

STAND. COM. REP. NO. **3555**

Honolulu, Hawaii

MAY 19 2020

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2292, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Repeal the ban on electric guns;
- (2) Restrict the ownership, use, storage, and disposal of electric guns;
- (3) Authorize the use of electric guns under certain circumstances;
- (4) Regulate the sale, distribution, and transfer of electric guns;
- (5) Require training and education on electric guns;
- (6) Prohibit the carrying or use of electric guns in the commission of crimes; and



- (7) Establish permitting requirements to acquire electric projectile guns and registration requirements for all electric guns.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, Hawaii Hunting Association, and four individuals. Your Committee received testimony in opposition to this measure from a substantial number of individuals.

Your Committee finds that the constitutionality of Hawaii's electric gun ban has been drawn into question by the United States Supreme Court decision in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016). Your Committee further finds that a pending lawsuit in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. If Hawaii's electric gun ban is invalidated by the courts, there will be no regulations on the purchase, possession, and use of electric guns by the public. This measure will repeal Hawaii's ban on electric guns, establish a regulatory framework for the sale and possession of electric guns, and limit the use of electric guns to self defense.

Your Committee has amended this measure by:

- (1) Clarifying that a permit issuing authority shall perform a fingerprint-based background check before any determination to issue a permit or deny an application is made, rather than require the authority to perform an inquiry on an applicant by using the International Justice and Public Safety Network and other networks;
- (2) Clarifying that a licensee is required to post a license to sell, distribute, or otherwise transfer cartridges, in addition to electric guns; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in



accord with the intent and purpose of H.B. No. 2292, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2292, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

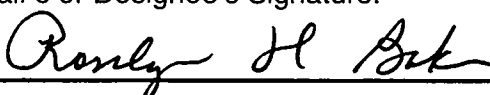


CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2292, HD1	PSM, JDC	3-12-2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)				✓
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene				✓
FEVELLA, Kurt		✓		
TOTAL	3	1	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes