

STAND. COM. REP. NO.

1461

Honolulu, Hawaii

APR 06 2017

RE: H.B. No. 459  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 459, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Chief of Police to notify certain agencies within twenty-four hours 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;
- (2) Require the Chief of Police to notify the court that issued a protective or restraining order of a firearm permit applicant within twenty-four hours of the denial of the permit because of that order; and
- (3) Require the Department of Public Safety to notify the probation or parole officer of a firearms permit applicant, if applicable, upon notification of a firearms permit denial because of a prior criminal conviction.



Your Committee received testimony in support of this measure from the Police Department, City and County of Honolulu; Every Town for Gun Safety; Moms Demand Action for Gun Sense in America; and seventeen individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that a robust regulatory framework for firearm ownership is essential to protecting the public health, safety, and welfare. This measure provides a regulatory framework that includes identification of individuals who attempt to apply for and are denied a permit because they are prohibited from owning, possessing, receiving, or controlling a firearm under federal or state law.

Your Committee notes the concerns raised in written testimony submitted by the City and County of Honolulu Police Department that the twenty-four-hour time frame to send notice is not realistic and noted the Department's preference for the time frames under S.B. No. 1037, S.D. 2 (Regular Session of 2017). Furthermore, the Department raised concerns in oral testimony regarding what types of notice are required to be sent when a firearm permit is denied.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that when a firearm permit application is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the Chief of Police is required to send notice to certain persons within ten business days from the date of denial, rather than twenty-four hours of the denial;
- (2) Clarifying that if a firearm permit was denied because the applicant is subject to a protective or restraining order, then the Chief of Police is required to send notice to the court that issued the order within three business days from the date of denial, rather than twenty-four hours of the denial;
- (3) Clarifying that the notice regarding the denial of a firearm permit application is a written notice;



- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 459, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 459, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

  
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GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB459, HDI</b>	Committee Referral: <b>JDL</b>	Date: <b>3/31/17</b>		
<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)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes