

STAND. COM. REP. NO. 3736

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2292  
H.D. 1  
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2292, H.D. 1, S.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 regulate the sale and use of electric guns within constitutional limits. Specifically, this measure:

- (1) Repeals the existing law that bans electric guns;
- (2) Establishes new law 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) Establishes permitting requirements to acquire electric projectile guns; and
- (4) Establishes registration requirements for all electric guns.



Prior to decision-making on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Changing the legal age at which a person may purchase, receive, own, possess, or control an electric gun to twenty-one years of age; and
- (2) Making it effective upon its approval.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of the Attorney General, Department of Transportation, Honolulu Police Department, and six individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Hawaii Firearms Coalition, thirty-nine individuals, and form letters from ninety-five individuals. Your Committee received comments on the proposed S.D. 1 from one individual.

Your Committee finds that the United States Supreme Court decision in *Caetano v. Massachusetts*, 136 S. Ct. 1027 (2016), which overruled a decision of the Massachusetts Supreme Judicial Court, has raised questions regarding the constitutionality of complete bans on electric guns. 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. In light of this, your Committee finds that it is advisable to make amendments to Hawaii's law on electric guns.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Specifying that "electric gun" includes but is not limited to electric projectile guns and devices commonly referred to as stun guns;
- (2) Specifying that "licensee" means a person licensed to sell, offer to sell, or otherwise transfer or distribute electric guns and cartridges;

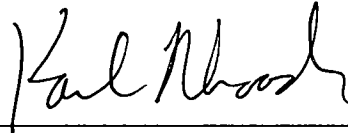


- (3) Clarifying that the police department shall perform a fingerprint-based background check pursuant to section 846-2.7, Hawaii Revised Statutes, before any determination to register an electric gun is made to make background checks for electric gun registrations consistent with those for permits to purchase electric projectile guns and to comport with federal requirements;
- (4) Inserting language to require that the person registering an electric gun shall have the electric gun physically inspected by the chief of police at the time of registration, and if the person registering an electric gun is prohibited from owning, possessing, or controlling an electric gun, the registration shall be denied and the electric gun shall be surrendered to the chief of police or the chief of police's designee for disposal;
- (5) Inserting language to require that for any non-projectile electric gun that is not required to be registered and has no serial number, an application for a permit shall be completed and a serial number shall be created but no permit shall be issued;
- (6) Including references to electric gun cartridges throughout; and
- (7) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2292, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2292, H.D. 1, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



