

STAND. COM. REP. NO. **1310**

Honolulu, Hawaii

APR 06 2015

RE: H.B. No. 888
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor, to which was referred H.B. No. 888, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit an intoxicated person from recklessly possessing a loaded firearm; and
- (2) Establish a petty misdemeanor violation for possession of a loaded firearm while intoxicated.

Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of the Attorney General, Hawaii Rifle Association, Lessons in Firearms Education, and one individual.

Your Committees find that the consumption of alcohol can impair the judgment and physical response of a person in possession of a loaded firearm, thereby decreasing public safety. Implementation of this measure will increase public safety by prohibiting the possession and discharge of a loaded firearm in a public place while a person is intoxicated.



Your Committees have amended this measure by:

- (1) Inserting language to prohibit an intoxicated person from recklessly possessing and discharging a loaded firearm in a public place, rather than only prohibiting an intoxicated person from recklessly possessing a loaded firearm;
- (2) Authorizing law enforcement to administer a breath or blood test to a person that recklessly possesses and discharges a loaded firearm in a public place if the person appears to be intoxicated;
- (3) Amending the definition of an intoxicated person to mean a person that is under the influence of alcohol or drugs in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty as evidenced by a breath or blood test obtained by a law enforcement officer;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 888, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 888, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental and Military
Affairs and Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair


WILL ESPERO, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB888 HD1	Committee Referral: PSM/JDL	Date: 3/31/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam		✓		
TOTAL	4	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes