

Honolulu, Hawaii  
March 4, 2016

RE: H.B. No. 2632  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2632, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to require firearm owners who have been disqualified from owning, possessing, or controlling firearms and ammunition due to mental illness or other mental health conditions, including upon emergency hospitalization, to immediately surrender their firearms and ammunition to the Chief of Police upon receiving written notification from the Chief of Police.

The Kauai County Office of the Prosecuting Attorney, Hawaii County Office of the Prosecuting Attorney, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Kauai Police Department, Injury Prevention Advisory Committee, Domestic Violence Action Center, Progressive Democrats of Hawaii, Americans for Democratic Action, Parents of Murdered Children, and several concerned individuals testified in support of the measure. The Department of the Attorney General testified in support of the intent and provided comments. The National Rifle Association, Valley Isle Sport Shooters, Hawaii Hunting Association, Institute for Rational and Evidence-based Legislation, Hawaii Rifle Association, and many concerned individuals testified in opposition. Effective Change, LLC provided comments.



Your Committee finds that ensuring firearms are kept out of the hands of people who are suffering from mental illness is critical to ensure the safety of those individuals and the general public. Your Committee also finds that current law simply provides for a 30 day period from the date of written notice of disqualification for a license to own a firearm for an owner who has been disqualified for any statutory reason to turn in the firearm and does not allow for any acceleration of the timeframe for more urgent situations. It is essential that the timeframe for removing firearms from persons disqualified from firearms ownership, possession, or control for mental illness reasons be shortened to allow for immediate removal.

Your Committee further finds that while this measure utilizes the current mental health disqualification criteria, it is necessary to also disqualify persons undergoing emergency hospitalizations, a serious mental health scenario that current firearms law does not specifically address.

Your Committee notes that a person is subject to an emergency hospitalization when a physician, advanced practice registered nurse, or psychologist believes, after performing an emergency examination, that the person is mentally ill or suffering from substance abuse, is imminently dangerous to self or others, and is in need of care or treatment or both. The applicable statute, section 334-59, Hawaii Revised Statutes, addresses hospitalization for mental health situations only and not other types of medical emergencies that are not caused by mental illness. The disqualifying emergency hospitalization also does not come into operation until after examination and admission for treatment, not at the time of initial transport. After a person is no longer adversely affected by the mental illness, supported by medical documentation, the disqualification will be rescinded. There are existing provisions in state law that sets forth the steps a person may follow to ensure that this disqualification becomes inapplicable when it is no longer appropriate.

Your Committee has amended this measure by:

- (1) Amending the preamble to, among other things, clarify the disqualification process and the process for returning a firearm and ammunition;
- (2) Adopting the Honolulu Police Department's recommendation to allow the owner of a firearm held in police custody



to transfer or sell the firearm and clarify that once the owner has been medically cleared, any firearms belonging to the owner that are in police custody are to be returned;

- (3) Adopting the Department of the Attorney General's recommendation to clarify that once the Chief of Police is notified that a person is disqualified from ownership, possession, or control of firearms and ammunition, the Chief of Police shall promptly issue a written notice to the disqualified person to immediately surrender all firearms and ammunition; and
- (4) Changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2632, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2632, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



