

STAND. COM. REP. NO.

672

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 898
S.D. 2

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
S.B. No. 898, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS OWNED, POSSESSED, OR
CONTROLLED BY PERSONS WHO POSE A SERIOUS RISK OF VIOLENCE OR
HARM TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to allow law
enforcement to seize and retain firearms or ammunition owned,
possessed, or controlled by a person who poses a serious risk of
violence or harm to public safety, pursuant to a court order, by
establishing specific criteria for the issuance of a warrant to
search for, seizure of, hearings regarding, retention of, and
return of firearms or ammunition, if certain conditions are met.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Office of Homeland
Security, Department of Defense; Police Department, City and
County of Honolulu; Police Department, County of Kaua'i; Office of
the Prosecuting Attorney, County of Hawai'i; and seven individuals.
Your Committee received testimony in opposition to this measure
from the National Rifle Association Hawaii, Institute for Rational
and Evidence-based Legislation, Lessons In Firearms Education, and
one hundred six individuals.



Your Committee finds that existing law disqualifies certain persons from owning a firearm or ammunition. However, there are occasions where law enforcement becomes aware of a person who poses serious risk of violence or harm to public safety, but is not disqualified from firearms ownership pursuant to state law. This measure includes such persons as persons who are disqualified from firearms or ammunition ownership due to them having certain traits or characteristics or a proclivity toward violence or harm against the public and provides those persons with certain due process safeguards.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) 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 S.B. No. 898, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 898, S.D. 2.


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


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.:* SB 898 SD1	Committee Referral: PSM, JDL	Date: 2/23/17		
<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.	✓			
TOTAL	3	1	0	1
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