

STAND. COM. REP. NO. **445**

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 1037
S.D. 1

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

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations, to which was referred S.B. No. 1037 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

beg leave to report as follows:

The purpose and intent of this measure is to require 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.

Your Committees received testimony in support of this measure from the Judiciary, Kauai Police Department, and thirteen individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that a robust regulatory framework for firearm ownership is essential to protecting the public health, safety, and welfare. Part of that regulatory framework should include identifying individuals who are prohibited from owning, possessing, receiving, or controlling a firearm under federal or state law, but who still attempt to apply for and are denied a permit because of their existing status. Therefore, this measure:

- (1) Requires the firearms permitting authority to notify the prosecuting attorney of the county of the issuing authority, the United States Attorney's Office in



Hawaii, and the Department of Public Safety if an applicant is denied a permit because the applicant is prohibited from owning, possessing, receiving, or controlling a firearm under federal or state law; and

- (2) Requires the Department of Public Safety, upon notification of such a permit denial, to determine if the denied applicant is serving probation or parole, and if so, send notice to the applicant's probation or parole officer.

Your Committees, however, have concerns about the effectiveness of this measure as written. Under existing laws, an individual who seeks a permit to own a firearm, but is prohibited by statute from doing so, will be denied a permit. Testimony presented during the hearing highlighted that merely seeking a permit, even if prohibited from obtaining one, is not a violation of the law. Therefore, it is not clear how passing on information about a denied permit, even for someone prohibited from obtaining one, to prosecutors would have any real impact. If your Committee on Judiciary and Labor decides to hear this measure, it may be beneficial for that Committee to further explore this concern.

Your Committees have amended this measure by inserting an effective date of May 22, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1037, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1037, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Government
Operations,



DONNA MERCADO KIM, Chair



CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 1037	Committee Referral: PSM/GVO, JDL	Date: 2/14/17
---	--	-------------------------

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0

Recommendation: Adopted Not Adopted

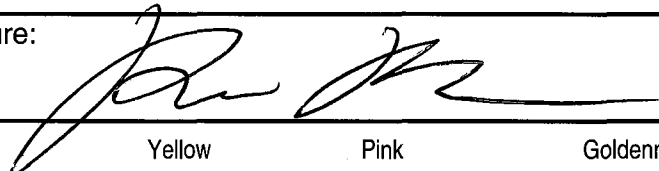
Chair's or Designee's Signature: 

Distribution: Original (File with Committee Report) Yellow (Clerk's Office) Pink (Drafting Agency) Goldenrod (Committee File Copy)

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <i>SB 1037</i>	Committee Referral: <i>PSM/GVO, JDL</i>	Date: <i>2-14-17</i>		
<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
KIM, Donna Mercado (C)	<input checked="" type="checkbox"/>			
RUDERMAN, Russell E. (VC)	<input checked="" type="checkbox"/>			
GALUTERIA, Brickwood				<input checked="" type="checkbox"/>
RHOADS, Karl	<input checked="" type="checkbox"/>			
TOKUDA, Jill N.				<input checked="" type="checkbox"/>
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
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