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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. Chapter 134, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§134-    Possession of a loaded firearm while intoxicated.

5           (a) It shall be unlawful for a person to recklessly possess a  
6 loaded firearm while the person is intoxicated.

7           (b) For the purposes of this section, a person is in  
8 possession of a loaded firearm when the person has direct  
9 physical control over a loaded firearm or has both the power and  
10 the intention to exercise control over a loaded firearm;  
11 provided that:

12           (1) Possession may be shared; and

13           (2) The mere fact of proximity or access to a place where  
14 a loaded firearm may be found is insufficient, by  
15 itself, to establish possession.

16           (c) For the purposes of this section, a person is  
17 intoxicated if the person is under a disturbance of mental or



1 physical capacities resulting from the introduction of  
2 substances into the person's body; provided that intoxication is  
3 not, by itself, a mental disease or defect.

4 (d) Any person violating this section shall be guilty of a  
5 petty misdemeanor punishable by up to thirty days imprisonment,  
6 a fine of not more than \$1,000, or both."

7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 

**By Request**

JAN 26 2015

# H.B. NO. 888

**Report Title:**

Loaded Firearm; Intoxication; Penalty

**Description:**

Makes it a petty misdemeanor for a person to recklessly possess a loaded firearm while the person is intoxicated.

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

