

JAN 17 2020

---

---

# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1           SECTION 1. Section 134-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (j) to read as follows:  
3           "(j) In all cases where a permit application under this  
4 section is denied because an applicant is prohibited from  
5 owning, possessing, receiving, or controlling firearms under  
6 federal or state law, the chief of police of the applicable  
7 county shall, within ten business days from the date of denial,  
8 send written notice of the denial including the identity of the  
9 applicant and the reasons for the denial to the:  
10           (1) Prosecuting attorney in the county where the permit  
11           was denied;  
12           (2) Attorney general;  
13           (3) United States Attorney for the District of Hawaii; and  
14           (4) Director of public safety.  
15           If the permit to acquire was denied because the applicant  
16 is subject to an order described in section [~~134-7(f)~~],  
17 134-7(g), the chief of police shall, within three business days



1 from the date of denial, send written notice of the denial to  
2 the court that issued the order.

3       When the director of public safety receives notice that an  
4 applicant has been denied a permit because of a prior criminal  
5 conviction, the director of public safety shall determine  
6 whether the applicant is currently serving a term of probation  
7 or parole, and if the applicant is serving such a term, send  
8 written notice of the denial to the applicant's probation or  
9 parole officer."

10       SECTION 2. Section 134-7, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§134-7 Ownership or possession prohibited, when; penalty.**

13 (a) No person who is a fugitive from justice or is a person  
14 prohibited from possessing firearms or ammunition under federal  
15 law shall own, possess, or control any firearm or ammunition  
16 therefor.

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



1 of any drug shall own, possess, or control any firearm or  
2 ammunition therefor.

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 as defined in section 712-1240, or  
8 intoxicating liquor;

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 disorders as defined  
14 by the most current diagnostic manual of the American  
15 Psychiatric Association or for treatment for organic  
16 brain syndromes;

17 shall own, possess, or control any firearm or ammunition  
18 therefor, unless the person has been medically documented to be  
19 no longer adversely affected by the addiction, abuse,  
20 dependence, mental disease, disorder, or defect.



# S.B. NO. 2456

1        (d) No person who has been twice convicted within ten  
2 years of committing the offense of operating a vehicle under the  
3 influence of an intoxicant in violation of section 291E-61 shall  
4 own, possess, or control any firearm or ammunition therefor.

5        [~~d~~] (e) No person who is less than twenty-five years old  
6 and has been adjudicated by the family court to have committed a  
7 felony, two or more crimes of violence, or an illegal sale of  
8 any drug shall own, possess or control any firearm or ammunition  
9 therefor.

10        [~~e~~] (f) No minor who:

11        (1) Is or has been under treatment for addiction to any  
12            dangerous, harmful, or detrimental drug, intoxicating  
13            compound as defined in section 712-1240, or  
14            intoxicating liquor;

15        (2) Is a fugitive from justice; or

16        (3) Has been determined not to have been responsible for a  
17            criminal act or has been committed to any institution  
18            on account of a mental disease, disorder, or defect;

19 shall own, possess, or control any firearm or ammunition

20 therefor, unless the minor has been medically documented to be



1 no longer adversely affected by the addiction, mental disease,  
2 disorder, or defect.

3 For the purposes of enforcing this section, and  
4 notwithstanding section 571-84 or any other law to the contrary,  
5 any agency within the State shall make its records relating to  
6 family court adjudications available to law enforcement  
7 officials.

