

JAN 18 2019

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# 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 its existing ban on  
2 electric guns may be unconstitutional as a result of the United  
3 States Supreme Court's decision in *Caetano v. Massachusetts*.  
4 The legislature further finds that the possession and use of  
5 electric guns should be permitted as incident to the right of  
6 self-defense and to discourage the use of more dangerous  
7 firearms. The legislature further finds that Hawaii is one of  
8 only five states with a complete ban on electric guns.

9           The purpose of this Act is to repeal the State's ban on  
10 electric guns.

11           SECTION 2. Section 121-34.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§121-34.5 Use of electric guns.** Members of the army or  
14 air national guard who have been qualified by training and are  
15 authorized by their commanders may use electric guns, [~~as~~  
16 ~~specifically provided in section 134-16(c) and (d),]~~ subject to  
17 the requirements of section 134-16(a) and (b), when assisting



1 civil authorities in disaster relief, emergency management, or  
2 law enforcement functions; provided that "training" for the  
3 purposes of this section means a course of instruction or  
4 training in the use of any electric gun authorized pursuant to  
5 this section, that is provided or authorized by the manufacturer  
6 or is manufacturer-approved or is an electric gun training  
7 program approved by the army or air national guard, prior to  
8 deployment or issuance of electric guns and related equipment."

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

11 "~~§134-16 [Restriction on possession, sale, gift, or~~  
12 ~~delivery of electric guns.] Electric guns; record of use;~~  
13 training required. [~~(a) It shall be unlawful for any person,~~  
14 ~~including a licensed manufacturer, licensed importer, or~~  
15 ~~licensed dealer, to possess, offer for sale, hold for sale,~~  
16 ~~sell, give, lend, or deliver any electric gun.~~

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

20 ~~(c) This section shall not apply to:] (a) Any electric~~

21 gun owned by:



- 1           (1) Law enforcement officers of county police departments;  
2           (2) Law enforcement officers of the department of public  
3           safety;  
4           (3) Conservation and resources enforcement officers of the  
5           department of land and natural resources;  
6           (4) Members of the Army or Air National Guard when  
7           assisting civil authorities in disaster relief,  
8           emergency management, or law enforcement functions,  
9           subject to the requirements of section 121-34.5; and  
10          (5) Vendors providing electric guns to the individuals  
11          described in paragraphs (1) through (4) [↗],

12 [~~provided that electric guns~~] shall at all times remain in the  
13 custody and control of the law enforcement officers of the  
14 county police departments, the law enforcement officers of the  
15 department of public safety, the conservation and resources  
16 enforcement officers of the department of land and natural  
17 resources, or the members of the Army or Air National Guard.

18          [~~(d)~~] (b) The county police departments of this State, the  
19 department of public safety, the department of land and natural  
20 resources, and the army and air national guard shall maintain  
21 records regarding every electric gun in their custody and



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

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



1           ~~(f)~~ (d) No later than June 30, 2020, the conservation  
2 and 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           SECTION 4. Section 134-17, Hawaii Revised Statutes, is  
7 amended by amending subsection (c) to read as follows:


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

14           SECTION 5. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17           SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19           SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: 



*MAA*  
~~*MAA*~~ *Scabiosa*  
*fruticosa*  
*Sil. Riviere*



# S.B. NO. 245

**Report Title:**

Electric Gun; Ban; Repeal

**Description:**

Repeals the ban on the possession, offering or holding for sale, selling, giving, lending, or delivering of electric guns.

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

