
A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that electric guns
2 provide law enforcement officers a viable alternative to
3 escalation to the use of deadly force when dealing with non-
4 compliant, combative suspects. Electric guns reduce the risk of
5 serious injury or death by providing a less-than-lethal means of
6 exerting force when necessary.

7 Existing state laws authorize certain law enforcement
8 officers, including police officers, sheriffs, conservation and
9 resources enforcement officers of the department of land and
10 natural resources, and members of the army and air national
11 guard to use electric guns, but exclude enforcement officers at
12 state commercial harbors, also known as harbor police. Harbor
13 police officers are appointed by the director of transportation
14 to execute warrants, arrest offenders, and serve notices and
15 orders, are authorized to carry firearms, and should also have
16 access to electric guns when performing their duties.



1 The purpose of this Act is to authorize law enforcement
2 officers of the department of transportation to use electric
3 guns while performing their duties.

4 SECTION 2. Section 134-16, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§134-16 Restriction on possession, sale, gift, or
7 delivery of electric guns. (a) It shall be unlawful for any
8 person, including a licensed manufacturer, licensed importer, or
9 licensed dealer, to possess, offer for sale, hold for sale,
10 sell, give, lend, or deliver any electric gun.

11 (b) Any electric gun possessed, offered for sale, held for
12 sale, sold, given, lent, or delivered in violation of subsection
13 (a) shall be confiscated and disposed of by the chief of police.

14 (c) This section shall not apply to:

15 (1) Law enforcement officers of county police departments;

16 (2) Law enforcement officers of the department of public
17 safety;

18 (3) Conservation and resources enforcement officers of the
19 department of land and natural resources;

20 (4) Members of the Army or Air National Guard when
21 assisting civil authorities in disaster relief,



1 emergency management, or law enforcement functions,
2 subject to the requirements of section 121-34.5; ~~and~~
3 (5) Law enforcement officers appointed by the director of
4 transportation pursuant to section 266-24; and
5 ~~[-5-]~~ (6) Vendors providing electric guns to the
6 individuals described in paragraphs (1) through ~~[-4-]~~
7 (5);
8 provided that electric guns shall at all times remain in the
9 custody and control of the law enforcement officers of the
10 county police departments, the law enforcement officers of the
11 department of public safety, the conservation and resources
12 enforcement officers of the department of land and natural
13 resources, ~~[or]~~ the members of the Army or Air National
14 Guard~~[-]~~, or law enforcement officers appointed by the director
15 of transportation.

16 (d) The county police departments of this State, the
17 department of public safety, the department of land and natural
18 resources, ~~and~~ the army and air national guard, and the
19 department of transportation shall maintain records regarding
20 every electric gun in their custody and control. The records
21 shall report every instance of usage of the electric guns; in



1 particular, records shall be maintained in a similar manner as
2 for those of discharging of firearms. The county police
3 departments, the department of public safety, the department of
4 land and natural resources, [~~and~~] the army and air national
5 guard, and the department of transportation shall annually
6 report to the legislature regarding these records no later than
7 twenty days before the beginning of each regular session of the
8 legislature.

9 (e) The department of land and natural resources, [~~and~~]
10 the department of public safety, and the department of
11 transportation shall ensure that each of its conservation and
12 resources enforcement officers and law enforcement officers who
13 is authorized to use an electric gun and related equipment shall
14 first receive training from the manufacturer or from a
15 manufacturer-approved training program, as well as by
16 manufacturer-certified or approved instructors in the use of
17 electric guns prior to deployment of the electric guns and
18 related equipment in public. Training for conservation and
19 resources enforcement officers of the department of land and
20 natural resources, [~~and~~] law enforcement officers of the
21 department of public safety, and law enforcement officers of the



1 department of transportation may be done concurrently to ensure
2 cost savings.

3 (f) No later than June 30, 2018, the conservation and
4 resources enforcement program of the department of land and
5 natural resources shall meet the law enforcement accreditation
6 or recognition standards of the Commission on Accreditation for
7 Law Enforcement Agencies, Inc., in the use of electric guns.

8 (g) No later than June 30, 2024, the law enforcement
9 officers appointed by the director of transportation shall meet
10 the law enforcement accreditation or recognition standards of
11 the Commission on Accreditation for Law Enforcement Agencies,
12 Inc., in the use of electric guns."

13 SECTION 3. Section 266-24, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) The director of transportation shall enforce this
16 chapter and all rules thereunder, except for the rules relative
17 to the control and management of the beaches encumbered with
18 easements in favor of the public and ocean waters which shall be
19 enforced by the department of land and natural resources. For
20 the purpose of the enforcement of this chapter and of all rules
21 adopted pursuant to this chapter, the powers of police officers



1 are conferred upon the director of transportation and any
2 officer, employee, or representative of the department of
3 transportation. Without limiting the generality of the
4 foregoing, the director and any person appointed by the director
5 hereunder may serve and execute warrants, arrest offenders, and
6 serve notices and orders. The director of transportation and
7 any employee, agent, or representative of the department of
8 transportation appointed as enforcement officers by the
9 director, and every state and county officer charged with the
10 enforcement of any law, statute, rule, regulation, ordinance, or
11 order, shall enforce and assist in the enforcement of this
12 chapter and of all rules and orders issued pursuant thereto, and
13 in carrying out the responsibilities hereunder, each shall be
14 specifically authorized to:

- 15 (1) Conduct any enforcement action hereunder in any
16 commercial harbor area and any area over which the
17 department of transportation and the director of
18 transportation has jurisdiction under this chapter;
- 19 (2) Inspect and examine at reasonable hours any premises,
20 and the buildings and other structures thereon, where
21 harbors or harbor facilities are situated, or where



1 harbor-related activities are operated or conducted;
2 and

3 (3) Subject to limitations as may be imposed by the
4 director of transportation, serve and execute
5 warrants, arrest offenders, and serve notices and
6 orders.

7 Any employee appointed as a law enforcement officer by the
8 director of transportation pursuant to this section who has been
9 qualified by training may use electric guns, as specifically
10 provided in section 134-16, when exercising powers of police
11 officers and carrying out the responsibilities described herein;
12 provided that training for the purposes of this section means a
13 course of instruction or training in the use of any electric gun
14 that is provided, authorized, or approved by the manufacturer of
15 the electric gun prior to deployment or issuance of electric
16 guns and related equipment.


17 For purposes of this subsection, the term "agents and
18 representatives" includes persons performing services at harbors
19 or harbor areas under contract with the department of
20 transportation."



H.B. NO. 1176

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
4

INTRODUCED BY: George T. Ryan
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JAN 23 2019



H.B. NO. 176

Report Title:

Electric Guns; Law Enforcement; Department of Transportation

Description:

Authorizes law enforcement officers of the Department of Transportation to use electric guns while performing their duties. Requires law enforcement officers of DOT to be accredited by June 30, 2024, for the use of electric guns.

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