

STAND. COM. REP. NO.

237

Honolulu, Hawaii

FEB 12 , 2021

RE: H.B. No. 891
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 891 entitled:

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

begs leave to report as follows:

The purpose of this measure is to implement a regulatory framework for electric guns, similar to the regulatory framework for firearms.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Hawai'i Police Department. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Hawaii Firearms Coalition, and numerous individuals. Your Committee received comments on this measure from Hawaii Food Products.

Your Committee finds that the Supreme Court of the United States cast doubt on the constitutionality of prohibitions on electric guns in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016). Your Committee further notes that there is a pending case in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, which is seeking to invalidate Hawaii's prohibition on electric guns. If the plaintiff in

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Roberts is successful, the invalidation will leave no safeguards for the sale, distribution, and possession of electric guns in the State. This measure seeks to proactively regulate electric guns before any litigation determines that the prohibition is unconstitutional and invalid.

Your Committee further notes that the regulatory approach proposed in this measure would impose requirements on electric guns similar to those that currently exist for firearms. Your Committee acknowledges that discussions should continue to determine whether this approach is appropriate for these types of devices.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 891, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 891, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



