

STAND. COM. REP. NO. 2948

Honolulu, Hawaii

MAR 22 2016

RE: H.B. No. 2632
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2632, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require any person who has been disqualified from owning, possessing, or controlling firearms and ammunition due to a diagnosis of having a significant behavioral, emotional, or mental disorder or for treatment for organic brain syndromes, or due to emergency hospitalization under section 334-59, Hawaii Revised Statutes, to immediately surrender that person's firearms and ammunition;
- (2) Allow the chief of police to seize a disqualified person's firearms and ammunition if the disqualified person does not surrender that person's firearms and ammunition; and
- (3) Set forth the notice requirement for the surrender of firearms and ammunition by a disqualified person.

Your Committee received testimony in support of this measure from the Police Department of the County of Hawaii, Police

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Department of the City and County of Honolulu, and one individual. Your Committee received testimony in opposition to this measure from the National Rifle Association, Valley Isle Sport Shooters, and over ninety individuals.

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 existing law provides a thirty-day period from the date of written notice of disqualification for a firearms permit within which an owner who has been disqualified for any statutory reason must surrender the firearm and does not allow for any acceleration of the timeframe in more urgent situations. It is essential that the timeframe for removing firearms and ammunition from persons disqualified from firearm ownership, possession, or control for mental illness reasons be shortened to allow for immediate removal. Your Committee further finds that once an individual has received notice of disqualification and subsequently fails to surrender that individual's firearms and ammunition, seizure of that individual's firearms and ammunition by the chief of police should be mandatory rather than discretionary.

Your Committee has amended this measure by:

- (1) Clarifying that a disqualified individual must receive notice of disqualification before the chief of police may seize the disqualified person's firearms and ammunition for failing to surrender such firearms and ammunition;
- (2) Requiring, rather than allowing, the chief of police to seize a disqualified person's firearms and ammunition if that person does not surrender such firearms and ammunition and the person receives notice of disqualification; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2632, H.D. 2, as amended herein, and recommends that it pass Second Reading in the



form attached hereto as H.B. No. 2632, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* HB 2632, HD2	Committee Referral: PSM, JDL	Date: 3/17/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.				/
SLOM, Sam			/	
TOTAL	3		1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: Will Espero				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes