
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

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

4 **"PART . ASSAULT WEAPONS**

5 **§134-A Definitions.** As used in this part:

6 "Assault weapon", excluding any firearm modified to render
7 it permanently inoperable, means:

8 (1) Any selective-fire firearm capable of fully automatic,
9 semiautomatic, or burst fire at the option of the user
10 or any of the following specified semiautomatic
11 firearms: Algimec Agmi; Armalite AR-180; Australian
12 Automatic Arms SAP Pistol; Auto-Ordnance Thompson
13 type; Avtomat Kalashnikov AK-47 type; Barrett Light-
14 Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle
15 and Auto Pistol; Calico models M-900, M-950, and
16 100-P; Chartered Industries of Singapore SR-88; Colt
17 AR-15 and Sporter; Daewoo K-1, K-2, Max-1, and Max-2;



1 Encom MK-IV, MP-9, and MP-45; Fabrique Nationale
2 FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9
3 and Mini-AT; Federal XC-900 and XC-450; Franchi
4 SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech
5 Carbine and High-Tech Long Pistol; Heckler & Koch
6 HK-91, HK-93, HK-94, and SP-89; Holmes MP-83; MAC-10,
7 MAC-11, and MAC-11 Carbine type; Intratec TEC-9 and
8 Scorpion; Iver Johnson Enforcer model 3000; Ruger
9 Mini-14/5F folding stock model only; Scarab Skorpion;
10 SIG 57 AMT and 500 series; Spectre Auto Carbine and
11 Auto Pistol; Springfield Armory BM59, SAR-48, and G-3;
12 Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and
13 Striker 12 revolving cylinder shotguns; USAS-12; UZI
14 Carbine, Mini-Carbine, and Pistol; Weaver Arms
15 Nighthawk; or Wilkinson "Linda" Pistol;
16 (2) A part or combination of parts designed or intended to
17 convert a firearm into an assault weapon, as defined
18 in paragraph (1) of this definition, or any
19 combination of parts from which an assault weapon, as
20 defined in paragraph (1) of this definition, may be



1 rapidly assembled if those parts are in the possession
2 or under the control of the same person;

3 (3) Any semiautomatic firearm not listed in paragraph (1)
4 of this definition that meets the following criteria:

5 (A) A semiautomatic rifle that has an ability to
6 accept a detachable magazine and has at least two
7 of the following:

8 (i) A folding or telescoping stock;

9 (ii) A pistol grip that protrudes conspicuously
10 beneath the action of the weapon;

11 (iii) A bayonet mount;

12 (iv) A flash or sound suppressor or threaded
13 barrel designed to accommodate a flash or
14 sound suppressor; and

15 (v) A grenade launcher; or

16 (B) A semiautomatic pistol that has an ability to
17 accept a detachable magazine and has at least two
18 of the following:

19 (i) An ammunition magazine that attaches to the
20 pistol outside of the pistol grip;



- 1 (ii) A threaded barrel capable of accepting a
- 2 barrel extender, flash or sound suppressor,
- 3 or forward handgrip;
- 4 (iii) A shroud that is attached to, or partially
- 5 or completely encircles, the barrel and that
- 6 permits the shooter to hold the firearm with
- 7 the nontrigger hand without being burned;
- 8 (iv) A manufactured weight of fifty ounces or
- 9 more when the pistol is unloaded;
- 10 (v) A centerfire pistol with an overall length
- 11 of twelve inches or more; and
- 12 (vi) A semiautomatic version of an automatic
- 13 firearm.

14 It does not include an antique pistol as defined
15 in this chapter or a curio or relic as those
16 terms are used in title 18 United States Code
17 section 921(a)(13) or title 27 Code of Federal
18 Regulations section 478.11; or

19 (C) A semiautomatic shotgun that has at least two of
20 the following:

- 21 (i) A folding or telescoping stock;



1 (ii) A pistol grip that protrudes conspicuously
2 beneath the action of the weapon;

3 (iii) A fixed magazine capacity in excess of five
4 rounds; and

5 (iv) An ability to accept a detachable magazine;
6 or

7 (4) A part or combination of parts designed or intended to
8 convert a firearm into an assault weapon, as defined
9 in paragraph (3) of this definition, or any
10 combination of parts from which an assault weapon, as
11 defined in paragraph (3) of this definition, may be
12 rapidly assembled if those parts are in the possession
13 or under the control of the same person.

