

Honolulu, Hawaii

March 3, 2016

RE: H.B. No. 625

H.D. 1

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. 625 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to prohibit a person convicted of misdemeanor stalking or sexual assault in the fourth degree from owning, possessing, or controlling any firearm or ammunition.

The Honolulu Police Department, Americans for Responsible Solutions, Domestic Violence Action Center, Center for American Progress, BradyHawaii, IMUAlliance, and many concerned individuals testified in support of this measure. The Department of the Attorney General supports the intent and provided comments. The Hawaii Rifle Association, National Rifle Association, Babooze Bowstrings, and many concerned individuals testified in opposition. The Honolulu Department of the Prosecuting Attorney and The Sex Abuse Treatment Center provided comments.

Your Committee finds that certain actions such as stalking and misdemeanor sexual assault are precursors to more extreme acts of domestic violence and that precautions are necessary to prevent individuals convicted of these offenses from accessing firearms.

Sexual assault in the fourth degree encompasses conduct by the perpetrator that is threatening and is committed with the intent to compel sexual conduct, expose oneself in a way that is "likely to alarm the other person or put the other person in fear



of bodily injury," or trespass for the purpose of "surreptitious surveillance." These acts should not be dismissed as mere annoyances. Similarly, harassment by stalking requires that the offender act with intent to harass, annoy, or alarm the victim. Though the offending conduct may include nonconsensual contact in the form of text messages or emails, the perpetrator must be shown to have acted with the intent to cause the result of harassing, annoying, or alarming the victim.

Your Committee notes that disqualification from firearms ownership for a misdemeanor offense requires a conviction, unlike disqualification for a felony offense which only requires an indictment.

Your Committee has amended this measure by:

- (1) Amending the preamble to include additional information, including citations to the references used, to substantiate the need for the measure;
- (2) Deleting the amendment to section 134-7, Hawaii Revised Statutes (HRS) and replacing it with an amendment to section 134-1, HRS, to specify that a crime of violence that triggers disqualification from gun ownership includes sexual assault in the 4th degree and harassment by stalking; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 625, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 625, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



