
A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

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

1 SECTION 1. The legislature finds that the United States
2 Supreme Court decision in *Caetano v. Massachusetts*, 136 S. Ct.
3 1027 (2016), which overruled a decision of the Massachusetts
4 Supreme Judicial Court, has raised questions regarding the
5 constitutionality of bans on electric guns, and may make
6 amendments to Hawaii's law on electric guns advisable. The
7 purpose of this Act is to protect the health and safety of the
8 public by regulating the sale and use of electric guns.

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

12 **"PART . ELECTRIC GUNS**

13 **§134-A Definitions.** As used in this part:

14 "Cartridge" means any device or object that is designed to
15 be used with an electric gun to project a missile. "Cartridge"
16 includes but is not limited to a Taser cartridge.



1 "Electric gun" means any portable device that is designed to
2 discharge electric energy, charge, voltage, or current into the
3 body through direct contact or utilizing a projectile. "Electric
4 gun" includes but is not limited to devices commonly referred to
5 as stun guns. It does not include any automatic defibrillator
6 used in emergency medical situations.

7 "Electric projectile gun" means any electric gun that is
8 designed to discharge electric energy, charge, voltage, or
9 current into the body through a projectile. "Electric
10 projectile gun" includes but is not limited to a Taser.

11 "Law enforcement agency" means any county police
12 department, the department of public safety, the department of
13 the attorney general, the department of transportation, the
14 division of conservation and resources enforcement of the
15 department of land and natural resources, and any other state or
16 county public body that employs law enforcement officers.

17 "Law enforcement officer" means a sheriff or deputy
18 sheriff, police officer, employee appointed as a law enforcement
19 officer by the director of transportation pursuant to section
20 266-24(a), enforcement officer within the division of
21 conservation and resources enforcement of the department of land



1 and natural resources, special agent of the department of the
2 attorney general, and any other public servant vested by law
3 with a duty to maintain public order, to make arrests for
4 offenses, or to enforce criminal laws, whether that duty extends
5 to all offenses or is limited to a specific class of offenses.

6 "Licensee" means a person licensed to sell or distribute
7 electric guns pursuant to section 134-E.

8 "Person" means an individual, firm, corporation,
9 partnership, association, or any form of business or legal
10 entity.

11 "Transfer" means the granting of possession or ownership to
12 another, and includes the granting of temporary possession to
13 another.

14 **§134-B Restrictions on use, sale, and transfer of electric**
15 **guns.** (a) It shall be unlawful for any person to knowingly or
16 recklessly use an electric gun for any purpose except:

- 17 (1) Self-defense;
- 18 (2) Defense of another person; or
- 19 (3) Protection of property of the person or of another
20 person.



1 (b) It shall be unlawful for any person to knowingly sell,
2 offer for sale, distribute, or otherwise transfer an electric
3 gun or cartridge without a license obtained pursuant to section
4 134-E.

5 It is an affirmative defense to prosecution pursuant to
6 this subsection, that the person is an adult employee of a
7 licensee acting within the scope of the person's employment.

8 (c) It shall be unlawful for a licensee or employee of a
9 licensee to knowingly sell, distribute, or otherwise transfer an
10 electric gun or cartridge at a place other than the licensee's
11 designated place of business.

12 (d) It shall be unlawful for any person to knowingly sell,
13 offer for sale, distribute, or otherwise transfer an electric
14 gun or cartridge to a minor.

15 (e) It shall be unlawful for any person other than a
16 licensee, a law enforcement agency, or the army or air national
17 guard to knowingly or recklessly purchase, obtain, or otherwise
18 receive an electric gun or cartridge from a person who does not
19 have a license issued pursuant to section 134-E.

20 (f) Any person violating this section shall be guilty of a
21 misdemeanor.



1 §134-C Permits to acquire electric projectile gun. (a)
2 No person shall acquire the ownership of an electric projectile
3 gun, whether usable or unusable, serviceable or unserviceable,
4 registered by a prior owner or unregistered, either by purchase,
5 gift, inheritance, bequest, or in any other manner, whether
6 procured in the State or imported by mail, express, freight, or
7 otherwise, until the person has first procured from the chief of
8 police of the county of the person's place of business or, if
9 there is no place of business, the person's residence or, if
10 there is neither a place of business nor residence, the person's
11 place of sojourn, a permit to acquire the ownership of an
12 electric projectile gun as prescribed in this section. When
13 title to any electric projectile gun is acquired by inheritance
14 or bequest, the foregoing permit shall be obtained before taking
15 possession of an electric projectile gun; provided that upon
16 presentation of a copy of the death certificate of the owner
17 making the bequest, any heir or legatee may transfer the
18 inherited or bequested electric projectile gun directly to a
19 dealer licensed under section 134-E without complying with the
20 requirements of this section.



1 (b) The permit application form shall include the
2 applicant's name, address, sex, height, weight, date of birth,
3 place of birth, country of citizenship, social security number,
4 alien or admission number, and information regarding the
5 applicant's mental health history, and shall require the
6 fingerprinting and photographing of the applicant by the police
7 department of the county of registration; provided that where
8 fingerprints and a photograph are already on file with the
9 department, these may be waived.

10 (c) An applicant for a permit shall sign a waiver at the
11 time of application, allowing the chief of police of the county
12 issuing the permit access to any records that have a bearing on
13 the mental health of the applicant. The permit application form
14 and the waiver form shall be prescribed by the attorney general
15 and shall be uniform throughout the State.

16 (d) The chief of police of the respective counties may
17 issue permits to acquire electric projectile guns to citizens or
18 legal aliens of the United States of the age of eighteen years
19 or more.

20 (e) The permit application form shall be signed by the
21 applicant and by the issuing authority. One copy of the permit



1 shall be retained by the issuing authority as a permanent
2 official record. Except for sales to dealers licensed under
3 section 134-E, no permit shall be issued to an applicant earlier
4 than fourteen calendar days after the date of the application;
5 provided that a permit shall be issued or the application denied
6 before the twentieth day from the date of application. Permits
7 issued to acquire any electric projectile gun shall be void
8 unless used within ten days after the date of issue. Permits to
9 acquire an electric projectile gun shall require a separate
10 application and permit for each transaction. The issuing
11 authority shall perform an inquiry on an applicant by using the
12 International Justice and Public Safety Network, including the
13 United States Immigration and Customs Enforcement query, and the
14 National Crime Information Center, pursuant to section 846-2.7,
15 before any determination to issue a permit or to deny an
16 application is made.

17 (f) In all cases where an electric projectile gun is
18 acquired from another person within the State, the permit shall
19 be signed in ink by the person to whom title to the electric
20 projectile gun is transferred and shall be delivered to the
21 person who is transferring title to the electric projectile gun,



1 who shall verify that the person to whom the electric projectile
2 gun is to be transferred is the person named in the permit and
3 who shall enter on the permit in the space provided the
4 following information: name of the person to whom the title to
5 the electric projectile gun was transferred; names of the
6 manufacturer and importer; model; and serial number, as
7 applicable. The person who is transferring title to the
8 electric projectile gun shall sign the permit in ink and cause
9 the permit to be delivered or sent by registered mail to the
10 issuing authority within forty-eight hours after transferring
11 the electric projectile gun.

12 In all cases where receipt of an electric projectile gun is
13 had by mail, express, freight, or otherwise from sources without
14 the State, the person to whom the permit has been issued shall
15 make the prescribed entries on the permit, sign the permit in
16 ink, and cause the permit to be delivered or sent by registered
17 mail to the issuing authority within forty-eight hours after
18 taking possession of the electric projectile gun.

19 (g) No person shall be issued a permit under this section
20 unless the person, at any time prior to the issuance of the
21 permit, has completed an electric projectile gun safety or



1 training course, offered or approved by the county, that focuses
2 on:

- 3 (1) The safe use and handling of electric projectile guns;
4 (2) Current information about the effects, dangers, risks,
5 and limitations of electric projectile guns; and
6 (3) Education on existing state laws on electric
7 projectile guns.

8 (h) No person shall sell, give, lend, or deliver into the
9 possession of another any electric projectile gun except in
10 accordance with this part.

11 (i) No fee shall be charged for permits, or applications
12 for permits, under this section, except for a single fee
13 chargeable by and payable to the issuing county, for individuals
14 applying for their first permit, in an amount equal to the fee
15 charged by the Hawaii criminal justice data center pursuant to
16 section 846-2.7.

17 (j) Any person, including any licensee, violating
18 subsections (a), (f), or (h) shall be guilty of a misdemeanor.

19 **§134-D Registration.** (a) Every person arriving in the
20 State who brings or by any other manner causes to be brought
21 into the State an electric gun of any description, whether



1 usable or unusable, serviceable or unserviceable, shall register
2 the electric gun within five days after arrival of the person or
3 of the electric gun, whichever arrives later, with the chief of
4 police of the county of the person's place of business or, if
5 there is no place of business, the person's residence or, if
6 there is neither a place of business nor residence, the person's
7 place of sojourn.

8 Every person registering an electric gun under this
9 subsection shall be fingerprinted and photographed by the police
10 department of the county of registration; provided that this
11 requirement shall be waived where fingerprints and photographs
12 are already on file with the police department. The police
13 department shall perform an inquiry on the person by using the
14 International Justice and Public Safety Network, including the
15 United States Immigration and Customs Enforcement query, and the
16 National Crime Information Center, pursuant to section 846-2.7,
17 before any determination to register an electric gun is made.
18 If the electric gun has no serial number, an application for a
19 permit pursuant to section 134-C shall be completed and the
20 permit number shall be entered in the space provided for the



1 serial number, and the permit number shall be engraved upon the
2 electric gun prior to registration.

3 (b) Every person who manufactures an electric gun shall
4 register the electric gun in the manner prescribed by this
5 section within five days of manufacture. A licensee shall not
6 be required to have the electric guns physically inspected by
7 the chief of police at the time of registration.

8 Every person registering an electric gun under this
9 subsection shall be fingerprinted and photographed by the police
10 department of the county of registration; provided that this
11 requirement shall be waived where fingerprints and photographs
12 are already on file with the police department. The police
13 department shall perform an inquiry on the person by using the
14 International Justice and Public Safety Network, including the
15 United States Immigration and Customs Enforcement query, and the
16 National Crime Information Center, pursuant to section 846-2.7,
17 before any determination to register an electric gun is made.
18 If the electric gun has no serial number, an application for a
19 permit pursuant to section 134-C shall be completed and the
20 permit number shall be entered in the space provided for the



1 serial number, and the permit number shall be engraved upon the
2 electric gun prior to registration.

3 (c) Every person who acquires an electric projectile gun
4 pursuant to section 134-F shall register the electric projectile
5 gun in the manner prescribed by this section within five days of
6 acquisition. If the electric projectile gun has no serial
7 number, the permit number shall be entered in the space provided
8 for the serial number, and the permit number shall be engraved
9 upon the electric projectile gun prior to registration.

10 (d) The registration 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; serial number; and source from
14 which receipt was obtained, including the name and address of
15 the prior registrant. All registration data that would identify
16 the individual registering the electric gun by name or address
17 shall be confidential and shall not be disclosed to anyone,
18 except as may be required:

- 19 (1) For processing the registration;
- 20 (2) For database management by the Hawaii criminal justice
21 data center;



1 (3) By a law enforcement agency for the lawful performance
2 of its duties; or

3 (4) By order of a court.

4 (e) A licensee shall register electric projectile guns
5 pursuant to this section on registration forms prescribed by the
6 attorney general and shall not be required to have the electric
7 projectile guns physically inspected by the chief of police at
8 the time of registration.

9 (f) No fee shall be charged for the registration of an
10 electric gun under this section, except for a fee chargeable by
11 and payable to the registering county for persons registering an
12 electric gun under subsection (a) or (b), in an amount equal to
13 the fee charged by the Hawaii criminal justice data center
14 pursuant to section 846-2.7.

15 (g) Any person, including any licensee, violating this
16 section shall be guilty of a misdemeanor.

17 **§134-E License to sell, offer to sell, distribute, or**
18 **otherwise transfer electric guns; fee.** (a) Any person desiring
19 to sell, offer for sale, distribute, or otherwise transfer
20 electric guns or cartridges to a person in the State, either at
21 wholesale or retail, shall annually file an application for a



1 license to do so with the county in which the person desires to
2 conduct business or within the county to which the person
3 intends the electric guns to be distributed, using forms
4 prescribed by the county.

5 (b) If the applicant is an individual, the application and
6 supporting documentation must establish at least the following,
7 in addition to any other information the county may require:

- 8 (1) The legal name, date of birth, and the last four
9 digits of the social security number of the
10 individual;
- 11 (2) The street address, telephone number, fax number, and
12 email address of the individual;
- 13 (3) The name and location of the principal place of
14 business of the individual and, if applicable, each
15 additional designated place of business from which the
16 individual desires to sell electric guns;
- 17 (4) The individual's Hawaii tax identification number;
- 18 (5) The individual has no convictions for any felony
19 offense; and



1 (6) The applicant has completed an electric gun safety or
2 training course, offered or approved by the county,
3 that focuses on:

- 4 (i) The safe use and handling of electric guns;
- 5 (ii) Current information about the effects, dangers,
6 risks, and limitations of electric guns; and
- 7 (iii) Education on existing state laws on electric
8 guns.

9 (c) If the applicant is not an individual, the application
10 and supporting documentation must establish at least the
11 following, in addition to any other information the county may
12 require:

- 13 (1) The name of the applying entity and any other name
14 under which the applying entity does business, if
15 applicable;
- 16 (2) The street address, telephone number, fax number, and
17 email address of the applying entity;
- 18 (3) The legal name, date of birth, and the last four
19 digits of the social security number of each of the
20 principals or members of the applying entity;



- 1 (4) The street address, telephone number, fax number, and
2 email address of each of the principals or members of
3 the applying entity;
- 4 (5) The name and location of the principal place of
5 business of the applying entity and, if applicable,
6 each additional designated place of business from
7 which the applying entity desires to sell electric
8 guns;
- 9 (6) The applying entity is registered to do business in
10 the State;
- 11 (7) The applying entity is composed only of principals or
12 members who have had no convictions for any felony
13 offense;
- 14 (8) The applying entity has a Hawaii tax identification
15 number;
- 16 (9) The applying entity has a federal employer
17 identification number; and
- 18 (10) At least one principal or member of the applying
19 entity has completed an electric gun safety or
20 training course, offered or approved by the county,
21 that focuses on:

- 1 (i) The safe use and handling of electric guns;
2 (ii) Current information about the effects, dangers,
3 risks, and limitations of electric guns; and
4 (iii) Education on existing state laws on electric
5 guns.

6 (d) The applicant must certify that the applicant will
7 comply at all times with all provisions of law relative to the
8 acquisition, possession, storage, sale, distribution, and
9 transfer of electric guns, and must also certify that it is
10 responsible for compliance by its employees of all provisions of
11 law relative to the acquisition, possession, storage, sale,
12 distribution, and transfer of electric guns.

13 (e) Upon receipt of the completed application form and the
14 annual licensing fee of \$50 payable to the county, the county
15 shall review the application and may issue a license to the
16 applicant if it determines that the applicant meets all the
17 requirements of this section. If requested by the licensee, the
18 county shall also provide certified copies of the license to the
19 licensee.

20 (f) A license issued hereunder shall expire on June 30 of
21 the year following the date of issuance of the license unless



1 sooner terminated. Application for renewal of a license shall
2 be filed on or before July 1 of each year.

3 **§134-F Sale, distribution, or transfer of electric guns.**

4 (a) A licensee shall post the license to sell, distribute, or
5 otherwise transfer electric guns, or a certified copy thereof,
6 in a location readily visible to customers at each designated
7 place of business. For internet sales by a licensee, the
8 license number shall be prominently displayed and an electronic
9 copy of the license shall be readily accessible to the customer.

10 (b) An individual licensee shall complete an electric gun
11 safety or training course, offered or approved by the county,
12 that focuses on:

- 13 (1) The safe use and handling of electric guns;
14 (2) Current information about the effects, dangers, risks,
15 and limitations of electric guns; and
16 (3) Education on existing state laws on electric guns.

17 A licensee shall keep copies of the certificates of
18 completion of these training courses in the licensee's business
19 records.

20 (c) A licensee shall not allow an employee to participate
21 in the sale, distribution, or transfer of electric guns or



1 cartridges until the employee completes an electric gun safety
2 or training course, offered or approved by the county, that
3 focuses on:

- 4 (1) The safe use and handling of electric guns;
- 5 (2) Current information about the effects, dangers, risks,
6 and limitations of electric guns; and
- 7 (3) Education on existing state laws on electric guns.

8 A licensee shall keep copies of the certificates of
9 completion of these training courses for each of these employees
10 in the licensee's business records.

11 (d) If there is no manufacturer serial number on an
12 electric gun or cartridge received into inventory by a licensee,
13 then the licensee shall engrave on the electric gun or cartridge
14 a legible unique serial number that begins with the licensee's
15 license number, followed by a hyphen and a unique identifying
16 number.

17 (e) A licensee shall keep records for all electric guns
18 and cartridges received into inventory within the State,
19 including:

- 20 (1) Information identifying the seller, distributor, or
21 transferor of the electric gun or cartridge; and



1 (2) The transaction record for the electric gun or
2 cartridge, including the date of receipt, a
3 description of the electric gun or cartridge, the
4 manufacturer's serial number or the unique identifying
5 serial number engraved by the licensee, and if
6 available, the manufacturer and the model number.

7 (f) Prior to completing a sale, distribution, or other
8 transfer of an electric gun that does not require the purchaser
9 to obtain a permit, the licensee or an employee of the licensee
10 shall provide an informational briefing to the recipient that
11 includes but is not limited to the following:

- 12 (1) The safe use and handling of electric guns;
13 (2) Current information about the effects, dangers, risks,
14 and limitations of electric guns;
15 (3) Education on existing state laws on electric guns; and
16 (4) The proper disposal of electric guns.

17 (g) Upon completion of the informational briefing, the
18 licensee shall provide a certification of informational briefing
19 that is signed and dated by the recipient and the person who
20 provided the briefing, acknowledging the completion of the
21 briefing and that the recipient understood the briefing, and



1 including the names of the recipient and the person who provided
2 the briefing. The form of the certification shall be as
3 provided by the county office that issued the license to the
4 licensee.

5 (h) A licensee shall keep a record of the information
6 provided to recipients during the informational briefings.

7 (i) A licensee shall keep records of all sales,
8 distributions, and other transfers of electric guns and
9 cartridges sold in the State or to a recipient in the State,
10 including:

11 (1) The recipient's name, date of birth, address, and
12 telephone number;

13 (2) A copy of the recipient's government-issued
14 identification card or document;

15 (3) The transaction record for the electric gun or
16 cartridge, including the date of the transaction,
17 description of the electric gun or cartridge, name of
18 the manufacturer, serial and model numbers, and if
19 necessary, the unique serial number engraved on the
20 electric gun or cartridge by the licensee;



1 (4) A copy of the certification of informational briefing
2 signed and dated by the recipient and the person who
3 provided the briefing;

4 (5) For sales of an electric projectile gun, a copy of the
5 permit; and

6 (6) For sales of a cartridge, a copy of the registration
7 for an electric projectile gun.

8 (j) A licensee shall also keep a record of the licensee's
9 current inventory of electric guns and cartridges.

10 (k) During normal business hours, a licensee shall allow
11 the chief of police of the appropriate county or the chief's
12 designee to inspect the licensee's books and records for all
13 records required to be kept by the licensee for electric guns
14 and cartridges. At the discretion of the chief of police or the
15 chief's designee, the inspection may be conducted via facsimile
16 transmittal of the records.

17 (l) A licensee shall keep records required by this section
18 for a minimum of ten years. If a licensee, as a result of death
19 or dissolution, cannot maintain the records, the records shall
20 be turned over to the chief of police of the appropriate county
21 or the chief's designee.



1 (m) When displaying or storing electric guns or cartridges
2 at designated places of business, a licensee shall display or
3 store the electric guns and cartridges in a locked cabinet or
4 area not accessible to the general public.

5 (n) During normal business hours, a licensee shall allow
6 the chief of police of the appropriate county or the chief's
7 designee to physically inspect all electric guns and cartridges
8 in the possession and control of the licensee wherever they may
9 be located within the State.

10 (o) A licensee shall only sell or transfer a cartridge to
11 a person who presents an original registration for an electric
12 projectile gun that is in the person's name.

13 (p) Any person, including any licensee, violating this
14 section shall be guilty of a misdemeanor.

15 (q) A license may be suspended or revoked for a violation
16 of any of the requirements of this section.

17 **§134-G Disposal of electric gun.** A person who is not a
18 licensee pursuant to section 134-E may sell or otherwise
19 transfer an electric gun or cartridge to a licensee or may
20 surrender the electric gun or cartridge to the chief of police
21 of the appropriate county or the chief's designee. The chief of



1 police may either destroy the electric gun or cartridge, or
2 utilize the electric gun or cartridge for educational purposes.
3 The chief of police shall maintain records of all surrendered
4 electric guns and cartridges, including their disposition.

5 **§134-H Ownership, possession, or control prohibited. (a)**

6 No person who is a fugitive from justice shall own, possess, or
7 control an electric gun.

8 (b) No person who is under indictment, has waived
9 indictment, or has been bound over to the circuit court for, or
10 who has been convicted in this State or elsewhere of having
11 committed a felony, crime of violence, or illegal sale of any
12 drug shall own, possess, or control an electric gun.

13 (c) No person who:

14 (1) Is or has been under treatment or counseling for
15 addiction to, abuse of, or dependence upon any
16 dangerous drugs, harmful drug, detrimental drug,
17 intoxicating compounds, or intoxicating liquor, as
18 defined in section 712-1240;

19 (2) Has been acquitted of a crime on the grounds of mental
20 disease, disorder, or defect pursuant to section
21 704-411;



1 (3) Is or has been diagnosed as having a significant
2 behavioral, emotional, or mental disorder as defined
3 by the most current diagnostic and statistical manual
4 of mental disorders of the American Psychiatric
5 Association; or

6 (4) Is or has been treated for organic brain syndrome;
7 shall own, possess, or control an electric gun, unless the
8 person has been medically documented to be no longer adversely
9 affected by the addiction, abuse, dependence, mental disease,
10 disorder, or defect.

11 (d) No person who is less than twenty-five years of age
12 and has been adjudicated by the family court to have committed a
13 felony, two or more crimes of violence, or an illegal sale of
14 any drug shall own, possess, or control an electric gun.

15 (e) No minor shall own, possess, or control an electric
16 gun.

17 (f) No person shall possess an electric gun that is owned
18 by another, regardless of whether the owner has consented to
19 possession of the electric gun.

20 (g) No person who has been restrained pursuant to an order
21 of any court from contacting, threatening, or physically abusing



1 any person or from possessing or owning a firearm, shall
2 possess, control, or transfer ownership of an electric gun, so
3 long as the protective order or restraining order, including any
4 extension, is in effect, unless the order, for good cause shown,
5 specifically permits the possession, control, or transfer of an
6 electric gun. The protective order or restraining order shall
7 specifically include a statement that possession, control, or
8 transfer of an electric gun by the person named in the order is
9 prohibited. Such person shall relinquish possession and control
10 of any electric gun owned by that person to the police
11 department of the appropriate county for safekeeping for the
12 duration of the order or extension thereof.

13 In the case of an ex parte order that includes a
14 restriction on the possession, control, or transfer of an
15 electric gun, the affidavit or statement under oath that forms
16 the basis for the order shall contain a statement of the facts
17 that support a finding that the person to be restrained owns,
18 intends to obtain or transfer, or possesses an electric gun, and
19 that the electric gun may be used to threaten, injure, or abuse
20 any person. The ex parte order shall be effective upon service
21 pursuant to section 586-6.



1 At the time of service of a protective order or restraining
2 order involving electric guns issued by any court, the police
3 officer may take custody of any and all electric guns in plain
4 sight, any electric guns discovered pursuant to a consensual
5 search, and any electric guns surrendered by the person
6 restrained.

7 For the purposes of this subsection, good cause shall not
8 be based solely upon a consideration that the person subject to
9 restraint pursuant to a court order, including an ex parte order
10 as provided for in this subsection, is required to possess or
11 carry an electric gun during the course of the person's
12 employment. Good cause may include but need not be limited to
13 the protection and safety of the person to whom a restraining
14 order is granted.

15 (h) Any person disqualified from ownership, possession,
16 control, or the right to transfer ownership of an electric gun
17 under this section shall surrender or dispose of all electric
18 guns in compliance with section 134-G.

19 (i) For the purposes of enforcing this section, and
20 notwithstanding section 571-84 or any other law to the contrary,
21 any agency within the State shall make its records relating to



1 family court adjudications available to law enforcement
2 officials.

3 (j) Any person violating subsection (a) or (b) shall be
4 guilty of a class C felony. Any person violating subsection
5 (c), (d), (e), (f), (g), or (h) shall be guilty of a
6 misdemeanor.

7 **§134-I Exemptions.** (a) Sections 134-B, 134-C, 134-D, and
8 134-H(f) shall not apply to:

- 9 (1) Law enforcement agencies and law enforcement officers
10 acting within the course of their employment; and
11 (2) The army or air national guard and its members when
12 they are assisting civil authorities in disaster
13 relief, emergency management, or law enforcement
14 functions, subject to the requirements of section 121-
15 34.5;
- 16 provided that the electric guns shall be acquired by the law
17 enforcement agencies or the army or air national guard and not
18 individual law enforcement officers or members of the army or
19 air national guard, and shall remain in the custody and control
20 of the applicable law enforcement agency, or the army or air
21 national guard.



1 (b) Law enforcement agencies that authorize the use of
2 electric guns by their law enforcement officers and the army or
3 air national guard shall:

4 (1) Provide training in the use of electric guns from the
5 manufacturer or a manufacturer-approved training
6 program, using manufacturer-certified or manufacturer-
7 approved instructors, prior to deployment of the
8 electric guns and related equipment in public; and

9 (2) Maintain records regarding every electric gun in their
10 custody and control, including every instance of use
11 of each electric gun, in a similar manner as records
12 are maintained for the discharge of firearms; and

13 (3) Annually report to the legislature on the information
14 in, and maintenance of, these records no later than
15 twenty days before the beginning of each regular
16 session of the legislature.

17 (c) The licensing requirement of sections 134-B(b) and
18 134-E shall not apply to the sale of electric guns and
19 cartridges by electric gun manufacturers distributing directly
20 to law enforcement agencies, or the army or air national guard.



1 **§134-J Storage of electric gun; responsibility with**
2 **respect to minors.** (a) No person shall store or keep any
3 electric gun on any premises under the person's control if the
4 person knows or reasonably should know that a minor is likely to
5 gain access to the electric gun, unless the person:

6 (1) Keeps the electric gun in a securely locked box or
7 other container or in a location that a reasonable
8 person would believe to be secure; or

9 (2) Carries the electric gun on the person or within such
10 close proximity thereto that the minor cannot gain
11 access or control of the electric gun.

12 (b) Any person violating this section shall be guilty of a
13 misdemeanor.

14 **§134-K Carrying or use of electric gun in the commission**
15 **of a separate misdemeanor.** (a) It shall be unlawful for a
16 person to knowingly carry on the person, have within the
17 person's immediate control, or intentionally use or threaten to
18 use an electric gun, whether operable or not, while engaged in
19 the commission of a separate misdemeanor; provided that a person
20 shall not be prosecuted under this subsection when the separate
21 misdemeanor is a misdemeanor defined by this chapter.



1 (b) A conviction and sentence under this section shall be
2 in addition to and not in lieu of any conviction and sentence
3 for the separate misdemeanor; provided that the sentence imposed
4 under this section may run concurrently or consecutively with
5 the sentence for the separate misdemeanor.

6 (c) Any person violating this section shall be guilty of a
7 class C felony.

8 **§134-L Carrying or use of electric gun in the commission**
9 **of a separate felony.** (a) It shall be unlawful for a person to
10 knowingly carry on the person, have within the person's
11 immediate control, or intentionally use or threaten to use an
12 electric gun, whether operable or not, while engaged in the
13 commission of a separate felony; provided that a person shall
14 not be prosecuted under this subsection when the separate felony
15 is a felony defined by this chapter.

16 (b) A conviction and sentence under this section shall be
17 in addition to and not in lieu of any conviction and sentence
18 for the separate felony; provided that the sentence imposed
19 under this section may run concurrently or consecutively with
20 the sentence for the separate felony.



1 (c) Any person violating this section shall be guilty of a
2 class B felony."

3 SECTION 3. Section 121-34.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§121-34.5 Use of electric guns. Members of the army or
6 air national guard who have been qualified by training and are
7 authorized by their commanders may use electric guns, as
8 specifically provided in section [~~134-16(e) and (d)~~], 134-I,
9 when assisting civil authorities in disaster relief, emergency
10 management, or law enforcement functions; provided that
11 "training" for the purposes of this section means a course of
12 instruction or training in the use of any electric gun
13 authorized pursuant to this section, that is provided or
14 authorized by the manufacturer or is manufacturer-approved or is
15 an electric gun training program approved by the army or air
16 national guard, prior to deployment or issuance of electric guns
17 and related equipment."

18 SECTION 4. Section 134-1, Hawaii Revised Statutes, is
19 amended by deleting the definition of "electric gun":

20 [~~"Electric gun" means any portable device that is~~
21 ~~electrically operated to project a missile or electromotive~~



1 ~~force. It does not include any electric livestock prod used in~~
2 ~~animal husbandry and any automatic external defibrillator used~~
3 ~~in emergency medical situations."]~~

4 SECTION 5. Section 134-3.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§134-3.5[+] Disclosure for firearm or electric gun
7 permit and registration purposes. A health care provider or
8 public health authority shall disclose health information,
9 including protected health care information, relating to an
10 individual's mental health history, to the appropriate county
11 chief of police in response to a request for the information
12 from the chief of police; provided that:

13 (1) The information shall be used only for the purpose of
14 evaluating the individual's fitness to acquire or own
15 a firearm[+] or electric gun; and

16 (2) The individual has signed a waiver permitting release
17 of the health information for that purpose."

18 SECTION 6. Section 134-17, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) Any person who violates section 134-2, 134-4, 134-10,
21 or 134-15 [~~or 134-16(a)~~] shall be guilty of a misdemeanor. Any



1 person who violates section 134-3(b) shall be guilty of a petty
2 misdemeanor and the firearm shall be confiscated as contraband
3 and disposed of, if the firearm is not registered within five
4 days of the person receiving notice of the violation."

5 SECTION 7. Section 266-24, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The director of transportation shall enforce this
8 chapter and all rules thereunder, except for the rules relative
9 to the control and management of the beaches encumbered with
10 easements in favor of the public and ocean waters which shall be
11 enforced by the department of land and natural resources. For
12 the purpose of the enforcement of this chapter and of all rules
13 adopted pursuant to this chapter, the powers of police officers
14 are conferred upon the director of transportation and any
15 officer, employee, or representative of the department of
16 transportation. Without limiting the generality of the
17 foregoing, the director and any person appointed by the director
18 hereunder may serve and execute warrants, arrest offenders, and
19 serve notices and orders. The director of transportation and
20 any employee, agent, or representative of the department of
21 transportation appointed as enforcement officers by the



1 director, and every state and county officer charged with the
2 enforcement of any law, statute, rule, regulation, ordinance, or
3 order, shall enforce and assist in the enforcement of this
4 chapter and of all rules and orders issued pursuant thereto, and
5 in carrying out the responsibilities hereunder, each shall be
6 specifically authorized to:

- 7 (1) Conduct any enforcement action hereunder in any
8 commercial harbor area and any area over which the
9 department of transportation and the director of
10 transportation has jurisdiction under this chapter;
- 11 (2) Inspect and examine at reasonable hours any premises,
12 and the buildings and other structures thereon, where
13 harbors or harbor facilities are situated, or where
14 harbor-related activities are operated or conducted;
15 and
- 16 (3) Subject to limitations as may be imposed by the
17 director of transportation, serve and execute
18 warrants, arrest offenders, and serve notices and
19 orders.

20 Any employee appointed as a law enforcement officer by the
21 director of transportation pursuant to this section who has been



1 qualified by training may use electric guns, as specifically
2 provided in section [~~134-16,7~~] 134-I, when exercising powers of
3 police officers and carrying out the responsibilities described
4 herein; provided that training for the purposes of this section
5 means a course of instruction or training in the use of any
6 electric gun that is provided, authorized, or approved by the
7 manufacturer of the electric gun prior to deployment or issuance
8 of electric guns and related equipment.

9 For purposes of this subsection, the term "agents and
10 representatives" includes persons performing services at harbors
11 or harbor areas under contract with the department of
12 transportation."

13 SECTION 8. Section 463-10.5, Hawaii Revised Statutes, is
14 amended by amending subsection (e) to read as follows:

15 "(e) Before beginning employment as a guard or in a guard
16 capacity, in addition to the classroom instruction required by
17 this section, guards and individuals acting in a guard capacity
18 who carry a firearm or other weapon, including but not limited
19 to an electric gun as defined in section [~~134-1,7~~] 134-A, while
20 on-duty in a guard capacity shall possess a valid permit to
21 acquire the ownership of a firearm issued by county police



1 pursuant to section 134-2 and shall satisfy the requirements of
2 section 134-2(g)."

3 SECTION 9. Section 134-16, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§134-16 Restriction on possession, sale, gift, or~~
6 ~~delivery of electric guns.~~ (a) ~~It shall be unlawful for any~~
7 ~~person, including a licensed manufacturer, licensed importer, or~~
8 ~~licensed dealer, to possess, offer for sale, hold for sale,~~
9 ~~sell, give, lend, or deliver any electric gun.~~

10 (b) ~~Any electric gun possessed, offered for sale, held for~~
11 ~~sale, sold, given, lent, or delivered in violation of subsection~~
12 ~~(a) shall be confiscated and disposed of by the chief of police.~~

13 (c) ~~This section shall not apply to:~~

14 (1) ~~Law enforcement officers of county police departments;~~

15 (2) ~~Law enforcement officers of the department of public~~
16 ~~safety;~~

17 (3) ~~Conservation and resources enforcement officers of the~~
18 ~~department of land and natural resources;~~

19 (4) ~~Members of the Army or Air National Guard when~~
20 ~~assisting civil authorities in disaster relief,~~



1 ~~emergency management, or law enforcement functions,~~
2 ~~subject to the requirements of section 121-34.5;~~
3 ~~(5) Law enforcement officers appointed by the director of~~
4 ~~transportation pursuant to section 266-24; and~~
5 ~~(6) Vendors providing electric guns to the individuals~~
6 ~~described in paragraphs (1) through (5);~~
7 ~~provided that electric guns shall at all times remain in the~~
8 ~~custody and control of the law enforcement officers of the~~
9 ~~county police departments, the law enforcement officers of the~~
10 ~~department of public safety, the conservation and resources~~
11 ~~enforcement officers of the department of land and natural~~
12 ~~resources, the members of the Army or Air National Guard, or law~~
13 ~~enforcement officers appointed by the director of~~
14 ~~transportation.~~

15 ~~(d) The county police departments of this State, the~~
16 ~~department of public safety, the department of land and natural~~
17 ~~resources, the army and air national guard, and the department~~
18 ~~of transportation shall maintain records regarding every~~
19 ~~electric gun in their custody and control. The records shall~~
20 ~~report every instance of usage of the electric guns; in~~
21 ~~particular, records shall be maintained in a similar manner as~~



1 ~~for those of discharging of firearms. The county police~~
2 ~~departments, the department of public safety, the department of~~
3 ~~land and natural resources, the army and air national guard, and~~
4 ~~the department of transportation shall annually report to the~~
5 ~~legislature regarding these records no later than twenty days~~
6 ~~before the beginning of each regular session of the legislature.~~

7 ~~(c) The department of land and natural resources, the~~
8 ~~department of public safety, and the department of~~
9 ~~transportation shall ensure that each of its conservation and~~
10 ~~resources enforcement officers and law enforcement officers who~~
11 ~~is authorized to use an electric gun and related equipment shall~~
12 ~~first receive training from the manufacturer or from a~~
13 ~~manufacturer approved training program, as well as by~~
14 ~~manufacturer certified or approved instructors in the use of~~
15 ~~electric guns prior to deployment of the electric guns and~~
16 ~~related equipment in public. Training for conservation and~~
17 ~~resources enforcement officers of the department of land and~~
18 ~~natural resources, law enforcement officers of the department of~~
19 ~~public safety, and law enforcement officers of the department of~~
20 ~~transportation may be done concurrently to ensure cost savings.~~



1 ~~(f) No later than June 30, 2018, the conservation and~~
2 ~~resources enforcement program of the department of land and~~
3 ~~natural resources shall meet the law enforcement accreditation~~
4 ~~or recognition standards of the Commission on Accreditation for~~
5 ~~Law Enforcement Agencies, Inc., in the use of electric guns.~~

6 ~~(g) No later than June 30, 2024, the law enforcement~~
7 ~~officers appointed by the director of transportation shall meet~~
8 ~~the law enforcement accreditation or recognition standards of~~
9 ~~the Commission on Accreditation for Law Enforcement Agencies,~~
10 ~~Inc., in the use of electric guns."]~~

11 SECTION 10. This Act does not affect rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun, before the effective date of this Act.

14 SECTION 11. In codifying the new sections added by section
15 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 12. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 13. This Act shall take effect on July 1, 2050.

Report Title:

Electric Guns; Electric Projectile Guns; Permit; Registration

Description:

Repeals section 134-16, Hawaii Revised Statutes, the existing law that bans electric guns, and replaces it with a law that restricts the ownership, use, storage, and disposal of electric guns, regulates the sale, distribution, and transfer of electric guns, requires training and education on electric guns, prohibits certain individuals from the possession and use of electric guns, and prohibits the carrying or use of electric guns in the commission of crimes. Establishes permitting requirement to acquire electric projectile guns and registration requirements. Effective July 1, 2050. (HD1)

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

