

Honolulu, Hawaii

April 4, 2016

RE: S.B. No. 2813
S.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 S.B. No. 2813, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GUARDIANSHIP,"

begs leave to report as follows:

The purpose of this measure is to require the courts to provide information relating to adult guardianships to the Hawaii Criminal Justice Data Center which shall:

- (1) Forward the information to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System (NICS) database; and
- (2) Maintain the information for disclosure to law enforcement for the purpose of firearms permitting and registration.

The Department of the Attorney General testified in support of this measure.

Your Committee finds that there is a need to ensure that those who are mentally incapacitated do not have the opportunity to possess a firearm. Though the county police departments are required to conduct a background check using NICS to help identify those who are prohibited from legally possessing a firearm, the State does not require information to be submitted to NICS when an adult is subject to a guardianship order by the court. This measure will address that gap in reporting. Should the court



later terminate an adult guardianship order, the individual has the opportunity under state law to reinstate eligibility for firearms possession.

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 S.B. No. 2813, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



