

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1           SECTION 1. Chapter 134, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§134- License to carry a concealed firearm. (a) The  
5 chief of police from each respective county shall issue a  
6 concealed carry firearm license to persons qualified as provided  
7 in this section. These licenses shall be valid statewide for a  
8 period of three years. Each license shall be laminated and bear  
9 a color photograph of the licensee. Any person in compliance  
10 with the terms of the license may carry a concealed firearm.  
11 The licensee shall carry the license, together with valid  
12 identification, at all times in which the licensee is in actual  
13 possession of a concealed firearm and shall display the license  
14 and proper identification upon demand by a law enforcement  
15 officer.



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1        (b) A violation of this section shall constitute a petty  
2 misdemeanor; provided that the maximum term of imprisonment  
3 shall be three days, and the maximum fine shall be \$500.

4        (c) For the purposes of this section, "concealed firearm"  
5 means a firearm that is a pistol or a revolver, and that is  
6 carried on or about an individual completely or mostly concealed  
7 from view of the public or on or about a person within a  
8 vehicle. The term does not include an assault pistol or  
9 automatic firearm as defined in section 134-1.

10       (d) The appropriate chief of police shall issue a license  
11 if the applicant:

12       (1) Is a citizen of the United States;

13       (2) Has resided in the State for at least six months or is  
14 a member of, or spouse of a member of, the military,  
15 as defined in section 124A-1, that is stationed in the  
16 State, or is a retired law enforcement officer;

17       (3) Is twenty-one years of age or older or is eighteen  
18 years of age or older if a member of the United States  
19 military;

20       (4) Is not prohibited from possessing a firearm pursuant  
21 to section 134-7;



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- 1       (5) Has demonstrated competence with a firearm by meeting  
2       the training requirements of section 134-2(g), to  
3       include practical training in drawing and replacing a  
4       firearm from and into a holster. A photocopy of an  
5       affidavit from the certified instructor or standard  
6       government form from the government agency providing  
7       the training, attesting to the successful completion  
8       of the training, shall constitute evidence of  
9       qualification under this paragraph;
- 10       (6) Does not chronically and habitually use intoxicating  
11       liquor or other substances to the extent that the  
12       person's normal faculties are impaired. It shall be  
13       presumed that an applicant chronically and habitually  
14       uses intoxicating liquor or other substances to the  
15       extent that the person's normal faculties are impaired  
16       if the applicant:
- 17       (A) Has been committed under the substance abuse  
18       provisions of chapter 334;
- 19       (B) Has been convicted of any offense relating to a  
20       dangerous, harmful, or detrimental drug,



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- 1           intoxicating compound or liquor, or marijuana  
2           under part IV of chapter 712;
- 3           (C) Has been deemed a habitual offender under section  
4           291E-61.5; or
- 5           (D) Has had two or more convictions under section  
6           291E-61, or similar laws of any other state,  
7           within the three-year period immediately  
8           preceding the date on which the application is  
9           submitted;
- 10          (7) Desires a legal means to carry a concealed firearm for  
11          lawful purposes, including personal self-defense and  
12          protection of personal property;
- 13          (8) Has not been adjudicated as an incapacitated person as  
14          defined under section 554B-1 or 560:5-102, or similar  
15          laws of any other state, unless five years have  
16          elapsed since the applicant's restoration to capacity  
17          by court order; and
- 18          (9) Has not been committed to a mental institution under  
19          chapter 334, or similar laws of any other state,  
20          unless the applicant produces a certificate from a  
21          licensed psychiatrist that the applicant has not



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1           suffered from disability for at least five years prior  
2           to the date of submission of the application, and is  
3           highly unlikely to relapse.

4           (e) The application shall be completed, under oath, on a  
5           form prescribed by the attorney general, which shall be uniform  
6           throughout the State, and shall include:

7           (1) The name, address, place and date of birth, race, and  
8           occupation of the applicant;

9           (2) A statement that the applicant has been made aware of  
10           an internet address containing an electronic copy of  
11           this chapter and any applicable administrative rules,  
12           and is knowledgeable of its provisions;

13           (3) A conspicuous warning that the application is executed  
14           under oath and that a false answer to any question, or  
15           the submission of any false document by the applicant,  
16           subjects the applicant to criminal prosecution under  
17           section 134-17(a); and

18           (4) A statement that the applicant desires a concealed  
19           carry firearm license for lawful purposes, including  
20           lawful personal self-defense and protection of  
21           personal property.



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1        (f) The applicant shall submit to the appropriate chief of  
2 police:

3        (1) A completed application in accordance with subsection  
4 (e);

5        (2) A nonrefundable license fee not to exceed \$25, if the  
6 applicant has not previously been issued a license, or  
7 a nonrefundable license fee not to exceed \$10 for  
8 renewal of a license;

9        (3) A full set of fingerprints of the applicant  
10 administered by a law enforcement agency. Costs for  
11 processing the set of fingerprints shall be borne by  
12 the applicant;

13        (4) A photocopy of a certificate or an affidavit or  
14 document as described in subsection (d)(5); and

15        (5) A full frontal view color photograph of the applicant  
16 taken within the preceding thirty days, in which the  
17 head, including hair, measures seven-eighths of an  
18 inch wide and one and one-eighth of an inch high.

19        (g) The appropriate chief of police, upon receipt of the  
20 items listed in subsection (f), shall forward within three  
21 working days the full set of fingerprints of the applicant to



1 the attorney general and the Federal Bureau of Investigation for  
2 state processing and, if available, federal processing. The  
3 cost of processing the fingerprints shall be borne by the  
4 applicant and shall be payable to the processing agency.

5 The county police department shall provide fingerprinting  
6 service, if requested by the applicant, and may charge a fee not  
7 to exceed \$5 for this service.

8 The appropriate chief of police, within forty-five days  
9 after the date of receipt of the items listed in subsection (f),  
10 shall:

11 (1) Issue a license;

12 (2) Deny the application based solely on the ground that  
13 the applicant fails to qualify under subsection (d).

14 Upon a denial of the application, the chief of police  
15 shall notify the applicant in writing, stating the  
16 grounds for denial and informing the applicant of any  
17 right to a hearing pursuant to subsection (1); or

18 (3) Suspend the time limitation prescribed by this  
19 subsection if the chief of police receives criminal  
20 history information that is pending final disposition  
21 on a crime that may disqualify the applicant until



1           receipt of the final disposition or proof of  
2           restoration of civil and firearm rights.

3           If a legible set of fingerprints, as determined by the  
4           attorney general or the Federal Bureau of Investigation, cannot  
5           be obtained after two attempts, the attorney general shall  
6           determine eligibility based upon name checks conducted by the  
7           criminal justice data center.

8           If the appropriate county chief of police fails to issue or  
9           deny the license within forty-five days after the date of  
10          receipt of the items listed in subsection (f) or within such  
11          further time limits as this subsection allows, the application  
12          shall be deemed denied and the applicant shall have the right to  
13          a hearing as provided in subsection (l).

14          (h) The attorney general shall maintain an automated  
15          listing of license holders and pertinent information, which  
16          shall be available on the Internet to all law enforcement  
17          agencies through the criminal justice data center.

18          (i) Within thirty days after the changing of a permanent  
19          address, or within thirty days after having a license lost,  
20          stolen, or destroyed, the licensee shall notify the appropriate  
21          chief of police of the change of address or loss of license.





1 Failure to notify the appropriate chief of police pursuant to  
2 this subsection shall constitute a \$25 fine.

3 (j) If a concealed carry firearm license is lost, stolen,  
4 or destroyed, the license shall automatically be invalid, and  
5 the person to whom the license was issued may obtain a  
6 duplicate, or substitute thereof, upon furnishing a notarized  
7 statement to the chief of police that the license has been lost  
8 or destroyed and payment of \$15 to the appropriate chief of  
9 police.

10 (k) A license issued under this section shall be suspended  
11 or revoked by the chief of police if the licensee is found to be  
12 or subsequently becomes ineligible under the criteria set forth  
13 in subsection (d).

14 (l) Any person denied a license or who has a license  
15 suspended or revoked under this section shall have the right to  
16 a hearing on the denial, suspension, or revocation, subject to  
17 the requirements for contested cases and judicial review under  
18 chapter 91.

19 (m) At least ninety days prior to the expiration date of  
20 the license, the appropriate chief of police shall mail to each  
21 licensee a written notice of the expiration and a renewal form



1 prescribed by the attorney general, which shall be uniform  
2 throughout the State. The licensee shall renew the license, on  
3 or before the expiration date, by filing with the appropriate  
4 chief of police the renewal form containing:

- 5 (1) A notarized affidavit stating that the licensee  
6 remains qualified pursuant to the criteria specified  
7 in subsection (d);  
8 (2) A color photograph as specified in subsection (f)(5);  
9 and  
10 (3) The required renewal fee.

11 The license shall be renewed upon receipt of the completed  
12 renewal form, color photograph, appropriate payment of fees,  
13 and, if applicable, a completed fingerprint card. A licensee  
14 who fails to file a renewal application on or before its  
15 expiration date shall pay a late fee of \$15 to renew the  
16 license. No license shall be renewed six months or more after  
17 its expiration date, and the license shall be deemed to be  
18 permanently expired and destroyed. A person whose license has  
19 permanently expired may reapply for licensure; however, an  
20 application for licensure and fees pursuant to subsection (f)  
21 shall be submitted, and a background investigation shall be



1 conducted pursuant to this section. Any person who knowingly  
2 files false information pursuant to this subsection shall be  
3 subject to criminal prosecution under section 134-17(a).

4 (n) No license issued pursuant to this section shall  
5 authorize any person to carry a concealed firearm into any:

6 (1) Place used to commit violations that constitute a  
7 nuisance pursuant to section 712-1270;

8 (2) Police station;

9 (3) Detention facility, prison, or jail;

10 (4) Courthouse, except where permitted by paragraph (5);

11 (5) Courtroom, except that nothing in this section shall

12 preclude a judge from lawfully carrying a concealed

13 firearm or determining who may carry a concealed

14 firearm in the courtroom;

15 (6) Polling place;

16 (7) Meeting of the governing body of a county or other

17 political subdivision, the board of education, or any

18 neighborhood board;

19 (8) Meeting of the legislature or a committee thereof;

20 (9) School administration building;



- 1        (10) Public school facility, state university, and  
2        community college, including the parking areas and  
3        grounds, unless the licensee is dropping off or  
4        picking up students and the firearm and license are  
5        located in the vehicle;
- 6        (11) Any establishment licensed to serve alcohol for on-  
7        premises consumption;
- 8        (12) Any establishment or event open to the public where  
9        the operator makes a reasonable request for the  
10       licensee to remove the firearm from the premises;
- 11       (13) Designated federal security screening areas within the  
12       passenger terminal and sterile areas of any airport;  
13       and
- 14       (14) Secured psychiatric units.

15       Any person who violates this subsection shall be guilty of  
16 a class C felony.

17       (o) All funds received by a county police department  
18 pursuant to this section shall be deposited into the general  
19 fund of the respective county and shall be encumbered and  
20 expended strictly for administrative purposes in support of:



- 1        (1) Processing applications of licenses to carry concealed
- 2                firearms;
- 3        (2) Maintaining shooting ranges; and
- 4        (3) Development of a firearms safety and licensing manual.
- 5        (p) The attorney general shall maintain statistical
- 6 information on the number of licenses issued, revoked,
- 7 suspended, and denied."

8                SECTION 2. Section 134-2, Hawaii Revised Statutes, is  
9 amended by amending subsection (e) to read as follows:

10                "(e) The permit application form shall be signed by the  
11 applicant and by the issuing authority. One copy of the permit  
12 shall be retained by the issuing authority as a permanent  
13 official record. Except for sales to dealers licensed under  
14 section 134-31, or dealers licensed by the United States  
15 Department of Justice, or law enforcement officers, or where a  
16 license is granted under section 134-9[7] or 134- , or where  
17 any firearm is registered pursuant to section 134-3(a), no  
18 permit shall be issued to an applicant earlier than fourteen  
19 calendar days after the date of the application; provided that a  
20 permit shall be issued or the application denied before the  
21 twentieth day from the date of application. Permits issued to



1 acquire any pistol or revolver shall be void unless used within  
2 ten days after the date of issue. Permits to acquire a pistol  
3 or revolver shall require a separate application and permit for  
4 each transaction. Permits issued to acquire any rifle or  
5 shotgun shall entitle the permittee to make subsequent purchases  
6 of rifles or shotguns for a period of one year from the date of  
7 issue without a separate application and permit for each  
8 acquisition, subject to the disqualifications under section 134-  
9 7 and subject to revocation under section 134-13; provided that  
10 if a permittee is arrested for committing a felony or any crime  
11 of violence or for the illegal sale of any drug, the permit  
12 shall be impounded and shall be surrendered to the issuing  
13 authority. The issuing authority shall perform an inquiry on an  
14 applicant by using the International Justice and Public Safety  
15 Network, including the United States Immigration and Customs  
16 Enforcement query, the National Crime Information Center, and  
17 the National Instant Criminal Background Check System, pursuant  
18 to section 846-2.7 before any determination to issue a permit or  
19 to deny an application is made."

20 SECTION 3. Section 134-9, Hawaii Revised Statutes, is  
21 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 section 134- , or in compliance with  
4 [~~sections~~] section 134-5(c) or 134-25."

5           SECTION 4. Section 134-11, Hawaii Revised Statutes, is  
6 amended as follows:

7           1. By amending subsection (a) to read:

8           "(a) Sections 134-7 to 134-9 [~~and~~], 134-21 to 134-27, and  
9 134- , except section 134-7(f), shall not apply:

10           (1) To state and county law enforcement officers; provided  
11 that such persons are not convicted of an offense  
12 involving abuse of a family or household member under  
13 section 709-906;

14           (2) To members of the armed forces of the State and of the  
15 United States and mail carriers while in the  
16 performance of their respective duties if those duties  
17 require them to be armed;

18           (3) To regularly enrolled members of any organization duly  
19 authorized to purchase or receive the weapons from the  
20 United States or from the State; provided the members



1 are either at, or going to or from, their places of  
2 assembly or target practice;

3 (4) To persons employed by the State, or subdivisions  
4 thereof, or the United States while in the performance  
5 of their respective duties or while going to and from  
6 their respective places of duty if those duties  
7 require them to be armed;

8 (5) To aliens employed by the State, or subdivisions  
9 thereof, or the United States while in the performance  
10 of their respective duties or while going to and from  
11 their respective places of duty if those duties  
12 require them to be armed; and

13 (6) To police officers on official assignment in Hawaii  
14 from any state which by compact permits police  
15 officers from Hawaii while on official assignment in  
16 that state to carry firearms without registration.  
17 The governor of the State or the governor's duly  
18 authorized representative may enter into compacts with  
19 other states to carry out this paragraph."

20 2. By amending subsection (c) to read:





1           "(c) Sections 134-8, 134-9, [~~and~~] 134-21 to 134-27, and  
2 134-\_\_ shall not apply to the possession, transportation, or  
3 use, with blank cartridges, of any firearm or explosive solely  
4 as props for motion picture film or television program  
5 production when authorized by the chief of police of the  
6 appropriate county pursuant to section 134-2.5 and not in  
7 violation of federal law."

8           SECTION 5. Section 134-23, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10           "(a) Except as provided in [~~section~~] sections 134-5[~~7~~] and  
11 134-\_\_, all loaded firearms other than pistols and revolvers  
12 shall be confined to the possessor's place of business,  
13 residence, or sojourn; provided that it shall be lawful to carry  
14 unloaded firearms in an enclosed container from the place of  
15 purchase to the purchaser's place of business, residence, or  
16 sojourn, or between these places upon change of place of  
17 business, residence, or sojourn, or between these places and the  
18 following:

- 19           (1) A place of repair;  
20           (2) A target range;  
21           (3) A licensed dealer's place of business;



- 1 (4) An organized, scheduled firearms show or exhibit;
- 2 (5) A place of formal hunter or firearm use training or
- 3 instruction; or
- 4 (6) A police station.

5 "Enclosed container" means a rigidly constructed  
6 receptacle, or a commercially manufactured gun case, or the  
7 equivalent thereof that completely encloses the firearm."

8 SECTION 6. Section 134-24, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in [~~section~~] sections 134-5[7] and  
11 134- , all unloaded firearms other than pistols and revolvers  
12 shall be confined to the possessor's place of business,  
13 residence, or sojourn; provided that it shall be lawful to carry  
14 unloaded firearms in an enclosed container from the place of  
15 purchase to the purchaser's place of business, residence, or  
16 sojourn, or between these places upon change of place of  
17 business, residence, or sojourn, or between these places and the  
18 following:

- 19 (1) A place of repair;
- 20 (2) A target range;
- 21 (3) A licensed dealer's place of business;



- 1 (4) An organized, scheduled firearms show or exhibit;
- 2 (5) A place of formal hunter or firearm use training or
- 3 instruction; or
- 4 (6) A police station.

5 "Enclosed container" means a rigidly constructed  
6 receptacle, or a commercially manufactured gun case, or the  
7 equivalent thereof that completely encloses the firearm."

8 SECTION 7. Section 134-25, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in sections 134-5 [~~and~~], 134-9,  
11 and 134- , all [~~firearms~~] loaded or unloaded pistols or  
12 revolvers shall be confined to the possessor's place of  
13 business, residence, or sojourn; provided that it shall be  
14 lawful to carry unloaded firearms in an enclosed container from  
15 the place of purchase to the purchaser's place of business,  
16 residence, or sojourn, or between these places upon change of  
17 place of business, residence, or sojourn, or between these  
18 places and the following:

- 19 (1) A place of repair;
- 20 (2) A target range;
- 21 (3) A licensed dealer's place of business;



- 1 (4) An organized, scheduled firearms show or exhibit;
- 2 (5) A place of formal hunter or firearm use training or
- 3 instruction; or
- 4 (6) A police station.

5 "Enclosed container" means a rigidly constructed  
6 receptacle, or a commercially manufactured gun case, or the  
7 equivalent thereof that completely encloses the firearm."

8 SECTION 8. Section 134-26, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) It shall be unlawful for any person on any public  
11 highway to carry on the person, or to have in the person's  
12 possession, or to carry in a vehicle any firearm loaded with  
13 ammunition; provided that this section shall not apply to any  
14 person who has in the person's possession or carries a pistol or  
15 revolver in accordance with a license issued as provided in  
16 section 134-9[-] or 134- ."

17 SECTION 9. Section 134-27, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Except as provided in sections 134-5 [~~and~~], 134-9,  
20 and 134- , all ammunition shall be confined to the possessor's  
21 place of business, residence, or sojourn; provided that it shall



1 be lawful to carry ammunition in an enclosed container from the  
2 place of purchase to the purchaser's place of business,  
3 residence, or sojourn, or between these places upon change of  
4 place of business, residence, or sojourn, or between these  
5 places and the following:

- 6 (1) A place of repair;
- 7 (2) A target range;
- 8 (3) A licensed dealer's place of business;
- 9 (4) An organized, scheduled firearms show or exhibit;
- 10 (5) A place of formal hunter or firearm use training or  
11 instruction; or
- 12 (6) A police station.

13 "Enclosed container" means a rigidly constructed  
14 receptacle, or a commercially manufactured gun case, or the  
15 equivalent thereof that completely encloses the ammunition."

16 SECTION 10. This Act does not affect rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

19 SECTION 11. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or



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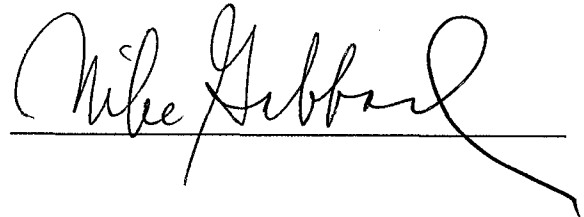
1 applications of the Act that can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 12. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 13. This Act shall take effect upon its approval.

7

INTRODUCED BY:

  
\_\_\_\_\_



# S.B. NO. 212

**Report Title:**

Firearms; Concealed Carry License

**Description:**

Authorizes the chief of police from each respective county to issue licenses to carry a concealed firearm. Specifies processes for license applications, renewals, revocations, and record keeping. Strictly prohibits carrying concealed firearms under certain circumstances. Makes various conforming amendments.

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

