

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2956
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 Judiciary and Labor, to which was referred
S.B. No. 2956 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to require firearm owners who have been disqualified from owning a firearm due to mental illness to immediately surrender their firearms and to authorize the chief of police to seize the firearms if the owner fails to comply.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Office of the Prosecuting Attorney, County of Hawai'i; Police Department, City and County of Honolulu; BradyHawaii; and five individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association and fourteen individuals. Your Committee received comments on this measure from West Oahu Vet Center and forty-two individuals.

Your Committee finds that currently, county police officers are prohibited, even in the most volatile situations, from seizing a firearm from an owner who is suffering from mental illness and is disqualified from ownership, possession, or control of firearms or ammunition. Before a firearm can be seized from such an owner, the owner must be notified of the requirement to surrender the firearm via registered mail, at which point the owner has thirty days to voluntarily surrender or transfer the firearm. The



potential for harm to the owner or the public during that window of time presents an unnecessary risk. Implementation of this measure will increase public safety by requiring firearm owners who have been disqualified from owning a firearm due to mental illness and who underwent an involuntary hospitalization to immediately surrender their firearms and authorizing the chief of police to take possession of the firearms if the owner fails to comply.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that the requirement to surrender firearms applies to firearm owners who have been disqualified from owning a firearm due to involuntary hospitalization under section 334-59, Hawaii Revised Statutes, rather than emergency hospitalization;
- (2) Clarifying that if a firearm owner has been disqualified from owning a firearm due to mental illness and involuntary hospitalization but who fails to immediately surrender or dispose of all firearms and ammunition upon receiving written notification from the chief of police, the chief of police may take possession of all firearms and ammunition;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that there is existing language pertaining to due process procedures, including the recovery of firearms, in the mental health and firearm chapters of the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2956, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2956, S.D. 1.



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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2956	Committee Referral: PSM, JDL	Date: 3/1/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i				/
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam		/		
TOTAL	3	1	0	3
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