

JAN 18 2019

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

10           The purpose of this Act is to repeal the State's ban on  
11 electric guns.

12           SECTION 2. Section 121-34.5, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§121-34.5 Use of electric guns.** Members of the army or  
15 air national guard who have been qualified by training and are  
16 authorized by their commanders may use electric guns, [as  
17 ~~specifically provided in section 134-16(c) and (d),~~] subject to



1 the requirements of section 134-16(a) and (b), when assisting  
2 civil authorities in disaster relief, emergency management, or  
3 law enforcement functions; provided that "training" for the  
4 purposes of this section means a course of instruction or  
5 training in the use of any electric gun authorized pursuant to  
6 this section, that is provided or authorized by the manufacturer  
7 or is manufacturer-approved or is an electric gun training  
8 program approved by the army or air national guard, prior to  
9 deployment or issuance of electric guns and related equipment."

10 SECTION 3. Section 134-16, Hawaii Revised Statutes, is  
11 amended to read as follows:

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

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



1       ~~(e) This section shall not apply to:~~ Any electric gun  
2 owned by:

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

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

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

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

12          or

13          (5) Vendors providing electric guns to the individuals  
14          described in paragraphs (1) through (4) ~~[+]~~ ,

15 ~~[provided that electric guns]~~ shall at all times remain in the  
16 custody and control of the law enforcement officers of the  
17 county police departments, the law enforcement officers of the  
18 department of public safety, the conservation and resources  
19 enforcement officers of the department of land and natural  
20 resources, or the members of the Army or Air National Guard.



1           ~~[(d)]~~ (b) The county police departments of this State, the  
2 department of public safety, the department of land and natural  
3 resources, and the army and air national guard shall maintain  
4 records regarding every electric gun in their custody and  
5 control. The records shall report every instance of usage of  
6 the electric guns; in particular, records shall be maintained in  
7 a similar manner as for those of discharging of firearms. The  
8 county police departments, the department of public safety, the  
9 department of land and natural resources, and the army and air  
10 national guard shall annually report to the legislature  
11 regarding these records no later than twenty days before the  
12 beginning of each regular session of the legislature.

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



1 and resources enforcement officers of the department of land and  
2 natural resources and law enforcement officers of the department  
3 of public safety may be done concurrently to ensure cost  
4 savings.

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

10 SECTION 4. Section 134-17, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) Any person who violates section 134-2, 134-4, 134-10,  
13 or 134-15 [~~, or 134-16(a)~~] shall be guilty of a misdemeanor. Any  
14 person who violates section 134-3(b) shall be guilty of a petty  
15 misdemeanor and the firearm shall be confiscated as contraband  
16 and disposed of, if the firearm is not registered within five  
17 days of the person receiving notice of the violation."

18 SECTION 5. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



# S.B. NO. 305

1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.  
4

INTRODUCED BY:

~~ASAC [Signature]~~  
BY REQUEST OF ANOTHER PARTY



# S.B. NO. 305

**Report Title:**

Electric Gun; Ban; Repeal

**Description:**

Repeals 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.*

