

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that requiring firearms  
2 permits is an effective way of minimizing unlawful possession  
3 and use of firearms. The legislature further finds that the  
4 ammunition used in firearms is what renders firearms dangerous,  
5 yet there are few state regulations with regards to the sale of  
6 ammunition. Specifically, Hawai'i does not require a license for  
7 the sale of ammunition, nor does it require a permit to purchase  
8 or possess ammunition. The legislature finds that this  
9 oversight can be addressed by requiring:

10       (1) Licensure of sellers of ammunition; and

11       (2) Gun owners or their alternate to show their firearms  
12 registration and identification when purchasing  
13 ammunition for the permitted firearms.

14       SECTION 2. Chapter 134, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:



1       "§134-       Ammunition purchase; proof of registration;  
2 exception.   (a)   No person shall sell ammunition or shell  
3 casings for any firearm unless the purchaser first demonstrates  
4 that the purchaser:

5       (1)   Is the registered owner of the firearm for which the  
6       ammunition or shell casings are to be purchased; or  
7       (2)   Has been designated by the registered owner of the  
8       firearm as the alternate for ammunition purchases on  
9       the registration pursuant to section 134-3.

10 Presentation to the seller of the registration issued pursuant  
11 to section 134-3, together with government-issued photographic  
12 identification, such as a driver's license, a civil  
13 identification card issued pursuant to part XVI of chapter 286,  
14 a military identification card, or a United States passport,  
15 shall be sufficient to demonstrate that the purchaser is the  
16 registered owner of the firearm for which the ammunition is to  
17 be purchased or the designated alternate.   For on-line  
18 purchases, a scanned copy of the registration and identification  
19 shall be sufficient for compliance with this section.   For the  
20 purposes of this section, the chief of police of each county may  
21 provide duplicates of the registration document or the same



1 information in a format to be determined by the chief of police  
2 of each county.

3 (b) Violation of this section is a petty misdemeanor.

4 (c) This section shall not apply to ammunition purchases  
5 for firearms manufactured before 1899."

6 SECTION 3. Section 134-3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§134-3 Registration, mandatory, exceptions.** (a) Every  
9 person arriving in the State who brings or by any other manner  
10 causes to be brought into the State a firearm of any  
11 description, whether usable or unusable, serviceable or  
12 unserviceable, modern or antique, shall register the firearm  
13 within five days after arrival of the person or of the firearm,  
14 whichever arrives later, with the chief of police of the county  
15 of the person's place of business or, if there is no place of  
16 business, the person's residence or, if there is neither a place  
17 of business nor residence, the person's place of sojourn. A  
18 nonresident alien may bring firearms not otherwise prohibited by  
19 law into the State for a continuous period not to exceed ninety  
20 days; provided that the person meets the registration  
21 requirement of this section and the person possesses:



1 (1) A valid Hawaii hunting license procured under chapter  
2 183D, part II, or a commercial or private shooting  
3 preserve permit issued pursuant to section 183D-34;

4 (2) A written document indicating the person has been  
5 invited to the State to shoot on private land; or

6 (3) Written notification from a firing range or target  
7 shooting business indicating that the person will  
8 actually engage in target shooting.

9 The nonresident alien shall be limited to a nontransferable  
10 registration of not more than ten firearms for the purpose of  
11 the above activities.

12 Every person registering a firearm under this subsection  
13 shall be fingerprinted and photographed by the police department  
14 of the county of registration; provided that this requirement  
15 shall be waived where fingerprints and photographs are already  
16 on file with the police department. The police department shall  
17 perform an inquiry on the person by using the International  
18 Justice and Public Safety Network, including the United States  
19 Immigration and Customs Enforcement query, the National Crime  
20 Information Center, and the National Instant Criminal Background



1 Check System, pursuant to section 846-2.7 before any  
2 determination to register a firearm is made.

3 (b) Every person who acquires a firearm pursuant to  
4 section 134-2 shall register the firearm in the manner  
5 prescribed by this section within five days of acquisition. The  
6 registration shall be on forms prescribed by the attorney  
7 general, which shall be uniform throughout the State, and shall  
8 include the following information: name of the manufacturer and  
9 importer; model; type of action; caliber or gauge; serial  
10 number; and source from which receipt was obtained, including  
11 the name and address of the prior registrant. The registration  
12 form shall also include a place for the registrant to designate  
13 one alternate person authorized to purchase ammunition. If the  
14 firearm has no serial number, the permit number shall be entered  
15 in the space provided for the serial number, and the permit  
16 number shall be engraved upon the receiver portion of the  
17 firearm before registration. All registration data that would  
18 identify the individual registering the firearm by name or  
19 address shall be confidential and shall not be disclosed to  
20 anyone, except as may be required:

21 (1) For processing the registration;



(2) For database management by the Hawaii criminal justice data center;

(3) By a law enforcement agency for the lawful performance of its duties; or

(4) By order of a court.

(c) Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration.

(d) Registration shall not be required for:

(1) Any device that is designed to fire loose black powder or that is a firearm manufactured before 1899;

(2) Any device not designed to fire or made incapable of being readily restored to a firing condition; or

(3) All unserviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, [and] Firearms and Explosives of the United States Department of Justice pursuant to Title 27, Code of Federal Regulations.



1 (e) Every person who permanently moves firearms out of the  
2 State shall contact and notify the county police department in  
3 the county where the firearms are registered about the removal  
4 of the firearms within five days of the removal from the State.  
5 Any person who fails to timely notify the appropriate police  
6 department shall be subject to a civil penalty of \$100 per  
7 firearm.

8 (f) No fee shall be charged for the registration of a  
9 firearm under this section, except for a fee chargeable by and  
10 payable to the registering county for persons registering a  
11 firearm under subsection (a), in an amount equal to the fee  
12 charged by the Hawaii criminal justice data center pursuant to  
13 section 846-2.7. In the case of a joint registration, the fee  
14 provided for in this section may be charged to each person.

15 (g) A registered owner of a firearm may designate on the  
16 firearm registration one alternate person to be authorized to  
17 purchase ammunition.

18 (h) A registered owner of a firearm may be issued a permit  
19 to purchase ammunition of a caliber that is not the caliber  
20 listed on the registered firearm by demonstrating to the police  
21 department in the registering county that the firearm is capable



1 of firing a caliber of ammunition that is not the caliber listed  
2 on the registration of the firearm. This permit shall designate  
3 which caliber of ammunition the firearm is capable of firing.  
4 The registered owner of the firearm or their alternate person  
5 designated under subsection (g) may purchase ammunition,  
6 pursuant to section 134- , that is the caliber designated under  
7 this subsection.

8 ~~[(g)]~~ (i) No person less than twenty-one years of age  
9 shall bring or cause to be brought into the State any firearm."

10 SECTION 4. Section 134-4, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By amending the title to read:

13 "~~§134-4~~ **Transfer, possession of firearms~~[-]~~ and**  
14 **ammunition.**"

15 2. By amending subsection (b) to read:

16 "(b) No person shall possess any firearm or ammunition  
17 that is owned by another, regardless of whether the owner has  
18 consented to possession of the firearm~~[-]~~ or ammunition  
19 therefor, without a permit from the chief of police of the  
20 appropriate county, except as provided in subsection (c) and  
21 section 134-5."





1           3. By amending subsection (d) to read:

2           "(d) No person shall knowingly lend a firearm or transfer  
3 ammunition to any person who is prohibited from ownership or  
4 possession of a firearm under section 134-7."

5           SECTION 5. Section 134-31, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§134-31 License to sell and manufacture firearms[+] and**  
8 **ammunition; fee.** Any person desiring to engage in the business  
9 to sell and manufacture firearms or ammunition for sale in the  
10 State either at wholesale or retail, shall annually file an  
11 application for a license therefor with the director of finance  
12 of each county of the State. The annual fee for the issuance of  
13 such license shall be \$10 and shall be payable to said director  
14 of finance. A license issued hereunder shall expire on June 30  
15 next following the date of issuance of the license unless sooner  
16 terminated. Application for renewal of license shall be filed  
17 on or before June 30 of each year."

18           SECTION 6. Section 134-32, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           "**§134-32 License to sell and manufacture firearms[+] and**  
21 **ammunition; conditions.** Every license issued pursuant to this



1 part shall be issued and shall be regarded as having been  
2 accepted by the licensee subject to the following conditions:

3 (1) That the licensee at all times shall comply with all  
4 provisions of law relative to the sale of firearms[-]  
5 and ammunition;

6 (2) That the license during any time of national emergency  
7 or crisis, as defined in section 134-34, may be  
8 canceled or suspended[-];

9 (3) That all firearms or ammunition in the possession and  
10 control of any licensee at any time of national  
11 emergency or crisis, as defined in section 134-34, may  
12 be seized and held in possession or purchased by or on  
13 the order of the governor until such time as the  
14 national emergency or crisis has passed, or until such  
15 time as the licensee and the government of the United  
16 States or the government of the State may agree upon  
17 some other disposition of the same[-];

18 (4) That all firearms or ammunition in the possession and  
19 control of the licensee or registered pursuant to  
20 section 134-3(c) by the licensee shall be subject to  
21 physical inspection by the chief of police of each



1 county during normal business hours at the licensee's  
2 place of business[-]; and

3 (5) That the license may be revoked for a violation of any  
4 of the conditions of this section."

5 SECTION 7. Section 134-33, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§134-33 Punishment for violations of section 134-32. Any  
8 person who manufactures or sells any firearms or ammunition  
9 within the State without having a valid license so to do, or who  
10 being a holder of a license violates any of the terms or  
11 conditions of the same, shall be fined [~~not~~] no less than \$100  
12 nor more than \$1,000 or imprisoned [~~not~~] no less than three  
13 months nor more than one year[-]; provided that this section  
14 shall not apply to a registered owner of firearms who  
15 manufactures ammunition for personal use for the firearms  
16 registered in the registered owner's name."

17 SECTION 8. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect upon its approval.

20  
INTRODUCED BY: Kalene



# S.B. NO. 523

**Report Title:**

Ammunition; Purchase; License to Sell

**Description:**

Requires the licensing of sellers of ammunition, and for the identification and proper permitting of purchasers or possessors of ammunition. Regulates ammunition in the same manner that firearms are regulated.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