8 [~~f~~] (g) No person who has been restrained pursuant to an  
9 order of any court, including a gun violence protective order  
10 issued pursuant to part IV, from contacting, threatening, or  
11 physically abusing any person, shall possess, control, or  
12 transfer ownership of any firearm or ammunition therefor, so  
13 long as the protective order, restraining order, or any  
14 extension is in effect, unless the order, for good cause shown,  
15 specifically permits the possession of a firearm and ammunition.  
16 The protective order or restraining order shall specifically  
17 include a statement that possession, control, or transfer of  
18 ownership of a firearm or ammunition by the person named in the  
19 order is prohibited. The person shall relinquish possession and  
20 control of any firearm and ammunition owned by that person to  
21 the police department of the appropriate county for safekeeping



1 for the duration of the order or extension thereof. At the time  
2 of service of a protective order or restraining order involving  
3 firearms and ammunition issued by any court, a police officer  
4 may take custody of any and all firearms and ammunition in plain  
5 sight, those discovered pursuant to a consensual search, and  
6 those firearms surrendered by the person restrained. If the  
7 person restrained is the registered owner of a firearm and knows  
8 the location of the firearm, but refuses to surrender the  
9 firearm or refuses to disclose the location of the firearm, the  
10 person restrained shall be guilty of a misdemeanor. In any  
11 case, when a police officer is unable to locate the firearms and  
12 ammunition either registered under this chapter or known to the  
13 person granted protection by the court, the police officer shall  
14 apply to the court for a search warrant pursuant to chapter 803  
15 for the limited purpose of seizing the firearm and ammunition.

16 For the purposes of this subsection, good cause shall not  
17 be based solely upon the consideration that the person subject  
18 to restraint pursuant to an order of any court is required to  
19 possess or carry firearms or ammunition during the course of the  
20 person's employment. Good cause consideration may include but



1 not be limited to the protection and safety of the person to  
2 whom a restraining order is granted.

3       ~~[(g)]~~ (h) Any person disqualified from ownership,  
4 possession, control, or the right to transfer ownership of  
5 firearms and ammunition under this section shall surrender or  
6 dispose of all firearms and ammunition in compliance with  
7 section 134-7.3.

8       ~~[(h)]~~ (i) Any person violating subsection (a) or (b) shall  
9 be guilty of a class C felony; provided that any felon violating  
10 subsection (b) shall be guilty of a class B felony. Any person  
11 violating subsection (c), (d), (e), (f), ~~[ex]~~ (g), or (h) shall  
12 be guilty of a misdemeanor."

13       SECTION 3. Section 134-7.3, Hawaii Revised Statutes, is  
14 amended by amending subsection (d) to read as follows:

15       "(d) For the purposes of this section, "dispose" means  
16 selling the firearms to a gun dealer licensed under section  
17 134-31, transferring ownership of the firearms to any person who  
18 meets the requirements of section 134-2, or surrendering all  
19 firearms to the chief of police where the person resides for  
20 storage or disposal; provided that, for a person subject to  
21 section ~~[134-7(f)]~~ 134-7(g) or part IV, "dispose" shall not



# S.B. NO. 2456

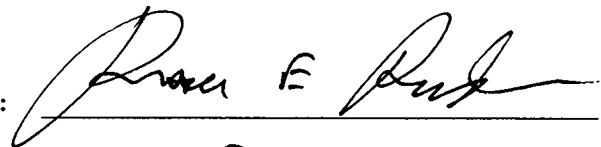
1 include transferring ownership of the firearms to any person who  
2 meets the requirements of section 134-2."

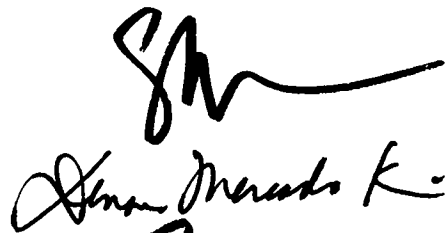
3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

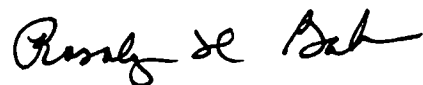
6

INTRODUCED BY:













# S.B. NO. 2456

**Report Title:**

Firearms; Operating a Vehicle Under the Influence of an Intoxicant; Prohibited Possession of Firearms and Ammunition

**Description:**

Prohibits a person who has been twice convicted within ten years of committing the offense of operating a vehicle under the influence of an intoxicant from owning, possessing, or controlling any firearm or ammunition.

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

