

JAN 22 2016

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

3 "§134-7 Ownership or possession prohibited, when; penalty.

4 (a) No person who is a fugitive from justice or is a person  
5 prohibited from possessing firearms or ammunition under federal  
6 law shall own, possess, or control any firearm or ammunition  
7 therefor.

8 (b) No person who is under indictment for, or has waived  
9 indictment for, or has been bound over to the circuit court for,  
10 or has been convicted in this State or elsewhere of having  
11 committed a felony, or any crime of violence, or an illegal sale  
12 of any drug shall own, possess, or control any firearm or  
13 ammunition therefor.

14 (c) No person who:

15 (1) Is or has been under treatment or counseling for  
16 addiction to, abuse of, or dependence upon any  
17 dangerous, harmful, or detrimental drug, intoxicating



1 compound as defined in section 712-1240, or  
2 intoxicating liquor;

3 (2) Has been acquitted of a crime on the grounds of mental  
4 disease, disorder, or defect pursuant to section 704-  
5 411; or

6 (3) Is or has been diagnosed as having a significant  
7 behavioral, emotional, or mental disorders as defined  
8 by the most current diagnostic manual of the American  
9 Psychiatric Association or for treatment for organic  
10 brain syndromes;

11 shall own, possess, or control any firearm or ammunition  
12 therefor, unless the person has been medically documented to be  
13 no longer adversely affected by the addiction, abuse,  
14 dependence, mental disease, disorder, or defect.

15 (d) No person who is less than twenty-five years old and  
16 has been adjudicated by the family court to have committed a  
17 felony, two or more crimes of violence, or an illegal sale of  
18 any drug shall own, possess or control any firearm or ammunition  
19 therefor.

20 (e) No minor who:



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- 1           (1) Is or has been under treatment for addiction to any  
2           dangerous, harmful, or detrimental drug, intoxicating  
3           compound as defined in section 712-1240, or  
4           intoxicating liquor;
- 5           (2) Is a fugitive from justice; or
- 6           (3) Has been determined not to have been responsible for a  
7           criminal act or has been committed to any institution  
8           on account of a mental disease, disorder, or defect;  
9 shall own, possess, or control any firearm or ammunition  
10 therefor, unless the minor has been medically documented to be  
11 no longer adversely affected by the addiction, mental disease,  
12 disorder, or defect.

13           For the purposes of enforcing this section, and  
14 notwithstanding section 571-84 or any other law to the contrary,  
15 any agency within the State shall make its records relating to  
16 family court adjudications available to law enforcement  
17 officials.

18           (f) No person who has been restrained pursuant to an order  
19 of any court, including an ex parte order as provided in this  
20 subsection, from contacting, threatening, or physically abusing  
21 any person, shall possess, control, or transfer ownership of any



1 firearm or ammunition therefor, so long as the protective order,  
2 restraining order, or any extension is in effect, unless the  
3 order, for good cause shown, specifically permits the possession  
4 of a firearm and ammunition. The restraining order or order of  
5 protection shall specifically include a statement that  
6 possession, control, or transfer of ownership of a firearm or  
7 ammunition by the person named in the order is prohibited. Such  
8 person shall relinquish possession and control of any firearm  
9 and ammunition owned by that person to the police department of  
10 the appropriate county for safekeeping for the duration of the  
11 order or extension thereof. In the case of an ex parte order,  
12 the affidavit or statement under oath that forms the basis for  
13 the order shall contain a statement of the facts that support a  
14 finding that the person to be restrained owns, intends to obtain  
15 or to transfer ownership of, or possesses a firearm, and that  
16 the firearm may be used to threaten, injure, or abuse any  
17 person. The ex parte order shall be effective upon service  
18 pursuant to section 586-6. At the time of service of a  
19 restraining order involving firearms and ammunition issued by  
20 any court, the police officer may take custody of any and all  
21 firearms and ammunition in plain sight, those discovered



1 pursuant to a consensual search, and those firearms surrendered  
2 by the person restrained. If the person restrained is the  
3 registered owner of a firearm and knows the location of the  
4 firearm, but refuses to surrender the firearm or refuses to  
5 disclose the location of the firearm, the person restrained  
6 shall be guilty of a misdemeanor. In any case, when a police  
7 officer is unable to locate the firearms and ammunition either  
8 registered under this chapter or known to the person granted  
9 protection by the court, the police officer shall apply to the  
10 court for a search warrant pursuant to chapter 803 for the  
11 limited purpose of seizing the firearm and ammunition.

12 For the purposes of this subsection, good cause shall not  
13 be based solely upon the consideration that the person subject  
14 to restraint pursuant to an order of any court, including an ex  
15 parte order as provided for in this subsection, is required to  
16 possess or carry firearms or ammunition during the course of the  
17 person's employment. Good cause consideration may include but  
18 not be limited to the protection and safety of the person to  
19 whom a restraining order is granted.

20 (g) No person who is named on the consolidated Terrorist  
21 Screening Database maintained by the Terrorist Screening Center



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1 that is administered by the Federal Bureau of Investigation  
 2 shall own, possess, or control any firearm or ammunition  
 3 therefor.

4 ~~[(g)]~~ (h) Any person disqualified from ownership,  
 5 possession, control, or the right to transfer ownership of  
 6 firearms and ammunition under this section shall surrender or  
 7 dispose of all firearms and ammunition in compliance with  
 8 section 134-7.3.

9 ~~[(h)]~~ (i) Any person violating subsection (a) ~~[e]~~, (b),  
 10 or (g) shall be guilty of a class C felony; provided that any  
 11 felon violating subsection (b) shall be guilty of a class B  
 12 felony. Any person violating subsection (c), (d), (e), (f), or  
 13 ~~[(g)]~~ (h) shall be guilty of a misdemeanor~~[-]~~; provided that if  
 14 a person to whom subsection (g) applies violates subsection (h),  
 15 then that person shall be guilty of a class C felony."

16 SECTION 2. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Sen. Keith Canon*  
*Maureen A. Snow*



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**Report Title:**

Relating to Firearms; Terrorist Screening Database

**Description:**

Prohibits a person listed in the federal Terrorist Screening Database from owning, possessing, or controlling a firearm or ammunition. Requires surrender or disposal of firearms and ammunition. Establishes a class C felony for a violation.

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

