

Honolulu, Hawaii

FEB 13 2017

RE: S.B. No. 898

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 Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 898 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:

- (1) Allow, upon application by a law enforcement officer and issuance of a warrant by a court, 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; and
- (2) Allow a court to decide whether to retain seized firearms and ammunition upon a hearing to determine if the person does pose a risk of violence or harm to the public.

Your Committee received testimony in support of this measure from the Department of the Attorney General, City and County of Honolulu Police Department, County of Hawaii Police Department, and County of Kauai Police Department. 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 Hawaii, and eighteen



individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that preventing persons who pose a serious risk of violence or harm to the public from accessing firearms or ammunition is critical to ensuring public safety. Currently, there is little that law enforcement officers can do to prevent an individual from gaining possession of and subsequently using a firearm even when the officers are aware that the individual may pose a serious risk of violence or harm to the public. Accordingly, this measure:

- (1) Allows law enforcement officers in the State 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 upon submission to a court of an affidavit stating why the officer believes the person poses a serious risk of violence or harm to public safety and the issuance of a warrant by the court;
- (2) Requires the court to conduct a hearing within thirty days of the issuance of the warrant to determine whether the person does pose a serious risk of violence or harm to the public; and
- (3) Allows the court to return seized firearms and ammunition to the person if the court finds that the person does not pose a serious risk of violence or harm to the public or retain the firearms until the court orders their return if the court finds that the person does pose a serious risk of violence or harm to the public.

Your Committee has amended this measure by 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 898, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 898, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



