

Honolulu, Hawaii
March 3, 2016

RE: H.B. No. 626
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. 626 entitled:

"A BILL FOR AN ACT RELATING TO THE POSSESSION OF FIREARMS
WHILE CONSUMING OR UNDER THE INFLUENCE OF AN INTOXICANT,"

begs leave to report as follows:

The purpose of this measure is to promote public safety by prohibiting the physical possession of any firearm while consuming or under the influence of an intoxicant.

The Honolulu Police Department, Ho'omana Pono, LLC, IMUAlliance, and three concerned individuals testified in support of this measure. The Department of the Attorney General supports the intent and provided comments. The National Rifle Association, Hawaii Rifle Association, Valley Isle Sport Shooters, and many concerned individuals testified in opposition. The Kauai Police Department provided comments.

Your Committee finds that 46 states have laws restricting or prohibiting the possession of a firearm while consuming or under the influence of alcohol and other intoxicants. Additionally, several county law enforcement agencies have adopted policies that prohibit their law enforcement officers from handling firearms while consuming or under the influence of alcohol.



Your Committee has amended this measure by:

- (1) Limiting the prohibition to drinking alcohol in public, specifically, to the "actual physical possession of any firearm outside of a residence, temporary residence, and place of sojourn while consuming alcohol," thereby deleting from the measure a broad application to all intoxicants and all locations, including private homes;
- (2) Establishing the offense as a petty misdemeanor; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

This measure has been amended to establish reasonable limitations on the possession of a firearm in public places while the possessor is consuming alcohol.

It is the Committee's intent that "actual physical possession" means that the firearm is on the person, in the person's holster, belt, hand, briefcase, bag, backpack, or within arm's length.

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. 626, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 626, 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



