
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 the United States Supreme
2 Court decision in *Caetano v. Massachusetts*, 136 S. Ct. 1027
3 (2016), which overruled a decision of the Massachusetts Supreme
4 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 the bill is to protect the health and safety of the
8 public by regulating the sale and use of electric guns.

9 The purpose of this Act is to repeal the ban on electric
10 guns and replace it with regulations and rules on the use,
11 storage, transfer, disposal, and purchase of electric guns and
12 electric projectile guns.

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

16 "PART . ELECTRIC GUNS

17 §134-A Definitions. As used in this part:



1 "Cartridge" means any device or object that is designed to
2 be used with an electric gun to project a missile. "Cartridge"
3 includes but is not limited to a taser cartridge.

4 "Electric gun" means any portable device that is designed
5 to discharge electric energy, charge, voltage, or current into
6 the body through direct contact or utilizing a projectile.

7 "Electric gun" includes but is not limited to devices commonly
8 referred to as stun guns. It does not include any automatic
9 defibrillator used in emergency medical situations.

10 "Electric projectile gun" means any electric gun that is
11 designed to discharge electric energy, charge, voltage, or
12 current into the body through a projectile. "Electric
13 projectile gun" includes but is not limited to a taser.

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

20 "Law enforcement officer" means a sheriff or deputy
21 sheriff, police officer, enforcement officer within the division



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

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

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

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

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

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



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

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

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

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

19 (f) Any person violating this section shall be guilty of a
20 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, request, 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 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 waiver form shall be prescribed by the attorney general and
15 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 issuing authority. One copy of the permit shall



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

- 5 (1) Name of the person to whom the title to the electric
6 projectile gun was transferred; and
- 7 (2) Names of the manufacturer and importer; model; and
8 serial number, as applicable.

9 The person who is transferring title to the electric
10 projectile gun shall sign the permit in ink and cause the permit
11 to be delivered or sent by registered mail to the issuing
12 authority within forty-eight hours after transferring the
13 electric projectile gun.

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



1 (g) No person shall be issued a permit under this section
2 unless the person, at any time prior to the issuance of the
3 permit, has completed an electric projectile gun safety or
4 training course, offered by the county, or approved by the
5 county, that focuses on:

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

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

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

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



1 §134-D Registration. (a) Every person arriving in the
2 State who brings, or by any other manner causes to be brought,
3 into the State an electric gun of any description, whether
4 usable or unusable, serviceable or unserviceable, shall register
5 the electric gun within five days after arrival of the person or
6 of the electric gun, whichever arrives later, with the chief of
7 police of the county of the person's place of business or, if
8 there is no place of business, the person's residence or, if
9 there is neither a place of business nor residence, the person's
10 place of sojourn.

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



1 permit pursuant to section 134-C shall be completed and the
2 permit number shall be entered in the space provided for the
3 serial number, and the permit number shall be engraved upon the
4 electric gun prior to registration.

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

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



1 permit number shall be entered in the space provided for the
2 serial number, and the permit number shall be engraved upon the
3 electric gun prior to registration.

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

11 (d) The registration shall be on forms prescribed by the
12 attorney general, which shall be uniform throughout the State,
13 and shall include the following information: name of the
14 manufacturer and importer; model; serial number; and source from
15 which receipt was obtained, including the name and address of
16 the prior registrant. All registration data that would identify
17 the individual registering the electric gun by name or address
18 shall be confidential and shall not be disclosed to anyone,
19 except as may be required:

20 (1) For processing the registration;



1 (2) For database management by the Hawaii criminal justice
2 data center;

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

5 (4) By order of a court.

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

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

17 (e) Any person, including any licensee, violating this
18 section shall be guilty of a misdemeanor.

19 **§134-E License to sell or distribute electric guns; fee.**

20 (a) Any person desiring to sell, offer for sale, distribute, or
21 otherwise transfer electric guns or cartridges to a person in



1 the State, either at wholesale or retail, shall annually file an
2 application for a license to do so with the county in which the
3 person desires to conduct business or within the county to which
4 the person intends the electric guns to be distributed, using
5 forms prescribed by the county.

6 (b) If the applicant is an individual, the application and
7 supporting documentation shall establish at least the following:

- 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 electronic mail address of the individual;
- 13 (3) The name and location of the principal place of
14 business of the applicant and, if applicable, each
15 additional designated place of business from which the
16 applicant desires to sell electric guns;
- 17 (4) The applicant's Hawaii tax identification number;
- 18 (5) The applicant has had no convictions for any felony
19 offense;



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

- 4 (A) The safe use and handling of electric guns;
- 5 (B) Current information about the effects, dangers,
6 risks, and limitations of electric guns; and
- 7 (C) Education on the current state laws on electric
8 guns; and

9 (7) Any other information the county may require.

10 (c) If the applicant is not an individual, the application
11 and supporting documentation shall establish at least the
12 following:

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 electronic mail 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 electronic mail address of each of the principals or
3 members of 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) That the applying entity is registered to do business
10 in the State;
- 11 (7) That none of the applying entity's principal owners or
12 members have been convicted of any felony offense;
- 13 (8) That the applying entity has a Hawaii tax
14 identification number;
- 15 (9) That the applying entity has a federal employer
16 identification number;
- 17 (10) That within the last three years, at least one
18 principal owner or member of the applying entity has
19 completed an electric gun safety or training course as
20 described in subsection (b) (6); and
- 21 (11) Any other information the county may require.



1 (d) The applicant shall certify that the applicant will
2 comply at all times with all provisions of law relative to the
3 acquisition, possession, storage, and sale of electric guns.
4 Further, if the applicant is not an individual, the applicant
5 shall certify that it is responsible for compliance by its
6 employees of all laws relating to the acquisition, possession,
7 and sale of electric guns.

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

15 (f) A license issued pursuant to this section shall expire
16 on the June 30 following the date of issuance of the license,
17 unless sooner terminated. An application for the renewal of a
18 license shall be filed before July 1 of each year.

19 **§134-F The sale or transfer of electric guns.** (a) A
20 licensee shall post the license to sell or distribute electric
21 guns, or a certified copy thereof, in a location readily visible



1 to customers at each designated place of business. For internet
2 sales by a licensee, the license number shall be prominently
3 displayed and an electronic copy of the license shall be readily
4 accessible to the customer.

5 (b) An individual licensee shall complete, at least once
6 every three years, an electric gun safety or training course
7 offered or approved by the county that focuses on:

- 8 (1) The safe use and handling of electric guns;
- 9 (2) Current information about the effects, dangers, risks,
10 and limitations of electric guns; and
- 11 (3) Education on the current state laws on electric guns.

12 An individual licensee shall keep a copy of the certificate
13 of completion of the training course in the licensee's business
14 records.

15 (c) A licensee that is not an individual shall not allow
16 any employee to participate in the sale or transfer of electric
17 guns or cartridges unless the employee completes, at least once
18 every three years, an electric gun safety or training course
19 described in subsection (b). The licensee shall keep a copy of
20 each certificate of completion for each employee who has
21 completed the course in the licensee's business records.



1 (d) If there is no manufacturer serial number on an
2 electric gun or cartridge received into inventory by a licensee,
3 the licensee shall engrave on the electric gun or cartridge a
4 legible and unique serial number that begins with the licensee's
5 license number followed by a hyphen and a unique identifying
6 number.

7 (e) A licensee shall keep records for all electric guns
8 and cartridges received into inventory within the State,
9 including:

10 (1) Information identifying the seller, distributor, or
11 transferor of the electric gun or cartridge; and

12 (2) The transaction record for the electric gun or
13 cartridge, including the date of receipt, a
14 description of the electric gun or cartridge, the
15 manufacturer's serial number or the unique identifying
16 serial number engraved by the licensee, and, if
17 available, the manufacturer and model number.

18 (f) Prior to completing a sale or other transfer of an
19 electric gun that does not require the purchaser to obtain a
20 permit, the licensee or an employee of the licensee shall



1 provide a briefing to the recipient that includes information
2 on:

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

8 (g) Upon completion of the informational briefing, the
9 licensee shall provide a certification that includes the names
10 of the recipient and the person who provided the informational
11 briefing and the date of the briefing. The certificate shall be
12 signed and dated by the recipient and the person who provided
13 the briefing, with both persons acknowledging the completion of
14 the briefing. The recipient shall affirm that the recipient
15 understood the briefing. The form of the certification shall be
16 as provided by the county office that issued the license to the
17 licensee.

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

20 (i) A licensee shall keep records of all sales,
21 distributions, and other transactions of electric guns and



1 cartridges sold or distributed in the State or to a recipient in
2 the State, including:

- 3 (1) The recipient's name, date of birth, address, and
4 telephone number;
- 5 (2) A copy of the recipient's government-issued
6 identification card or document;
- 7 (3) The transaction record for the electric gun or
8 cartridge, including the date of the transaction, a
9 description of the electric gun or cartridge, the name
10 of the manufacturer, serial and model numbers, and, if
11 necessary, the unique serial number engraved by the
12 licensee;
- 13 (4) A copy of the certification required under subsection
14 (g), signed and dated by the recipient and the person
15 who provided the briefing;
- 16 (5) For sales of an electric projectile gun, a copy of the
17 permit; and
- 18 (6) For sales of a cartridge, a copy of the registration
19 for an electric projectile gun.
- 20 (j) A licensee shall keep a record of the licensee's
21 current inventory of electric guns and cartridges.



1 (k) During normal business hours, a licensee shall allow
2 the chief of police of the appropriate county or the chief's
3 designee to inspect the licensee's books and records for all
4 records required to be kept by licensees under this section. At
5 the discretion of the chief of police, the inspection of the
6 records may be conducted via facsimile transmittal of the
7 records.

8 (l) A licensee shall keep records required by this section
9 for a minimum of ten years. If the licensee, as a result of
10 death or dissolution, cannot maintain the records, the records
11 shall be turned over to the chief of police of the appropriate
12 county.

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

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



1 (o) Any person, including any licensee, who violates this
2 section shall be guilty of a misdemeanor.

3 (p) A license may be suspended or revoked for a violation
4 of any of the requirements of this section.

5 **§134-G Disposal of electrical gun.** A person who is not a
6 licensee pursuant to section 134-E may sell or otherwise
7 transfer an electric gun or cartridge to a licensee or may
8 surrender the electric gun or cartridge to the chief of police
9 of the appropriate county. The chief of police may destroy the
10 electric gun or cartridge or use the electric gun or cartridge
11 for educational purposes. The chief of police shall maintain
12 records of all surrendered electric guns and cartridges,
13 including their disposition.

14 **§134-H Ownership or possession prohibited; penalty.** (a)
15 No person who is a fugitive from justice shall purchase, own,
16 possess, or control an electric gun.

17 (b) No person who is under indictment for, has waived
18 indictment for, has been bound over to the circuit court for, or
19 has been convicted in this State or elsewhere of having
20 committed a felony, any crime of violence, or any illegal sale



1 of any drug shall purchase, own, possess, or control an electric
2 gun.

3 (c) No person who:

4 (1) Is or has been under treatment or counseling for
5 addiction to, abuse of, or dependence upon any
6 dangerous, harmful, or detrimental drug, intoxicating
7 compound, or intoxicating liquor, all as defined in
8 section 712-1240;

9 (2) Has been acquitted of a crime on the grounds of mental
10 disease, disorder, or defect pursuant to section
11 704-411; or

12 (3) Is or has been diagnosed as having a significant
13 behavioral, emotional, or mental disorder, as defined
14 by the most current diagnostic and statistical manual
15 of mental disorders of the American Psychiatric
16 Association, or for treatment for organic brain
17 syndromes,

18 shall purchase, own, possess, or control an electric gun, unless
19 the person has been medically documented to be no longer
20 adversely affected by the addiction, abuse, dependence, disease,
21 disorder, or defect.



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

6 (e) No minor shall purchase, own, possess, or control an
7 electric gun.

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

11 (g) No person who has been restrained pursuant to an order
12 of any court, including an ex parte order as provided in this
13 subsection, from contacting, threatening, or physically abusing
14 any person, shall purchase, possess, control, or transfer
15 ownership of an electric gun, so long as the protective order,
16 restraining order, or any extension is in effect, unless the
17 order, for good cause shown, specifically permits the possession
18 of an electric gun. The restraining order or order of
19 protection shall specifically include a statement that purchase,
20 possession, control, or transfer of an electric gun by the
21 person named in the order is prohibited. That person shall



1 relinquish possession and control of any electric gun owned by
2 that person to the police department of the appropriate county
3 for safekeeping for the duration of the order or extension
4 thereof. In the case of an ex parte order that includes a
5 restriction on the purchase, possession, control, or transfer of
6 an electric gun, the affidavit or statement under oath that
7 forms the basis for the order shall contain a statement of the
8 facts that support a finding that the person to be restrained
9 owns, intends to obtain or to transfer, or possesses an electric
10 gun, and that the electric gun may be used to threaten, injure,
11 or abuse any person. The ex parte order shall be effective upon
12 service pursuant to section 586-6. At the time of service of a
13 restraining order involving electric guns issued by any court,
14 the police officer may take custody of any and all electric guns
15 in plain sight, those discovered pursuant to a consensual
16 search, and those electric guns surrendered by the person
17 restrained.

18 For the purposes of this subsection, good cause shall not
19 be based solely upon the consideration that the person subject
20 to restraint pursuant to an order of any court, including an ex
21 parte order as provided for in this subsection, is required to



1 possess or carry an electric gun during the course of the
2 person's employment. Good cause may include but is not limited
3 to the protection and safety of the person to whom a restraining
4 order is granted.

5 (h) Any person disqualified from purchase, ownership,
6 possession, control, or the right to transfer ownership of an
7 electric gun under this section shall surrender or dispose of
8 all electric guns in compliance with section 134-E.

9 (i) For the purposes of enforcing this section, and
10 notwithstanding section 571-84 or any other law to the contrary,
11 any agency within the State shall make its records relating to
12 family court adjudications available to law enforcement
13 officials.

14 (j) Any person violating subsection (a) or (b) shall be
15 guilty of a class C felony. Any person violating subsection
16 (c), (d), (e), (f), (g), or (h) shall be guilty of a
17 misdemeanor.

18 **§134-I Exemptions.** (a) Sections 134-B, 134-C, 134-D and
19 134-H(f) shall not apply to:

20 (1) Law enforcement agencies and law enforcement officers
21 acting within the course of their duties; and



1 (2) The army or air national guard and its members when
2 they are assisting civil authorities in disaster
3 relief, emergency management, or law enforcement
4 functions, subject to the requirements of section
5 121-34.5;

6 provided that the electric guns shall be acquired by the law
7 enforcement agencies or the army or air national guard and not
8 individual law enforcement officers or members of the army or
9 air national guard, and shall remain in the custody and control
10 of law enforcement agencies or the army or air national guard.

11 (b) Law enforcement agencies that authorize use of
12 electric guns by its law enforcement officers and the army or
13 air national guard shall provide training from the manufacturer
14 or from a manufacturer-approved training program, as well as by
15 manufacturer-certified or manufacturer-approved instructors, in
16 the use of electric guns prior to deployment of the electric
17 guns and related equipment in public.

18 (c) The law enforcement agencies that authorize use of
19 electric guns by its law enforcement officers and the army or
20 air national guard shall maintain records regarding every
21 electric gun in its custody and control. The records shall



1 report every instance of usage of the electric guns. Records
2 shall be maintained in a similar manner as for those of
3 discharging of firearms. The law enforcement agencies and the
4 army and air national guard shall annually report to the
5 legislature regarding these records no later than twenty days
6 prior to the convening of each regular session.

7 (d) The licensing requirements of sections 134-B(b) and
8 134-E shall not apply to the sale of electric guns and
9 cartridges by the electric gun manufacturers distributing
10 directly to law enforcement agencies or the army or air national
11 guard.

12 **§134-J Storage of electric gun; responsibility with**
13 **respect to minors.** (a) No person shall store or keep any
14 electric gun on any premises under the person's control if the
15 person knows or reasonably should know that a minor is likely to
16 gain access to the electric gun, unless the person:

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



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

4 (b) Any person violating this section shall be guilty of a
5 misdemeanor.

6 §134-K Carrying or use of electric gun in the commission
7 of a separate misdemeanor. (a) It shall be unlawful for a
8 person to knowingly carry on the person or have within the
9 person's immediate control or intentionally use or threaten to
10 use an electric gun, whether operable or not, while engaged in
11 the commission of a separate misdemeanor; provided that a person
12 shall not be prosecuted under this section when the separate
13 misdemeanor is a misdemeanor offense established by this
14 chapter.

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

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



1 §134-L Carrying or using an electric gun in the commission
2 of a separate felony. (a) It shall be unlawful for a person to
3 knowingly carry on the person or have within the person's
4 immediate control or intentionally use or threaten to use an
5 electric gun, whether operable or not, while engaged in the
6 commission of a separate felony; provided that a person shall
7 not be prosecuted under this section when the separate felony is
8 a felony offense established by this chapter.

9 (b) A conviction and sentence under this section shall be
10 in addition to and not in lieu of any conviction and sentence
11 for the separate felony; provided that the sentence imposed
12 under this section may run concurrently or consecutively with
13 the sentence for the separate felony.

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

16 SECTION 3. Section 134-3.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 " [†] §134-3.5 [†] Disclosure for firearm permit and
19 registration purposes. A health care provider or public health
20 authority shall disclose health information, including protected
21 health care information, relating to an individual's mental



1 health history, to the appropriate county chief of police in
2 response to a request for the information from the chief of
3 police; provided that:

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

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

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

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



1 national guard, prior to deployment or issuance of electric guns
2 and related equipment."

3 SECTION 5. Section 134-17, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Any person who violates section 134-2, 134-4, 134-10,
6 or 134-15 [~~, or 134-16(a)~~] shall be guilty of a misdemeanor. Any
7 person who violates section 134-3(b) shall be guilty of a petty
8 misdemeanor and the firearm shall be confiscated as contraband
9 and disposed of, if the firearm is not registered within five
10 days of the person receiving notice of the violation."

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

13 "(a) The director of transportation shall enforce this
14 chapter and all rules thereunder, except for the rules relative
15 to the control and management of the beaches encumbered with
16 easements in favor of the public and ocean waters which shall be
17 enforced by the department of land and natural resources. For
18 the purpose of the enforcement of this chapter and of all rules
19 adopted pursuant to this chapter, the powers of police officers
20 are conferred upon the director of transportation and any
21 officer, employee, or representative of the department of



1 transportation. Without limiting the generality of the
2 foregoing, the director and any person appointed by the director
3 hereunder may serve and execute warrants, arrest offenders, and
4 serve notices and orders. The director of transportation and
5 any employee, agent, or representative of the department of
6 transportation appointed as enforcement officers by the
7 director, and every state and county officer charged with the
8 enforcement of any law, statute, rule, regulation, ordinance, or
9 order, shall enforce and assist in the enforcement of this
10 chapter and of all rules and orders issued pursuant thereto, and
11 in carrying out the responsibilities hereunder, each shall be
12 specifically authorized to:

- 13 (1) Conduct any enforcement action hereunder in any
14 commercial harbor area and any area over which the
15 department of transportation and the director of
16 transportation has jurisdiction under this chapter;
- 17 (2) Inspect and examine at reasonable hours any premises,
18 and the buildings and other structures thereon, where
19 harbors or harbor facilities are situated, or where
20 harbor-related activities are operated or conducted;
21 and



1 (3) Subject to limitations as may be imposed by the
2 director of transportation, serve and execute
3 warrants, arrest offenders, and serve notices and
4 orders.

5 Any employee appointed as a law enforcement officer by the
6 director of transportation pursuant to this section who has been
7 qualified by training may use electric guns, as specifically
8 provided in section [~~134-167~~] 134-I, when exercising powers of
9 police officers and carrying out the responsibilities described
10 herein; provided that training for the purposes of this section
11 means a course of instruction or training in the use of any
12 electric gun that is provided, authorized, or approved by the
13 manufacturer of the electric gun prior to deployment or issuance
14 of electric guns and related equipment.

15 For purposes of this subsection, the term "agents and
16 representatives" includes persons performing services at harbors
17 or harbor areas under contract with the department of
18 transportation."

19 SECTION 7. Section 134-1, Hawaii Revised Statutes, is
20 amended by deleting the definition of "electric gun".



1 ~~["Electric gun" means any portable device that is~~
2 ~~electrically operated to project a missile or electromotive~~
3 ~~force. It does not include any electric livestock prod used in~~
4 ~~animal husbandry and any automatic external defibrillator used~~
5 ~~in emergency medical situations."]~~

6 SECTION 8. Section 134-16, Hawaii Revised Statutes, is
7 repealed.

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

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

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

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

18 ~~(2) Law enforcement officers of the department of public~~
19 ~~safety;~~

20 ~~(3) Conservation and resources enforcement officers of the~~
21 ~~department of land and natural resources;~~



1 ~~(4) Members of the Army or Air National Guard when~~
2 ~~assisting civil authorities in disaster relief,~~
3 ~~emergency management, or law enforcement functions,~~
4 ~~subject to the requirements of section 121-34.5;~~
5 ~~(5) Law enforcement officers appointed by the director of~~
6 ~~transportation pursuant to section 266-24; and~~
7 ~~(6) Vendors providing electric guns to the individuals~~
8 ~~described in paragraphs (1) through (5);~~
9 ~~provided that electric guns shall at all times remain in the~~
10 ~~custody and control of the law enforcement officers of the~~
11 ~~county police departments, the law enforcement officers of the~~
12 ~~department of public safety, the conservation and resources~~
13 ~~enforcement officers of the department of land and natural~~
14 ~~resources, the members of the Army or Air National Guard, or law~~
15 ~~enforcement officers appointed by the director of~~
16 ~~transportation.~~
17 ~~(d) The county police departments of this State, the~~
18 ~~department of public safety, the department of land and natural~~
19 ~~resources, the army and air national guard, and the department~~
20 ~~of transportation shall maintain records regarding every~~
21 ~~electric gun in their custody and control. The records shall~~

1 ~~report every instance of usage of the electric guns; in~~
2 ~~particular, records shall be maintained in a similar manner as~~
3 ~~for those of discharging of firearms. The county police~~
4 ~~departments, the department of public safety, the department of~~
5 ~~land and natural resources, the army and air national guard, and~~
6 ~~the department of transportation shall annually report to the~~
7 ~~legislature regarding these records no later than twenty days~~
8 ~~before the beginning of each regular session of the legislature.~~

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



1 ~~public safety, and law enforcement officers of the department of~~
2 ~~transportation may be done concurrently to ensure cost savings.~~

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

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

13 SECTION 9. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 10. In codifying the new sections added by
17 section 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 11. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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



Report Title:

Electric Guns; Licenses; Regulation; Prohibition

Description:

Repeals the ban on electric guns. Establishes a regulatory structure for the sale and transfer of electric guns and electric projectile guns by licensed persons. Allows for the use of electric guns for self-defense, defense of another person, and protection of property. Restricts the use, storage, transfer, and disposal of electric guns. Requires training and education on electric guns and electric projectile guns. Prohibits certain individuals from possessing and using electric guns and electric projectile guns. Prohibits the use of electric guns in the commission of crimes. (SD1)

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