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1 of the department of public safety, shall establish through
2 rules adopted pursuant to chapter 91, a firearms insurance
3 program for the insurance requirements of firearms owners.

4 (b) The firearms insurance program shall cover, at a
5 minimum:

6 (1) Rates, rate filings, and rate review by the insurance
7 commissioner; and

8 (2) Coverages and rights.

9 § -3 **Firearms insurance special fund.** (a) There is
10 established in the treasury of the State, a firearms insurance
11 special fund to be administered by the insurance commissioner.
12 The revenues of the special fund shall consist of administrative
13 fees charged to persons for the ownership and possession of
14 firearms. The revenues of the special fund may be used to:

15 (1) Support programs in the public or private sectors that
16 provide mental health services; and

17 (2) Enhance firearms safety.

18 (b) The commissioner shall submit an annual report to the
19 legislature on the revenues and expenditures of the fund."

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



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



1 (b) The permit application form shall include the
2 applicant's name, address, sex, height, weight, date of birth,
3 place of birth, country of citizenship, social security number,
4 alien or admission number, proof of coverage under a firearms
5 insurance policy, and information regarding the applicant's
6 mental health history and shall require the fingerprinting and
7 photographing of the applicant by the police department of the
8 county of registration; provided that where fingerprints and
9 photograph are already on file with the department, these may be
10 waived.

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

17 (d) The chief of police of the respective counties may
18 issue permits to acquire firearms to citizens of the United
19 States of the age of twenty-one years or more, or duly
20 accredited official representatives of foreign nations, or duly
21 commissioned law enforcement officers of the State who are



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



1 (e) The permit application form shall be signed by the
2 applicant and by the issuing authority. One copy of the permit
3 shall be retained by the issuing authority as a permanent
4 official record. Except for sales to dealers licensed under
5 section 134-31, or dealers licensed by the United States
6 Department of Justice, or law enforcement officers, or where a
7 license is granted under section 134-9, or where any firearm is
8 registered pursuant to section 134-3(a), no permit shall be
9 issued to an applicant earlier than fourteen calendar days after
10 the date of the application; provided that a permit shall be
11 issued or the application denied before the twentieth day from
12 the date of application. Permits issued to acquire any pistol
13 or revolver shall be void unless used within ten days after the
14 date of issue. Permits to acquire a pistol or revolver shall
15 require a separate application and permit for each transaction.
16 Permits issued to acquire any rifle or shotgun shall entitle the
17 permittee to make subsequent purchases of rifles or shotguns for
18 a period of one year from the date of issue without a separate
19 application and permit for each acquisition, subject to the
20 disqualifications under section 134-7 and subject to revocation
21 under section 134-13; provided that if a permittee is arrested



1 for committing a felony or any crime of violence or for the
2 illegal sale of any drug, the permit shall be impounded and
3 shall be surrendered to the issuing authority. The issuing
4 authority shall perform an inquiry on an applicant who is a
5 citizen of the United States by using the National Instant
6 Criminal Background Check System before any determination to
7 issue a permit or to deny an application is made. If the
8 applicant is not a citizen of the United States and may be
9 eligible to acquire a firearm under this chapter, the issuing
10 authority shall perform an inquiry on the applicant, by using
11 the National Instant Criminal Background Check System, to
12 include a check of the Immigration and Customs Enforcement
13 databases, before any determination to issue a permit or to deny
14 an application is made.

15 (f) In all cases where a pistol or revolver is acquired
16 from another person within the State, the permit shall be signed
17 in ink by the person to whom title to the pistol or revolver is
18 transferred and shall be delivered to the person who is
19 transferring title to the firearm, who shall verify that the
20 person to whom the firearm is to be transferred is the person
21 named in the permit and enter on the permit in the space



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1 provided the following information: name of the person to whom
2 the title to the firearm was transferred; names of the
3 manufacturer and importer; model; type of action; caliber or
4 gauge; and serial number as applicable. The person who is
5 transferring title to the firearm shall sign the permit in ink
6 and cause the permit to be delivered or sent by registered mail
7 to the issuing authority within forty-eight hours after
8 transferring the firearm.

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

16 In all cases where a rifle or shotgun is acquired from
17 another person within the State, the person who is transferring
18 title to the rifle or shotgun shall submit, within forty-eight
19 hours after transferring the firearm, to the authority which
20 issued the permit to acquire, the following information, in
21 writing: name of the person who transferred the firearm, name



1 of the person to whom the title to the firearm was transferred;
2 names of the manufacturer and importer; model; type of action;
3 caliber or gauge; and serial number as applicable.

4 (g) Effective July 1, 1995, no person shall be issued a
5 permit under this section for the acquisition of a pistol or
6 revolver unless the person, at any time prior to the issuance of
7 the permit, has completed:

8 (1) An approved hunter education course as authorized
9 under section 183D-28;

10 (2) A firearms safety or training course or class
11 available to the general public offered by a law
12 enforcement agency of the State or of any county;

13 (3) A firearms safety or training course offered to law
14 enforcement officers, security guards, investigators,
15 deputy sheriffs, or any division or subdivision of law
16 enforcement or security enforcement by a state or
17 county law enforcement agency; or

18 (4) A firearms training or safety course or class
19 conducted by a state certified or National Rifle
20 Association certified firearms instructor or a
21 certified military firearms instructor that provides,



1 at a minimum, a total of at least two hours of firing
2 training at a firing range and a total of at least
3 four hours of classroom instruction, which may include
4 a video, that focuses on:

- 5 (A) The safe use, handling, and storage of firearms
6 and firearm safety in the home; and
7 (B) Education on the firearm laws of the State.

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

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

18 (i) No fee shall be charged for permits, or applications
19 for permits, under this section, except for a single fee
20 chargeable by and payable to the issuing county, for individuals
21 applying for their first permit, in an amount equal to the fee



1 actually charged by the Federal Bureau of Investigation to the
2 issuing police department for a fingerprint check in connection
3 with that application or permit. In the case of a joint
4 application, the fee provided for in this section may be charged
5 to each person to whom no previous permit has been issued.

6 (j) The permit to acquire a firearm shall be renewed every
7 five years during the ownership of the firearm and shall require
8 continued proof of coverage under a firearms insurance policy as
9 required by chapter ."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on January 1, 2018.

12

INTRODUCED BY: John Green MD



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Report Title:

Firearms Insurance; DCCA; DPS

Description:

Requires firearms owners to obtain firearms insurance. Requires DCCA, with the assistance of DPS, to create a firearms insurance program. Creates special fund for administrative fees. Effective 1/1/2018.

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

