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# A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

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

1           SECTION 1. The legislature finds that requiring firearms  
2 permits is an effective way of minimizing unlawful possession  
3 and use of firearms. The legislature further finds that the  
4 ammunition used in firearms is what renders firearms dangerous,  
5 yet there are few state regulations with regards to the sale of  
6 ammunition. Specifically, Hawaii does not require a license for  
7 the sale of ammunition, nor does it require a permit to purchase  
8 or possess ammunition, allowing anyone unlawfully possessing a  
9 firearm to easily acquire ammunition. The legislature finds  
10 that this oversight can be addressed by requiring firearms  
11 owners to show their firearms registrations and identification  
12 when purchasing ammunition for the permitted firearms.

13           The purpose of this Act is to:

14           (1) Prohibit any person from selling ammunition or shell  
15           casings for any firearm unless the purchaser first  
16           demonstrates that they are the registered owner of the  
17           firearm for which the ammunition or shell casings are



- 1 to be purchased or have been designated by the
- 2 registered owner of the firearm as an alternate for
- 3 ammunition purchases;
- 4 (2) Authorize registered owners of firearms to designate a
- 5 person as an alternate on the firearm registration
- 6 only for the purpose of purchasing ammunition;
- 7 (3) Require licensure of sellers of ammunition;
- 8 (4) Regulate ammunition in the same manner as firearms;
- 9 and
- 10 (5) Require the attorney general to update firearm
- 11 registration forms.

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

15 **"§134- Ammunition purchase; proof of registration;**  
 16 **exception.** (a) No person shall sell ammunition or shell  
 17 casings for any firearm unless the purchaser first demonstrates  
 18 that the purchaser:

- 19 (1) Is the registered owner of the firearm for which the
- 20 ammunition or shell casings are to be purchased; or



- 1       (2) Has been designated by the registered owner of the  
2           firearm as an alternate for ammunition purchases on  
3           the registration pursuant to section 134-3.
- 4   Presentation to the seller of the registration issued pursuant  
5   to section 134-3, together with government-issued photographic  
6   identification, such as a driver's license, a civil  
7   identification card issued pursuant to part XVI of chapter 286,  
8   a military identification card, or a United States passport,  
9   shall be sufficient to demonstrate that the purchaser is the  
10   registered owner of the firearm for which the ammunition is to  
11   be purchased or the owner's designated alternate. For online  
12   purchases, a scanned copy of the registration and identification  
13   shall be sufficient for compliance with this section.
- 14       (b) Violation of this section is a petty misdemeanor.
- 15       (c) This section shall not apply to ammunition purchases:
- 16       (1) For firearms manufactured before 1899;  
17       (2) By persons described in section 134-11; and  
18       (3) By persons, including nonresident aliens, from a  
19       firing range business or target shooting business;  
20       provided that a person shall not remove ammunition



1           from the premises of the firing range business or  
2           target shooting business."

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

5           "**§134-3 Registration, mandatory, exceptions.** (a) Every  
6 person arriving in the State who brings or by any other manner  
7 causes to be brought into the State a firearm of any  
8 description, whether usable or unusable, serviceable or  
9 unserviceable, modern or antique, shall register the firearm  
10 within five days after arrival of the person or of the firearm,  
11 whichever arrives later, with the chief of police of the county  
12 of the person's place of business or, if there is no place of  
13 business, the person's residence or, if there is neither a place  
14 of business nor residence, the person's place of sojourn. A  
15 nonresident alien may bring firearms not otherwise prohibited by  
16 law into the State for a continuous period not to exceed ninety  
17 days; provided that the person meets the registration  
18 requirement of this section and the person possesses:

- 19           (1) A valid Hawaii hunting license procured under chapter  
20           183D, part II, or a commercial or private shooting  
21           preserve permit issued pursuant to section 183D-34;



- 1           (2) A written document indicating the person has been  
2                   invited to the State to shoot on private land; or  
3           (3) Written notification from a firing range or target  
4                   shooting business indicating that the person will  
5                   actually engage in target shooting.

6 The nonresident alien shall be limited to a nontransferable  
7 registration of [~~not~~] no more than ten firearms for the purpose  
8 of the above activities.

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

20           (b) Every person who acquires a firearm pursuant to  
21 section 134-2 shall register the firearm in the manner



1 prescribed by this section within five days of acquisition. The  
2 registration shall be on forms prescribed by the attorney  
3 general, which shall be uniform throughout the State, and shall  
4 include the following information: name of the manufacturer and  
5 importer; model; type of action; caliber or gauge; serial  
6 number; and source from which receipt was obtained, including  
7 the name and address of the prior registrant. The registration  
8 form shall also include a place for the registrant to designate  
9 an alternate person authorized to purchase ammunition. If the  
10 firearm has no serial number, the permit number shall be entered  
11 in the space provided for the serial number, and the permit  
12 number shall be engraved upon the receiver portion of the  
13 firearm before registration. All registration data that would  
14 identify the individual registering the firearm by name or  
15 address shall be confidential and shall not be disclosed to  
16 anyone, except as may be required:

- 17 (1) For processing the registration;
- 18 (2) For database management by the Hawaii criminal justice  
19 data center;
- 20 (3) By a law enforcement agency for the lawful performance  
21 of its duties; or



1 (4) By order of a court.

2 (c) Dealers licensed under section 134-31 or dealers  
3 licensed by the United States Department of Justice shall  
4 register firearms pursuant to this section on registration forms  
5 prescribed by the attorney general and shall not be required to  
6 have the firearms physically inspected by the chief of police at  
7 the time of registration.

8 (d) Registration shall not be required for:

9 (1) Any device that is designed to fire loose black powder  
10 or that is a firearm manufactured before 1899;

11 (2) Any device not designed to fire or made incapable of  
12 being readily restored to a firing condition; or

13 (3) All unserviceable firearms and destructive devices  
14 registered with the Bureau of Alcohol, Tobacco, [~~and~~]  
15 Firearms and Explosives of the United States  
16 Department of Justice pursuant to Title 27, Code of  
17 Federal Regulations.

18 (e) No fee shall be charged for the registration of a  
19 firearm under this section, except for a fee chargeable by and  
20 payable to the registering county for persons registering a  
21 firearm under subsection (a), in an amount equal to the fee



1 charged by the Hawaii criminal justice data center pursuant to  
2 section 846-2.7. In the case of a joint registration, the fee  
3 provided for in this section may be charged to each person.

4 (f) A registered owner of a firearm may designate on the  
5 firearm registration an alternate person to be authorized to  
6 purchase ammunition. The alternate person may be issued a  
7 permit to purchase ammunition for the registered firearm. The  
8 alternate person shall not be a person prohibited from ownership  
9 or possession of a firearm under section 134-7. A permit to  
10 purchase ammunition under this subsection shall not last longer  
11 than three years.

12 (g) A registered owner of a firearm may be issued a permit  
13 to purchase ammunition of a caliber that is not the caliber  
14 listed on the registered firearm by demonstrating to the police  
15 department in the registering county that the firearm is capable  
16 of firing a caliber of ammunition that is not the caliber listed  
17 on the registration of the firearm. This permit shall designate  
18 which caliber of ammunition the firearm is capable of firing.  
19 The registered owner of the firearm or their alternate person  
20 designated under subsection (f) may purchase ammunition,  
21 pursuant to section 134- , that is the caliber designated





1 under this subsection. A permit to purchase ammunition of a  
2 caliber that is not the caliber listed on the registration of  
3 the registered firearm under this subsection shall not last  
4 longer than three years.

5 (h) The departments responsible for administering firearm  
6 registrations may provide duplicates of the registration  
7 document or the same information in a format to be determined by  
8 the departments.

9 ~~[(f)]~~ (i) No person less than twenty-one years of age  
10 shall bring or cause to be brought into the State any firearm."

11 SECTION 4. Section 134-4, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By amending the title to read:

14 "**§134-4 Transfer, possession of firearms~~[-]~~ and**  
15 **ammunition.**"

16 2. By amending subsection (b) to read:

17 "(b) No person shall possess any firearm or ammunition  
18 that is owned by another, regardless of whether the owner has  
19 consented to possession of the firearm~~[-]~~ or ammunition  
20 therefor, without a permit from the chief of police of the



1 appropriate county, except as provided in subsection (c) and  
2 ~~[section]~~ sections 134-3(f) and 134-5."

3 3. By amending subsection (d) to read:

4 "(d) No person shall knowingly lend a firearm or transfer  
5 ammunition to any person who is prohibited from ownership or  
6 possession of a firearm under section 134-7."

7 SECTION 5. Section 134-31, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**\$134-31 License to sell and manufacture firearms[+] and**  
10 **ammunition; fee.** Any person desiring to engage in the business  
11 to sell and manufacture firearms or ammunition for sale in the  
12 State either at wholesale or retail, shall annually file an  
13 application for a license therefor with the director of finance  
14 of each county of the State. The annual fee for the issuance of  
15 such license shall be \$10 and shall be payable to said director  
16 of finance. A license issued hereunder shall expire on June 30  
17 next following the date of issuance of the license unless sooner  
18 terminated. Application for renewal of license shall be filed  
19 on or before June 30 of each year."

20 SECTION 6. Section 134-32, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§134-32 License to sell and manufacture firearms[~~✓~~] and  
2 ammunition; conditions. Every license issued pursuant to this  
3 part shall be issued and shall be regarded as having been  
4 accepted by the licensee subject to the following conditions:

5       (1) That the licensee at all times shall comply with all  
6             provisions of law relative to the sale of firearms[~~-~~]  
7             and ammunition;

8       (2) That the license during any time of national emergency  
9             or crisis, as defined in section 134-34, may be  
10            canceled or suspended[~~-~~];

11       (3) That all firearms or ammunition in the possession and  
12            control of any licensee at any time of national  
13            emergency or crisis, as defined in section 134-34, may  
14            be seized and held in possession or purchased by or on  
15            the order of the governor until such time as the  
16            national emergency or crisis has passed, or until such  
17            time as the licensee and the government of the United  
18            States or the government of the State may agree upon  
19            some other disposition of the same[~~-~~];

20       (4) That all firearms or ammunition in the possession and  
21            control of the licensee or registered pursuant to



1 section 134-3(c) by the licensee shall be subject to  
2 physical inspection by the chief of police of each  
3 county during normal business hours at the licensee's  
4 place of business[-]; and

5 (5) That the license may be revoked for a violation of any  
6 of the conditions of this section."

7 SECTION 7. Section 134-33, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§134-33 Punishment for violations of section 134-32.** Any  
10 person who manufactures or sells any firearms or ammunition  
11 within the State without having a valid license so to do, or who  
12 being a holder of a license violates any of the terms or  
13 conditions of the same, shall be fined [~~not~~] no less than \$100  
14 nor more than \$1,000 or imprisoned [~~not~~] no less than three  
15 months nor more than one year[-]; provided that this section  
16 does not apply to registered owners of firearms who manufacture  
17 their own ammunition for personal use for the firearms  
18 registered in their name."

19 SECTION 8. The attorney general shall update registration  
20 forms prescribed under section 134-3, Hawaii Revised Statutes,  
21 to effectuate the purposes of this Act.



1 SECTION 9. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6 SECTION 11. This Act shall take effect on July 1, 2021.



**Report Title:**

Ammunition; Purchase

**Description:**

Prohibits any person from selling ammunition or shell casings for any firearm without proof from purchaser of registration of the appropriate firearm. Authorizes registered owners of firearms to designate an alternate person to purchase ammunition. Requires the licensing of sellers of ammunition. Regulates ammunition in the same manner as firearms. Requires the attorney general to update firearm registration forms. Effective 7/1/2021. (HD1)

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

