

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. The legislature finds that Hawaii has one of
2 the most stringent firearms carry laws in the nation. However,
3 Hawaii's law has come under scrutiny by a recent federal appeals
4 court decision. While this decision is currently under review,
5 it has highlighted a concern in the application of Hawaii's law.

6 This concern involves the approval of licenses to carry
7 firearms. Hawaii's law grants some latitude to the county
8 chiefs of police with respect to the approval of these licenses.
9 Additionally, a license to carry a firearm is only valid within
10 the county in which the license is granted. This latitude may
11 create a situation in which each county uses differing standards
12 for the granting of licenses to carry firearms within that
13 respective county. As licenses to carry firearms are not valid
14 statewide, there is no single statewide authority that oversees
15 the granting of these licenses.

16 The legislature believes that addressing this lack of
17 statewide oversight by authorizing the attorney general to grant



1 licenses at the state level would help to strengthen Hawaii's
2 license-to-carry-firearms law. Establishing a state-level
3 authority would also result in a consistent standard that
4 applies to all applicants and provide a mechanism for these
5 licenses to be valid statewide. However, licenses granted by
6 the respective county chiefs of police to applicants who are
7 employed by a private guard agency would continue to be valid
8 only within the county that granted the license.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Establish the state attorney general's authority to
11 grant, in exceptional cases, licenses to carry
12 concealed or unconcealed firearms;
- 13 (2) Clarify that the authority of the respective county
14 chiefs of police to grant licenses to carry
15 unconcealed firearms is limited to applicants who are
16 engaged in the protection of life and property while
17 employed and on duty with a guard agency and who are
18 in compliance with the requirements of section
19 463-10.5, Hawaii Revised Statutes;
- 20 (3) Specify the training requirements for license
21 applicants; and



1 (4) Amend the fee from a per-license to a per-application
2 basis, and increase the fee to more accurately reflect
3 the time and resources spent on application
4 processing.

5 SECTION 2. Section 134-9, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§134-9 Licenses to carry.** (a) In an exceptional case,
8 when an applicant shows reason to fear injury to the applicant's
9 person or property, and is not prohibited under section 134-7
10 from the ownership or possession of a firearm, the [~~chief of~~
11 ~~police of the appropriate county~~] attorney general may grant a
12 license to an applicant who is a citizen of the United States of
13 the age of twenty-one years or more or to a duly accredited
14 official representative of a foreign nation of the age of
15 twenty-one years or more to carry a pistol or revolver and
16 ammunition therefor concealed or unconcealed on the person
17 within the [~~county where the license is granted.~~] State.

18 (b) Where the urgency or the need has been sufficiently
19 indicated, the respective chief of police may grant to an
20 applicant of good moral character who is a citizen of the United
21 States of the age of twenty-one years or more, is engaged in the



1 protection of life and property[7] while employed and on duty
2 with a guard agency as defined in section 463-1, is in
3 compliance with the requirements of section 463-10.5, and is not
4 prohibited under section 134-7 from the ownership or possession
5 of a firearm, a license to carry a pistol or revolver and
6 ammunition therefor unconcealed on the person within the county
7 where the license is granted.

8 (c) The chief of police of the appropriate county, the
9 attorney general, or the chief's or attorney general's
10 designated representative, shall perform an inquiry on an
11 applicant by using the National Instant Criminal Background
12 Check System, to include a check of the Immigration and Customs
13 Enforcement databases where the applicant is not a citizen of
14 the United States, before any determination to grant a license
15 is made. Unless renewed, the license shall expire one year from
16 the date of issue.

17 [~~(b)~~] (d) The chief of police of each county and the
18 attorney general shall adopt procedures to require that any
19 person granted a license to carry a concealed or unconcealed
20 weapon on the person shall:



- 1 (1) Be qualified to use the firearm in a safe manner[+] by
- 2 having completed, no more than one hundred eighty days
- 3 prior to applying for a license, a firearms safety or
- 4 training course that is described in section 134-
- 5 2(g)(2), (3), or (4);
- 6 (2) Appear to be a suitable person to be so licensed;
- 7 (3) Not be prohibited under section 134-7 from the
- 8 ownership or possession of a firearm; and
- 9 (4) Not have been adjudged insane or not appear to be
- 10 mentally deranged.

11 [~~e~~] (e) No person shall carry concealed or unconcealed
 12 on the person a pistol or revolver without being licensed to do
 13 so under this section or in compliance with sections 134-5(c) or
 14 134-25.

15 [~~d~~] (f) A fee of [~~\$10~~] \$100 shall be charged for each
 16 license application and shall be deposited in the treasury of
 17 the [~~county in which the license is granted.~~] State."

18 SECTION 3. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun before its effective date.



S.B. NO. 2518

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

3 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY: Clarence W. Bush

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S.B. NO. 2518

Report Title:

Firearms; Licenses to Carry; Fees

Description:

Establishes the Attorney General's authority, and clarifies the respective county police chiefs' existing authority, to grant licenses to carry concealed or unconcealed firearms. Specifies training requirements for license applicants. Amends the fee from a per-license to a per-application basis and increases the fee.

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