14 **§134-B Distribution, transfer, etc., of assault weapons**
15 **prohibited; penalty.** (a) Any person who, within this State,
16 distributes, transports, imports, brings, or causes to be
17 brought into the State, keeps for sale, or offers or exposes for
18 sale, or who transfers any assault weapon, shall be guilty of a
19 class B felony.

20 (b) This section shall not apply to the sale of assault
21 weapons to the department of public safety, police departments,



1 state department of defense, or to the armed services of the
2 United States in connection with the discharge of official
3 duties.

4 **§134-C Ownership, etc., of assault weapons prohibited;**
5 **penalty.** (a) Any person who, within this State, manufactures,
6 possesses, sells, barter, trades, gifts, or acquires any
7 assault weapon, shall be guilty of a class C felony.

8 (b) This section shall not apply to the sale of assault
9 weapons to the department of public safety, police departments,
10 state department of defense, or to the armed services of the
11 United States in connection with the discharge of official
12 duties.

13 **§134-D Relinquishment of assault weapon to law**
14 **enforcement.** Any individual may arrange in advance to
15 relinquish an assault weapon to a county police department or
16 the department of public safety for disposal, without penalty."

17 SECTION 2. Section 134-1, Hawaii Revised Statutes, is
18 amended by repealing the definition of "assault pistol".

19 [~~"Assault pistol" means a semiautomatic pistol that~~
20 ~~accepts a detachable magazine and has two or more of the~~
21 ~~following characteristics:~~



- 1 ~~(1) An ammunition magazine that attaches to the pistol~~
2 ~~outside of the pistol grip;~~
- 3 ~~(2) A threaded barrel capable of accepting a barrel~~
4 ~~extender, flash suppressor, forward hand grip, or~~
5 ~~silencer;~~
- 6 ~~(3) A shroud that is attached to or partially or~~
7 ~~completely encircles the barrel and permits the~~
8 ~~shooter to hold the firearm with the second hand~~
9 ~~without being burned;~~
- 10 ~~(4) A manufactured weight of fifty ounces or more when the~~
11 ~~pistol is unloaded;~~
- 12 ~~(5) A centerfire pistol with an overall length of twelve~~
13 ~~inches or more; or~~
- 14 ~~(6) It is a semiautomatic version of an automatic firearm;~~
15 ~~but does not include a firearm with a barrel sixteen or more~~
16 ~~inches in length, an antique pistol as defined in this section,~~
17 ~~or a curio or relic as those terms are used in 18 United States~~
18 ~~Code section 921(a)(13) or 27 Code of Federal Regulations~~
19 ~~section 478.11."]~~

20 SECTION 3. Section 134-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§134-4 Transfer, possession of firearms. (a) No
2 transfer of any rifle having a barrel length of sixteen inches
3 or over or any shotgun having a barrel length of eighteen inches
4 or over, whether usable or unusable, serviceable or
5 unserviceable, modern or antique, registered under prior law or
6 by a prior owner, or unregistered shall be made to any person
7 under the age of eighteen years, except as provided by section
8 134-5.

9 (b) No person shall possess any firearm that is owned by
10 another, regardless of whether the owner has consented to
11 possession of the firearm, without a permit from the chief of
12 police of the appropriate county, except as provided in
13 subsection (c) and section 134-5.

14 (c) Any lawfully acquired rifle or shotgun may be lent to
15 an adult for use within the State for a period not to exceed
16 fifteen days without a permit; provided that where the rifle or
17 shotgun is to be used outside of the State, the loan may be for
18 a period not to exceed seventy-five days.

19 (d) No person shall knowingly lend a firearm to any person
20 who is prohibited from ownership or possession of a firearm
21 under section 134-7.



1 ~~[(e) After July 1, 1992, no person shall bring or cause to~~
2 ~~be brought into the State an assault pistol. No assault pistol~~
3 ~~may be sold or transferred on or after July 1, 1992, to anyone~~
4 ~~within the State other than to a dealer licensed under section~~
5 ~~134-32 or the chief of police of any county except that any~~
6 ~~person who obtains title by bequest or intestate succession to~~
7 ~~an assault pistol registered within the State shall, within~~
8 ~~ninety days, render the weapon permanently inoperable, sell or~~
9 ~~transfer the weapon to a licensed dealer or the chief of police~~
10 ~~of any county, or remove the weapon from the State.] "~~

11 SECTION 4. Section 134-8, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The manufacture, possession, sale, barter, trade,
14 gift, transfer, or acquisition of any of the following is
15 prohibited: ~~[assault pistols, except as provided by section~~
16 ~~134-4(e);]~~ automatic firearms; rifles with barrel lengths less
17 than sixteen inches; shotguns with barrel lengths less than
18 eighteen inches; cannons; mufflers, silencers, or devices for
19 deadening or muffling the sound of discharged firearms; hand
20 grenades, dynamite, blasting caps, bombs, or bombshells, or
21 other explosives; or any type of ammunition or any projectile



1 component thereof coated with teflon or any other similar
2 coating designed primarily to enhance its capability to
3 penetrate metal or pierce protective armor; and any type of
4 ammunition or any projectile component thereof designed or
5 intended to explode or segment upon impact with its target."

6 SECTION 5. Section 706-660.1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending its title to read:

9 "§706-660.1 Sentence of imprisonment for use of a firearm,
10 [~~semiautomatic firearm~~] assault weapon, or automatic firearm in
11 a felony."

12 2. By amending subsections (3) and (4) to read:

13 "(3) A person convicted of a felony, where the person had
14 [~~a semiautomatic firearm~~] an assault weapon or automatic firearm
15 in the person's possession or used or threatened its use while
16 engaged in the commission of the felony, whether the
17 [~~semiautomatic firearm~~] assault weapon or automatic firearm was
18 loaded or not, and whether operable or not, shall in addition to
19 the indeterminate term of imprisonment provided for the grade of
20 offense be sentenced to a mandatory minimum term of imprisonment



1 without possibility of parole or probation the length of which
2 shall be as follows:

- 3 (a) For murder in the second degree and attempted murder
4 in the second degree--twenty years;
5 (b) For a class A felony--fifteen years;
6 (c) For a class B felony--ten years; and
7 (d) For a class C felony--five years.

8 The sentence of imprisonment for a felony involving the use of
9 [~~a semiautomatic firearm~~] an assault weapon or automatic firearm
10 as provided in this subsection shall not be subject to the
11 procedure for determining a minimum term of imprisonment
12 prescribed under section 706-669; provided [~~further~~] that a
13 person who is imprisoned in a correctional institution as
14 provided in this subsection shall become subject to the parole
15 procedure as prescribed in section 706-670 only upon expiration
16 of the term of mandatory imprisonment fixed under paragraph (a),
17 (b), (c), or (d).

18 (4) In this section:

19 "Assault weapon" has the same meaning as defined in section
20 134-A.



1 "Automatic firearm" has the same meaning as defined in
2 section 134-1.

3 "Firearm" has the same meaning as defined in section 134-1
4 except that it does not include [~~"semiautomatic firearm"~~]
5 "assault weapon" or "automatic firearm".

6 [~~"Semiautomatic firearm" means any firearm that uses the
7 energy of the explosive in a fixed cartridge to extract a fired
8 cartridge and chamber a fresh cartridge with each single pull of
9 the trigger.~~]"

10 SECTION 6. Section 706-662, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§706-662 Criteria for extended terms of imprisonment.** A
13 defendant who has been convicted of a felony may be subject to
14 an extended term of imprisonment under section 706-661 if it is
15 proven beyond a reasonable doubt that an extended term of
16 imprisonment is necessary for the protection of the public and
17 that the convicted defendant satisfies one or more of the
18 following criteria:

19 (1) The defendant is a persistent offender in that the
20 defendant has previously been convicted of two or more



