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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1           SECTION 1. The legislature finds that Hawaii law currently  
2 allows certain firearms to be lent to adults for use within the  
3 State for up to fifteen days without a permit and for use  
4 outside the State for up to seventy-five days, thereby allowing  
5 the lending of firearms to persons who are not subject to a  
6 background check and other firearm permit requirements.

7           The legislature also finds that this loophole in the law  
8 risks the transfer to and possession of firearms by persons with  
9 criminal records and other persons who are ineligible from  
10 purchasing or owning firearms. Closing this loophole is  
11 imperative for the safety of persons and the community. The  
12 legislature believes that the loaning of firearms should be  
13 permissible to persons who have acquired a permit for the  
14 firearm and are subject to the same disqualifying factors as  
15 persons who must meet the requirements for obtaining a permit  
16 for their firearm.



# H.B. NO. 1600

1           The purpose of this Act is to close a loophole in Hawaii's  
2 existing firearm law by:

3           (1) Making persons, when acquiring a firearm through loan,  
4           subject to the same background check requirements and  
5           other requirements of chapter 134, Hawaii Revised  
6           Statutes; and

7           (2) Prohibiting persons from transferring the possession  
8           or ownership of any firearm to any person except as  
9           authorized under chapter 134, Hawaii Revised Statutes.

10           SECTION 2. Section 134-4, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§134-4 Transfer, possession of firearms.** (a) No  
13 transfer of any rifle having a barrel length of sixteen inches  
14 or over or any shotgun having a barrel length of eighteen inches  
15 or over, whether usable or unusable, serviceable or  
16 unserviceable, modern or antique, registered under prior law or  
17 by a prior owner, or unregistered shall be made to any person  
18 under the age of eighteen years, except as provided by section  
19 134-5.

20           (b) No person shall possess any firearm that is owned by  
21 another, regardless of whether the owner has consented to



1 possession of the firearm, without a permit from the chief of  
2 police of the appropriate county, except as provided in  
3 [~~subsection (e) and~~] section 134-5.

4 (c) [~~Any lawfully acquired rifle or shotgun may be lent to~~  
5 ~~an adult for use within the State for a period not to exceed~~  
6 ~~fifteen days without a permit; provided that where the rifle or~~  
7 ~~shotgun is to be used outside of the State, the loan may be for~~  
8 ~~a period not to exceed seventy five days.~~

9 ~~(d) No person shall knowingly lend a firearm to any person~~  
10 ~~who is prohibited from ownership or possession of a firearm~~  
11 ~~under section 134-7.] No person shall transfer the possession  
12 or ownership of any firearm to any person except as expressly  
13 authorized by this chapter.~~

14 [~~(e)~~] (d) After July 1, 1992, no person shall bring or  
15 cause to be brought into the State an assault pistol. No  
16 assault pistol may be sold or transferred on or after July 1,  
17 1992, to anyone within the State other than to a dealer licensed  
18 under section 134-32 or the chief of police of any county except  
19 that any person who obtains title by bequest or intestate  
20 succession to an assault pistol registered within the State  
21 shall, within ninety days, render the weapon permanently



1 inoperable, sell or transfer the weapon to a licensed dealer or  
2 the chief of police of any county, or remove the weapon from the  
3 State."

4 SECTION 3. Section 134-8, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) The manufacture, possession, sale, barter, trade,  
7 gift, transfer, or acquisition of any of the following is  
8 prohibited: assault pistols, except as provided by section  
9 ~~[134-4(e)]~~ 134-4(d); automatic firearms; rifles with barrel  
10 lengths less than sixteen inches; shotguns with barrel lengths  
11 less than eighteen inches; cannons; mufflers, silencers, or  
12 devices for deadening or muffling the sound of discharged  
13 firearms; hand grenades, dynamite, blasting caps, bombs, or  
14 bombshells, or other explosives; or any type of ammunition or  
15 any projectile component thereof coated with teflon or any other  
16 similar coating designed primarily to enhance its capability to  
17 penetrate metal or pierce protective armor; and any type of  
18 ammunition or any projectile component thereof designed or  
19 intended to explode or segment upon impact with its target."



# H.B. NO. 1600

1           SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Guyon Takayama / By request*  
JAN 09 2020



# H.B. NO. 1600

**Report Title:**

Firearms; Lending; Possession; Ownership; Background Checks

**Description:**

Repeals provisions that allow the lending of certain firearms for use within the State for up to 15 days and for use outside the State for up to 75 days without being subject to a background check and other requirements under chapter 134, HRS. Prohibits transferring the possession or ownership of any firearm to any person except as provided under chapter 134, HRS.

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

