



- 1           (1) Requiring these individuals to undergo additional
- 2                   training before applying for or renewing a license to
- 3                   carry a concealed or unconcealed handgun;
- 4           (2) Requiring any individual applying for or renewing a
- 5                   license to carry an unconcealed handgun to undergo the
- 6                   same review as an individual applying for or renewing
- 7                   a license to carry a concealed handgun; and
- 8           (3) Reducing the length of a license to carry a concealed
- 9                   or unconcealed handgun from one year to six months.

10           SECTION 2. Section 134-2, Hawaii Revised Statutes, is  
11 amended by amending subsection (g) to read as follows:

12           "(g) Effective July 1, 1995, no person shall be issued a  
13 permit under this section for the acquisition of a pistol or  
14 revolver unless the person, at any time prior to the issuance of  
15 the permit, has completed:

- 16           (1) An approved hunter education course as authorized
- 17                   under section 183D-28;
- 18           (2) A firearms safety or training course or class
- 19                   available to the general public offered by a law
- 20                   enforcement agency of the State or of any county;



1           (3) A firearms safety or training course offered to law  
2           enforcement officers, security guards, investigators,  
3           deputy sheriffs, or any division or subdivision of law  
4           enforcement or security enforcement by a state or  
5           county law enforcement agency; [~~or~~]

6           (4) A firearms training or safety course or class  
7           conducted by a state certified or National Rifle  
8           Association certified firearms instructor or a  
9           certified military firearms instructor that provides,  
10          at a minimum, a total of at least two hours of firing  
11          training at a firing range and a total of at least  
12          four hours of classroom instruction, which may include  
13          a video, that focuses on:

14               (A) The safe use, handling, and storage of firearms  
15               and firearm safety in the home; and

16               (B) Education on the firearm laws of the State.

17          An affidavit signed by the certified firearms  
18          instructor who conducted or taught the course,  
19          providing the name, address, and phone number of the  
20          instructor and attesting to the successful completion  
21          of the course by the applicant shall constitute

1 evidence of certified successful completion under this  
2 paragraph[-]; or

3 (5) A firearms training or safety course or class  
4 conducted by a state certified firearms instructor or  
5 a certified military firearms instructor that  
6 provides, at a minimum, all of the training of a  
7 safety course or class described in paragraph (4) and  
8 also provides a total of at least four hours of  
9 additional training in:

- 10 (A) Properly carrying concealed and unconcealed
- 11 weapons in public;
- 12 (B) Situation de-escalation;
- 13 (C) Interaction with law enforcement; and
- 14 (D) The proper use of a weapon as a last resort.

15 An affidavit signed by the certified firearms  
16 instructor who conducted or taught the course,  
17 providing the name, address, and phone number of the  
18 instructor and attesting to the successful completion  
19 of the course by the applicant shall constitute  
20 evidence of certified successful completion under this  
21 paragraph. "



1 SECTION 3. Section 134-9, Hawaii Revised Statutes, is  
2 amended as follows:

3 "§134-9 Licenses to carry. (a) In an exceptional case,  
4 when an applicant shows reason to fear injury to the applicant's  
5 person or property, the chief of police of the appropriate  
6 county may grant a license to an applicant who is a citizen of  
7 the United States of the age of twenty-one years or more or to a  
8 duly accredited official representative of a foreign nation of  
9 the age of twenty-one years or more to carry a pistol or  
10 revolver and ammunition therefor concealed on the person within  
11 the county where the license is granted. Where the urgency or  
12 the need has been sufficiently indicated, the respective chief  
13 of police may grant to an applicant of good moral character who  
14 is a citizen of the United States of the age of twenty-one years  
15 or more, is engaged in the protection of life and property, and  
16 is not prohibited under section 134-7 from the ownership or  
17 possession of a firearm, a license to carry a pistol or revolver  
18 and ammunition therefor unconcealed on the person within the  
19 county where the license is granted. The chief of police of the  
20 appropriate county, or the chief's designated representative,  
21 shall perform an inquiry on an applicant by using the National



1 Instant Criminal Background Check System, to include a check of  
2 the Immigration and Customs Enforcement databases where the  
3 applicant is not a citizen of the United States, before any  
4 determination to grant a license is made. Unless renewed, ~~[the]~~  
5 a license issued pursuant to this section shall expire [one]:

6 (1) One year from the date of issue[-] if the license was  
7 issued on an initial or renewal basis before July  
8 1, 2019; or

9 (2) Six months from the date of issue if the license was  
10 issued on an initial or renewal basis after June  
11 30, 2019.

12 (b) The chief of police of each county shall adopt  
13 procedures to require that any person granted a license to carry  
14 a ~~[concealed weapon]~~ pistol or revolver and ammunition on the  
15 person shall:

16 (1) Be qualified to use the firearm in a safe manner[+],  
17 as evidenced by documentation showing successful  
18 completion by the person of a firearms safety or  
19 training course or class approved by the chief of  
20 police of the appropriate county and as described in  
21 section 134-2(g) (5); provided that the person shall



- 1           have completed the course within thirty days before  
2           applying for or renewing a license;
- 3           (2) Appear to be a suitable person to be so licensed;
- 4           (3) Not be prohibited under section 134-7 from the  
5           ownership or possession of a firearm; [~~and~~]
- 6           (4) Not have been adjudged insane or not appear to be  
7           mentally deranged[~~-~~]; and
- 8           (5) Also carry on the person an electric gun, as defined  
9           in section 134-1, which is intended to be non-lethal  
10           by design, whenever the licensee carries a pistol or  
11           revolver pursuant to the license.

12           (c) If a licensee violates any requirement relating to the  
13           license, the chief of police who issued the license shall revoke  
14           the license.

15           [~~(e)~~] (d) No person shall carry concealed or unconcealed  
16           on the person a pistol or revolver without being licensed to do  
17           so under this section or in compliance with [~~sections~~] section  
18           134-5(c) or section 134-25.

19           [~~(d)~~] (e) A fee of \$10 shall be charged for each license  
20           and shall be deposited in the treasury of the county in which  
21           the license is granted.



PART II

1  
2 SECTION 4. The legislature finds that its existing ban on  
3 electric guns may be unconstitutional as a result of the  
4 decision by Supreme Court of the United States in the case of  
5 *Caetano v. Massachusetts*. The legislature further finds that  
6 the possession and use of electric guns should be permitted as  
7 an exercise of the right of self-defense and to discourage the  
8 use of more dangerous weapons, including firearms. The  
9 legislature notes that Hawaii, New York, and Rhode Island are  
10 the only states that have an outright ban on the civilian  
11 ownership of electric guns.

12 The purpose of this part is to repeal the State's ban on  
13 electric guns.

14 SECTION 5. Section 121-34.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§121-34.5 Use of electric guns. Members of the army or  
17 air national guard who have been qualified by training and are  
18 authorized by their commanders may use electric guns, [~~as~~  
19 ~~specifically provided in section 134-16(c) and (d),]~~ subject to  
20 the requirements of section 134-16 (a) and (b), when assisting  
21 civil authorities in disaster relief, emergency management, or





1 law enforcement functions; provided that "training" for the  
2 purposes of this section means a course of instruction or  
3 training in the use of any electric gun authorized pursuant to  
4 this section, that is provided or authorized by the manufacturer  
5 or is manufacturer-approved or is an electric gun training  
6 program approved by the army or air national guard, prior to  
7 deployment or issuance of electric guns and related equipment."

8 SECTION 6. Section 134-16, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~§134-16 [Restriction on possession, sale, gift, or~~  
11 ~~delivery of electric] Electric guns[-]; record of use; training~~  
12 required. [~~(a) It shall be unlawful for any person, including~~  
13 ~~a licensed manufacturer, licensed importer, or licensed dealer,~~  
14 ~~to possess, offer for sale, hold for sale, sell, give, lend, or~~  
15 ~~deliver any electric gun.~~

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

19 ~~(c) This section shall not apply to:]~~ (a) Any electric  
20 gun owned by:

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



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

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

5 (4) Members of the Army or Air National Guard when  
6 assisting civil authorities in disaster relief,  
7 emergency management, or law enforcement functions,  
8 subject to the requirements of section 121-34.5; [~~and~~]  
9 or

10 (5) Vendors providing electric guns to the individuals  
11 described in paragraphs (1) through (4) [~~+~~],  
12 [~~provided that electric guns~~] shall at all times remain in the  
13 custody and control of the law enforcement officers of the  
14 county police departments, the law enforcement officers of the  
15 department of public safety, the conservation and resources  
16 enforcement officers of the department of land and natural  
17 resources, or the members of the Army or Air National Guard.

18 [~~+~~] (b) The county police departments of this State, the  
19 department of public safety, the department of land and natural  
20 resources, and the army and air national guard shall maintain  
21 records regarding every electric gun in their custody and



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

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





1 SECTION 10. This Act shall take effect upon its approval;  
2 provided that part I shall take effect on July 1, 2019.

3

INTRODUCED BY:



JAN 24 2019



# H.B. NO. 1486

**Report Title:**

Firearms; Concealed Carry; Licenses; Terms; Training  
Requirements; Electric Guns

**Description:**

Requires an applicant to successfully complete a firearms safety or training course within thirty days before applying for or renewing a license to carry a concealed or unconcealed weapon. Repeals the ban on electric guns.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

