

JAN 17 2020

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 the State's ban on
2 electric guns may be unconstitutional as a result of the United
3 States Supreme Court's 2016 decision in *Caetano v.*
4 *Massachusetts*. The legislature also finds that the possession
5 and use of electric guns should be permitted in accordance with
6 the constitutional right to self-defense as well as to
7 discourage the use of more dangerous firearms. The legislature
8 further finds that Hawaii is one of only five states with a
9 complete ban on electric guns.

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

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

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



1 the requirements of section 134-16(a) and (b), when assisting
2 civil authorities in disaster relief, emergency management, or
3 law enforcement functions; provided that "training" for the
4 purposes of this section means a course of instruction or
5 training in the use of any electric gun authorized pursuant to
6 this section, that is provided or authorized by the manufacturer
7 or is manufacturer-approved or is an electric gun training
8 program approved by the army or air national guard, prior to
9 deployment or issuance of electric guns and related equipment."

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

12 "~~§134-16 [Restriction on possession, sale, gift, or~~
13 ~~delivery of electric guns.~~ (a) ~~It shall be unlawful for any~~
14 ~~person, 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.~~



1 ~~(c) This section shall not apply to:~~ Electric guns; law
2 enforcement; record of use; training required. (a) Any

3 electric gun owned by:

4 (1) Law enforcement officers of county police departments;

5 (2) Law enforcement officers of the department of public
6 safety;

7 (3) Conservation and resources enforcement officers of the
8 department of land and natural resources;

9 (4) Members of the Army or Air National Guard when
10 assisting civil authorities in disaster relief,
11 emergency management, or law enforcement functions,
12 subject to the requirements of section 121-34.5;

13 (5) Law enforcement officers appointed by the director of
14 transportation pursuant to section 266-24; and

15 (6) Vendors providing electric guns to the individuals
16 described in paragraphs (1) through (5) [+],

17 ~~[provided that electric guns]~~ shall at all times remain in the
18 custody and control of the law enforcement officers of the
19 county police departments, the law enforcement officers of the
20 department of public safety, the conservation and resources
21 enforcement officers of the department of land and natural



1 resources, the members of the Army or Air National Guard, or law
2 enforcement officers appointed by the director of
3 transportation.

4 ~~(d)~~ (b) The county police departments of this State, the
5 department of public safety, the department of land and natural
6 resources, the army and air national guard, and the department
7 of transportation shall maintain records regarding every
8 electric gun in their custody and control. The records shall
9 report every instance of usage of the electric guns; in
10 particular, records shall be maintained in a similar manner as
11 for those of discharging of firearms. The county police
12 departments, the department of public safety, the department of
13 land and natural resources, the army and air national guard, and
14 the department of transportation shall annually report to the
15 legislature regarding these records no later than twenty days
16 before the beginning of each regular session of the legislature.

17 ~~(e)~~ (c) The department of land and natural resources,
18 the department of public safety, and the department of
19 transportation shall ensure that each of its conservation and
20 resources enforcement officers and law enforcement officers who
21 is authorized to use an electric gun and related equipment shall



1 first receive training from the manufacturer or from a
2 manufacturer-approved training program, as well as by
3 manufacturer-certified or approved instructors in the use of
4 electric guns prior to deployment of the electric guns and
5 related equipment in public. Training for conservation and
6 resources enforcement officers of the department of land and
7 natural resources, law enforcement officers of the department of
8 public safety, and law enforcement officers of the department of
9 transportation may be done concurrently to ensure cost savings.

10 ~~(f)~~ (d) No later than June 30, 2018, the conservation
11 and resources enforcement program of the department of land and
12 natural resources shall meet the law enforcement accreditation
13 or recognition standards of the Commission on Accreditation for
14 Law Enforcement Agencies, Inc., in the use of electric guns.

15 ~~(g)~~ (e) No later than June 30, 2024, the law enforcement
16 officers appointed by the director of transportation shall meet
17 the law enforcement accreditation or recognition standards of
18 the Commission on Accreditation for Law Enforcement Agencies,
19 Inc., in the use of electric guns."

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



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

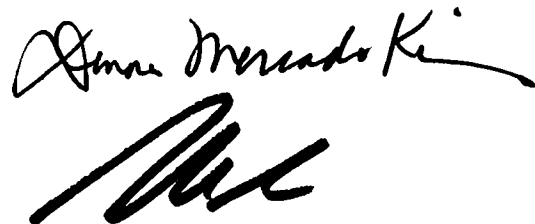
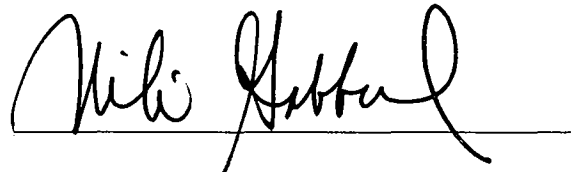
7 SECTION 5. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY:



S.B. NO. 2743

Report Title:

Electric Guns; Ban; Repeal

Description:

Repeals the ban on the possession, offering for sale, 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.

