



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

**GOV. MSG. NO. 1184**

September 15, 2020

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Re: HB2744 HD1 SD2

Pursuant to Section 16 of Article III of the State Constitution, HB2744 HD1 SD2, entitled "A BILL FOR AN ACT RELATING TO GUN VIOLENCE PREVENTION." became law as Act 074 (20), Session Laws of Hawaii 2020, on September 15, 2020.

I appreciate the legislators intent to better protect our community with this bill and support the restrictions to better align "ghost guns" with the strict firearm permitting and registration laws that are already in place. Unfortunately, funding was not provided to carry out the requirements of this bill.

For the foregoing reasons, I allowed HB2744 HD1 SD2 to become law without my signature.

Sincerely,

DAVID Y. IGE  
Governor, State of Hawaii

Permitted to become law without the

ORIGINAL

ACT 074

Governor's signature SEP 15 2020  
HOUSE OF REPRESENTATIVES  
THIRTIETH LEGISLATURE, 2020  
STATE OF HAWAII

H.B. NO. 2744  
H.D. 1  
S.D. 2

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# A BILL FOR AN ACT

RELATING TO GUN VIOLENCE PREVENTION.

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

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by  
3 adding a new chapter to be appropriately designated and to read  
4 as follows:

5 "CHAPTER

6 GUN VIOLENCE AND VIOLENT CRIMES COMMISSION

7 § -1 Gun violence and violent crimes commission;  
8 established. There is established the gun violence and violent  
9 crimes commission that shall be placed within the department of  
10 the attorney general for administrative purposes only.

11 § -2 Gun violence and violent crimes commission;  
12 membership. (a) The attorney general or the attorney general's  
13 designee shall coordinate and serve as the chair of the gun  
14 violence and violent crimes commission.

15 (b) The following individuals, or their designees, shall  
16 serve as members of the gun violence and violent crimes  
17 commission:



- 1 (1) The chief justice of the supreme court of Hawaii;
- 2 (2) The director of health;
- 3 (3) The director of public safety;
- 4 (4) A county prosecuting attorney to be selected by the
- 5 chair of the commission;
- 6 (5) The public defender;
- 7 (6) The chief of police of each county;
- 8 (7) The administrator of the Hawaii state hospital;
- 9 (8) The dean of the college of social sciences at the
- 10 University of Hawaii at Manoa;
- 11 (9) The dean of the John A. Burns school of medicine;
- 12 (10) One representative from a group that advocates for
- 13 stricter gun safety laws; and
- 14 (11) One representative from a firearm advocacy group.
- 15 (c) The chair of the gun violence and violent crimes
- 16 commission may request the participation or input of experts in
- 17 gun violence and violent crimes; county, state, and federal
- 18 officials; members of the public; and other persons as
- 19 necessary.
- 20 (d) The members of the gun violence and violent crimes
- 21 commission shall serve without compensation but may be



1 reimbursed for their actual and necessary expenses, including  
2 travel expenses, incurred in carrying out their duties.

3       § -3 Gun violence and violent crimes commission; powers  
4 and duties. (a) The purpose of the gun violence and violent  
5 crimes commission shall be to address gun violence and violent  
6 crimes in Hawaii.

7       (b) The gun violence and violent crimes commission shall  
8 provide coordination, facilitation, and planning among state and  
9 county agencies, federal agencies, and other partners as  
10 appropriate to carry out its purpose.

11       (c) The gun violence and violent crimes commission shall  
12 endeavor to:

- 13       (1) Identify relevant data that may be used to reduce gun  
14 violence and violent crimes;
- 15       (2) Identify areas in which relevant data is not  
16 available;
- 17       (3) Maximize the sharing between the agencies represented  
18 on the commission and other appropriate stakeholders  
19 of data relevant to reducing gun violence and violent  
20 crimes; and



1 (4) Coordinate and conduct research on gun violence and  
2 violent crimes.

3 (d) The gun violence and violent crimes commission may  
4 work with and engage stakeholders for the purposes of this  
5 chapter.

6 (e) The gun violence and violent crimes commission shall  
7 submit a report of its findings and recommendations, including  
8 any proposed legislation, to the legislature no later than forty  
9 days prior to the convening of the regular session of 2022 and  
10 each regular session thereafter, on policy relating to  
11 preventing gun violence and violent crimes."

12 PART II

13 SECTION 2. The legislature finds that a "ghost gun" is a  
14 firearm that is assembled without serial numbers or other  
15 identification markings. A person may assemble a ghost gun from  
16 a prepackaged kit requiring only minimal expertise and, thus,  
17 bypass background checks, registration, and other legal  
18 requirements. The legislature also finds that the State's lack  
19 of laws addressing ghost guns allows persons who would normally  
20 be prohibited under state law from owning or possessing firearms  
21 to do so. The ease with which ghost guns may be obtained



1 defeats the intent of the State's otherwise strict firearm  
2 permitting and registration laws. It is these laws that have  
3 helped Hawaii to achieve the lowest gun violence death rate in  
4 the nation.

5 Accordingly, the purpose of this part is to:

6 (1) Prohibit the manufacture, purchase, or obtaining of  
7 firearm parts for the purpose of assembling a firearm  
8 having no serial number; and

9 (2) Amend certain requirements relating to firearms  
10 registration.

11 SECTION 3. Chapter 134, Hawaii Revised Statutes, is  
12 amended by adding a new section to part I to be appropriately  
13 designated and to read as follows:

14 "§134- Manufacturing, purchasing, or obtaining firearm  
15 parts to assemble a firearm having no serial number; penalty.

16 (a) A person who is not licensed to manufacture a firearm under  
17 section 134-31, or who is not a dealer licensed by the United  
18 States Department of Justice, shall not, for the purpose of  
19 assembling a firearm, purchase, produce with a three-dimensional  
20 printer, or otherwise obtain separately, or as part of a kit:



1       (1) A firearm receiver that is not imprinted with a serial  
2           number registered with a federally licensed  
3           manufacturer;

4       (2) A firearm receiver that has not been provided a serial  
5           number that may be registered in accordance with  
6           section 134-3(c); or

7       (3) Any combination of parts from which a firearm having  
8           no serial number may be readily assembled; provided  
9           that the parts do not have the capacity to function as  
10          a firearm unless assembled.

11       (b) Violation of this section is a class C felony."

12       SECTION 4. Section 134-1, Hawaii Revised Statutes, is  
13 amended by adding two new definitions to be appropriately  
14 inserted and to read as follows:

15       "Assembly" means the fabrication of a firearm or the  
16       fitting together of component parts to construct a firearm.

17       "Firearm receiver" means the part of a firearm that  
18       provides housing for the firearm's internal components,  
19       including a hammer, bolt, breechblock, action, or firing  
20       mechanism. "Firearm receiver" includes any object or part that  
21       is not a firearm frame or receiver in finished form but that is



1 designed or intended to be used for that purpose and may readily  
2 be made into a firearm frame or receiver through milling or  
3 other means."

4 SECTION 5. Section 134-3, Hawaii Revised Statutes, is  
5 amended by amending subsections (a) through (d) to read as  
6 follows:

7 "(a) Every resident or other person arriving in the State  
8 who brings or by any other manner causes to be brought into the  
9 State a firearm of any description, whether usable or unusable,  
10 serviceable or unserviceable, modern or antique, shall register  
11 the firearm within five days after arrival of the person or of  
12 the firearm, whichever arrives later, with the chief of police  
13 of the county of the person's place of business or, if there is  
14 no place of business, the person's residence or, if there is  
15 neither a place of business nor residence, the person's place of  
16 sojourn. A nonresident alien may bring firearms not otherwise  
17 prohibited by law into the State for a continuous period not to  
18 exceed ninety days; provided that the person meets the  
19 registration requirement of this section and the person  
20 possesses:





- 1 (1) A valid Hawaii hunting license procured under chapter  
2 183D, part II, or a commercial or private shooting  
3 preserve permit issued pursuant to section 183D-34;
- 4 (2) A written document indicating the person has been  
5 invited to the State to shoot on private land; or
- 6 (3) Written notification from a firing range or target  
7 shooting business indicating that the person will  
8 actually engage in target shooting.

9 The nonresident alien shall be limited to a nontransferable  
10 registration of not more than ten firearms for the purpose of  
11 the above activities.

12 Every person registering a firearm under this subsection  
13 shall be fingerprinted and photographed by the police department  
14 of the county of registration; provided that this requirement  
15 shall be waived where fingerprints and photographs are already  
16 on file with the police department. The police department shall  
17 perform an inquiry on the person by using the International  
18 Justice and Public Safety Network, including the United States  
19 Immigration and Customs Enforcement query, the National Crime  
20 Information Center, and the National Instant Criminal Background  
21 Check System, pursuant to section 846-2.7 before any



1 determination to register a firearm is made. Any person  
2 attempting to register a firearm, a firearm receiver, or the  
3 parts used to assemble a firearm, and who is found to be  
4 disqualified from ownership, possession, or control of firearms  
5 or ammunition under section 134-7, shall surrender or dispose of  
6 all firearms and ammunition pursuant to section 134-7.3.

7 (b) Every person who acquires a firearm pursuant to  
8 section 134-2 shall register the firearm in the manner  
9 prescribed by this section within five days of acquisition. The  
10 registration of all firearms shall be on forms prescribed by the  
11 attorney general, which shall be uniform throughout the State,  
12 and shall include the following information: name of the  
13 manufacturer and importer; model; type of action; caliber or  
14 gauge; serial number; and source from which receipt was  
15 obtained, including the name and address of the prior  
16 registrant. If the firearm has been assembled from separate  
17 parts and an unfinished firearm receiver, the entity that  
18 registered the firearm receiver shall be recorded in the space  
19 provided for the name of the manufacturer and importer, and the  
20 phrase "assembled from parts" shall be recorded in the space  
21 provided for model. If the firearm has been assembled from



1 parts created using a three-dimensional printer, the entity that  
2 registered the firearm receiver shall be recorded in the space  
3 provided for the name of the manufacturer and importer, and the  
4 phrase "3-D printer" shall be recorded in the space provided for  
5 model. If the firearm has no serial number, the [~~permit~~]  
6 registration number shall be entered in the space provided for  
7 the serial number, and the [~~permit~~] registration number shall be  
8 engraved upon the receiver portion of the firearm before  
9 registration. On firearms assembled from parts created using a  
10 three-dimensional printer, the serial number shall be engraved  
11 on stainless steel and permanently embedded to the firearm  
12 receiver during fabrication or construction. All registration  
13 data that would identify the individual registering the firearm  
14 by name or address shall be confidential and shall not be  
15 disclosed to anyone, except as may be required:

- 16 (1) For processing the registration;  
17 (2) For database management by the Hawaii criminal justice  
18 data center;  
19 (3) By a law enforcement agency for the lawful performance  
20 of its duties; or  
21 (4) By order of a court.



1 (c) Dealers licensed under section 134-31 or dealers  
2 licensed by the United States Department of Justice shall  
3 register firearms pursuant to this section on registration forms  
4 prescribed by the attorney general and shall not be required to  
5 have the firearms physically inspected by the chief of police at  
6 the time of registration. An authorized dealer, as provided in  
7 section 134-31, or a dealer licensed by the United States  
8 Department of Justice, who brings, assembles, or causes to be  
9 brought into the State by any other means, separate parts and an  
10 unfinished firearm receiver that when assembled create a  
11 firearm, or parts created by a three-dimensional printer that  
12 when assembled create a firearm, shall register the unfinished  
13 firearm receiver and receive a serial number before the assembly  
14 of the firearm or the sale or transfer of unassembled firearm  
15 parts or a receiver to a third party in accordance with  
16 subsection (b). Any sale or transfer of unfinished firearm  
17 receivers by an authorized dealer to a third party shall be  
18 conducted as if they were fully assembled firearms with a serial  
19 number engraved on the firearm receiver and in accordance with  
20 the firearms permitting process in section 134-2. All other  
21 firearms and firearm receivers registered under this section



1 shall be physically inspected by the respective county chief of  
2 police or the chief's representative at the time of  
3 registration.

- 4 (d) Registration shall not be required for:
- 5 (1) Any device that is designed to fire loose black powder  
6 or that is a firearm manufactured before 1899;
- 7 (2) Any device not designed to fire or made incapable of  
8 being readily restored to a firing condition; or
- 9 (3) All unserviceable firearms and destructive devices  
10 registered with the Bureau of Alcohol, Tobacco, [~~and~~]  
11 Firearms, and Explosives of the United States  
12 Department of Justice pursuant to Title 27, Code of  
13 Federal Regulations."

14 PART III

15 SECTION 6. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 7. If any provision of this Act, or the  
19 application thereof to any person or circumstance, is held  
20 invalid, the invalidity does not affect other provisions or  
21 applications of the Act that can be given effect without the






**THE SENATE OF THE STATE OF HAWAI'I**

Date: July 2, 2020  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.

  
President of the Senate

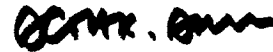
  
Clerk of the Senate

HB No. 2744, HD 1, SD 2

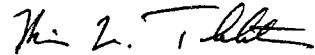
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives