

JAN 18 2019

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that Hawaii's penal code
2 does not adequately address the reporting of lost or stolen
3 firearms. Permits to acquire and registration of firearms are
4 required in the State to ensure that firearms remain in the
5 possession of individuals who are properly vetted and meet the
6 stringent requirements to own or possess firearms. Keeping
7 firearms in the hands of authorized owners is vital to the
8 public safety of the people of Hawaii. If lost or stolen
9 firearms are properly reported, law enforcement can enter the
10 information of these lost or stolen firearms into the
11 appropriate national and local databases. This information will
12 enhance police officer safety when dealing with firearm
13 ownership and possession issues in the course of police duties.
14 Having access to information on lost or stolen firearms will
15 also allow police officers to investigate a report in a timely
16 manner, which will assist in the swift seizure of lost or stolen
17 weapons and further the goal of public safety.



1 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§134- Reporting of lost, stolen, or destroyed
5 firearms. (a) Every person or designee shall report the loss,
6 theft, or destruction of a firearm that person owns or possesses
7 to the county police department of the county within which the
8 loss, theft, or destruction occurred, within twenty-four hours
9 upon the discovery or such loss, theft, or destruction. Every
10 person reporting the loss, theft, or destruction of a firearm
11 shall report the make, model, and serial number of the firearm,
12 if known by the person, and any additional relevant information
13 required by the county police department taking the report.

14 (b) Upon the receipt of a report of a lost, stolen, or
15 destroyed firearm, the appropriate county police department
16 shall enter into the National Crime Information Center database,
17 to the extent known, the caliber, make, model, manufacturer, and
18 serial number of the firearm and any other distinguishing number
19 or identification mark on the firearm.

20 (c) If a person intentionally or knowingly fails to report
21 to the appropriate county police department the loss, theft, or



1 destruction of any firearm that person owns or possesses, or
2 falsely reports the loss, theft, or destruction of that firearm,
3 that person shall:

4 (1) Be guilty of a petty misdemeanor for the first
5 offense;

6 (2) Be guilty of a misdemeanor for the second offense; and

7 (3) Be guilty of a misdemeanor for the third offense or
8 subsequent offense.

9 (d) Any person found guilty under paragraph (c)(3) shall:

10 (1) Have all firearm registrations revoked;

11 (2) Surrender all firearms and ammunition to the chief of
12 police of the appropriate county; and

13 (3) Be prohibited from owning, possessing, or registering
14 any firearms.

15 If, upon conviction, a person fails to voluntarily

16 surrender all firearms and ammunition as required by this

17 subsection, the chief of police may seize all firearms and

18 ammunition.

19 (e) For the purposes of this section, an incident that

20 applies to multiple firearms shall constitute a single offense



S.B. NO. 621

1 if the offense pertaining to each firearm arose from the same
2 occurrence.

3 (f) No person shall knowingly make a false report to a
4 county police department that a firearm has been lost, stolen,
5 or destroyed.

6 (g) A person shall not be in violation of this section if:

7 (1) The failure to report is due to an act of God, act of
8 war, or inability of a county police department to
9 receive the report;

10 (2) The person is hospitalized, in a coma, or is otherwise
11 seriously physically, or mentally impaired so as to
12 prevent the person from reporting; or

13 (3) The person's designee makes a report if the person is
14 unable to make the report."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: Clarence A. Metchum B/R



S.B. NO. 621

Report Title:

Firearms; Lost, Stolen, or Destroyed Firearms; Reporting Requirements; Penalties

Description:

Requires a person to report the person's lost, stolen, or destroyed firearms to the appropriate county police department. Establishes penalties for failure to report.

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