and
2 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]~~ Except as provided in subsection (c), any person
16 disqualified from ownership, possession, or control of firearms
17 and ammunition under section 134-7 shall voluntarily surrender
18 all firearms and ammunition to the chief of police where the
19 person resides or dispose of all firearms and ammunition. If
20 any person fails to voluntarily surrender or dispose of all
21 firearms and ammunition within thirty days from the date of



1 disqualification[7] or as provided in subsection (c), the chief
2 of police may seize all 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 who underwent or is undergoing an emergency
6 hospitalization under section 334-59, once the chief of police
7 is notified that the person is disqualified, the chief of police
8 shall promptly issue a notice to the disqualified person to
9 immediately surrender all firearms and ammunition. The notice
10 shall be in writing and shall set forth the reasons for the
11 disqualification and shall state the requirement that the person
12 immediately surrender all firearms and ammunition to the chief
13 of police. If any person fails to voluntarily surrender all
14 firearms and ammunition, the chief of police may seize all
15 firearms and ammunition. The firearms and ammunition shall be
16 held in police custody until the person has been medically
17 documented to be no longer adversely affected as provided in
18 section 134-7 or until transferred or sold by the owner.

19 ~~(e)~~ (d) For the purposes of this section, "dispose"
20 means selling the firearms to a gun dealer licensed under
21 section 134-31, transferring ownership of the firearms to any



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

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

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

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

15 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 mental illness, including emergency hospitalization, to immediately surrender their firearms and ammunition to the Chief of Police. (HB2632 HD2)

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

