

STAND. COM. REP. NO.

483

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1466  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 1466 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to reduce gun  
deaths and injuries in the State by establishing a detailed  
process that allows a law enforcement officer or family or  
household member to obtain a court order to prevent a person from  
accessing firearms and ammunition if the person poses a danger of  
causing bodily injury to the person or another.

Your Committee received testimony in support of this measure  
from the Department of Health, Hawaii State Coalition Against  
Domestic Violence, O'ahu County Committee on Legislative Priorities  
of the Democratic Party of Hawai'i, Injury Prevention Advisory  
Committee, Everytown for Gun Safety, Moms Demand Action Oahu  
Chapter, Moms Demand Action for Gun Sense, and over thirty  
individuals. Your Committee received testimony in opposition to  
this measure from the National Rifle Association, Institute for  
Rational and Evidence-based Legislation, Hawaii Leaders Shooters  
Legion, Waianae Hunting Association, Hawaii Rifle Association, and  
over one hundred fifty individuals. Your Committee received  
comments on this measure from the Judiciary, American Civil  
Liberties Union, and one individual.



Your Committee finds that California, Oregon, Washington and numerous other states have already implemented gun violence protection laws allowing for a family or household member to file a petition for the temporary removal of guns from an individual who shows clear and convincing signs of planning to use these guns to commit violent acts.

Your Committee further finds that pursuant to section 134-7, Hawaii Revised Statutes, police already have authority to take custody of a person's firearms and ammunition upon issuance of a restraining order or order of protection by any court if the court finds that the person may use a firearm to threaten, injure, or abuse any person. However, the statute does not address preventive actions that may be taken by law enforcement or a family or household member of an individual who shows clear and convincing signs of planning to use firearms to commit violent acts. Your Committee believes that a more comprehensive law is needed.

Your Committee has amended this measure by:

- (1) Allowing the courts to order a surrender of firearms under either a domestic abuse or gun violence protective order;
- (2) Consolidating the filing of a petition for a gun violence protective order with the ex parte motion for a gun violence protective order;
- (3) Eliminating the requirement that a petitioner must notify all adult family or household members of the petition;
- (4) Requiring a police officer to confiscate the firearm when notice of the petition is served;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee notes that the Judiciary raised multiple issues in its testimony, including the need for increased funding to implement the additional court procedures created in this measure and the desire to conduct more research for your Committee on Judiciary.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1466, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1466, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



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CLARENCE K. NISHIHARA, Chair



