
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that there are compelling
2 interests in protecting public health, safety, and welfare from
3 the serious hazards associated with firearms and gun violence.
4 Although the United States Supreme Court has held that the
5 Second Amendment provides for an individual right to keep and
6 bear arms for lawful purposes, the Second Amendment is not "a
7 regulatory straightjacket". *New York State Rifle & Pistol*
8 *Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111, 2133 (2022). States
9 retain authority to enact "a 'variety' of gun regulations", *id.*
10 at 2162 (Kavanaugh, J., concurring), such as prohibitions
11 against the carrying of firearms in sensitive locations and laws
12 and regulations designed to ensure that those who carry firearms
13 are "'law-abiding, responsible citizens'", *id.* at 2131, 2156
14 (internal citation omitted).

15 The purpose of this Act is to clarify, revise, and update
16 Hawaii's firearms laws to mitigate the serious hazards to public
17 health, safety, and welfare associated with firearms and gun



1 violence, while respecting and protecting the lawful exercise of
2 individual rights. To accomplish this purpose, this Act amends
3 and enacts requirements and processes for obtaining a license to
4 carry a firearm, updates criteria governing when firearm
5 ownership, possession, or control is prohibited, defines
6 locations and premises within the State where carrying or
7 possessing a firearm is prohibited, prohibits leaving an
8 unsecured firearm in a vehicle unattended, and enacts, amends,
9 and clarifies other provisions relating to firearms.

10 In prohibiting the carrying or possessing of firearms in
11 certain locations and premises within the State, this Act is
12 intended to protect areas in which the carrying or possession of
13 dangerous weapons has traditionally been restricted, such as
14 schools and other places frequented by children, government
15 buildings, polling places, and other analogous locations.

16 This Act also respects the right of private individuals and
17 entities to choose for themselves whether to allow or restrict
18 the carrying of firearms on their property by providing that
19 firearms shall not be carried on private property open to the
20 public without the express authorization of the owner, lessee,
21 operator, or manager of the property. Recognizing the risks to



1 public health, safety, and welfare associated with firearms and
2 gun violence, and based on the legislature's assessment of
3 public sentiment and broadly shared preferences within the
4 State, this Act establishes a default rule with respect to
5 carrying firearms on private property open to the public that
6 provides for private entities to "opt-in" to authorize the
7 public carry of firearms on their property.

8 This Act also adjusts certain regulatory fees relating to
9 firearms. These adjustments are warranted because prior fee
10 amounts were established by statute decades ago and have not
11 been adjusted to reflect inflation and increased costs
12 associated with background checks and investigations.

13 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
14 amended by adding seven new sections to part I to be
15 appropriately designated and to read as follows:

16 **"§134-A Carrying or possessing a firearm in certain**
17 **locations and premises prohibited; penalty.** (a) A person with
18 a license issued under section 134-9, or authorized to carry a
19 firearm in accordance with title 18 United States Code section
20 926B or 926C, shall not intentionally, knowingly, or recklessly
21 carry or possess a loaded or unloaded firearm, whether the



1 firearm is operable or not, and whether the firearm is concealed
2 or unconcealed, while in any of the following locations and
3 premises within the State:

4 (1) Any building or office owned, leased, or used by the
5 State or a county, and adjacent grounds and parking
6 areas, including any portion of a building or office
7 used for court proceedings, legislative business,
8 contested case hearings, agency rulemaking, or other
9 activities of state or county government;

10 (2) Any public or private hospital, mental health
11 facility, nursing home, clinic, medical office, urgent
12 care facility, or other place at which medical or
13 health services are customarily provided, including
14 adjacent parking areas;

15 (3) Any adult or juvenile detention or correctional
16 facility, prison, or jail, including adjacent parking
17 areas;

18 (4) Any bar or restaurant serving alcohol or intoxicating
19 liquor as defined in section 281-1 for consumption on
20 the premises, including adjacent parking areas;



- 1 (5) Any stadium, movie theater, or concert hall, or any
2 place at which a professional, collegiate, high
3 school, amateur, or student sporting event is being
4 held, including adjacent parking areas;
- 5 (6) All public library property, including buildings,
6 facilities, meeting rooms, spaces used for community
7 programming, adjacent grounds, and parking areas;
- 8 (7) The campus or premises of any public or private
9 community college, college, or university, and
10 adjacent parking areas, including buildings,
11 classrooms, laboratories, research facilities,
12 artistic venues, and athletic fields or venues;
- 13 (8) The campus or premises of any public school, charter
14 school, private school, preschool, summer camp, or
15 child care facility as defined in section 346-151,
16 including adjacent parking areas, but not including:
17 (A) A private residence at which education is
18 provided for children who are all related to one
19 another by blood, marriage, or adoption; or
20 (B) A dwelling when not used as a child care
21 facility;



- 1 (9) Any beach, playground, park, or adjacent parking area,
2 including any state park, state monument, county park,
3 or other public park, but not including an authorized
4 target range or shooting complex;
- 5 (10) Any shelter, residential, or programmatic facility or
6 adjacent parking area operated by a government entity
7 or charitable organization serving unhoused persons,
8 victims of domestic violence, or children, including
9 children involved in the juvenile justice system;
- 10 (11) Any voter service center as defined in section 11-1 or
11 other polling place, including adjacent parking areas;
- 12 (12) The premises of any bank or financial institution as
13 defined in section 211D-1, including adjacent parking
14 areas;
- 15 (13) Any place, facility, or vehicle used for public
16 transportation or public transit, and adjacent parking
17 areas, including buses, paratransit vans, bus shelters
18 and terminals (but not including bus stops located on
19 public sidewalks), trains, rail stations, and
20 airports;



1 (14) Any amusement park, aquarium, carnival, circus, fair,
2 museum, water park, or zoo, including adjacent parking
3 areas; or

4 (15) Any public gathering, public assembly, or special
5 event conducted on property open to the public,
6 including any demonstration, march, rally, vigil,
7 protest, picketing, or other public assembly, for
8 which a permit is obtained from the federal
9 government, the State, or a county, and the sidewalk
10 or street immediately adjacent to the public
11 gathering, public assembly, or special event, and any
12 space within one thousand feet from the public
13 gathering, public assembly, or special event; provided
14 that there are signs clearly and conspicuously posted
15 at visible places along the perimeter of the public
16 gathering, public assembly, or special event.

17 (b) This section shall not apply to a person in an exempt
18 category identified in section 134-11(a). It shall be an
19 affirmative defense to any prosecution under this section that a
20 person is:



1 (7) Carrying a firearm pursuant to a license issued under
2 section 134-9 or in accordance with title 18 United
3 States Code section 926B or 926C in the immediate area
4 surrounding the person's vehicle within a parking area
5 for the limited purpose of storing or retrieving the
6 firearm; or

7 (8) Possessing a firearm in an airport or any place,
8 facility, or vehicle used for public transportation or
9 public transit; provided that the firearm is unloaded
10 and in a locked hard-sided container for the purpose
11 of transporting the firearm.

12 (c) The presence of a person in any location or premises
13 listed in subsection (a) shall be prima facie evidence that the
14 person knew it was a location or premises listed in subsection
15 (a).

16 (d) Where only a portion of a building or office is owned,
17 leased, or used by the State or a county, this section shall not
18 apply to the portion of the building or office that is not
19 owned, leased, or used by the State or a county, unless carrying
20 or possessing a firearm within that portion is otherwise
21 prohibited by this section.



1 (e) As used in this section, "private security officer"
2 means any person employed and duly licensed to engage in the
3 private detective or guard business pursuant to chapter 463.

4 (f) Any person who violates this section shall be guilty
5 of a misdemeanor.

6 (g) If any ordinance of any county of the State
7 establishing locations where the carrying of firearms is
8 prohibited is inconsistent with this section or with section
9 134-E, the ordinance shall be void.

10 **§134-B Duty to maintain possession of license while**
11 **carrying a firearm; duty to disclose; penalty.** (a) A person
12 carrying a firearm pursuant to a license issued under section
13 134-9 or in accordance with title 18 United States Code section
14 926B or 926C shall have in the person's immediate possession:

15 (1) The license issued under section 134-9 or
16 documentation regarding the person's qualifications
17 under title 18 United States Code section 926B or
18 926C; and

19 (2) Except with respect to firearms that are a part of the
20 official equipment of any federal agency as provided
21 under section 134-11(b), documentary evidence that the



1 firearm being carried is registered under this
2 chapter,
3 and shall, upon request from a law enforcement officer, present
4 the license or credentials and evidence of registration.

5 (b) When a person carrying a firearm, including a person
6 carrying a firearm pursuant to a license issued under section
7 134-9 or in accordance with title 18 United States Code section
8 926B or 926C, is stopped by a law enforcement officer or is a
9 driver or passenger in a vehicle stopped by a law enforcement
10 officer, the person carrying a firearm shall immediately
11 disclose to the law enforcement officer that the person is
12 carrying a firearm, and shall, upon request:

13 (1) Identify the specific location of the firearm; and
14 (2) Present to the law enforcement officer a license to
15 carry a firearm issued under section 134-9 or
16 documentation regarding the person's qualifications
17 under title 18 United States Code section 926B or
18 926C.

19 (c) Any person who violates this section shall be guilty
20 of a petty misdemeanor.



1 §134-C Leaving unsecured firearm in vehicle unattended;
2 penalty. (a) No person shall intentionally, knowingly, or
3 recklessly store or otherwise leave a loaded or unloaded firearm
4 out of the person's immediate possession or control inside a
5 vehicle without first securely locking the firearm in a safe
6 storage depository that is out of sight from outside of the
7 vehicle.

8 (b) For purposes of this section, "safe storage
9 depository" means a safe or other secure impact- and
10 tamper-resistant container that, when locked, is incapable of
11 being opened without a key, keypad, combination, or other
12 unlocking mechanism and is capable of preventing an unauthorized
13 person from obtaining access to or possession of the firearm
14 contained therein. A vehicle's trunk or glove box alone, even
15 if locked, is not a safe storage depository.

16 (c) This section shall not apply to a person in an exempt
17 category identified in section 134-11(a).

18 (d) Any person who violates subsection (a) shall be guilty
19 of a petty misdemeanor.

20 §134-D Unlawful conduct while carrying a firearm; penalty.

21 (a) A person carrying a firearm, including any person carrying



1 a firearm pursuant to a license issued under section 134-9 or
2 carrying a firearm in accordance with title 18 United States
3 Code section 926B or 926C, shall not:

- 4 (1) Consume alcohol or intoxicating liquor;
- 5 (2) Consume a controlled substance;
- 6 (3) Be under the influence of alcohol or intoxicating
7 liquor; or
- 8 (4) Be under the influence of a controlled substance.
- 9 (b) As used in this section, the following definitions

10 shall apply:

11 "Alcohol" and "intoxicating liquor" shall have the same
12 meaning as in section 281-1.

13 "Controlled substance" means a drug, substance, or
14 immediate precursor in schedules I through III of part II of
15 chapter 329.

16 (c) Any person who violates this section shall be guilty
17 of a misdemeanor; provided that any person who violates this
18 section by consuming or being under the influence of alcohol or
19 an intoxicating liquor shall be guilty of a petty misdemeanor.

20 §134-E Carrying or possessing a firearm on private
21 property open to the public without authorization; penalty. (a)



1 A person shall not intentionally, knowingly, or recklessly enter
2 or remain on private property open to the public while carrying
3 or possessing a loaded or unloaded firearm, whether the firearm
4 is operable or not, and whether the firearm is concealed or
5 unconcealed, unless the person has been given express
6 authorization to carry or possess a firearm on the property by
7 the owner, lessee, operator, or manager of the property.

8 (b) For purposes of this section, "private property open
9 to the public" means any place to which the public is invited or
10 permitted and any area within any building available for use by
11 or accessible to the public during the normal course of business
12 conducted therein by private entities, including retail stores
13 and shopping malls, but not including private residences.

14 (c) For purposes of this section, express authorization to
15 carry or possess a firearm on private property open to the
16 public shall be signified by:

17 (1) Unambiguous written or verbal authorization; or
18 (2) The posting of clear and conspicuous signage,
19 by the owner, lessee, operator, or manager of the property,
20 indicating that carrying or possessing a firearm is authorized.



1 (d) For purposes of this section, carrying a firearm
2 includes carrying a firearm pursuant to a license issued under
3 section 134-9 and carrying a firearm in accordance with title 18
4 United States Code section 926B or 926C.

5 (e) This section shall not apply to a person in an exempt
6 category identified in section 134-11(a).

7 (f) Any person who violates this section shall be guilty
8 of a misdemeanor.

9 **§134-F Annual report on licenses to carry.** (a) No later
10 than April 1, 2024, and April 1 of each year thereafter, the
11 department of the attorney general shall publish a report on its
12 publicly available website that includes:

13 (1) The number of licenses to carry applied for, issued,
14 revoked, and denied, further categorized by the age,
15 gender, race, and county of residence of each
16 applicant or licensee;

17 (2) The specific reasons for each revocation and denial;

18 (3) Analysis of denials based on applicants' failure to
19 meet the standards of section 134-9(d), and
20 recommendations to remedy any disparities in denial
21 rates by age, gender, or race;



1 (4) The number of appeals and appeals granted; and

2 (5) The number of violations of section 134-A.

3 (b) No later than February 1 of each year, the chief of
4 police of each county shall supply the department of the
5 attorney general with the data the department requires to
6 complete the report under subsection (a).

7 **§134-G Failure to conceal a firearm by a concealed carry**
8 **licensee; penalty.** (a) A person commits the offense of failure
9 to conceal a firearm by a concealed carry licensee if a person
10 is carrying a firearm pursuant to a license issued under section
11 134-9 and intentionally, knowingly, or recklessly causes alarm
12 to another person by failing to conceal the firearm, even
13 briefly, whether the firearm was loaded or not, and whether
14 operable or not.

15 (b) It shall be a defense to any prosecution under this
16 section if the person:

17 (1) Was within the person's private residence; or

18 (2) Caused the firearm to be unconcealed for the purpose
19 of self-defense in accordance with section 703-304 or
20 defense of another person in accordance with section
21 703-305.



1 (c) Failure to conceal a firearm by a concealed carry
2 licensee shall be a petty misdemeanor."

3 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding three new definitions to be appropriately
6 inserted and to read:

7 "Concealed" means, in relation to a firearm, that the
8 firearm is entirely hidden from view of the public and not
9 discernible by ordinary observation, in a manner that a
10 reasonable person without law enforcement training would be
11 unable to detect the presence of the firearm.

12 "Criminal offense relating to firearms" means:

13 (1) Any criminal offense under this chapter punishable as
14 a misdemeanor;

15 (2) Criminally negligent storage of a firearm under
16 section 707-714.5; and

17 (3) Any other criminal offense punishable as a misdemeanor
18 under federal or state law or the law of another
19 state, a United States territory, or the District of
20 Columbia that has as an element of the offense the



1 use, attempted use, threatened use, or possession of a
2 firearm.

3 "Unconcealed" means not concealed."

4 2. By amending the definition of "crime of violence" to
5 read:

6 ""Crime of violence" means [any]:

7 (1) Any offense[~~, as defined in title 37,~~] under federal
8 or state law or the law of another state, a United
9 States territory, or the District of Columbia that
10 [~~involves injury~~] has as an element of the offense
11 the:

12 (A) Injury or threat of injury to the person of
13 another[~~, including sexual~~]; or

14 (B) Use, attempted use, or threatened use of physical
15 force against the person or property of another
16 or the creation of a substantial risk of causing
17 bodily injury;

18 (2) Reckless endangering in the second degree under
19 section 707-714;

20 (3) Terroristic threatening in the second degree under
21 section 707-717;



- 1 (4) Sexual assault in the fourth degree under section 707-
- 2 733 [~~and harassment~~];
- 3 (5) Endangering the welfare of a minor in the second
- 4 degree under section 709-904;
- 5 (6) Endangering the welfare of an incompetent person under
- 6 section 709-905;
- 7 (7) Harassment under section 711-1106;
- 8 (8) Harassment by stalking under section 711-1106.5[-];
- 9 (9) Criminal solicitation under section 705-510; provided
- 10 that the solicitation was for a crime described or
- 11 listed in paragraphs (1) to (8);
- 12 (10) Criminal conspiracy under section 705-520; provided
- 13 that the conspiracy was for a crime described or
- 14 listed in paragraphs (1) to (8); and
- 15 (11) Offenses under federal law, or the law of another
- 16 state, a United States territory, or the District of
- 17 Columbia, that are comparable to the offenses
- 18 described or listed in paragraphs (1) to (10)."

19 SECTION 4. Section 134-2, Hawaii Revised Statutes, is
 20 amended to read as follows:



1 "**§134-2 Permits to acquire.** (a) No person shall acquire
2 the ownership of a firearm, whether usable or unusable,
3 serviceable or unserviceable, modern or antique, registered
4 under prior law or by a prior owner or unregistered, either by
5 purchase, gift, inheritance, bequest, or in any other manner,
6 whether procured in the State or imported by mail, express,
7 freight, or otherwise, until the person has first procured from
8 the chief of police of the county of the person's place of
9 business or, if there is no place of business, the person's
10 residence or, if there is neither place of business nor
11 residence, the person's place of sojourn, a permit to acquire
12 the ownership of a firearm as prescribed in this section. When
13 title to any firearm is acquired by inheritance or bequest, the
14 foregoing permit shall be obtained before taking possession of
15 [a] the firearm; provided that upon presentation of a copy of
16 the death certificate of the owner making the bequest, any heir
17 or legatee may transfer the inherited or bequested firearm
18 directly to a dealer licensed under section 134-31 or licensed
19 by the United States Department of Justice without complying
20 with the requirements of this section.

21 (b) The permit application form shall [~~include the~~]:



- 1 (1) Include:
- 2 (A) The applicant's name, address, [~~sex,~~] gender,
- 3 height, weight, date of birth, place of birth,
- 4 country of citizenship, social security number,
- 5 alien or admission number[~~, and information~~];
- 6 (B) Information regarding the applicant's mental
- 7 health history;
- 8 (C) Any aliases or other names previously used by the
- 9 applicant;
- 10 (D) Information that is or may be relevant in
- 11 determining whether the applicant is disqualified
- 12 under section 134-7 from the ownership,
- 13 possession, or control of a firearm; and
- 14 (E) Information that is or may be relevant in
- 15 determining whether the applicant lacks the
- 16 essential character or temperament necessary to
- 17 be entrusted with a firearm as set forth in
- 18 subsection (e); and [~~shall require~~]
- 19 (2) Require the fingerprinting and photographing of the
- 20 applicant by the police department of the county of
- 21 registration; provided that where fingerprints and a



1 photograph are already on file with the department,
2 these may be waived.

3 (c) An applicant for a permit shall [~~sign~~]:

4 (1) Sign a waiver at the time of application, allowing the
5 chief of police of the county issuing the permit or a
6 designee of the chief of police access to [~~any~~] all
7 records that have a bearing on the mental health of
8 the applicant[~~. The permit application form and the~~
9 ~~waiver form shall be prescribed by the attorney~~
10 ~~general and shall be uniform throughout the State.~~];
11 and

12 (2) Identify any health care providers who possess or may
13 possess the records described in paragraph (1).

14 (d) The chief of police of the respective counties [~~may~~]
15 shall issue permits to acquire firearms to [~~citizens~~]:

16 (1) Citizens, nationals, or lawful permanent residents of
17 the United States of the age of twenty-one years or
18 more[~~, or duly~~];

19 (2) Duly accredited official representatives of foreign
20 nations[~~, or duly~~];



- 1 (3) Duly commissioned law enforcement officers of the
2 State who are aliens; provided that any law
3 enforcement officer who is the owner of a firearm and
4 who is an alien shall transfer ownership of the
5 firearm within forty-eight hours after termination of
6 employment from a law enforcement agency[. ~~The chief~~
7 ~~of police of each county may issue permits to aliens~~];
8 (4) Aliens of the age of eighteen years or more for use of
9 rifles and shotguns for a period not exceeding sixty
10 days, upon a showing that the alien has first procured
11 a hunting license under chapter 183D, part II[. ~~The~~
12 ~~chief of police of each county may issue permits to~~
13 ~~aliens~~]; and
14 (5) Aliens of the age of twenty-one years or more for use
15 of firearms for a period not exceeding six months,
16 upon a showing that the alien is in training for a
17 specific organized sport-shooting contest to be held
18 within the ~~the~~ permit period.

19 The attorney general [~~shall~~] may adopt rules, pursuant to
20 chapter 91, as to what constitutes sufficient evidence that an
21 alien is in training for a sport-shooting contest.



1 Notwithstanding any law to the contrary and upon joint
2 application, the chief of police may, upon request, issue
3 permits to acquire firearms jointly to spouses who otherwise
4 qualify to obtain permits under this section.

5 (e) The permit application form shall be signed by the
6 applicant and [~~by the~~] issuing authority. One copy of the
7 permit shall be retained by the issuing authority as a permanent
8 official record. Except for sales to dealers licensed under
9 section 134-31, [~~or~~] dealers licensed by the United States
10 Department of Justice, [~~or~~] law enforcement officers, [~~or where~~
11 ~~a license is granted under section 134-9,~~] or where any firearm
12 is registered pursuant to section 134-3(a), no permit shall be
13 issued to an applicant earlier than fourteen calendar days after
14 the date of the application; provided that a permit shall be
15 issued or the application denied before the [~~twentieth~~] fortieth
16 day from the date of application. Permits issued to acquire any
17 pistol or revolver shall be void unless used within [~~ten~~] thirty
18 days after the date of issue. Permits to acquire a pistol or
19 revolver shall require a separate application and permit for
20 each transaction. Permits issued to acquire any rifle or
21 shotgun shall entitle the permittee to make subsequent purchases



1 of rifles or shotguns for a period of one year from the date of
2 issue without a separate application and permit for each
3 acquisition, subject to the disqualifications under section 134-
4 7 and ~~[subject to]~~ revocation under section 134-13; provided
5 that if a permittee is arrested for committing a felony ~~[or~~
6 any], a crime of violence, a criminal offense relating to
7 firearms, or for the illegal sale or distribution of any drug,
8 the permit shall be impounded and ~~[shall be]~~ surrendered to the
9 issuing authority. The issuing authority shall perform an
10 inquiry on an applicant by using the International Justice and
11 Public Safety Network, including the United States Immigration
12 and Customs Enforcement query, ~~[the]~~ National Crime Information
13 Center, and ~~[the]~~ National Instant Criminal Background Check
14 System, pursuant to section 846-2.7 before any determination to
15 issue a permit or to deny an application is made. The issuing
16 authority shall not issue a permit to acquire the ownership of a
17 firearm if an applicant is disqualified under section 134-7 from
18 the ownership, possession, or control of a firearm, or if the
19 issuing authority determines that issuance would not be in the
20 interest of public health, safety, or welfare because the person
21 lacks the essential character or temperament necessary to be



1 entrusted with a firearm. In determining whether a person lacks
2 the essential character or temperament necessary to be entrusted
3 with a firearm, the issuing authority shall consider whether the
4 person poses a danger of causing a self-inflicted bodily injury
5 or unlawful injury to another person, as evidenced by:

6 (1) Information from a health care provider indicating
7 that the person has had suicidal or homicidal thoughts
8 or tendencies within the preceding five years;

9 (2) Statements or actions by the person indicating any
10 dangerous propensity or violent animus toward one or
11 more individuals or groups, including groups based on
12 race, color, national origin, ancestry, sex, gender
13 identity, gender expression, sexual orientation, age,
14 disability, religion, or any other characteristic, and
15 the propensity or animus is of a nature or to an
16 extent that would objectively indicate to a reasonable
17 observer that it would not be in the interest of the
18 public health, safety, or welfare for the person to
19 own, possess, or control a firearm or ammunition; or

20 (3) Other information that would lead a reasonable,
21 objective observer to conclude that the person



1 presents or would present a danger to the community as
2 a result of acquiring or possessing a firearm or
3 intends or is likely to use a firearm for an unlawful
4 purpose or in an unlawful manner.

5 (f) In all cases where a pistol or revolver is acquired
6 from another person within the State, the permit shall be signed
7 in ink by the person to whom title to the pistol or revolver is
8 transferred and shall be delivered to the person who is
9 transferring title to the firearm, who shall verify that the
10 person to whom the firearm is to be transferred is the person
11 named in the permit and enter on the permit in the space
12 provided the following information: name, address, and
13 telephone number of the person who transferred the firearm;
14 name, address, and telephone number of the person to whom the
15 title to the firearm was transferred; names of the manufacturer
16 and importer; model; type of action; caliber or gauge; and
17 serial number, as applicable. The person who is transferring
18 title to the firearm shall sign the permit in ink and cause the
19 permit to be delivered or sent by registered mail to the issuing
20 authority within forty-eight hours after transferring the
21 firearm.



1 In all cases where receipt of a firearm is had by mail,
2 express, freight, or otherwise from sources ~~[without]~~ outside
3 the State, the person to whom the permit has been issued shall
4 make the prescribed entries on the permit, sign the permit in
5 ink, and cause the permit to be delivered or sent by registered
6 mail to the issuing authority within forty-eight hours after
7 taking possession of the firearm.

8 In all cases where a rifle or shotgun is acquired from
9 another person within the State, the person who is transferring
10 title to the rifle or shotgun shall submit, within forty-eight
11 hours after transferring the firearm, to the authority that
12 issued the permit to acquire, the following information, in
13 writing: name, address, and telephone number of the person who
14 transferred the firearm~~[7]~~; name, address, and telephone number
15 of the person to whom the title to the firearm was transferred;
16 names of the manufacturer and importer; model; type of action;
17 caliber or gauge; and serial number, as applicable.

18 (g) ~~[Effective July 1, 1995, no]~~ No person shall be issued
19 a permit under this section for the acquisition of a ~~[pistol or~~
20 ~~revolver]~~ firearm unless the person, ~~[at any time prior to]~~



1 within the four years before the issuance of the permit, has
2 completed:

3 (1) An approved hunter education course as authorized
4 under section 183D-28[+], unless the applicant seeks
5 to acquire a pistol or revolver, in which case the
6 applicant shall complete a training satisfying the
7 requirements of paragraph (2), (3), or (4);

8 (2) A firearms safety or training course or class
9 available to the general public offered by a law
10 enforcement agency of the State or of any county;

11 (3) A firearms safety or training course offered to law
12 enforcement officers, security guards, investigators,
13 deputy sheriffs, or any division or subdivision of law
14 enforcement or security enforcement by a state or
15 county law enforcement agency; or

16 (4) A firearms training or safety course or class
17 conducted by a [~~state certified or National Rifle~~
18 ~~Association certified firearms instructor~~] firearms
19 instructor certified or verified by the chief of
20 police of the respective county or a designee of the
21 chief of police or certified by a nongovernmental



1 organization approved for such purposes by the chief
2 of police of the respective county or a designee of
3 the chief of police, or conducted by a certified
4 military firearms instructor; provided that the
5 firearms training or safety course or class provides,
6 at a minimum, a total of at least two hours of firing
7 training at a firing range and a total of at least
8 four hours of classroom instruction, which may include
9 a video, that focuses on:

10 (A) The safe use, handling, and storage of firearms
11 and firearm safety in the home[+], as well as a
12 component on mental health, suicide prevention,
13 and domestic violence issues associated with
14 firearms and firearm violence; and

15 (B) Education on the firearm laws of the State.

16 An affidavit signed by the certified or verified
17 firearms instructor who conducted or taught the
18 course, providing the name, address, and phone number
19 of the instructor and attesting to the successful
20 completion of the course by the applicant shall
21 constitute evidence of certified successful completion



1 under this paragraph[-]; provided that an instructor
2 shall not submit an affidavit signed by the instructor
3 for the instructor's own permit application.

4 (h) No person shall sell, give, lend, or deliver into the
5 possession of another any firearm except in accordance with this
6 chapter.

7 (i) No fee shall be charged for permits, or applications
8 for permits, under this section, except for a single fee
9 chargeable by and payable to the issuing county[~~, for~~
10 ~~individuals applying for their first permit,~~] in an amount equal
11 to the fee charged by the Hawaii criminal justice data center
12 pursuant to section 846-2.7. In the case of a joint
13 application, the fee provided for in this section may be charged
14 to each person [~~to whom no previous permit has been issued~~]. If
15 an application under this section is denied, the chief of police
16 or a designee of the chief of police shall notify the applicant
17 of the denial in writing, stating the ground or grounds for the
18 denial and informing the applicant of the right to seek review
19 of the denial through a hearing pursuant to subsection (k).

20 (j) In all cases where a permit application under this
21 section is denied because an applicant is prohibited from



1 owning, possessing, receiving, or controlling firearms under
2 federal or state law, the chief of police of the applicable
3 county shall, within ten business days from the date of denial,
4 send written notice of the denial, including the identity of the
5 applicant and the reasons for the denial, to the:

- 6 (1) Prosecuting attorney in the county where the permit
7 was denied;
- 8 (2) Attorney general;
- 9 (3) United States Attorney for the District of Hawaii; and
- 10 (4) Director of public safety.

11 If the permit to acquire was denied because the applicant
12 is subject to an order described in section 134-7(f), the chief
13 of police shall, within three business days from the date of
14 denial, send written notice of the denial to the court that
15 issued the order.

16 When the director of public safety receives notice that an
17 applicant has been denied a permit because of a prior criminal
18 conviction, the director of public safety shall determine
19 whether the applicant is currently serving a term of probation
20 or parole, and if the applicant is serving such a term, send



1 written notice of the denial to the applicant's probation or
2 parole officer.

3 (k) If an application under this section is denied, a
4 person or entity aggrieved by the denial shall be entitled to a
5 hearing before the chief of police of the appropriate county or
6 a designee of the chief of police. A person or entity aggrieved
7 by the denial shall submit a request for a hearing in writing to
8 the chief of police of the appropriate county no later than
9 thirty days following the date of the decision or determination
10 notice. The hearing shall constitute a contested case hearing
11 for purposes of chapter 91. Following the hearing and final
12 decision, an aggrieved party shall be entitled to a judicial
13 review proceeding in state circuit court in accordance with
14 section 91-14.

15 (l) The permit application form and the waiver form
16 required under this section shall be prescribed by the issuing
17 authority."

18 SECTION 5. Section 134-4, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) No person shall intentionally, knowingly, or
21 recklessly lend a firearm to any person who is prohibited from



1 ownership ~~[or]~~, possession, or control of a firearm under
2 section 134-7."

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

5 "~~§134-7~~ **Ownership ~~[or]~~, possession, or control prohibited,**
6 **when; penalty.** (a) No person who is a fugitive from justice or
7 ~~[is a person]~~ prohibited from possessing ~~[firearms]~~ a firearm or
8 ammunition under title 18 United States Code section 922 or any
9 other provision of federal law shall own, possess, or control
10 any firearm or ammunition ~~[therefor]~~.

11 (b) No person who ~~[is under indictment for, or has waived~~
12 ~~indictment for, or has been bound over to the circuit court~~
13 ~~for]~~ is being prosecuted for one or more charges for a felony,
14 a crime of violence, a criminal offense relating to firearms, or
15 an illegal sale or distribution of any drug in a court in this
16 State or elsewhere, or who has been convicted in this State or
17 elsewhere of having committed a felony, ~~[or any]~~ a crime of
18 violence, a criminal offense relating to firearms, or an illegal
19 sale or distribution of any drug shall own, possess, or control
20 any firearm or ammunition ~~[therefor]~~.



1 (c) No person [~~who~~] shall own, possess, or control any
2 firearm or ammunition if the person:

3 (1) Is or has been under treatment or counseling for
4 addiction to, abuse of, or dependence upon any
5 dangerous, harmful, or detrimental drug, intoxicating
6 compound as defined in section 712-1240, or
7 intoxicating liquor;

8 (2) Has been acquitted of a crime on the grounds of mental
9 disease, disorder, or defect pursuant to section 704-
10 411[+] or any similar provision under federal law, or
11 the law of another state, a United States territory,
12 or the District of Columbia;

13 (3) Is or has been diagnosed [~~as having a significant~~
14 ~~behavioral, emotional, or mental disorders as defined~~
15 ~~by the most current diagnostic manual of the American~~
16 ~~Psychiatric Association or for treatment for organic~~
17 ~~brain syndromes;] with or treated for a medical,
18 behavioral, psychological, emotional, or mental
19 condition or disorder that causes or is likely to
20 cause impairment in judgment, perception, or impulse
21 control to an extent that presents an unreasonable~~



1 risk to public health, safety, or welfare if the
2 person were in possession or control of a firearm; or

3 (4) Has been adjudged to:

4 (A) Meet the criteria for involuntary hospitalization
5 under section 334-60.2; or

6 (B) Be an "incapacitated person", as defined in
7 section 560:5-102,

8 ~~[shall own, possess, or control any firearm or ammunition~~
9 ~~therefor,]~~ unless the person ~~[has been medically documented to~~
10 ~~be]~~ establishes, with appropriate medical documentation, that
11 the person is no longer adversely affected by [the addiction,
12 abuse, dependence, mental disease, disorder, or defect.] the
13 criteria or statuses identified in this subsection.

14 (d) No person who is less than twenty-five years old and
15 has been adjudicated by the family court to have committed a
16 felony, ~~[two or more crimes]~~ a crime of violence, a criminal
17 offense relating to firearms, or an illegal sale or distribution
18 of any drug shall own, possess, or control any firearm or
19 ammunition [therefor].

20 (e) No minor ~~[who:]~~ shall own, possess, or control any
21 firearm or ammunition if the minor:



1 (1) Is or has been under treatment for addiction to any
2 dangerous, harmful, or detrimental drug, intoxicating
3 compound as defined in section 712-1240, or
4 intoxicating liquor;

5 (2) Is a fugitive from justice; or

6 (3) Has been determined not to have been responsible for a
7 criminal act or has been committed to any institution
8 on account of a mental disease, disorder, or
9 defect[+],

10 [~~shall own, possess, or control any firearm or ammunition~~
11 ~~therefor,~~] unless the minor [~~has been medically documented to~~
12 ~~be~~] establishes, with appropriate medical documentation, that
13 the minor is no longer adversely affected by the addiction,
14 mental disease, disorder, or defect.

15 For the purposes of enforcing this section, and
16 notwithstanding section 571-84 or any other law to the contrary,
17 any agency within the State shall make its records relating to
18 family court adjudications available to law enforcement
19 officials.

20 (f) No person who has been restrained pursuant to an order
21 of any court, including a gun violence protective order issued



1 pursuant to part IV, from contacting, threatening, or physically
2 abusing any person, shall possess, control, or transfer
3 ownership of any firearm or ammunition [~~therefor~~], so long as
4 the protective order, restraining order, or any extension is in
5 effect[, ~~unless the order, for good cause shown, specifically~~
6 ~~permits the possession of a firearm and ammunition~~]. The
7 protective order or restraining order shall specifically include
8 a statement that possession, control, or transfer of ownership
9 of a firearm or ammunition by the person named in the order is
10 prohibited. The person shall relinquish possession and control
11 of any firearm and ammunition owned by that person to the police
12 department of the appropriate county for safekeeping for the
13 duration of the order or extension thereof. At the time of
14 service of a protective order or restraining order involving
15 firearms and ammunition issued by any court, a police officer
16 may take custody of any and all firearms and ammunition in plain
17 sight, those discovered pursuant to a consensual search, and
18 those firearms surrendered by the person restrained. If the
19 person restrained is the registered owner of a firearm and knows
20 the location of the firearm, but refuses to surrender the
21 firearm or [~~refuses to~~] disclose the location of the firearm,



1 the person restrained shall be guilty of a misdemeanor. In any
2 case, when a police officer is unable to locate the firearms and
3 ammunition either registered under this chapter or known to the
4 person granted protection by the court, the police officer shall
5 apply to the court for a search warrant pursuant to chapter 803
6 for the limited purpose of seizing the firearm and ammunition.

7 ~~[For the purposes of this subsection, good cause shall not~~
8 ~~be based solely upon the consideration that the person subject~~
9 ~~to restraint pursuant to an order of any court is required to~~
10 ~~possess or carry firearms or ammunition during the course of the~~
11 ~~person's employment. Good cause consideration may include but~~
12 ~~not be limited to the protection and safety of the person to~~
13 ~~whom a restraining order is granted.]~~

14 (g) Any person disqualified from ownership, possession,
15 control, or the right to transfer ownership of firearms and
16 ammunition under this section shall surrender or dispose of all
17 firearms and ammunition in compliance with section 134-7.3.

18 (h) Any person who otherwise would be prohibited under
19 subsection (b) from owning, possessing, or controlling a firearm
20 and ammunition solely as a result of a conviction for a crime
21 that is not a felony, and who is not prohibited from owning,



1 possessing, or controlling a firearm or ammunition for any
2 reason under any other provision of this chapter or under title
3 18 United States Code section 922 or another provision of
4 federal law, shall not be prohibited under this section from
5 owning, possessing, or controlling a firearm and ammunition if
6 twenty years have elapsed from the date of the conviction.

7 ~~[(h)]~~ (i) Any person violating subsection (a) or (b) shall
8 be guilty of a class C felony; provided that any felon violating
9 subsection (b) shall be guilty of a class B felony. Any person
10 violating subsection (c), (d), (e), (f), or (g) shall be guilty
11 of a misdemeanor."

12 SECTION 7. Section 134-9, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§134-9 Licenses to carry.** (a) ~~[In an exceptional case,~~
15 ~~when an applicant shows reason to fear injury to the applicant's~~
16 ~~person or property, the] The~~ chief of police of ~~[the~~
17 ~~appropriate] a~~ county ~~[may] shall~~ grant a license to an
18 applicant ~~[who is a citizen of the United States of the age of~~
19 ~~twenty-one years or more or to a duly accredited official~~
20 ~~representative of a foreign nation of the age of twenty-one~~
21 ~~years or more]~~ to carry a pistol or revolver and ammunition



1 ~~[therefor]~~ concealed on the licensee's person within ~~[the county~~
2 ~~where the license is granted. Where the urgency or the need has~~
3 ~~been sufficiently indicated, the respective]~~ the State, if the
4 applicant:

5 (1) Satisfies each of the criteria established by or
6 pursuant to subsection (d);

7 (2) Is not prohibited under section 134-7 from the
8 ownership, possession, or control of a firearm and
9 ammunition;

10 (3) Is not found to be lacking the essential character or
11 temperament necessary to be entrusted with a firearm
12 as set forth in subsection (h);

13 (4) Is a citizen, national, or lawful permanent resident
14 of the United States or a duly accredited official
15 representative of a foreign nation;

16 (5) Is a resident of the State; and

17 (6) Is of the age of twenty-one years or more.

18 (b) The chief of police of a county may grant to an
19 ~~applicant [of good moral character who is a citizen of the~~
20 ~~United States of the age of twenty one years or more, is engaged~~
21 ~~in the protection of life and property, and is not prohibited~~



1 ~~under section 134-7 from the ownership or possession of a~~
2 ~~firearm,~~] a license to carry a pistol or revolver and ammunition
3 [~~therefor~~] unconcealed on the licensee's person within the
4 county where the license is granted[-], if the applicant:

5 (1) Sufficiently establishes the urgency or need to carry
6 a firearm unconcealed;

7 (2) Is engaged in the protection of life and property;

8 (3) Satisfies each of the criteria established by or
9 pursuant to subsection (d);

10 (4) Is not prohibited under section 134-7 from the
11 ownership, possession, or control of a firearm and
12 ammunition;

13 (5) Is not found to be lacking the essential character or
14 temperament necessary to be entrusted with a firearm
15 as set forth in subsection (h);

16 (6) Is a citizen, national, or lawful permanent resident
17 of the United States; and

18 (7) Is of the age of twenty-one years or more.

19 (c) The chief of police of the appropriate county, or [the
20 chief's] a designated representative[-] of the chief of police,
21 shall perform an inquiry on an applicant by using the National



1 Instant Criminal Background Check System, to include a check of
2 the Immigration and Customs Enforcement databases [where] if the
3 applicant is not a citizen of the United States, before any
4 determination to grant a concealed or unconcealed license is
5 made. [~~Unless renewed, the license shall expire one year from~~
6 ~~the date of issue.~~

7 ~~(b) The chief of police of each county shall adopt~~
8 ~~procedures to require that any person granted a license to carry~~
9 ~~a concealed weapon on the person shall:]~~

10 (d) To be eligible to receive a license to carry a
11 concealed or unconcealed pistol or revolver on the licensee's
12 person, the applicant shall:

13 (1) [~~Be qualified to use the firearm in a safe manner;]~~
14 Submit the appropriate carry license application, in
15 person, to the chief of police of the appropriate
16 county, with:

17 (A) All fields on the application form completed and
18 all questions answered truthfully, under penalty
19 of law;

20 (B) All required signatures present on the
21 application;



- 1 (C) Any required documents attached to the
2 application; and
- 3 (D) Payment of the nonrefundable license application
4 fee required under this section;
- 5 (2) ~~[Appear to be a suitable person to be so licensed;]~~ Be
6 the registered owner of the firearm or firearms for
7 which the license to carry will be issued; provided
8 that this paragraph shall not apply to detectives,
9 private detectives, investigators, and guards with an
10 active license issued pursuant to chapter 463;
- 11 (3) Not be prohibited under section 134-7 from the
12 ownership ~~[or]~~ possession, or control of a firearm;
13 [and]
- 14 (4) ~~[Not have been adjudged insane or not appear to be~~
15 ~~mentally deranged.]~~ Have completed a course of
16 training as described in subsection (e) and be
17 certified as qualified to use the firearm or firearms
18 for which the license to carry will be issued in a
19 safe manner; and
- 20 (5) Sign an affidavit expressly acknowledging that:



1 (A) The applicant has read and is responsible for
2 understanding and complying with the federal,
3 state, and county laws governing the permissible
4 use of firearms and associated requirements,
5 including:
6 (i) The prohibition on carrying or possessing a
7 firearm in certain locations and premises;
8 (ii) The prohibition on carrying more than one
9 firearm on the licensee's person at one
10 time;
11 (iii) The prohibition on carrying a firearm on
12 private property open to the public without
13 the express authorization of the owner,
14 lessee, operator, or manager of the private
15 property;
16 (iv) The requirement to maintain possession of
17 the license on the licensee's person while
18 carrying a firearm;
19 (v) The requirement to disclose information
20 regarding the carrying of a firearm when
21 stopped by law enforcement;



- 1 (vi) The provision for absolute liability for
- 2 injury or property damage proximately caused
- 3 by a legally unjustified discharge of a
- 4 firearm under section 663-9.5; and
- 5 (vii) Laws regarding the use of deadly force for
- 6 self-defense or the defense of another;
- 7 (B) A license to carry issued under this section
- 8 shall be void if a licensee becomes disqualified
- 9 from the ownership, possession, or control of a
- 10 firearm pursuant to section 134-7(a), (b), (d),
- 11 or (f);
- 12 (C) The license shall be subject to a permit
- 13 revocation under section 134-13 if a licensee for
- 14 any other reason becomes disqualified under
- 15 section 134-7 from the ownership, possession, or
- 16 control of a firearm; and
- 17 (D) A license that is revoked or that becomes void
- 18 shall be returned to the chief of police of the
- 19 appropriate county within forty-eight hours after
- 20 the license is revoked or becomes void.



