

STAND. COM. REP. NO.

2546

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2437  
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 S.B. No. 2437 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) Establish a regulatory structure for the sale and transfer of electric guns by a licensed person;
- (3) Authorize the use of electric guns under certain circumstances;
- (4) Restrict the use, storage, transfer, and disposal of electric guns;
- (5) Prohibit certain individuals from possessing and using electric guns; and
- (6) Prohibit the use of electric guns in the commission of crimes.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawai'i Police



Department, Stolen Stuff Hawaii, and seventeen individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association, Hawaii Firearms Coalition, and one hundred six 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 and establish regulations that restrict the use of electric guns to self-defense and requires sellers to be licensed.

Your Committee has amended this measure by:

- (1) Inserting language recommended by the Department of the Attorney General, which:
  - (A) Inserts a purpose section;
  - (B) Inserts definitions for "electric gun" and "electric projectile gun";
  - (C) Inserts language that subjects electric projectile guns to a permitting and registration process similar to firearms;
  - (D) Clarifies that prior to completing a sale or other transfer of an electric gun that does not require the purchaser to obtain a permit, the licensee shall require a briefing on safety precautions;
  - (E) Requires a licensee to keep a copy of a permit for the sale of an electric projectile gun and a copy of the registration for an electric projectile gun for the sale of a cartridge; and



- (F) Provides that the information health care provider or public health authority discloses to the appropriate county chief of police shall only be used for the purpose of evaluating the individual's fitness to acquire or own an electric gun; and
- (2) 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 S.B. No. 2437, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2437, 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



