

JAN 17 2020

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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 a "ghost gun" is a  
2 firearm that is assembled without serial numbers or other  
3 identification markings. A person may assemble a ghost gun from  
4 a prepackaged kit requiring only minimal expertise and thus  
5 bypass background checks, registration, and other legal  
6 requirements. The legislature also finds that the State's lack  
7 of laws addressing ghost guns allows persons who would normally  
8 be prohibited under state law from owning or possessing firearms  
9 to do so. The ease with which ghost guns may be obtained  
10 defeats the intent of the State's otherwise strict firearm  
11 permitting and registration laws. It is these laws that have  
12 helped Hawaii to achieve the lowest gun violence death rate in  
13 the nation.

14           Accordingly, the purpose of this Act is to:

15           (1) Prohibit the purchase, manufacture, or obtaining of  
16           firearm parts for the purpose of assembling a firearm  
17           having no serial number; and



1 (2) Amend certain requirements relating to firearms  
2 registration.

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

6 "§134- Manufacturing or purchasing firearm parts to  
7 assemble a firearm having no serial number; penalty. (a) A  
8 person who is not licensed to manufacture a firearm under  
9 section 134-31, or who is not a dealer licensed by the United  
10 States Department of Justice, shall not, for the purpose of  
11 assembling a firearm, purchase, produce with a three-dimensional  
12 printer, or otherwise obtain separately, or as part of a kit:

13 (1) A firearm receiver that is not imprinted with a serial  
14 number registered with a federally licensed  
15 manufacturer;

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

19 (3) Any combination of parts from which a firearm having  
20 no serial number may be readily assembled; provided



1           that the parts do not have the capacity to function as  
2           a firearm unless assembled.

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

4           SECTION 3. Section 134-1, Hawaii Revised Statutes, is  
5 amended by adding three new definitions to be appropriately  
6 inserted and to read as follows:

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

9           "Firearm receiver" means the part of a firearm that  
10 provides housing for the firearm's internal components, such as  
11 a hammer, bolt, breechblock, action, or firing mechanism. The  
12 term includes any object or part that is not a firearm frame or  
13 receiver in finished form but that is designed or intended to be  
14 used for that purpose and may readily be made into a firearm  
15 frame or receiver through milling or other means.

16           "Ghost gun" means a firearm that is assembled without a  
17 serial number or other identification marking."

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



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

- 15           (1) A valid Hawaii hunting license procured under chapter  
16                 183D, part II, or a commercial or private shooting  
17                 preserve permit issued pursuant to section 183D-34;  
18           (2) A written document indicating the person has been  
19                 invited to the State to shoot on private land; or



1           (3) Written notification from a firing range or target  
2           shooting business indicating that the person will  
3           actually engage in target shooting.

4 The nonresident alien shall be limited to a nontransferable  
5 registration of not more than ten firearms for the purpose of  
6 the above activities.

7           Every person registering a firearm under this subsection  
8 shall be fingerprinted and photographed by the police department  
9 of the county of registration; provided that this requirement  
10 shall be waived where fingerprints and photographs are already  
11 on file with the police department. The police department shall  
12 perform an inquiry on the person by using the International  
13 Justice and Public Safety Network, including the United States  
14 Immigration and Customs Enforcement query, the National Crime  
15 Information Center, and the National Instant Criminal Background  
16 Check System, pursuant to section 846-2.7 before any  
17 determination to register a firearm is made. Any person  
18 attempting to register a firearm, a firearm receiver, or the  
19 parts used to assemble a firearm, and who is found to be  
20 disqualified from ownership, possession, or control of firearms



1 or ammunition under section 134-7, shall surrender or dispose of  
2 all firearms and ammunition pursuant to section 134-7.3.

3 (b) Every person who acquires a firearm pursuant to  
4 section 134-2 shall register the firearm in the manner  
5 prescribed by this section within five days of acquisition. The  
6 registration of all firearms shall be on forms prescribed by the  
7 attorney general, which shall be uniform throughout the State,  
8 and shall include the following information: name of the  
9 manufacturer and importer; model; type of action; caliber or  
10 gauge; serial number; and source from which receipt was  
11 obtained, including the name and address of the prior  
12 registrant. If the firearm has been assembled from separate  
13 parts and an unfinished firearm receiver, the entity that  
14 registered the firearm receiver shall be recorded in the space  
15 provided for the name of the manufacturer and importer, and the  
16 phrase "assembled from parts" shall be recorded in the space  
17 provided for model. If the firearm has been assembled from  
18 parts created using a three-dimensional printer, the entity that  
19 registered the firearm receiver shall be recorded in the space  
20 provided for the name of the manufacturer and importer, and the  
21 phrase "3-D printer" shall be recorded in the space provided for



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

- 12 (1) For processing the registration;
- 13 (2) For database management by the Hawaii criminal justice  
14 data center;
- 15 (3) By a law enforcement agency for the lawful performance  
16 of its duties; or
- 17 (4) By order of a court.
- 18 (c) Dealers licensed under section 134-31 or dealers  
19 licensed by the United States Department of Justice shall  
20 register firearms pursuant to this section on registration forms  
21 prescribed by the attorney general and shall not be required to



1 have the firearms physically inspected by the chief of police at  
2 the time of registration. An authorized dealer, as provided in  
3 section 134-31, or a dealer licensed by the United States  
4 Department of Justice, who brings, assembles, or causes to be  
5 brought into the State by any other means, separate parts and an  
6 unfinished firearm receiver that when assembled create a  
7 firearm, or parts created by a three-dimensional printer which  
8 when assembled create a firearm, shall register the unfinished  
9 firearm receiver and receive a serial number before the assembly  
10 of the firearm or the sale or transfer of unassembled firearm  
11 parts or a receiver to a third party, in accordance with  
12 subsection (b). Any sale or transfer of unfinished firearm  
13 receivers by an authorized dealer to a third party shall be  
14 conducted as if they were fully assembled firearms with a serial  
15 number engraved on the firearm receiver and in accordance with  
16 the firearms permitting process in section 134-2. All other  
17 firearms and firearm receivers registered under this section  
18 shall be physically inspected by the respective county chief of  
19 police or the chief's representative at the time of  
20 registration.

21 (d) Registration shall not be required for:





# S.B. NO. 2151

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

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

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

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INTRODUCED BY: \_\_\_\_\_  
*M. N. W.*  
By Request



# S.B. NO. 2151

**Report Title:**

Honolulu Police Department Package; Firearms; "Ghost Guns";  
Registration

**Description:**

Makes it a Class C felony to purchase, manufacture, or otherwise obtain firearm parts for the purpose of assembling a firearm having no serial number. Amends certain requirements relating to firearms registration.

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

