

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2094

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2094 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that all individuals charged with a felony offense or convicted of certain offenses are prohibited from possessing a firearm.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and Council of Honolulu and six individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that currently, section 134-7(b), Hawaii Revised Statutes, prohibits firearm ownership or possession for individuals who are under indictment, have waived indictment, are "bound over" to the circuit court, or have been convicted of a felony offense, crime of violence, or an illegal sale of drugs. Notably, when section 134-7, Hawaii Revised Statutes, was initially codified in 1988, one mechanism for charging offenses had not yet been established. In 2004, the Legislature passed Act 62, Session Laws of Hawaii 2004 (Act 62), creating the procedure commonly known as "information charging", whereby criminal felony charges can be initiated by a written document submitted by the prosecutor and approved by the court. Unfortunately, when Act 62 was passed, it appears there was an oversight in not including



information charging under section 137-4(b), Hawaii Revised Statutes. There is no indication that this was done intentionally, as the plain language of section 137-4(b), Hawaii Revised Statutes, as written, would arguably allow some individuals to own or possess a firearm, but prohibit others from owning or possessing a firearm, even if they are charged with the same felony offense, depending on whether that person was charged via information charging or another method originally listed under section 137-4(b), Hawaii Revised Statutes. This measure will ensure that, regardless of what procedure is used to charge a defendant with a felony offense, in Hawai'i or elsewhere, all individuals charged with a felony offense or convicted of certain offenses are prohibited from possessing a firearm.

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 S.B. No. 2094 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2094	Committee Referral: JDC	Date: 02-17-22		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			—
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	6	1	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes