

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 2292
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military
Affairs, to which was referred H.B. No. 2292 entitled:

"A BILL FOR AN ACT RELATING TO ELECTRIC GUNS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Repeal section 134-16, Hawaii Revised Statutes, the existing law that bans electric guns;
- (2) Establish a new part to chapter 134, Hawaii Revised Statutes, that restricts the ownership, use, storage, and disposal of electric guns; regulates the sale, distribution, and transfer of electric guns; requires training and education on electric guns; prohibits certain individuals from the possession and use of electric guns; and prohibits the carrying or use of electric guns in the commission of crimes;
- (3) Establish permitting requirements to acquire electric projectile guns; and
- (4) Establish certain registration requirements for electric guns and electric projectile guns.



Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Transportation, Honolulu Police Department, and one individual. Your Committee received testimony in opposition to this measure from KMConcepts; Rosa's Arms, LLC; Hawaii Firearms Coalition; Hawaii Rifle Association; National Rifle Association of America; and numerous individuals.

Your Committee finds that existing Hawaii law bans the possession, sale, gift, or delivery of electric guns, pursuant to section 134-16, Hawaii Revised Statutes. In 2016, the United States Supreme Court decided the case of Caetano v. Massachusetts, 136 S. Ct. 1027 (2016), which overruled a decision of the Massachusetts Supreme Judicial Court and raised questions concerning the constitutionality of bans on electric guns. Your Committee finds, based on advice from the Department of the Attorney General, that it may be prudent to amend Hawaii's law on electric guns in light of this decision. This measure will repeal the electric gun ban and establish safeguards to protect the public by regulating the sale and use of electric guns and the acquisition of electric projectile guns, and establishing registration requirements for electric guns and electric projectile guns.

Your Committee has amended this measure by:

- (1) Incorporating the proposed amendments presented by the Department of the Attorney General in their written testimony, including:
 - (A) Establishing definitions for "electric gun" and "electric projectile gun", and repealing the existing definition for "electric gun" in section 134-1, Hawaii Revised Statutes;
 - (B) Requiring permits to acquire electric projectile guns; and
 - (C) Establishing certain registration requirements for electric guns and electric projectile guns, and requiring certain electric guns without serial numbers to acquire permits;



- (2) Deleting the requirement that sellers of electric guns and their employees complete safety courses every three years, while retaining the initial safety course requirement;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Should your Committee on Judiciary decide to hear this measure, your Committee respectfully requests that it consider establishing a time frame within which a person disqualified from ownership, possession, control, or the right to transfer ownership of an electric gun under section 134H-H of this measure is required to surrender or dispose of the electric guns; or consider deleting the penalty for a violation of that provision.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2292, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2292, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Veterans, & Military Affairs,



GREG TAKAYAMA, Chair



Record of Votes of the Committee on Public Safety, Veterans, & Military Affairs

Bill/Resolution No.: <u>HB 2292</u>	Committee Referral: <u>PVM, JLD</u>	Date: <u>2/12/20</u>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:
 Pass, unamended (as is)
 Pass, with amendments (HD)
 Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

PVM Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. GATES, Cedric Asuega (VC)	✓			
3. KOBAYASHI, Dale T.		✓		
4. KONG, Sam Satoru	✓			
5. NISHIMOTO, Scott Y.	✓			
6. OHNO, Takashi	✓			
7. McDERMOTT, Bob	✓			
TOTAL (7)	6	1		

The recommendation is:
 Adopted
 Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: 