- 1 felonies committed at different times when the
2 defendant was eighteen years of age or older;
- 3 (2) The defendant is a professional criminal in that:
- 4 (a) The circumstances of the crime show that the
5 defendant has knowingly engaged in criminal
6 activity as a major source of livelihood; or
- 7 (b) The defendant has substantial income or resources
8 not explained to be derived from a source other
9 than criminal activity;
- 10 (3) The defendant is a dangerous person in that the
11 defendant has been subjected to a psychiatric or
12 psychological evaluation that documents a significant
13 history of dangerousness to others resulting in
14 criminally violent conduct, and this history makes the
15 defendant a serious danger to others. Nothing in this
16 section precludes the introduction of victim-related
17 data to establish dangerousness in accord with the
18 Hawaii rules of evidence;
- 19 (4) The defendant is a multiple offender in that:



- 1 (a) The defendant is being sentenced for two or more
2 felonies or is already under sentence of
3 imprisonment for any felony; or
- 4 (b) The maximum terms of imprisonment authorized for
5 each of the defendant's crimes, if made to run
6 consecutively, would equal or exceed in length
7 the maximum of the extended term imposed or would
8 equal or exceed forty years if the extended term
9 imposed is for a class A felony;
- 10 (5) The defendant is an offender against the elderly,
11 handicapped, or a minor eight years of age or younger
12 in that:
- 13 (a) The defendant attempts or commits any of the
14 following crimes: murder, manslaughter, a sexual
15 offense that constitutes a felony under chapter
16 707, robbery, felonious assault, burglary, or
17 kidnapping; and
- 18 (b) The defendant, in the course of committing or
19 attempting to commit the crime, inflicts serious
20 or substantial bodily injury upon a person who
21 has the status of being:



- 1 (i) Sixty years of age or older;
- 2 (ii) Blind, a paraplegic, or a quadriplegic; or
- 3 (iii) Eight years of age or younger; and
- 4 the person's status is known or reasonably should
- 5 be known to the defendant;
- 6 (6) The defendant is a hate crime offender in that:
 - 7 (a) The defendant is convicted of a crime under
 - 8 chapter 707, 708, or 711; and
 - 9 (b) The defendant intentionally selected a victim or,
 - 10 in the case of a property crime, the property
 - 11 that was the object of a crime, because of
 - 12 hostility toward the actual or perceived race,
 - 13 religion, disability, ethnicity, national origin,
 - 14 gender identity or expression, or sexual
 - 15 orientation of any person. For purposes of this
 - 16 subsection, "gender identity or expression"
 - 17 includes a person's actual or perceived gender,
 - 18 as well as a person's gender identity, gender-
 - 19 related self-image, gender-related appearance, or
 - 20 gender-related expression, regardless of whether
 - 21 that gender identity, gender-related self-image,



1 gender-related appearance, or gender-related
2 expression is different from that traditionally
3 associated with the person's sex at birth; [øx]

4 (7) The defendant is convicted under section 707-702.5 and
5 the defendant did not remain at the scene of the crime
6 and render reasonable assistance to an injured person,
7 including acts and omissions in violation of section
8 291C-12 [-]; or

9 (8) The defendant uses an assault weapon, as defined in
10 section 134-A, in the course of committing murder in
11 the first or second degree, manslaughter, kidnapping,
12 sexual assault, assault in the first or second degree,
13 robbery, burglary, or theft."

14 SECTION 7. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 8. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the



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1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 9. In codifying the new sections added by section
4 1 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 10. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 11. This Act shall take effect upon its approval.

10

INTRODUCED BY: *Jakobi Orr*

Tim Widdgen

[Signature]

On Todd

John M. [Signature]

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JAN 24 2019



H.B. NO. 1531

Report Title:

Firearms; Assault Weapons; Ban

Description:

Prohibits any person from distributing, transporting, importing, bringing, or causing to be brought into the State; keeping for sale, or offering or exposing for sale; or transferring, manufacturing, possessing, selling, bartering, trading, gifting, or acquiring any assault weapon. Defines assault weapon. Authorizes the courts to impose an extended term of imprisonment for an offender who uses an assault weapon in the course of committing certain crimes.

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