

## DEPT. COMM. NO. 423

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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

April 19, 2023

The Honorable Ronald D. Kouchi  
Senate President  
415 South Beretania Street  
Hawaii State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki  
Speaker, House of Representatives  
415 South Beretania Street  
Hawaii State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

Subject: *2022 Listing of Opinions Issued by the Attorney General*

We are pleased to inform you that an electronic copy of the Bureau's latest report: *2022 Listing of Opinions Issued by the Attorney General*, which was prepared in response to section 28-3, Hawaii Revised Statutes, has been transmitted to you via the Legislature's web-based application. For your convenience, an electronic copy of the report may also be accessed on the Bureau's website at:

<https://lrb.hawaii.gov/wp-content/uploads/AGOpinions.pdf>

If you have any questions or require further assistance, please contact John Morsey by phone at (808) 587-0670 or by email at [j.morsey@capitol.hawaii.gov](mailto:j.morsey@capitol.hawaii.gov).

Very truly yours,

A handwritten signature in black ink that reads "Charlotte A. Carter-Yamauchi".

Charlotte A. Carter-Yamauchi  
Director

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Attachment  
ec: Senators  
Representatives

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**2022 LISTING OF OPINIONS  
ISSUED BY THE ATTORNEY GENERAL  
STATE OF HAWAII**

<b>OPINION NO.</b> (Date Issued)	<b>DIGEST</b>
22-01 (January 20, 2022)	<b>Standard for Germaneness of Bill Amendments Under Article III, Section 15 of the Hawaii Constitution.</b> In <i>League of Women Voters of Honolulu v. State</i> , 150 Hawaii 182, 499 P.3d 382 (2021), the Hawaii Supreme Court held that the requirement in article III, section 15 of the Hawaii Constitution that a bill must pass three readings in each house “begin[s] anew after a non-germane amendment changes the object or subject of a bill so that it is no longer related to the original bill as introduced.” An opinion was requested to clarify how the “germaneness” standard will be applied by Hawaii courts in the context of constitutional challenges to legislation based upon the three-readings requirement. The Attorney General concluded that article III, section 15 of the Hawaii Constitution and case law interpreting that provision require a two-step inquiry to determine whether a non-germane amendment has been added to a bill. If the amendment (1) falls outside the scope of the subject of the bill as expressed by its title or (2) alters the bill in a way that fundamentally changes the bill's general purpose, the amendment would not be germane for purposes of the three-readings requirement.

<p style="text-align: center;"><b>22-02</b> (July 7, 2022)</p>	<p><b>Public Carry Licensing Under Hawaii Law Following New York State Rifle &amp; Pistol Association v. Bruen.</b> In <i>New York State Rifle &amp; Pistol Association v. Bruen</i>, the United States Supreme Court held that New York's requirement that applicants demonstrate "proper cause" to obtain a license to carry a concealed weapon violates the Second and Fourteenth Amendments of the United States Constitution. An opinion was requested to clarify the requirements applicable to applications to carry firearms in public under Hawaii's current statutory regime following the decision in <i>Bruen</i>. The Attorney General concluded that the requirement in section 134-9, Hawaii Revised Statutes, that an applicant "[i]n an exceptional case . . . show[] reason to fear injury to the applicant's person or property" to obtain a concealed carry license should no longer be enforced. All other statutory requirements for obtaining a concealed carry license are unaffected by <i>Bruen</i>. The Attorney General further advised that <i>Bruen</i> does not require any change to the requirements established under section 134-9, Hawaii Revised Statutes, to obtain an unconcealed carry license.</p>
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Compiled by:  
 LEGISLATIVE REFERENCE BUREAU  
 April 19, 2023