

STAND. COM. REP. NO.

2207

Honolulu, Hawaii

APR 05 , 2019

RE: S.B. No. 1466
S.D. 2
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1466, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GUN VIOLENCE PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose of this measure is to establish a process by which a law enforcement officer or family or household member may obtain a court order to prevent a person from accessing firearms and ammunition when the person poses a danger of causing bodily injury to oneself or another.

The Department of Health, Mayor of the County of Hawai'i, O'ahu County Democrats Committee on Legislative Priorities, Everytown For Gun Safety, Giffords, Hawaii State Coalition Against Domestic Violence, Hawaii Chapter of Moms Demand Action for Gun Sense in America, and many individuals testified in support of this measure. The National Rifle Association of America, Hawaii Firearms Coalition, Institute for Rational and Evidence-Based Legislation, and many individuals testified in opposition to this measure. The Judiciary and Honolulu Police Department provided comments.

SB1466 HD2 HSCR JUD HMS 2019-3543



Your Committee has amended this measure by:

- (1) Expanding the definition of "petitioner" to include a medical professional, educator, or colleague who may file a petition for a gun violence protective order, and defining those terms;
- (2) Deleting provisions that authorize or require the court to ensure that a reasonable search has been conducted:
 - (A) Of all available records to determine whether the respondent owns any firearms or ammunition; and
 - (B) For criminal history and mental health records related to the respondent that are readily available to the court;
- (3) Requiring the court to schedule a hearing within 14 days of the granting of the petition for an ex parte gun violence protective order;
- (4) Deleting the requirement that the county police department holding any surrendered or removed firearm or ammunition notify:
 - (A) The petitioner 30 days before a one-year gun violence protective order is set to expire; and
 - (B) The respondent if a gun violence protective order is terminated or expires and is not renewed;
- (5) Changing its effective date to January 1, 2020; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1466, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1466, S.D. 2, H.D. 2.



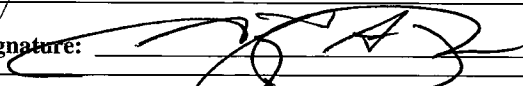
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

| Bill/Resolution No.: SB 1466, SD2, HD1 | Committee Referral: PVM, JUD | Date: 3/27/19 | | |
|--|---------------------------------|------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JUD Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. LEE, Chris (C) | / | | | |
| 2. SAN BUENAVENTURA, Joy A. (VC) | / | | | |
| 3. BROWER, Tom | / | | | |
| 4. CREAGAN, Richard P. | | | | / |
| 5. LOWEN, Nicole E. | / | | | |
| 6. McKELVEY, Angus L.K. | | | | / |
| 7. MORIKAWA, Dee | / | | | |
| 8. SAY, Calvin K.Y. | | / | | |
| 9. TAKAYAMA, Gregg | / | | | |
| 10. YAMANE, Ryan I. | / | | | |
| 11. THIELEN, Cynthia | / | | | |
| TOTAL (11) | 8 | 1 | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature:  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |