
A BILL FOR AN ACT

RELATING TO HUNTING SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that responsible hunters
2 play an important role in both conservation and invasive species
3 management. Hunters also help to reduce populations of nuisance
4 species like feral swine, which cause significant damage to
5 natural resources and serve as vectors for disease that afflict
6 game and non-game animals, livestock, and even humans.

7 The legislature also finds many hunters risk hearing loss.
8 Research shows that the majority of gunshots register between
9 one hundred forty to one hundred eighty-five decibels.
10 According to the Occupational Safety and Health Administration,
11 exposure to any noise louder than one hundred forty decibels can
12 cause hearing damage. However, the majority of hunters do not
13 wear hearing protection devices because they need to maintain
14 the ability to hear their surroundings when they hunt.

15 Furthermore, it is illegal to possess, acquire, or sell firearm
16 noise suppressors, often referred to as "silencers".



1 The legislature notes that traditional hearing protection
2 devices, such as earplugs and earmuffs, are readily available
3 and help reduce exposure to the dangerous noise levels
4 associated with gunshots. However, without adequate training on
5 proper use and fit, earplugs and earmuffs are often far less
6 effective than intended. Firearm noise suppressors are the only
7 way to reduce the sound of a gunshot, at the source, to safer
8 levels. In a 2011 study, the Centers for Disease Control and
9 Prevention stated that "the only potentially effective noise
10 control method to reduce ... noise exposure from gunfire is
11 through the use of noise suppressors that can be attached to the
12 end of the gun barrel". In 2014, the National Institute for
13 Occupational Safety and Health recommended that "if feasible and
14 legally permissible", one should "attach noise suppressors to
15 firearms to reduce peak sound pressure levels". Unlike
16 traditional hearing protection devices, which only protect the
17 individual who is using them, firearm noise suppressors help
18 reduce noise exposure to everyone in the vicinity. Contrary to
19 popular belief, firearm noise suppressors do not completely
20 silence the noise of a gunshot. However, the average firearm
21 noise suppressor reduces the noise of a gunshot by approximately



1 twenty to thirty-five decibels, which is approximately the same
2 level of sound attenuation that is possible when using
3 traditional hearing protection devices. On the smallest caliber
4 with the quietest ammunition (.22 LR), a suppressor reduces the
5 noise of a gunshot to one hundred ten decibels. In comparison,
6 according to the National Institute for Occupational Safety and
7 Health, the impulse noise of a jackhammer striking cement is
8 approximately one hundred nine decibels.

9 The legislature also finds that approximately forty states
10 authorize civilians to use firearms noise suppressors while
11 hunting. Although one million firearm noise suppressors are in
12 circulation nationwide, their actual use in crimes is
13 statistically insignificant.

14 Accordingly, the purpose of this Act is to improve the
15 safety of hunters in Hawaii by authorizing:

- 16 (1) Licensed hunters who comply with state firearms law to
17 possess and use firearm noise suppressors while
18 hunting; and
19 (2) The manufacture and sale of firearm noise suppressors
20 for licensed hunters who comply with state firearms
21 law.



1 SECTION 2. Section 134-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Firearm noise suppressor" means any device for silencing,
6 muffling, or diminishing the report of a portable firearm,
7 including any combination of parts, designed or redesigned, and
8 intended for use in assembling or fabricating a firearm noise
9 suppressor and any part intended only for use in the assembly or
10 fabrication."

11 2. By amending the definition of "assault pistol" to read:

12 "Assault pistol" means a semiautomatic pistol that accepts
13 a detachable magazine and has two or more of the following
14 characteristics:

15 (1) An ammunition magazine that attaches to the pistol
16 outside of the pistol grip;

17 (2) A threaded barrel capable of accepting a barrel
18 extender, flash suppressor, forward hand grip, or
19 [~~silencer;~~] firearm noise suppressor;

20 (3) A shroud that is attached to or partially or
21 completely encircles the barrel and permits the



- 1 shooter to hold the firearm with the second hand
- 2 without being burned;
- 3 (4) A manufactured weight of fifty ounces or more when the
- 4 pistol is unloaded;
- 5 (5) A centerfire pistol with an overall length of twelve
- 6 inches or more; or
- 7 (6) It is a semiautomatic version of an automatic firearm;
- 8 ~~[but]~~ provided that "assault pistol" does not include a firearm
- 9 with a barrel sixteen or more inches in length, an antique
- 10 pistol as defined in this section, or a curio or relic as those
- 11 terms are used in title 18 United States Code section 921(a)(13)
- 12 or title 27 Code of Federal Regulations section 478.11."

13 SECTION 3. Section 134-5, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "**§134-5 Possession by licensed hunters and minors; target**
 16 **shooting; game hunting.** (a) Any person of the age of sixteen
 17 years ~~[7]~~ or over, or any person under the age of sixteen years
 18 while accompanied by an adult, may carry and use any lawfully
 19 acquired rifle or shotgun ~~[and]~~, suitable ammunition, and a
 20 suitable firearm noise suppressor while actually engaged in
 21 hunting ~~[or target shooting]~~ or while going to and from the



1 place of hunting [~~er target shooting~~]; provided that the person
 2 has procured a hunting license under chapter 183D, part II. [A
 3 ~~hunting license shall not be required for persons engaged in~~
 4 ~~target shooting~~].

5 (b) Any person of the age of sixteen years or over, or any
 6 person under the age of sixteen years while accompanied by an
 7 adult, may carry and use any lawfully acquired rifle or shotgun
 8 and suitable ammunition while actually engaged in target
 9 shooting or while going to and from the place of target
 10 shooting. A hunting license shall not be required for persons
 11 engaged in target shooting.

12 [~~(b)~~] (c) A permit shall not be required when any lawfully
 13 acquired firearm is lent to a person, including a minor, upon a
 14 target range or similar facility for purposes of target
 15 shooting; provided that the period of the loan does not exceed
 16 the time in which the person actually engages in target shooting
 17 upon the premises.

18 [~~(e)~~] (d) A person may carry unconcealed and use a
 19 lawfully acquired pistol or revolver and suitable firearm noise
 20 suppressor while actually engaged in hunting game mammals~~[, if];~~
 21 provided that:



1 (1) The pistol or revolver and its suitable ammunition are
2 acceptable for hunting by rules adopted pursuant to
3 section 183D-3; and ~~[if that]~~

4 (2) The person ~~[is licensed]~~ has procured a hunting
5 license pursuant to part II of chapter 183D.

6 The pistol or revolver and, if applicable, its firearm
7 noise suppressor, may be transported in an enclosed container,
8 as defined in section 134-25, in the course of going to and from
9 the place of the hunt, notwithstanding section 134-26."

10 SECTION 4. Section 134-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§134-8 Ownership, etc., of automatic firearms,
13 ~~[silencers,]~~ firearm noise suppressors, etc., prohibited;
14 penalties. (a) The manufacture, possession, sale, barter,
15 trade, gift, transfer, or acquisition of any of the following is
16 prohibited: assault pistols, except as provided by section 134-
17 4(e); automatic firearms; rifles with barrel lengths less than
18 sixteen inches; shotguns with barrel lengths less than eighteen
19 inches; cannons; ~~[mufflers, silencers, or devices for deadening~~
20 ~~or muffling the sound of discharged firearms;]~~ hand grenades,
21 dynamite, blasting caps, bombs, or bombshells, or other



1 explosives; or any type of ammunition or any projectile
2 component thereof coated with teflon or any other similar
3 coating designed primarily to enhance its capability to
4 penetrate metal or pierce protective armor; and any type of
5 ammunition or any projectile component thereof designed or
6 intended to explode or segment upon impact with its target.

7 (b) Any person who installs, removes, or alters a firearm
8 part with the intent to convert the firearm to an automatic
9 firearm shall be deemed to have manufactured an automatic
10 firearm in violation of subsection (a).

11 (c) The manufacture, possession, sale, barter, trade,
12 gift, transfer, or acquisition of a firearm noise suppressor is
13 prohibited; provided that a person who is in full compliance
14 with the other provisions of this chapter may:

15 (1) If in possession of a valid hunting license issued
16 pursuant to chapter 183D, part II, and in possession
17 of a rifle or shotgun, or other firearm acceptable for
18 hunting by rules adopted pursuant to section 183D-3:

19 (A) Possess a lawfully acquired firearm noise
20 suppressor suitable for the firearm;



- 1 (B) Carry and use the firearm noise suppressor
2 pursuant to section 134-5; and
- 3 (C) Purchase a firearm noise suppressor suitable for
4 the firearm; provided that the person:
- 5 (i) Shall purchase the suppressor from a person
6 licensed to do so pursuant to part II; and
- 7 (ii) Before the sale occurs, shall provide to the
8 seller, in addition to any other
9 documentation required by law, verification
10 of the person's hunting license issued
11 pursuant to chapter 183D, part II; and
- 12 (2) If licensed to sell and manufacture firearms pursuant
13 to part II, sell or manufacture firearm noise
14 suppressors suitable for rifles, shotguns, or other
15 firearms acceptable for hunting, by rules adopted
16 pursuant to section 183D-3; provided that the person
17 may only sell, barter, trade, gift, or transfer a
18 suppressor to a person:
- 19 (A) Licensed to sell and manufacture firearms; or
20 (B) Who is legally authorized to purchase a firearm
21 pursuant to this chapter and who provides



1 verification of a valid hunting license issued
2 pursuant to chapter 183D, part II.

3 [~~e~~] (d) The manufacture, possession, sale, barter,
4 trade, gift, transfer, or acquisition of detachable ammunition
5 magazines with a capacity in excess of ten rounds which are
6 designed for or capable of use with a pistol is prohibited.
7 This subsection shall not apply to magazines originally designed
8 to accept more than ten rounds of ammunition which have been
9 modified to accept no more than ten rounds and which are not
10 capable of being readily restored to a capacity of more than ten
11 rounds.

12 [~~d~~] (e) Any person violating subsection (a), ~~(b)~~,
13 or (c) shall be guilty of a class C felony and shall be
14 imprisoned for a term of five years without probation. Any
15 person violating subsection [~~e~~] (d) shall be guilty of a
16 misdemeanor except when a detachable magazine prohibited under
17 this section is possessed while inserted into a pistol, in which
18 case the person shall be guilty of a class C felony."

19 SECTION 5. Section 134-9, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) No person shall carry concealed or unconcealed on the
 2 person a pistol or revolver without being licensed to do so
 3 under this section or in compliance with sections [~~134-5(e)~~]
 4 134-5(d) or 134-25."

5 SECTION 6. Section 806-83, Hawaii Revised Statutes, is
 6 amended by amending subsection (a) to read as follows:

7 "(a) Criminal charges may be instituted by written
 8 information for a felony when the charge is a class C felony
 9 under:

- 10 (1) Section 19-3.5 (voter fraud);
- 11 (2) Section 128D-10 (knowing releases);
- 12 (3) Section 132D-14(a)(1), (2)(A), and (3) (relating to
 13 penalties for failure to comply with requirements of
 14 sections 132D-7, 132D-10, and 132D-16);
- 15 (4) Section 134-7(a) and (b) (ownership or possession
 16 prohibited);
- 17 (5) Section 134-8 (ownership, etc., of automatic firearms,
 18 [~~silencers,~~] firearm noise suppressors, etc.,
 19 prohibited; penalties);
- 20 (6) Section 134-9 (licenses to carry);



- 1 (7) Section 134-17(a) (relating to false information or
- 2 evidence concerning psychiatric or criminal history);
- 3 (8) Section 134-24 (place to keep unloaded firearms other
- 4 than pistols and revolvers);
- 5 (9) Section 134-51 (deadly weapons);
- 6 (10) Section 134-52 (switchblade knives);
- 7 (11) Section 134-53 (butterfly knives);
- 8 (12) Section 188-23 (possession or use of explosives,
- 9 electrofishing devices, and poisonous substances in
- 10 state waters prohibited);
- 11 (13) Section 231-34 (attempt to evade or defeat tax);
- 12 (14) Section 231-36 (false and fraudulent statements);
- 13 (15) Section 245-37 (sale or purchase of packages of
- 14 cigarettes without stamps);
- 15 (16) Section 245-38 (vending unstamped cigarettes);
- 16 (17) Section 245-51 (export and foreign cigarettes
- 17 prohibited);
- 18 (18) Section 245-52 (alteration of packaging prohibited);
- 19 (19) Section 291C-12.5 (accidents involving substantial
- 20 bodily injury);



- 1 (20) Section 291E-61.5 (habitually operating a vehicle
- 2 under the influence of an intoxicant);
- 3 (21) Section 329-41 (prohibited acts B--penalties);
- 4 (22) Section 329-42 (prohibited acts C--penalties);
- 5 (23) Section 329-43.5 (prohibited acts related to drug
- 6 paraphernalia);
- 7 (24) Section 329C-2 (manufacture, distribution, or
- 8 possession with intent to distribute an imitation
- 9 controlled substance to a person under eighteen years
- 10 of age);
- 11 (25) Section 346-34(d)(2) and (e) (relating to fraud
- 12 involving food stamps or coupons);
- 13 (26) Section 346-43.5 (medical assistance [fraud];
- 14 penalties);
- 15 (27) Section 383-141 (falsely obtaining benefits, etc.);
- 16 (28) Section 431:2-403(b)(2) (insurance fraud);
- 17 (29) Section 482D-7 (violation of fineness standards and
- 18 stamping requirements);
- 19 (30) Section 485A-301 (securities registration
- 20 requirement);



- 1 (31) Section 485A-401 (broker-dealer registration
- 2 requirement and exemptions);
- 3 (32) Section 485A-402 (agent registration requirement and
- 4 exemptions);
- 5 (33) Section 485A-403 (investment adviser registration
- 6 requirement and exemptions);
- 7 (34) Section 485A-404 (investment adviser representative
- 8 registration requirement and exemptions);
- 9 (35) Section 485A-405 (federal covered investment adviser
- 10 notice filing requirement);
- 11 (36) Section 485A-501 (general fraud);
- 12 (37) Section 485A-502 (prohibited conduct in providing
- 13 investment advice);
- 14 (38) Section 707-703 (negligent homicide in the second
- 15 degree);
- 16 (39) Section 707-705 (negligent injury in the first
- 17 degree);
- 18 (40) Section 707-711 (assault in the second degree);
- 19 (41) Section 707-713 (reckless endangering in the first
- 20 degree);



- 1 (42) Section 707-721 (unlawful imprisonment in the first
- 2 degree);
- 3 (43) Section 707-726 (custodial interference in the first
- 4 degree);
- 5 (44) Section 707-757 (electronic enticement of a child in
- 6 the second degree);
- 7 (45) Section 707-766 (extortion in the second degree);
- 8 (46) Section 708-811 (burglary in the second degree);
- 9 (47) Section 708-812.6 (unauthorized entry in a dwelling in
- 10 the second degree);
- 11 (48) Section 708-821 (criminal property damage in the
- 12 second degree);
- 13 (49) Section 708-831 (theft in the second degree);
- 14 (50) Section 708-833.5 (shoplifting);
- 15 (51) Section 708-835.5 (theft of livestock);
- 16 (52) Section 708-836 (unauthorized control of propelled
- 17 vehicle);
- 18 (53) Section 708-836.5 (unauthorized entry into motor
- 19 vehicle in the first degree);
- 20 (54) Section 708-839.5 (theft of utility services);



- 1 (55) Section 708-839.55 (unauthorized possession of
2 confidential personal information);
- 3 (56) Section 708-839.8 (identity theft in the third
4 degree);
- 5 (57) Section 708-852 (forgery in the second degree);
- 6 (58) Section 708-854 (criminal possession of a forgery
7 device);
- 8 (59) Section 708-858 (suppressing a testamentary or
9 recordable instrument);
- 10 (60) Section 708-875 (trademark counterfeiting);
- 11 (61) Section 708-891.6 (computer fraud in the third
12 degree);
- 13 (62) Section 708-892.6 (computer damage in the third
14 degree);
- 15 (63) Section 708-895.7 (unauthorized computer access in the
16 third degree);
- 17 (64) Section 708-8100 (fraudulent use of a credit card);
- 18 (65) Section 708-8102 (theft, forgery, etc., of credit
19 cards);
- 20 (66) Section 708-8103 (credit card fraud by a provider of
21 goods or services);



- 1 (67) Section 708-8104 (possession of unauthorized credit
- 2 card machinery or incomplete cards);
- 3 (68) Section 708-8200 (cable television service fraud in
- 4 the first degree);
- 5 (69) Section 708-8202 (telecommunication service fraud in
- 6 the first degree);
- 7 (70) Section 709-903.5 (endangering the welfare of a minor
- 8 in the first degree);
- 9 (71) Section 709-906 (abuse of family or household
- 10 members);
- 11 (72) Section 710-1016.3 (obtaining a government-issued
- 12 identification document under false pretenses in the
- 13 first degree);
- 14 (73) Section 710-1016.6 (impersonating a law enforcement
- 15 officer in the first degree);
- 16 (74) Section 710-1017.5 (sale or manufacture of deceptive
- 17 identification document);
- 18 (75) Section 710-1018 (securing the proceeds of an
- 19 offense);
- 20 (76) Section 710-1021 (escape in the second degree);



- 1 (77) Section 710-1023 (promoting prison contraband in the
- 2 second degree);
- 3 (78) Section 710-1024 (bail jumping in the first degree);
- 4 (79) Section 710-1029 (hindering prosecution in the first
- 5 degree);
- 6 (80) Section 710-1060 (perjury);
- 7 (81) Section 710-1072.5 (obstruction of justice);
- 8 (82) Section 711-1103 (riot);
- 9 (83) Section 711-1109.35 (cruelty to animals by fighting
- 10 dogs in the second degree);
- 11 (84) Section 711-1110.9 (violation of privacy in the first
- 12 degree);
- 13 (85) Section 711-1112 (interference with the operator of a
- 14 public transit vehicle);
- 15 (86) Section 712-1221 (promoting gambling in the first
- 16 degree);
- 17 (87) Section 712-1222.5 (promoting gambling aboard ships);
- 18 (88) Section 712-1224 (possession of gambling records in
- 19 the first degree);
- 20 (89) Section 712-1243 (promoting a dangerous drug in the
- 21 third degree);



- 1 (90) Section 712-1246 (promoting a harmful drug in the
- 2 third degree);
- 3 (91) Section 712-1247 (promoting a detrimental drug in the
- 4 first degree);
- 5 (92) Section 712-1249.6(1)(a), (b), or (c) (promoting a
- 6 controlled substance in, on, or near schools, school
- 7 vehicles, public parks, or public housing projects or
- 8 complexes);
- 9 (93) Section 803-42 (interception, access, and disclosure
- 10 of wire, oral, or electronic communications, use of
- 11 pen register, trap and trace device, and mobile
- 12 tracking device prohibited); or
- 13 (94) Section 846E-9 (failure to comply with covered
- 14 offender registration requirements)."

15 SECTION 7. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken.

1 SECTION 9. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

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JAN 25 2017



H.B. NO. 1589

Report Title:

Firearms; Noise Suppressors; Hunting

Description:

Authorizes licensed hunters who comply with state firearms law to possess and use firearm noise suppressors while hunting. Authorizes the manufacture and sale of firearm noise suppressors for licensed hunters who comply with state firearms law.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

