

JAN 25 2017

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 134-2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§134-2 Permits to acquire. (a) No person shall acquire
4 the ownership of a firearm, whether usable or unusable,
5 serviceable or unserviceable, modern or antique, registered
6 under prior law or by a prior owner or unregistered, either by
7 purchase, gift, inheritance, bequest, or in any other manner,
8 whether procured in the State or imported by mail, express,
9 freight, or otherwise, until the person has first procured from
10 the chief of police of the county of the person's place of
11 business or, if there is no place of business, the person's
12 residence or, if there is neither place of business nor
13 residence, the person's place of sojourn, a permit to acquire
14 the ownership of a firearm as prescribed in this section. When
15 title to any firearm is acquired by inheritance or bequest, the
16 foregoing permit shall be obtained before taking possession of a
17 firearm; provided that upon presentation of a copy of the death



1 certificate of the owner making the bequest, any heir or legatee
2 may transfer the inherited or bequested firearm directly to a
3 dealer licensed under section 134-31 or licensed by the United
4 States Department of Justice without complying with the
5 requirements of this section.

6 (b) The permit application form shall include the
7 applicant's name, address, sex, height, weight, date of birth,
8 place of birth, country of citizenship, social security number,
9 alien or admission number, and information regarding the
10 applicant's mental health history and shall require the
11 fingerprinting and photographing of the applicant by the police
12 department of the county of registration; provided that where
13 fingerprints and photograph are already on file with the
14 department, these may be waived.

15 (c) An applicant for a permit shall sign a waiver at the
16 time of application, allowing the chief of police of the county
17 issuing the permit access to any records that have a bearing on
18 the mental health of the applicant. The permit application form
19 and the waiver form shall be prescribed by the attorney general
20 and shall be uniform throughout the State.



1 (d) The chief of police of the respective counties may
2 issue permits to acquire firearms to citizens of the United
3 States of the age of twenty-one years or more, or duly
4 accredited official representatives of foreign nations, or duly
5 commissioned law enforcement officers of the State who are
6 aliens; provided that any law enforcement officer who is the
7 owner of a firearm and who is an alien shall transfer ownership
8 of the firearm within forty-eight hours after termination of
9 employment from a law enforcement agency. The chief of police
10 of each county may issue permits to aliens of the age of
11 eighteen years or more for use of rifles and shotguns for a
12 period not exceeding sixty days, upon a showing that the alien
13 has first procured a hunting license under chapter 183D, part
14 II. The chief of police of each county may issue permits to
15 aliens of the age of twenty-one years or more for use of
16 firearms for a period not exceeding six months, upon a showing
17 that the alien is in training for a specific organized sport-
18 shooting contest to be held within the permit period. The
19 attorney general shall adopt rules, pursuant to chapter 91, as
20 to what constitutes sufficient evidence that an alien is in
21 training for a sport-shooting contest. Notwithstanding any



1 provision of the law to the contrary and upon joint application,
2 the chief of police may issue permits to acquire firearms
3 jointly to spouses who otherwise qualify to obtain permits under
4 this section.

5 (e) The permit application form shall be signed by the
6 applicant and by the issuing authority. One copy of the permit
7 shall be retained by the issuing authority as a permanent
8 official record. Except for sales to dealers licensed under
9 section 134-31, or dealers licensed by the United States
10 Department of Justice, or law enforcement officers, or where a
11 license is granted under section 134-9, or where any firearm is
12 registered pursuant to section 134-3(a), no permit shall be
13 issued to an applicant earlier than fourteen calendar days after
14 the date of the application; provided that a permit shall be
15 issued or the application denied before the twentieth day from
16 the date of application. Permits issued to acquire any pistol
17 or revolver shall be void unless used within ten days after the
18 date of issue. Permits to acquire a pistol or revolver shall
19 require a separate application and permit for each transaction.
20 Permits issued to acquire any rifle or shotgun shall entitle the
21 permittee to make subsequent purchases of rifles or shotguns for



1 a period of one year from the date of issue without a separate
2 application and permit for each acquisition, subject to the
3 disqualifications under section 134-7 and subject to revocation
4 under section 134-13; provided that if a permittee is arrested
5 for committing a felony or any crime of violence or for the
6 illegal sale of any drug, the permit shall be impounded and
7 shall be surrendered to the issuing authority. The issuing
8 authority shall perform an inquiry on an applicant by using the
9 International Justice and Public Safety Network, including the
10 United States Immigration and Customs Enforcement query, the
11 National Crime Information Center, and the National Instant
12 Criminal Background Check System, pursuant to section 846-2.7
13 before any determination to issue a permit or to deny an
14 application is made.

