
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

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PART I

SECTION 1. The legislature finds that Hawaii's penal code does not adequately address the reporting of lost or stolen firearms. Permits to acquire firearms and registration are required in the State to ensure that firearms remain in the possession of individuals who are properly vetted and meet the stringent requirements to own or possess firearms. Keeping firearms in the hands of authorized owners is vital to the public safety of the people of Hawaii. If lost or stolen firearms are properly reported, law enforcement can enter information on these lost or stolen firearms into the appropriate national and local databases. This information will enhance police officer safety when dealing with firearm ownership and possession issues in the course of police duties. Having access to information on lost or stolen firearms will also allow police officers to investigate a report in a timely



1 manner, which will assist in the swift seizure of lost or stolen
2 weapons and further the goal of public safety.

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

6 "§134- Reporting of lost, stolen, or destroyed firearms.

7 (a) Every person or designee shall report the loss, theft, or
8 destruction of a firearm that the person owns or possesses to
9 the county police department of the county within which the
10 loss, theft, or destruction occurred, within forty-eight hours
11 upon the discovery of such loss, theft, or destruction. Every
12 person reporting the loss, theft, or destruction of a firearm
13 shall report, to the best of the person's knowledge, accurate
14 and factual information on the make, model, and serial number of
15 the firearm, if known by the person, and any additional relevant
16 information required by the county police department taking the
17 report.

18 (b) Upon the receipt of a report of a lost, stolen, or
19 destroyed firearm, the appropriate county police department
20 shall enter into the National Crime Information Center database,
21 to the extent known, the caliber, make, model, manufacturer, and



1 serial number of the firearm and any other distinguishing number
2 or identification mark on the firearm.

3 (c) If a person intentionally or knowingly fails to report
4 to the appropriate county police department the loss, theft, or
5 destruction of any firearm that the person owns or possesses, or
6 falsely reports the loss, theft, or destruction of a firearm,
7 the person shall:

8 (1) Be guilty of a petty misdemeanor for the first
9 offense;

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

11 (3) Be guilty of a misdemeanor for the third or subsequent
12 offense.

13 (d) Any person found guilty under subsection (c)(3) shall:

14 (1) Have all firearm registrations revoked;

15 (2) Surrender all firearms and ammunition to the chief of
16 police of the appropriate county within seven days of
17 disqualification; and

18 (3) Be prohibited from owning, possessing, or registering
19 any firearms.

20 If, upon conviction, a person fails to voluntarily
21 surrender all firearms and ammunition as required by this



1 subsection, the chief of police may seize all firearms and
2 ammunition.

3 (e) For the purposes of this section, an incident that
4 applies to multiple firearms shall constitute a single offense
5 if the offense pertaining to each firearm arose from the same
6 occurrence.

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

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

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

14 (2) The person makes a good faith effort to comply with
15 the requirements of this section;

16 (3) The person is hospitalized, in a coma, or is otherwise
17 seriously physically, or mentally impaired so as to
18 prevent the person from reporting; or

19 (4) The person's designee makes a report if the person is
20 unable to make the report."



1 PART II

2 SECTION 3. The legislature finds that Act 108, Session
3 Laws of Hawaii 2016, authorized the county police departments to
4 enroll firearms permit applicants and individuals who are
5 registering their firearms into the Rap Back system, a criminal
6 record monitoring service used to alert police when an owner of
7 a firearm is arrested for a criminal offense anywhere in the
8 country.

9 The legislature further finds that while the bulk of the
10 functionality of the Rap Back system, including subscriptions
11 and notification service for user departments, is targeted to be
12 implemented in June 2019, full firearms implementation of the
13 Rap Back system in Hawaii is still pending and awaiting further
14 legal guidance from the Federal Bureau of Investigation and the
15 department of the attorney general.

16 The purpose of this part is to suspend the collection of
17 any fee related to the Rap Back system from firearms permit
18 applicants and individuals who are registering their firearms
19 through the county police departments until the Rap Back system
20 is fully implemented in Hawaii.



1 SECTION 4. (a) The Hawaii criminal justice data center,
2 under the jurisdiction of the department of the attorney
3 general, shall suspend the collection of any fee related to the
4 Federal Bureau of Investigation Rap Back database system from
5 firearms permit applicants and registrants pursuant to sections
6 134-2(i) and 134-3(e), Hawaii Revised Statutes, until the Rap
7 Back system is fully implemented in Hawaii.

8 (b) The attorney general shall submit a report to the
9 legislature, regarding progress in implementing the Rap Back
10 system and any proposed legislation, no later than twenty days
11 prior to the convening of the regular session of 2020.

12 PART III

13 SECTION 5. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 6. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Firearms; Reporting Requirements; Penalties; Rap Back; Fees

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. Requires suspension of any fee related to the Rap Back system until the Rap Back system, a criminal record monitoring service, is fully implemented. (SB621 HD1)

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

