

STAND. COM. REP. NO.

2755

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2046
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2046 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit trigger modification devices, including bump stocks, that are designed or function to accelerate the rate of fire of a semiautomatic firearm.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Injury Prevention Advisory Committee, Young Progressives Demanding Action Hawaii, Filipina Advocacy Network, IMUAlliance, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and thirty-nine individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Honolulu County Republican Party, 2A Hawaii, Hawaii Rifle Association, Hawaii Hunting Association, Institute for Rational and Evidence-based Legislation, and more than four hundred fifty individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that the shooter in the October 1, 2017, Las Vegas shooting used a device, commonly known as a "bump



stock", to manipulate the trigger mechanism on a semi-automatic rifle in such a way as to allow a rate of fire comparable to a fully automatic firearm. Your Committee further finds that the State has a compelling interest in limiting the availability of such devices to promote the safety of the public and reduce the risk of firearm violence in Hawaii. Your Committee additionally finds that the definition of "trigger modification device" in this measure is unnecessarily complicated and limiting. Your Committee notes that House Bill No. 1908 H.D.1, Regular Session of 2018, contains new statutory language that is substantively similar but more flexible.

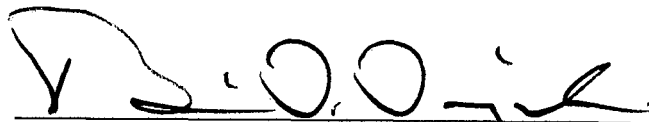
Accordingly, your Committee has amended this measure by:

- (1) Removing language prohibiting ownership of trigger modification devices;
- (2) Inserting language from House Bill No. 1908 H.D.1, Regular Session of 2018, establishing the manufacture, import, sale, gift, lending, or possession of any multiburst trigger activator as a class C felony;
- (3) Defining "multiburst trigger activator" to mean:
 - (A) A device that simulates automatic gunfire by allowing standard function of a semiautomatic firearm with a static positioned trigger finger or a device that fires multiple shots with the pull and release of the trigger; or
 - (B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it simulates automatic gunfire; and
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2046, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2046, S.D. 1.



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



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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|--|--|---------------------------|----------|----------|
| Bill / Resolution No.:* <i>SB 2046</i> | Committee Referral: <i>PSM, JDC</i> | Date: <i>2/27/2018</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 |
| TANIGUCHI, Brian T. (C) | ✓ | | | |
| RHOADS, Karl (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| KIM, Donna Mercado | ✓ | | | |
| THIELEN, Laura H. | ✓ | | | |
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| TOTAL | <i>5</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align: right; font-family: cursive; font-size: 1.2em; margin-right: 50px;"><i>Karl Rhoads</i></div> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes