

JAN 22 2016

A BILL FOR AN ACT

RELATING TO CONCEALED CARRY LICENSE OF PISTOLS OR REVOLVERS.

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- Licenses to carry concealed pistols or
5 revolvers. (a) The chief of police of the appropriate county
6 shall grant a license to carry a concealed pistol or revolver to
7 an applicant who:

- 8 (1) Is a citizen of the United States;
9 (2) Has resided in the State for at least six months or is
10 a member of, or spouse of a member of, the military
11 stationed in the State, or a retired law enforcement
12 officer;
13 (3) Is twenty-one years of age or older;
14 (4) Is not ineligible to possess a firearm pursuant to
15 section 134-7;
16 (5) Has demonstrated competence with a firearm by meeting
17 the training requirements of 134-2(g), to include



1 practical training in drawing and replacing a pistol
2 or revolver from and to a holster or any other
3 practical means of carrying a concealed pistol or
4 revolver. The chief of police of the appropriate
5 county shall adopt procedures to require that any
6 applicant for a license to carry a concealed pistol or
7 revolver on the person shall have additional training
8 that demonstrates:

9 (A) Knowledge of federal, state, and local laws
10 pertaining to the purchase, ownership,
11 transportation, and possession of firearms;

12 (B) Knowledge of federal, state, and local laws
13 pertaining to the use of firearms, including, but
14 not limited to, use of a pistol or revolver for
15 self-defense and restrictions on the use of
16 deadly force;

17 (C) Knowledge of ways to avoid a criminal attack and
18 to defuse or control a violent confrontation; and

19 (D) Knowledge or aptitude in any other area deemed
20 necessary for licensure by the chief of police of
21 the appropriate county.



1 A photocopy of an affidavit from the certified
2 instructor or standard government form from the
3 government agency providing the training, attesting to
4 the successful completion of the training, shall
5 constitute evidence of qualification under this
6 paragraph;

7 (6) Does not chronically and habitually use intoxicating
8 liquor or other substances to the extent that the
9 person's normal faculties are impaired. It shall be
10 presumed that an applicant chronically and habitually
11 uses intoxicating liquor or other substances to the
12 extent that the person's normal faculties are impaired
13 if the applicant:

14 (A) Has been committed under the substance abuse
15 provisions of chapter 334;

16 (B) Has been convicted of any offense relating to a
17 dangerous, harmful, or detrimental drug,
18 intoxicating compound or liquor, or marijuana
19 under part IV of chapter 712;

20 (C) Has been deemed a habitual offender under section
21 291E-61.5; or



- 1 (D) Has had two or more convictions under section
2 291E-61, or similar laws of any other state,
3 within the three-year period immediately
4 preceding the date on which the application is
5 submitted;
- 6 (7) Desires a legal means to carry a concealed pistol or
7 revolver for lawful purposes;
- 8 (8) Has not been adjudicated incapacitated or an
9 incapacitated person as defined under section 554B-1
10 or 560:5-102, or similar laws of any other state,
11 unless five years have elapsed since the applicant's
12 restoration to capacity by court order;
- 13 (9) Has not been committed to a mental institution under
14 chapter 334, or similar laws of any other state,
15 unless the applicant produces a certificate from a
16 licensed psychiatrist that the applicant has not
17 suffered from disability for at least five years prior
18 to the date of submission of the application, and is
19 highly unlikely to relapse;
- 20 (10) Has not had adjudication of guilt withheld or
21 imposition of sentence suspended on any felony, unless



1 three years have elapsed since probation or any other
2 conditions set by the court have been fulfilled, or
3 the record has been sealed or expunged; and

4 (11) Has met the requirements of subsection (d) (6).

5 (b) The chief of police of the appropriate county may
6 deny a license if the applicant has been found guilty
7 of one or more crimes of violence constituting a
8 misdemeanor, unless three years have elapsed since
9 probation or any other conditions set by the court
10 have been fulfilled, or the record has been sealed or
11 expunged. The chief of police may deny a license if
12 the applicant has been found guilty of one or more
13 crimes of violence constituting a felony, unless the
14 record has been expunged. The chief of police may
15 revoke a license if the licensee has been found guilty
16 of one or more misdemeanor or felony crimes of
17 violence within the preceding three years, and shall
18 revoke the license if so ordered by the court. The
19 chief of police, upon notification by a law
20 enforcement agency, a court, or the attorney general,
21 and subsequent written verification, shall suspend a



1 license or the processing of an application for a
2 license if the licensee or applicant is arrested or
3 formally charged with a crime that would disqualify
4 the person from having a license under this section.
5 Upon final disposition of the case, the chief of
6 police shall grant, revoke, or reinstate the license
7 as appropriate.

8 (c) The application shall be completed, under oath, on a
9 form prescribed by the attorney general, which shall be uniform
10 throughout the State, and shall include:

11 (1) The name, address, place and date of birth, race, and
12 occupation of the applicant;

13 (2) A statement that the applicant is in compliance with
14 criteria contained within subsections (a) and (b);

15 (3) A statement that the applicant has been furnished a
16 copy of this chapter and applicable administrative
17 rules adopted hereunder, and is knowledgeable of their
18 provisions;

19 (4) A conspicuous warning that the application is executed
20 under oath and that a false answer to any question, or
21 the submission of any false document by the applicant,



1 subjects the applicant to criminal prosecution under
2 section 134-17(a); and

3 (5) A statement that the applicant desires a concealed
4 pistol or revolver license for lawful purposes.

5 (d) The applicant shall submit to the chief of police of
6 the appropriate county:

7 (1) A completed application as described in subsection
8 (c);

9 (2) A nonrefundable license fee not to exceed \$10. If any
10 individual described in section 134-11(a)(1) or (4)
11 wishes to receive a concealed pistol or revolver
12 license, the person is exempt from the background
13 investigation and all background investigation fees,
14 but shall pay the current license fees regularly
15 required to be paid by nonexempt applicants; provided
16 further that the person is exempt from the required
17 fees and background investigation for a period of one
18 year subsequent to the date of retirement of the
19 person;

20 (3) A full set of fingerprints of the applicant
21 administered by a law enforcement agency. Costs for



1 processing the set of fingerprints shall be borne by
2 the applicant;

3 (4) A photocopy of a certificate or an affidavit or
4 document as described in subsection (a)(5);

5 (5) A full frontal view color photograph of the applicant
6 taken within the preceding thirty days, in which the
7 head, including hair, measures seven-eighths of an
8 inch wide and one and one-eighth inches high; and

9 (e) The chief of police of the appropriate county, upon
10 receipt of the items listed in subsection (d), shall forward
11 within three working days the full set of fingerprints of the
12 applicant to the attorney general and the Federal Bureau of
13 Investigation for state and federal identification processing;
14 provided the federal service is available. The cost of
15 processing the fingerprints shall be borne by the applicant and
16 be payable to the processing agency. The chief of police shall
17 provide fingerprinting service, if requested by the applicant,
18 and may charge a fee not to exceed \$5 for this service. The
19 chief of police, within forty-five days after the date of
20 receipt of the items listed in subsection (d), shall:

21 (1) Issue the license;



- 1 (2) Deny the application based solely on the ground that
2 the applicant fails to qualify under subsection (a) or
3 (b). Upon a denial of the application, the chief of
4 police shall notify the applicant in writing, stating
5 the ground for denial and informing the applicant of
6 any right to a hearing pursuant to subsection (k); or
7 (3) Suspend the time limitation prescribed by this
8 paragraph if the chief of police receives criminal
9 history information with no final disposition on a
10 crime that may disqualify the applicant until receipt
11 of the final disposition or proof of restoration of
12 civil and firearm rights.

13 If a legible set of fingerprints, as determined by the
14 attorney general or the Federal Bureau of Investigation, cannot
15 be obtained after two attempts, the attorney general shall
16 determine eligibility based upon appropriate record checks
17 conducted by the criminal justice data center. If the chief of
18 police fails to issue or deny the license within forty-five days
19 after the date of receipt of the items listed in subsection (d)
20 or within such further time as may be necessary under subsection



1 (e)(3), the application shall be deemed denied and the applicant
2 shall have the right to a hearing as provided in subsection (k).

3 (f) The licensee shall carry the license, together with
4 valid identification, at all times in which the licensee is in
5 possession of a concealed pistol or revolver and shall display
6 both the license and proper identification upon demand by a law
7 enforcement officer. Violations of this subsection shall
8 constitute a petty misdemeanor, provided that the maximum term
9 of imprisonment shall be three days, and the maximum fine shall
10 be \$500.

11 (g) The attorney general shall maintain an automated
12 listing of license holders and pertinent information, which
13 shall be available on the internet, upon request, at all times
14 to all law enforcement agencies through the criminal justice
15 data center.

16 (h) Within thirty days after the changing of a permanent
17 address, or within thirty days after having a license lost or
18 destroyed, the licensee shall notify the chief of police of the
19 appropriate county of the change or loss. Failure to notify the
20 appropriate chief of police pursuant to this subsection shall
21 constitute a noncriminal violation with a penalty of a \$25 fine.



1 (i) If a concealed pistol or revolver license is lost or
2 destroyed, the license shall be automatically invalid, and the
3 person to whom the license was issued, upon payment of \$15 to
4 the appropriate chief of police, may obtain a duplicate, or
5 substitute thereof, upon furnishing a notarized statement to the
6 chief of police that the license has been lost or destroyed.

7 (j) A license issued under this section shall be suspended
8 or revoked by the chief of police of the appropriate county if
9 the licensee is found to be or subsequently becomes ineligible
10 under the criteria set forth in subsection (a) or (b).

11 (k) Any person denied a license, or who has a license
12 suspended or revoked under this section shall have the right to
13 a hearing on the denial, suspension, or revocation, subject to
14 the requirements for contested cases and judicial review under
15 chapter 91.

16 (l) Not less than ninety days prior to the expiration date
17 of a license, the chief of police of the appropriate county
18 shall mail to the licensee a written notice of the expiration
19 and a renewal form prescribed by the attorney general, which
20 shall be uniform throughout the State. The licensee must renew
21 the license, on or before the expiration date, by filing with



1 the chief of police the renewal form containing: a notarized
2 affidavit stating that the licensee remains qualified pursuant
3 to the criteria specified in subsections (a) and (b); a new
4 color photograph as specified in subsection (d)(5); and the
5 required renewal fee. The license shall be renewed upon receipt
6 of the completed renewal form, color photograph, appropriate
7 payment of fees, and, if applicable, a completed fingerprint
8 card. A licensee who fails to file a renewal application on or
9 before its expiration date shall be assessed a late fee of \$15.
10 No license shall be renewed six months or more after its
11 expiration date, and the license shall be deemed to be
12 permanently expired. A person whose license has permanently
13 expired may reapply for licensure; however, an application for
14 licensure and fees pursuant to subsection (d) shall be
15 submitted, and a background investigation shall be conducted
16 pursuant to this section. Any person who knowingly submits
17 false information pursuant to this subsection shall be subject
18 to criminal prosecution under section 134-17(a).

19 (m) No license issued pursuant to this section shall
20 authorize any person to carry a concealed pistol or revolver
21 into any:



- 1 (1) Place of nuisance pursuant to section 712-1270;
- 2 (2) Police station, with the exception of police officers
3 who are so authorized;
- 4 (3) Detention facility, prison, or jail;
- 5 (4) Courthouse, except where permitted by subsection
6 (m) (5);
- 7 (5) Courtroom, except that nothing in this section shall
8 preclude a judge from carrying a concealed weapon or
9 determining who may carry a concealed weapon in the
10 courtroom;
- 11 (6) Polling place;
- 12 (7) Meeting of the governing body of a county or any
13 political subdivision, the board of education, or any
14 neighborhood board;
- 15 (8) Meeting of the legislature or a committee thereof;
- 16 (9) School administration building;
- 17 (10) Elementary or secondary school facility;
- 18 (11) Designated federal security screening area within the
19 passenger terminal and sterile area of any airport;
- 20 (12) Locked psychiatric units; and



1 (13) Any place where the carrying of a firearm is
2 prohibited by state or federal law.

3 Any person who intentionally or knowingly violates any
4 provision of this subsection shall be guilty of a class C
5 felony.

6 (n) All funds received by a county police department
7 pursuant to this section shall be deposited into the general
8 fund of the respective county and shall be budgeted to the
9 police department.

10 (o) The attorney general shall maintain statistical
11 information on the number of licenses issued, revoked,
12 suspended, and denied.

13 (p) A license granted under this section shall only
14 entitle the licensee to carry concealed pistols or revolvers
15 with magazine capacities of ten rounds or less and that do not
16 contain magnum caliber ammunition."

17 SECTION 2. Section 134-2, Hawaii Revised Statutes, is
18 amended by amending subsection (e) to read as follows:

19 "**§134-2 Permits to acquire.** (a) No person shall acquire
20 the ownership of a firearm, whether usable or unusable,
21 serviceable or unserviceable, modern or antique, registered



1 under prior law or by a prior owner or unregistered, either by
2 purchase, gift, inheritance, bequest, or in any other manner,
3 whether procured in the State or imported by mail, express,
4 freight, or otherwise, until the person has first procured from
5 the chief of police of the county of the person's place of
6 business or, if there is no place of business, the person's
7 residence or, if there is neither place of business nor
8 residence, the person's place of sojourn, a permit to acquire
9 the ownership of a firearm as prescribed in this section. When
10 title to any firearm is acquired by inheritance or bequest, the
11 foregoing permit shall be obtained before taking possession of a
12 firearm; provided that upon presentation of a copy of the death
13 certificate of the owner making the bequest, any heir or legatee
14 may transfer the inherited or bequested firearm directly to a
15 dealer licensed under section 134-31 or licensed by the United
16 States Department of Justice without complying with the
17 requirements of this section.

18 (b) The permit application form shall include the
19 applicant's name, address, sex, height, weight, date of birth,
20 place of birth, country of citizenship, social security number,
21 alien or admission number, and information regarding the



1 applicant's mental health history and shall require the
2 fingerprinting and photographing of the applicant by the police
3 department of the county of registration; provided that where
4 fingerprints and photograph are already on file with the
5 department, these may be waived.

6 (c) An applicant for a permit shall sign a waiver at the
7 time of application, allowing the chief of police of the county
8 issuing the permit access to any records that have a bearing on
9 the mental health of the applicant. The permit application form
10 and the waiver form shall be prescribed by the attorney general
11 and shall be uniform throughout the State.

12 (d) The chief of police of the respective counties may
13 issue permits to acquire firearms to citizens of the United
14 States of the age of twenty-one years or more, or duly
15 accredited official representatives of foreign nations, or duly
16 commissioned law enforcement officers of the State who are
17 aliens; provided that any law enforcement officer who is the
18 owner of a firearm and who is an alien shall transfer ownership
19 of the firearm within forty-eight hours after termination of
20 employment from a law enforcement agency. The chief of police
21 of each county may issue permits to aliens of the age of



1 eight years or more for use of rifles and shotguns for a
2 period not exceeding sixty days, upon a showing that the alien
3 has first procured a hunting license under chapter 183D, part
4 II. The chief of police of each county may issue permits to
5 aliens of the age of twenty-one years or more for use of
6 firearms for a period not exceeding six months, upon a showing
7 that the alien is in training for a specific organized sport-
8 shooting contest to be held within the permit period. The
9 attorney general shall adopt rules, pursuant to chapter 91, as
10 to what constitutes sufficient evidence that an alien is in
11 training for a sport-shooting contest. Notwithstanding any
12 provision of the law to the contrary and upon joint application,
13 the chief of police may issue permits to acquire firearms
14 jointly to spouses who otherwise qualify to obtain permits under
15 this section.

16 (e) The permit application form shall be signed by the
17 applicant and by the issuing authority. One copy of the permit
18 shall be retained by the issuing authority as a permanent
19 official record. Except for sales to dealers licensed under
20 section 134-31, or dealers licensed by the United States
21 Department of Justice, or law enforcement officers, or where a



1 license is granted under section [~~134-9~~]134-, or where any
2 firearm is registered pursuant to section 134-3(a), no permit
3 shall be issued to an applicant earlier than fourteen calendar
4 days after the date of the application; provided that a permit
5 shall be issued or the application denied before the twentieth
6 day from the date of application. Permits issued to acquire any
7 pistol or revolver shall be void unless used within ten days
8 after the date of issue. Permits to acquire a pistol or
9 revolver shall require a separate application and permit for
10 each transaction. Permits issued to acquire any rifle or
11 shotgun shall entitle the permittee to make subsequent purchases
12 of rifles or shotguns for a period of one year from the date of
13 issue without a separate application and permit for each
14 acquisition, subject to the disqualifications under section 134-
15 7 and subject to revocation under section 134-13; provided that
16 if a permittee is arrested for committing a felony or any crime
17 of violence or for the illegal sale of any drug, the permit
18 shall be impounded and shall be surrendered to the issuing
19 authority. The issuing authority shall perform an inquiry on an
20 applicant who is a citizen of the United States by using the
21 National Instant Criminal Background Check System before any



1 determination to issue a permit or to deny an application is
2 made. If the applicant is not a citizen of the United States
3 and may be eligible to acquire a firearm under this chapter, the
4 issuing authority shall perform an inquiry on the applicant, by
5 using the National Instant Criminal Background Check System, to
6 include a check of the Immigration and Customs Enforcement
7 databases, before any determination to issue a permit or to deny
8 an application is made.

9 (f) In all cases where a pistol or revolver is acquired
10 from another person within the State, the permit shall be signed
11 in ink by the person to whom title to the pistol or revolver is
12 transferred and shall be delivered to the person who is
13 transferring title to the firearm, who shall verify that the
14 person to whom the firearm is to be transferred is the person
15 named in the permit and enter on the permit in the space
16 provided the following information: name of the person to whom
17 the title to the firearm was transferred; names of the
18 manufacturer and importer; model; type of action; caliber or
19 gauge; and serial number as applicable. The person who is
20 transferring title to the firearm shall sign the permit in ink
21 and cause the permit to be delivered or sent by registered mail



1 to the issuing authority within forty-eight hours after
2 transferring the firearm.

3 In all cases where receipt of a firearm is had by mail,
4 express, freight, or otherwise from sources without the State,
5 the person to whom the permit has been issued shall make the
6 prescribed entries on the permit, sign the permit in ink, and
7 cause the permit to be delivered or sent by registered mail to
8 the issuing authority within forty-eight hours after taking
9 possession of the firearm.

10 In all cases where a rifle or shotgun is acquired from
11 another person within the State, the person who is transferring
12 title to the rifle or shotgun shall submit, within forty-eight
13 hours after transferring the firearm, to the authority which
14 issued the permit to acquire, the following information, in
15 writing: name of the person who transferred the firearm, name
16 of the person to whom the title to the firearm was transferred;
17 names of the manufacturer and importer; model; type of action;
18 caliber or gauge; and serial number as applicable.

19 (g) Effective July 1, 1995, no person shall be issued a
20 permit under this section for the acquisition of a pistol or



1 revolver unless the person, at any time prior to the issuance of
2 the permit, has completed:

- 3 (1) An approved hunter education course as authorized
4 under section 183D-28;
- 5 (2) A firearms safety or training course or class
6 available to the general public offered by a law
7 enforcement agency of the State or of any county;
- 8 (3) A firearms safety or training course offered to law
9 enforcement officers, security guards, investigators,
10 deputy sheriffs, or any division or subdivision of law
11 enforcement or security enforcement by a state or
12 county law enforcement agency; or
- 13 (4) A firearms training or safety course or class
14 conducted by a state certified or National Rifle
15 Association certified firearms instructor or a
16 certified military firearms instructor that provides,
17 at a minimum, a total of at least two hours of firing
18 training at a firing range and a total of at least
19 four hours of classroom instruction, which may include
20 a video, that focuses on:



1 (A) The safe use, handling, and storage of firearms
2 and firearm safety in the home; and

3 (B) Education on the firearm laws of the State.

4 An affidavit signed by the certified firearms
5 instructor who conducted or taught the course,
6 providing the name, address, and phone number of the
7 instructor and attesting to the successful completion
8 of the course by the applicant shall constitute
9 evidence of certified successful completion under this
10 paragraph.

11 (h) No person shall sell, give, lend, or deliver into the
12 possession of another any firearm except in accordance with this
13 chapter.

14 (i) No fee shall be charged for permits, or applications
15 for permits, under this section, except for a single fee
16 chargeable by and payable to the issuing county, for individuals
17 applying for their first permit, in an amount equal to the fee
18 actually charged by the Federal Bureau of Investigation to the
19 issuing police department for a fingerprint check in connection
20 with that application or permit. In the case of a joint



1 application, the fee provided for in this section may be charged
2 to each person to whom no previous permit has been issued."

3 SECTION 3. Section 134-11, Hawaii Revised Statutes, is
4 amended by amending subsection () to read as follows:

5 "~~§134-11~~ **Exemptions.** (a) Sections 134-7 to [~~134-9~~]134-8
6 and 134-21 to 134-27, and 134- , except section 134-7(f), shall
7 not apply:

8 (1) To state and county law enforcement officers; provided
9 that such persons are not convicted of an offense
10 involving abuse of a family or household member under
11 section 709-906;

12 (2) To members of the armed forces of the State and of the
13 United States and mail carriers while in the
14 performance of their respective duties if those duties
15 require them to be armed;

16 (3) To regularly enrolled members of any organization duly
17 authorized to purchase or receive the weapons from the
18 United States or from the State; provided the members
19 are either at, or going to or from, their places of
20 assembly or target practice;



1 (4) To persons employed by the State, or subdivisions
2 thereof, or the United States while in the performance
3 of their respective duties or while going to and from
4 their respective places of duty if those duties
5 require them to be armed;

6 (5) To aliens employed by the State, or subdivisions
7 thereof, or the United States while in the performance
8 of their respective duties or while going to and from
9 their respective places of duty if those duties
10 require them to be armed; and

11 (6) To police officers on official assignment in Hawaii
12 from any state which by compact permits police
13 officers from Hawaii while on official assignment in
14 that state to carry firearms without registration.
15 The governor of the State or the governor's duly
16 authorized representative may enter into compacts with
17 other states to carry out this paragraph.

18 (b) Sections 134-2 and 134-3 shall not apply to such
19 firearms or ammunition that are a part of the official equipment
20 of any federal agency.



1 (c) Sections 134-8, [~~134-9, and~~] 134-21 to 134-27, and
 2 134- , shall not apply to the possession, transportation, or
 3 use, with blank cartridges, of any firearm or explosive solely
 4 as props for motion picture film or television program
 5 production when authorized by the chief of police of the
 6 appropriate county pursuant to section 134-2.5 and not in
 7 violation of federal law."

8 SECTION 4. Section 134-23, Hawaii Revised Statutes, is
 9 amended by amending subsection () to read as follows:

10 "~~§134-23~~ **Place to keep loaded firearms other than**
 11 **pistols and revolvers; penalty.** (a) Except as provided in
 12 section 134-5[7] and 134- , all firearms shall be confined to
 13 the possessor's place of business, residence, or sojourn;
 14 provided that it shall be lawful to carry unloaded firearms in
 15 an enclosed container from the place of purchase to the
 16 purchaser's place of business, residence, or sojourn, or between
 17 these places upon change of place of business, residence, or
 18 sojourn, or between these places and the following:

- 19 (1) A place of repair;
- 20 (2) A target range;
- 21 (3) A licensed dealer's place of business;



- 1 (4) An organized, scheduled firearms show or exhibit;
- 2 (5) A place of formal hunter or firearm use training or
- 3 instruction; or
- 4 (6) A police station.

5 "Enclosed container" means a rigidly constructed
6 receptacle, or a commercially manufactured gun case, or the
7 equivalent thereof that completely encloses the firearm.

8 (b) Any person violating this section by carrying or
9 possessing a loaded firearm other than a pistol or revolver
10 shall be guilty of a class B felony. "

11 SECTION 5. Section 134-24, Hawaii Revised Statutes, is
12 amended by amending subsection () to read as follows:

13 "~~§134-24~~ **Place to keep unloaded firearms other than**
14 **pistols and revolvers; penalty.** (a) Except as provided in
15 ~~[section]~~sections 134-5~~[7]~~ and 134- , all firearms shall be
16 confined to the possessor's place of business, residence, or
17 sojourn; provided that it shall be lawful to carry unloaded
18 firearms in an enclosed container from the place of purchase to
19 the purchaser's place of business, residence, or sojourn, or
20 between these places upon change of place of business,



1 residence, or sojourn, or between these places and the
2 following:

- 3 (1) A place of repair;
- 4 (2) A target range;
- 5 (3) A licensed dealer's place of business;
- 6 (4) An organized, scheduled firearms show or exhibit;
- 7 (5) A place of formal hunter or firearm use training or
8 instruction; or
- 9 (6) A police station.

10 "Enclosed container" means a rigidly constructed
11 receptacle, or a commercially manufactured gun case, or the
12 equivalent thereof that completely encloses the firearm.

13 (b) Any person violating this section by carrying or
14 possessing an unloaded firearm other than a pistol or revolver
15 shall be guilty of a class C felony. "

16 SECTION 6. Section 134-25, Hawaii Revised Statutes, is
17 amended by amending subsection () to read as follows:

18 "~~§134-25~~ **Place to keep pistol or revolver; penalty.** (a)
19 Except as provided in sections 134-5 and ~~[134-9]~~ 134-, all
20 firearms shall be confined to the possessor's place of business,
21 residence, or sojourn; provided that it shall be lawful to carry



1 unloaded firearms in an enclosed container from the place of
2 purchase to the purchaser's place of business, residence, or
3 sojourn, or between these places upon change of place of
4 business, residence, or sojourn, or between these places and the
5 following:

- 6 (1) A place of repair;
- 7 (2) A target range;
- 8 (3) A licensed dealer's place of business;
- 9 (4) An organized, scheduled firearms show or exhibit;
- 10 (5) A place of formal hunter or firearm use training or
11 instruction; or
- 12 (6) A police station.

13 "Enclosed container" means a rigidly constructed
14 receptacle, or a commercially manufactured gun case, or the
15 equivalent thereof that completely encloses the firearm.

16 (b) Any person violating this section by carrying or
17 possessing a loaded or unloaded pistol or revolver shall be
18 guilty of a class B felony."

19 SECTION 7. Section 134-26, Hawaii Revised Statutes, is
20 amended by amending subsection () to read as follows:



1 "~~§134-26~~ **Carrying or possessing a loaded firearm on a**
2 **public highway; penalty.** (a) It shall be unlawful for any
3 person on any public highway to carry on the person, or to have
4 in the person's possession, or to carry in a vehicle any firearm
5 loaded with ammunition; provided that this section shall not
6 apply to any person who has in the person's possession or
7 carries a pistol or revolver in accordance with a license issued
8 as provided in section ~~[134-9]~~134-.

9 (b) Any vehicle used in the commission of an offense under
10 this section shall be forfeited to the State, subject to the
11 notice and hearing requirements of chapter 712A.

12 (c) Any person violating this section shall be guilty of a
13 class B felony. "

14 SECTION 8. Section 134-27, Hawaii Revised Statutes, is
15 amended by amending subsection () to read as follows:

16 "~~§134-27~~ **Place to keep ammunition; penalty.** (a) Except
17 as provided in sections 134-5 and ~~[134-9]~~134-, all ammunition
18 shall be confined to the possessor's place of business,
19 residence, or sojourn; provided that it shall be lawful to carry
20 ammunition in an enclosed container from the place of purchase
21 to the purchaser's place of business, residence, or sojourn, or



1 between these places upon change of place of business,
2 residence, or sojourn, or between these places and the
3 following:

- 4 (1) A place of repair;
- 5 (2) A target range;
- 6 (3) A licensed dealer's place of business;
- 7 (4) An organized, scheduled firearms show or exhibit;
- 8 (5) A place of formal hunter or firearm use training or
9 instruction; or
- 10 (6) A police station.

11 "Enclosed container" means a rigidly constructed
12 receptacle, or a commercially manufactured gun case, or the
13 equivalent thereof that completely encloses the ammunition.

14 (b) Any person violating this section shall be guilty of a
15 misdemeanor."

16 SECTION 9. Section 134-9, Hawaii Revised Statutes, is
17 repealed.

18 [~~"§134-9 Licenses to carry. (a) In an exceptional case,~~
19 ~~when an applicant shows reason to fear injury to the applicant's~~
20 ~~person or property, the chief of police of the appropriate~~
21 ~~county may grant a license to an applicant who is a citizen of~~



1 ~~the United States of the age of twenty-one years or more or to a~~
2 ~~duly accredited official representative of a foreign nation of~~
3 ~~the age of twenty-one years or more to carry a pistol or~~
4 ~~revolver and ammunition therefor concealed on the person within~~
5 ~~the county where the license is granted. Where the urgency or~~
6 ~~the need has been sufficiently indicated, the respective chief~~
7 ~~of police may grant to an applicant of good moral character who~~
8 ~~is a citizen of the United States of the age of twenty-one years~~
9 ~~or more, is engaged in the protection of life and property, and~~
10 ~~is not prohibited under section 134-7 from the ownership or~~
11 ~~possession of a firearm, a license to carry a pistol or revolver~~
12 ~~and ammunition therefor unconcealed on the person within the~~
13 ~~county where the license is granted. The chief of police of the~~
14 ~~appropriate county, or the chief's designated representative,~~
15 ~~shall perform an inquiry on an applicant by using the National~~
16 ~~Instant Criminal Background Check System, to include a check of~~
17 ~~the Immigration and Customs Enforcement databases where the~~
18 ~~applicant is not a citizen of the United States, before any~~
19 ~~determination to grant a license is made. Unless renewed, the~~
20 ~~license shall expire one year from the date of issue.~~



1 ~~(b) The chief of police of each county shall adopt~~
2 ~~procedures to require that any person granted a license to carry~~
3 ~~a concealed weapon on the person shall:~~

4 ~~(1) Be qualified to use the firearm in a safe manner;~~

5 ~~(2) Appear to be a suitable person to be so licensed;~~

6 ~~(3) Not be prohibited under section 134-7 from the~~
7 ~~ownership or possession of a firearm; and~~

8 ~~(4) Not have been adjudged insane or not appear to be~~
9 ~~mentally deranged.~~

10 ~~(c) No person shall carry concealed or unconcealed on the~~
11 ~~person a pistol or revolver without being licensed to do so~~
12 ~~under this section or in compliance with sections 134-5(c) or~~
13 ~~134-25.~~

14 ~~(d) A fee of \$10 shall be charged for each license and~~
15 ~~shall be deposited in the treasury of the county in which the~~
16 ~~license is granted."~~

17 SECTION 10. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun, before its effective date.



S.B. NO. 2711

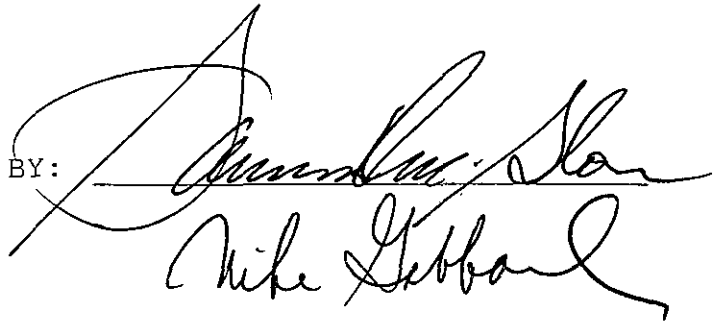
1 SECTION 12. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act, which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 13. The revisor of statutes shall revise as
8 appropriate any references to section 134-9 listed in Hawaii
9 Revised Statutes.

10 SECTION 14. This Act shall take effect upon its approval.

11
12

INTRODUCED BY:



Mike Libb



S.B. NO. 2111

Report Title:

Pistols or Revolvers; Concealed Carry License

Description:

Authorizes chiefs of police to issue licenses to carry a concealed pistol or revolver. Details processes for license applications, renewals, and record keeping. Strictly prohibits carrying concealed pistols or revolvers under certain circumstances. Repeals HRS section 134-9.

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

