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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 section 134-7,  
2 Hawaii Revised Statutes, as a matter of public safety, prohibits  
3 the possession of firearms and ammunition by criminal offenders  
4 who have committed any felony, a crime of violence, or the  
5 illegal sale of drugs; substance abusers; persons diagnosed with  
6 a mental or emotional disorder; and persons who are subject to a  
7 restraining order or protective order. However, the prohibition  
8 does not expressly apply to perpetrators of certain misdemeanor  
9 offenses, such as stalking, who may pose a significant risk of  
10 harm to others if allowed to possess firearms. A study of  
11 female murder victims in ten cities published in 1999 found that  
12 seventy-six per cent of women murdered and eighty-five per cent  
13 of women who survived a murder attempt by a current or former  
14 intimate partner experienced stalking in the year preceding the  
15 murder. This data demonstrates that while stalking may appear  
16 to be low-level, nonviolent behavior, it is often the first step



1 in an escalating course of conduct that too often results in  
2 murder.

3 The legislature further finds that stalking and related  
4 acts of domestic abuse have been linked with gun violence.  
5 According to the Johns Hopkins Center for Gun Policy and  
6 Research, having a gun in the home increases the risk of  
7 homicide of an intimate partner by eight times compared to  
8 households without guns and by twenty times when there is a  
9 history of domestic violence in the family. In *United States v.*  
10 *Castleman*, 134 S.Ct. 1405 (2014), the United States Supreme  
11 Court noted that "Congress enacted [the misdemeanor domestic  
12 violence gun ban], in light of these sobering facts, to 'close a  
13 dangerous loophole' in the gun control laws: While felons had  
14 long been barred from possessing guns, many perpetrators of  
15 domestic violence are convicted only of misdemeanors."  
16 Currently, at least eleven states bar some or all individuals  
17 convicted of misdemeanor stalking from possessing firearms.

18 The purpose of this Act is to enhance protections against  
19 gun violence committed by individuals with a history of  
20 dangerous behavior, by including misdemeanor stalking and sexual



1 assault among the offenses that disqualify a person from owning,  
2 possessing, or controlling any firearm or ammunition.

3 SECTION 2. Section 134-7, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) No person who is under indictment for, or has waived  
7 indictment for, or has been bound over to the circuit court for,  
8 or has been convicted in this State or elsewhere of having  
9 committed [a]:

10 (1) A felony~~[, or any]~~;

11 (2) Any crime of violence~~[, or an]~~;

12 (3) Sexual assault in the fourth degree under section 707-  
13 733 or a comparable offense under the laws of another  
14 jurisdiction;

15 (4) Harassment by stalking under section 711-1106.5 or a  
16 comparable offense under the laws of another  
17 jurisdiction; or

18 (5) An illegal sale of any drug,

19 shall own, possess, or control any firearm or ammunition  
20 therefor."

21 2. By amending subsection (d) to read:



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           (1) A felony [~~7~~-two];

4           (2) Two or more crimes of violence [~~7~~-~~or~~-an];

5           (3) Sexual assault in the fourth degree under section 707-  
6           733 or a comparable offense under the laws of another  
7           jurisdiction;

8           (4) Harassment by stalking under section 711-1106.5 or a  
9           comparable offense under the laws of another  
10           jurisdiction; or

11           (5) An illegal sale of any drug,

12 shall own, possess or control any firearm or ammunition

13 therefor."

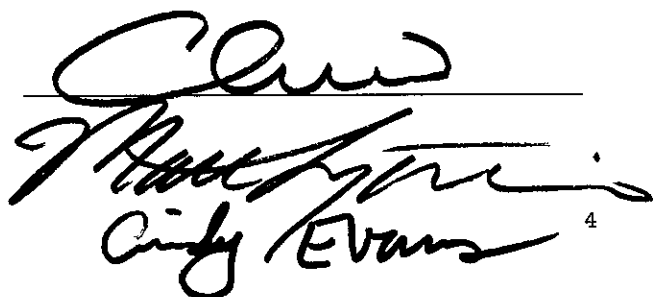
14           SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

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

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

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INTRODUCED BY:

  
Cindy Evans<sup>4</sup>

H.B. NO. 625

*John A. Pucetti*

JAN 23 2015



# H.B. NO. 625

**Report Title:**

Firearms Possession; Misdemeanor Stalking and Sexual Assault

**Description:**

Includes misdemeanor stalking and sexual assault among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition.

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