15 (f) In all cases where a pistol or revolver is acquired
16 from another person within the State, the permit shall be signed
17 in ink by the person to whom title to the pistol or revolver is
18 transferred and shall be delivered to the person who is
19 transferring title to the firearm, who shall verify that the
20 person to whom the firearm is to be transferred is the person
21 named in the permit and enter on the permit in the space



1 provided the following information: name of the person to whom
2 the title to the firearm was transferred; names of the
3 manufacturer and importer; model; type of action; caliber or
4 gauge; and serial number as applicable. The person who is
5 transferring title to the firearm shall sign the permit in ink
6 and cause the permit to be delivered or sent by registered mail
7 to the issuing authority within forty-eight hours after
8 transferring the firearm.

9 In all cases where receipt of a firearm is had by mail,
10 express, freight, or otherwise from sources without the State,
11 the person to whom the permit has been issued shall make the
12 prescribed entries on the permit, sign the permit in ink, and
13 cause the permit to be delivered or sent by registered mail to
14 the issuing authority within forty-eight hours after taking
15 possession of the firearm.

16 In all cases where a rifle or shotgun is acquired from
17 another person within the State, the person who is transferring
18 title to the rifle or shotgun shall submit, within forty-eight
19 hours after transferring the firearm, to the authority [~~which~~
20 that issued the permit to acquire, the following information, in
21 writing: name of the person who transferred the firearm, name



1 of the person to whom the title to the firearm was transferred;
2 names of the manufacturer and importer; model; type of action;
3 caliber or gauge; and serial number as applicable.

4 (g) Effective July 1, 1995, no person shall be issued a
5 permit under this section for the acquisition of a pistol or
6 revolver unless the person, at any time prior to the issuance of
7 the permit, has completed:

- 8 (1) An approved hunter education course as authorized
9 under section 183D-28;
- 10 (2) A firearms safety or training course or class
11 available to the general public offered by a law
12 enforcement agency of the State or of any county;
- 13 (3) A firearms safety or training course offered to law
14 enforcement officers, security guards, investigators,
15 deputy sheriffs, or any division or subdivision of law
16 enforcement or security enforcement by a state or
17 county law enforcement agency; or
- 18 (4) A firearms training or safety course or class
19 conducted by a state certified or National Rifle
20 Association certified firearms instructor or a
21 certified military firearms instructor that provides,



1 at a minimum, a total of at least two hours of firing
2 training at a firing range and a total of at least
3 four hours of classroom instruction, which may include
4 a video, that focuses on:

5 (A) The safe use, handling, and storage of firearms
6 and firearm safety in the home; and

7 (B) Education on the firearm laws of the State.

8 An affidavit signed by the certified firearms
9 instructor who conducted or taught the course,
10 providing the name, address, and phone number of the
11 instructor and attesting to the successful completion
12 of the course by the applicant, shall constitute
13 evidence of certified successful completion under this
14 paragraph.

15 (h) No person shall sell, give, lend, or deliver into the
16 possession of another any firearm except in accordance with this
17 chapter.

18 (i) No fee shall be charged for permits, or applications
19 for permits, under this section, except for a single fee
20 chargeable by and payable to the issuing county, for individuals
21 applying for their first permit, in an amount equal to the fee



1 charged by the Hawaii criminal justice data center pursuant to
2 section 846-2.7. In the case of a joint application, the fee
3 provided for in this section may be charged to each person to
4 whom no previous permit has been issued.

5 (j) In all cases where a permit application under this
6 section is denied because an applicant is prohibited from
7 owning, possessing, receiving, or controlling a firearm under
8 federal or state law, the issuing authority, within _____,
9 shall send notice of the denial, including the identity of the
10 applicant and the reasons for denial, to the prosecuting
11 attorney of the county where the issuing authority is located,
12 the department of the attorney general, the United States
13 Attorney's Office in Hawaii, and the department of public
14 safety.

15 If the permit application was denied because the applicant
16 is prohibited from possessing, controlling, or transferring
17 ownership of any firearm or ammunition therefor pursuant to an
18 order described in section 134-7(f), the issuing authority,
19 within _____, shall send notice of the denial to the court
20 that issued the order.



S.B. NO. 1037

1 Whenever the department of public safety receives notice
 2 that an applicant has been denied a permit because of a prior
 3 criminal conviction, the department shall determine whether the
 4 applicant is currently serving a term of probation or parole
 5 and, if the applicant is serving such a term, send notice of the
 6 denial to the applicant's probation or parole officer."

7 SECTION 2. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.
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S.B. NO. 1037

Report Title:

Firearms; Permit Applications; Notice of Denial

Description:

Requires that certain agencies be notified when a firearm permit application is denied because the applicant is prohibited from owning, possessing, receiving, or controlling a firearm under federal or state law.

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