

JAN 22 2015

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# A BILL FOR AN ACT

RELATING TO SELF DEFENSE.

**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- License to carry a concealed firearm. (a) The  
5 chief of police from each respective county shall issue a  
6 concealed carry firearm license to persons qualified as provided  
7 in this section. These licenses shall be valid statewide for a  
8 period of three years. Each license shall be laminated and bear  
9 a color photograph of the licensee. Any person in compliance  
10 with the terms of the license may carry a concealed firearm.  
11 The licensee shall carry the license, together with valid  
12 identification, at all times in which the licensee is in actual  
13 possession of a concealed firearm and shall display the license  
14 and proper identification upon demand by a law enforcement  
15 officer.



1        (b) A violation of this section shall constitute a petty  
2 misdemeanor; provided that the maximum term of imprisonment  
3 shall be three days, and the maximum fine shall be \$500.

4        (c) For the purposes of this section, "concealed firearm"  
5 means a firearm that is a pistol or a revolver, and that is  
6 carried on or about an individual completely or mostly concealed  
7 from view of the public or on or about a person within a  
8 vehicle. The term does not include an assault pistol or  
9 automatic firearm as defined in section 134-1.

10       (d) The appropriate chief of police shall issue a license  
11 if the applicant:

12       (1) Is a citizen of the United States;

13       (2) Has resided in the State for at least six months or is  
14 a member of, or spouse of a member of, the military,  
15 as defined in section 124A-1, that is stationed in the  
16 State, or is a retired law enforcement officer;

17       (3) Is twenty-three years of age or older;

18       (4) Is not prohibited from possessing a firearm pursuant  
19 to section 134-7;

20       (5) Has demonstrated competence with a firearm by meeting  
21 the training requirements of section 134-2(g), to



1 include practical training in drawing and replacing a  
2 firearm from and into a holster. A photocopy of an  
3 affidavit from the certified instructor or standard  
4 government form from the government agency providing  
5 the training, attesting to the successful completion  
6 of the training, shall constitute evidence of  
7 qualification under this paragraph;

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

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

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



# S.B. NO. 95

- 1            (C) Has been deemed a habitual offender under section
- 2                            291E-61.5; or
- 3            (D) Has had two or more convictions under section
- 4                            291E-61, or similar laws of any other state,
- 5                            within the three-year period immediately
- 6                            preceding the date on which the application is
- 7                            submitted;
- 8            (7) Desires a legal means to carry a concealed firearm for
- 9                            lawful purposes, including personal self-defense and
- 10                           protection of personal property;
- 11           (8) Has not been adjudicated as an incapacitated person as
- 12                           defined under section 554B-1 or 560:5-102, or similar
- 13                           laws of any other state, unless five years have
- 14                           elapsed since the applicant's restoration to capacity
- 15                           by court order; and
- 16           (9) Has not been committed to a mental institution under
- 17                           chapter 334, or similar laws of any other state,
- 18                           unless the applicant produces a certificate from a
- 19                           licensed psychiatrist that the applicant has not
- 20                           suffered from disability for at least five years prior



1           to the date of submission of the application, and is  
2           highly unlikely to relapse.

3           (e) The application shall be completed, under oath, on a  
4           form prescribed by the attorney general, which shall be uniform  
5           throughout the State, and shall include:

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

8           (2) A statement that the applicant has been made aware of  
9           an internet address containing an electronic copy of  
10           this chapter and any applicable administrative rules,  
11           and is knowledgeable of its provisions;

12           (3) A conspicuous warning that the application is executed  
13           under oath and that a false answer to any question, or  
14           the submission of any false document by the applicant,  
15           subjects the applicant to criminal prosecution under  
16           section 134-17(a); and

17           (4) A statement that the applicant desires a concealed  
18           carry firearm license for lawful purposes, including  
19           lawful personal self-defense and protection of  
20           personal property.



1        (f) The applicant shall submit to the appropriate chief of  
2 police:

3        (1) A completed application in accordance with subsection  
4 (e);

5        (2) A nonrefundable license fee not to exceed \$100, if the  
6 applicant has not previously been issued a license, or  
7 a nonrefundable license fee not to exceed \$50 for  
8 renewal of a license;

9        (3) A full set of fingerprints of the applicant  
10 administered by a law enforcement agency. Costs for  
11 processing the set of fingerprints shall be borne by  
12 the applicant;

13        (4) A photocopy of a certificate or an affidavit or  
14 document as described in subsection (d)(5); and

15        (5) A full frontal view color photograph of the applicant  
16 taken within the preceding thirty days, in which the  
17 head, including hair, measures seven-eighths of an  
18 inch wide and one and one-eighth of an inch high.

19        (g) The appropriate chief of police, upon receipt of the  
20 items listed in subsection (f), shall forward within three  
21 working days the full set of fingerprints of the applicant to



1 the attorney general and the Federal Bureau of Investigation for  
2 state processing and, if available, federal processing. The  
3 cost of processing the fingerprints shall be borne by the  
4 applicant and shall be payable to the processing agency.

5 The county police department shall provide fingerprinting  
6 service, if requested by the applicant, and may charge a fee not  
7 to exceed \$5 for this service.

8 The appropriate chief of police, within forty-five days  
9 after the date of receipt of the items listed in subsection (f),  
10 shall:

- 11 (1) Issue a license;
- 12 (2) Deny the application based solely on the ground that  
13 the applicant fails to qualify under subsection (d).  
14 Upon a denial of the application, the chief of police  
15 shall notify the applicant in writing, stating the  
16 grounds for denial and informing the applicant of any  
17 right to a hearing pursuant to subsection (1); or
- 18 (3) Suspend the time limitation prescribed by this  
19 subsection if the chief of police receives criminal  
20 history information that is pending final disposition  
21 on a crime that may disqualify the applicant until



1           receipt of the final disposition or proof of  
2           restoration of civil and firearm rights.

3           If a legible set of fingerprints, as determined by the  
4           attorney general or the Federal Bureau of Investigation, cannot  
5           be obtained after two attempts, the attorney general shall  
6           determine eligibility based upon name checks conducted by the  
7           criminal justice data center.

8           If the appropriate county chief of police fails to issue or  
9           deny the license within forty-five days after the date of  
10          receipt of the items listed in subsection (f) or within such  
11          further time limits as this subsection allows, the application  
12          shall be deemed denied and the applicant shall have the right to  
13          a hearing as provided in subsection (l).

14          (h) The attorney general shall maintain an automated  
15          listing of license holders and pertinent information, which  
16          shall be available on the Internet to all law enforcement  
17          agencies through the criminal justice data center.

18          (i) Within thirty days after the changing of a permanent  
19          address, or within thirty days after having a license lost or  
20          destroyed, the licensee shall notify the appropriate chief of  
21          police of the change of address or loss of license. Failure to





1 notify the appropriate chief of police pursuant to this  
2 subsection shall constitute a \$25 fine.

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

9 (k) A license issued under this section shall be suspended  
10 or revoked by the chief of police if the licensee is found to be  
11 or subsequently becomes ineligible under the criteria set forth  
12 in subsection (d).

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

18 (m) At least ninety days prior to the expiration date of  
19 the license, the appropriate chief of police shall mail to each  
20 licensee a written notice of the expiration and a renewal form  
21 prescribed by the attorney general, which shall be uniform



1 throughout the State. The licensee shall renew the license, on  
2 or before the expiration date, by filing with the appropriate  
3 chief of police the renewal form containing:

4 (1) A notarized affidavit stating that the licensee  
5 remains qualified pursuant to the criteria specified  
6 in subsection (d);

7 (2) A color photograph as specified in subsection (f)(5);  
8 and

9 (3) The required renewal fee.

10 The license shall be renewed upon receipt of the completed  
11 renewal form, color photograph, appropriate payment of fees,  
12 and, if applicable, a completed fingerprint card. A licensee  
13 who fails to file a renewal application on or before its  
14 expiration date shall pay a late fee of \$15 to renew the  
15 license. No license shall be renewed six months or more after  
16 its expiration date, and the license shall be deemed to be  
17 permanently expired and destroyed. A person whose license has  
18 permanently expired may reapply for licensure; however, an  
19 application for licensure and fees pursuant to subsection (f)  
20 shall be submitted, and a background investigation shall be  
21 conducted pursuant to this section. Any person who knowingly



1 files false information pursuant to this subsection shall be  
2 subject to criminal prosecution under section 134-17(a).

3 (n) No license issued pursuant to this section shall  
4 authorize any person to carry a concealed firearm into any:

5 (1) Place used to commit violations that constitute a  
6 nuisance pursuant to section 712-1270;

7 (2) Police station;

8 (3) Detention facility, prison, or jail;

9 (4) Courthouse, except where permitted by paragraph (5);

10 (5) Courtroom, except that nothing in this section shall  
11 preclude a judge from lawfully carrying a concealed  
12 firearm or determining who may carry a concealed  
13 firearm in the courtroom;

14 (6) Polling place;

15 (7) Meeting of the governing body of a county or other  
16 political subdivision, the board of education, or any  
17 neighborhood board;

18 (8) Meeting of the legislature or a committee thereof;

19 (9) School administration building;

20 (10) Public school facility, state university, and  
21 community college, including the parking areas and



1 grounds, unless the licensee is dropping off or  
2 picking up students and the firearm and license are  
3 located in the vehicle;

4 (11) Any establishment licensed to serve alcohol for on-  
5 premises consumption;

6 (12) Any establishment or event open to the public where  
7 the operator makes a reasonable request for the  
8 licensee to remove the firearm from the premises;

9 (13) Designated federal security screening areas within the  
10 passenger terminal and sterile areas of any airport;  
11 and

12 (14) Secured psychiatric units.

13 Any person who violates this subsection shall be guilty of  
14 a class C felony.

15 (o) All funds received by a county police department  
16 pursuant to this section shall be deposited into the general  
17 fund of the respective county and shall be encumbered and  
18 expended strictly for administrative purposes in support of:

19 (1) Processing applications of licenses to carry concealed  
20 firearms;

21 (2) Maintaining shooting ranges; and



1        (3) Development of a firearms safety and licensing manual.

2        (p) The attorney general shall maintain statistical  
3 information on the number of licenses issued, revoked,  
4 suspended, and denied."

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

7        "(e) The permit application form shall be signed by the  
8 applicant and by the issuing authority. One copy of the permit  
9 shall be retained by the issuing authority as a permanent  
10 official record. Except for sales to dealers licensed under  
11 section 134-31, or dealers licensed by the United States  
12 Department of Justice, or law enforcement officers, or where a  
13 license is granted under section 134-9[7] or 134- , or where  
14 any firearm is registered pursuant to section 134-3(a), no  
15 permit shall be issued to an applicant earlier than fourteen  
16 calendar days after the date of the application; provided that a  
17 permit shall be issued or the application denied before the  
18 twentieth day from the date of application. Permits issued to  
19 acquire any pistol or revolver shall be void unless used within  
20 ten days after the date of issue. Permits to acquire a pistol  
21 or revolver shall require a separate application and permit for



1 each transaction. Permits issued to acquire any rifle or  
2 shotgun shall entitle the permittee to make subsequent purchases  
3 of rifles or shotguns for a period of one year from the date of  
4 issue without a separate application and permit for each  
5 acquisition, subject to the disqualifications under section  
6 134-7 and subject to revocation under section 134-13; provided  
7 that if a permittee is arrested for committing a felony or any  
8 crime of violence or for the illegal sale of any drug, the  
9 permit shall be impounded and shall be surrendered to the  
10 issuing authority. The issuing authority shall perform an  
11 inquiry on an applicant who is a citizen of the United States by  
12 using the National Instant Criminal Background Check System  
13 before any determination to issue a permit or to deny an  
14 application is made. If the applicant is not a citizen of the  
15 United States and may be eligible to acquire a firearm under  
16 this chapter, the issuing authority shall perform an inquiry on  
17 the applicant, by using the National Instant Criminal Background  
18 Check System, to include a check of the Immigration and Customs  
19 Enforcement databases, before any determination to issue a  
20 permit or to deny an application is made."



1 SECTION 3. Section 134-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) No person shall carry concealed or unconcealed on the  
4 person a pistol or revolver without being licensed to do so  
5 under this section or section 134- , or in compliance with  
6 [~~sections~~] section 134-5(c) or 134-25."

7 SECTION 4. Section 134-11, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By amending subsection (a) to read:

10 "(a) Sections 134-7 to 134-9 [~~and~~], 134-21 to 134-27, and  
11 134- , except section 134-7(f), shall not apply:

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

16 (2) To members of the armed forces of the State and of the  
17 United States and mail carriers while in the  
18 performance of their respective duties if those duties  
19 require them to be armed;

20 (3) To regularly enrolled members of any organization duly  
21 authorized to purchase or receive the weapons from the



1 United States or from the State; provided the members  
2 are either at, or going to or from, their places of  
3 assembly or target practice;

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

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

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

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





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

10           "(a) Except as provided in [~~section~~] sections 134-5[7] and  
11 134-\_\_, all loaded firearms other than pistols and revolvers  
12 shall be confined to the possessor's place of business,  
13 residence, or sojourn; provided that it shall be lawful to carry  
14 unloaded firearms in an enclosed container from the place of  
15 purchase to the purchaser's place of business, residence, or  
16 sojourn, or between these places upon change of place of  
17 business, residence, or sojourn, or between these places and the  
18 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 SECTION 6. Section 134-24, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in [~~section~~] sections 134-5[7] and  
11 134-\_\_\_, all unloaded firearms other than pistols and revolvers  
12 shall be confined to the possessor's place of business,  
13 residence, or sojourn; provided that it shall be lawful to carry  
14 unloaded firearms in an enclosed container from the place of  
15 purchase to the purchaser's place of business, residence, or  
16 sojourn, or between these places upon change of place of  
17 business, residence, or sojourn, or between these places and the  
18 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 SECTION 7. Section 134-25, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in sections 134-5 [and], 134-9,  
11 and 134- , all [~~firearms~~] loaded or unloaded pistols or  
12 revolvers shall be confined to the possessor's place of  
13 business, residence, or sojourn; provided that it shall be  
14 lawful to carry unloaded firearms in an enclosed container from  
15 the place of purchase to the purchaser's place of business,  
16 residence, or sojourn, or between these places upon change of  
17 place of business, residence, or sojourn, or between these  
18 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 SECTION 8. Section 134-26, Hawaii Revised Statutes, is  
 9 amended by amending subsection (a) to read as follows:

10 "(a) It shall be unlawful for any person on any public  
 11 highway to carry on the person, or to have in the person's  
 12 possession, or to carry in a vehicle any firearm loaded with  
 13 ammunition; provided that this section shall not apply to any  
 14 person who has in the person's possession or carries a pistol or  
 15 revolver in accordance with a license issued as provided in  
 16 section 134-9[-] or 134- ."

17 SECTION 9. Section 134-27, Hawaii Revised Statutes, is  
 18 amended by amending subsection (a) to read as follows:

19 "(a) Except as provided in sections 134-5 [~~and~~], 134-9,  
 20 and 134- , all ammunition shall be confined to the possessor's  
 21 place of business, residence, or sojourn; provided that it shall



1 be lawful to carry ammunition in an enclosed container from the  
2 place of purchase to the purchaser's place of business,  
3 residence, or sojourn, or between these places upon change of  
4 place of business, residence, or sojourn, or between these  
5 places and the 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 ammunition."

16 SECTION 10. This Act does not affect rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

19 SECTION 11. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or



# S.B. NO. 95


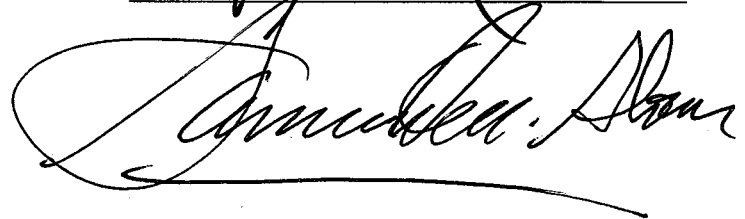
1 applications of the Act that can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 12. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 13. This Act shall take effect upon its approval.

7

INTRODUCED BY:



# S.B. NO. 95

**Report Title:**

Firearms; Concealed Carry License

**Description:**

Authorizes the chief of police from each respective county to issue licenses to carry a concealed firearm. Specifies processes for license applications, renewals, revocations, and record keeping. Strictly prohibits carrying concealed firearms under certain circumstances. Makes various conforming amendments.

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