1 ~~[(c) No person shall carry concealed or unconcealed on the~~
2 ~~person a pistol or revolver without being licensed to do so~~
3 ~~under this section or in compliance with sections 134-5(c) or~~
4 ~~134-25.~~

5 ~~(d) A fee of \$10 shall be charged for each license and~~
6 ~~shall be deposited in the treasury of the county in which the~~
7 ~~license is granted.]~~

8 (e) The course of training for issuance of a license under
9 this section may be any course acceptable to the licensing
10 authority that meets all of the following criteria:

11 (1) The course shall include in-person instruction on
12 firearm safety; firearm handling; shooting technique;
13 safe storage; legal methods to transport firearms and
14 secure firearms in vehicles; laws governing places in
15 which persons are prohibited from carrying a firearm;
16 firearm usage in low-light situations; situational
17 awareness and conflict management; and laws governing
18 firearms, including information regarding the
19 circumstances in which deadly force may be used for
20 self-defense or the defense of another;



- 1 (2) The course shall include a component on mental health
2 and mental health resources;
- 3 (3) Except for the component on mental health and mental
4 health resources, the course shall be conducted by one
5 or more firearms instructors certified or verified by
6 the chief of police of the respective county or a
7 designee of the chief of police or certified by a
8 nongovernmental organization approved for those
9 purposes by the chief of police of the respective
10 county or a designee of the chief of police, or
11 conducted by one or more certified military firearms
12 instructors;
- 13 (4) The course shall require participants to demonstrate
14 their understanding of the covered topics by achieving
15 a score of at least seventy per cent on a written
16 examination; and
- 17 (5) The course shall include live-fire shooting exercises
18 on a firing range and shall include a demonstration by
19 the applicant of safe handling of, and shooting
20 proficiency with, each firearm that the applicant is
21 applying to be licensed to carry.



1 (f) Upon passing the course of training identified in
2 subsection (e), the applicant shall obtain from the instructor,
3 and include as part of the applicant's application package, a
4 certification as to the following:

5 (1) The applicant's name, as confirmed by reviewing the
6 applicant's government-issued photo identification;

7 (2) The date and location of the firearm proficiency test;

8 (3) The firearm or firearms that the applicant used in the
9 firearm proficiency test;

10 (4) The applicant's score; provided that an indication
11 that the applicant passed or failed, without the score
12 itself, shall be insufficient information for the
13 purposes of the application; and

14 (5) The instructor's qualifications to administer the
15 firearm proficiency test.

16 The certification of the above information, signed by the
17 firearms instructor who conducted or taught the course,
18 providing the name, address, and phone number of the instructor,
19 shall constitute evidence of successful completion of the
20 course; provided that the instructor shall not submit a
21 certification signed by the instructor for the instructor's own



1 license application. The course of training for issuance of a
2 license under this section shall be undertaken at the licensee's
3 expense.

4 (g) An applicant for a license under this section shall:

5 (1) Sign a waiver at the time of application, allowing the
6 chief of police of the county issuing the license or a
7 designee of the chief of police access to any records
8 that have a bearing on the mental health of the
9 applicant; and

10 (2) Identify any health care providers who possess or may
11 possess the records described in paragraph (1).

12 (h) In determining whether a person lacks the essential
13 character or temperament necessary to be entrusted with a
14 firearm, the licensing authority shall consider whether the
15 person poses a danger of causing a self-inflicted bodily injury
16 or unlawful injury to another person, as evidenced by:

17 (1) Information from a health care provider indicating
18 that the person has had suicidal or homicidal thoughts
19 or tendencies within the preceding five years;

20 (2) Statements or actions by the person indicating any
21 dangerous propensity or violent animus toward one or



1 more individuals or groups, including groups based on
2 race, color, national origin, ancestry, sex, gender
3 identity, gender expression, sexual orientation, age,
4 disability, religion, or any other characteristic, and
5 the propensity or animus is of a nature or to an
6 extent that would objectively indicate to a reasonable
7 observer that it would not be in the interest of the
8 public health, safety, or welfare for the person to
9 own, possess, or control a firearm or ammunition; or
10 (3) Other information that would lead a reasonable,
11 objective observer to conclude that the person
12 presents or would present a danger to the community as
13 a result of carrying a firearm in public or intends or
14 is likely to use a firearm for an unlawful purpose or
15 in an unlawful manner.

16 (i) A nonrefundable fee of \$150 shall be charged for each
17 license application submitted under this section. The fee shall
18 be chargeable by and payable to the appropriate county and shall
19 be used for expenses related to police services. The issuing
20 authority shall waive the fee required by this subsection upon a
21 showing of financial hardship by the applicant.



1 (j) If the applicant satisfies each of the requirements
2 for a concealed carry license, an application for a concealed
3 carry license submitted to the chief of police of the
4 appropriate county under this section shall be approved within a
5 reasonable time after receipt of all required application
6 materials. If the applicant does not satisfy one or more of the
7 requirements for a concealed carry license, the license shall be
8 denied within a reasonable time after receipt of the application
9 materials. If an application is denied, the chief of police or
10 a designee of the chief of police shall notify the applicant of
11 the denial in writing, stating the ground or grounds for the
12 denial and informing the applicant of the right to seek review
13 of the denial through a hearing pursuant to subsection (k). If
14 the chief of police does not grant or deny a submitted
15 application for a concealed carry license within one hundred
16 twenty days following the date of the application, the
17 application shall be deemed denied as of that date for purposes
18 of subsection (k).

19 (k) If an application under this section is denied, a
20 person or entity aggrieved by the denial shall be entitled to a
21 hearing before the chief of police of the appropriate county or



1 a designee of the chief of police. A person or entity aggrieved
2 by the denial shall submit a request for a hearing in writing to
3 the chief of police of the appropriate county no later than
4 thirty days following the date of the decision or determination
5 notice. The hearing shall constitute a contested case hearing
6 for purposes of chapter 91. Following the hearing and final
7 decision, an aggrieved party shall be entitled to a judicial
8 review proceeding in state circuit court in accordance with
9 section 91-14.

10 (1) If an application pursuant to this section is
11 approved, the chief of police shall issue the applicant a
12 license that contains, at minimum:

- 13 (1) The licensee's name;
- 14 (2) The licensee's address;
- 15 (3) A photograph of the licensee taken within ninety days
16 before issuance of the license;
- 17 (4) The county of issuance;
- 18 (5) A notation as to whether the license permits concealed
19 or unconcealed carry;
- 20 (6) The serial number of each registered firearm that the
21 licensee may carry pursuant to the license; and



1 (7) The license expiration date.

2 (m) Unless renewed, a concealed or unconcealed license
3 shall expire four years from the date of issue.

4 (n) A license to carry issued under this section shall be
5 void if a licensee becomes disqualified from the ownership,
6 possession, or control of a firearm pursuant to section 134-
7 7(a), (b), (d), or (f). If a licensee for any other reason
8 becomes disqualified under section 134-7 from the ownership,
9 possession, or control of a firearm, the license shall be
10 subject to revocation under section 134-13. A license that is
11 void or revoked shall be returned to the chief of police of the
12 appropriate county within forty-eight hours after the license
13 becomes void or is revoked.

14 (o) The chief of police of each county shall adopt
15 procedures to implement this section.

16 (p) The chief of police of each county shall establish
17 procedures and criteria for the renewal of licenses issued under
18 this section. No license renewal shall be granted if an
19 applicant for a renewed license does not satisfy, or no longer
20 satisfies, the eligibility criteria for a new license set forth
21 in subsections (a) through (d). As a precondition for the



1 renewal of licenses issued under this section, the chief of
2 police of each county may establish reasonable continuing
3 education, training, and certification requirements, including
4 requirements pertaining to the safe handling of firearms and
5 shooting proficiency. A nonrefundable fee of \$50 shall be
6 charged for each license renewal application submitted under
7 this section. The fee shall be chargeable by and payable to the
8 appropriate county and shall be used for expenses related to
9 police services. The issuing authority shall waive the fee
10 required by this subsection upon a showing of financial hardship
11 by the applicant.

12 (q) No person carrying a firearm pursuant to a license
13 issued under this section shall intentionally, knowingly, or
14 recklessly carry more than one firearm on the licensee's person
15 at one time."

16 SECTION 8. Section 134-13, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§134-13 Revocation of permits~~[-]~~ and licenses.** (a) All
19 permits and licenses provided for under this part ~~[may]~~ shall be
20 revoked~~[, for good cause,]~~ by the issuing authority ~~[or]~~, and
21 may be revoked by ~~[the judge of]~~ any court~~[-]~~, if the issuing



1 authority or court determines that the permit or license is
2 subject to revocation because the permit or license holder does
3 not satisfy, or no longer satisfies, the applicable
4 qualifications or requirements associated with the permit or
5 license.

6 (b) If the issuing authority determines that a permit or
7 license is subject to revocation, the issuing authority shall
8 notify the permit or license holder of the determination in
9 writing, stating the grounds for the determination and informing
10 the permit or license holder of the right to seek a hearing
11 before the issuing authority regarding the determination before
12 revocation. Unless the permit or license holder submits a
13 request for a hearing in writing to the issuing authority no
14 later than thirty days following the date of the written notice
15 that the permit or license is subject to revocation, the permit
16 or license shall be immediately revoked by the issuing
17 authority. Any hearing regarding a determination on whether a
18 permit or license is subject to revocation shall constitute a
19 contested case hearing for purposes of chapter 91. A person or
20 entity aggrieved by a revocation under this section may apply



1 for judicial review in state circuit court in accordance with
2 section 91-14.

3 (c) If a permit or license is revoked pursuant to this
4 section, the former permit or license holder shall return the
5 permit or license to the issuing authority within forty-eight
6 hours following receipt of the notice of revocation."

7 SECTION 9. Section 134-17, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§134-17 Penalties.** (a) If any person [~~gives false~~
10 ~~information or offers false evidence of the person's identity in~~
11 ~~complying with any of the requirements of this part, that person~~
12 ~~shall be guilty of a misdemeanor, provided, however that if any~~
13 ~~person intentionally gives false information or offers false~~
14 ~~evidence concerning their] intentionally, knowingly, or~~
15 recklessly makes any materially false, fictitious, or fraudulent
16 statement or representation in connection with any of the
17 requirements of this part, that person shall be guilty of a
18 misdemeanor; provided that if any person intentionally,
19 knowingly, or recklessly makes any materially false, fictitious,
20 or fraudulent statement or representation regarding the person's
21 psychiatric or criminal history in [~~complying~~] connection with



1 any of the requirements of this part, that person shall be
2 guilty of a class C felony.

3 ~~[(b) Any person who violates section 134-3(a) shall be~~
4 ~~guilty of a petty misdemeanor.~~

5 ~~(e)]~~ (b) Any person who violates [section]:

6 (1) Section 134-2, 134-4, 134-10, [or] 134-13(c), or 134-
7 15 shall be guilty of a misdemeanor~~[- Any person who~~
8 ~~violates section];~~

9 (2) Section 134-3(a) or 134-9(q) shall be guilty of a
10 petty misdemeanor; or

11 (3) Section 134-3(b) shall be guilty of a petty
12 misdemeanor and the firearm shall be confiscated as
13 contraband and disposed of, if the firearm is not
14 registered within five days of the person receiving
15 notice of the violation."

16 SECTION 10. Section 134-18, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§134-18 **Qualified immunity for physicians, psychologists,**
19 **[or] psychiatrists, physician assistants, or advanced practice**
20 **registered nurses who provide information on permit or license**
21 **applicants.** There shall be no civil liability for any



1 physician, psychologist, [~~or~~] psychiatrist, physician assistant,
2 or advanced practice registered nurse who provides information
3 or renders an opinion in response to an inquiry made for
4 purposes of issuing a firearm permit under section 134-2,
5 issuing or renewing a license under section 134-9, or [~~for~~
6 ~~purposes of~~] investigating the continuing mental health of the
7 holder of a valid firearm permit or license; provided that the
8 physician, psychologist, [~~or~~] psychiatrist, physician assistant,
9 or advanced practice registered nurse acted without malice."

10 SECTION 11. Section 707-716, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Terroristic threatening in the first degree is a
13 class C felony[~~]~~; provided that terroristic threatening in the
14 first degree is a class B felony if committed with a firearm as
15 defined in section 134-1, whether the firearm was loaded or not,
16 and whether operable or not, or a simulated firearm, while in
17 one of the locations or premises listed in section 134-A(a)."

18 SECTION 12. Section 846-2.7, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) Criminal history record checks may be conducted by:



- 1 (1) The department of health or its designee on operators
2 of adult foster homes for individuals with
3 developmental disabilities or developmental
4 disabilities domiciliary homes and their employees, as
5 provided by section 321-15.2;
- 6 (2) The department of health or its designee on
7 prospective employees, persons seeking to serve as
8 providers, or subcontractors in positions that place
9 them in direct contact with clients when providing
10 non-witnessed direct mental health or health care
11 services as provided by section 321-171.5;
- 12 (3) The department of health or its designee on all
13 applicants for licensure or certification for,
14 operators for, prospective employees, adult
15 volunteers, and all adults, except adults in care, at
16 healthcare facilities as defined in section 321-15.2;
- 17 (4) The department of education on employees, prospective
18 employees, and teacher trainees in any public school
19 in positions that necessitate close proximity to
20 children as provided by section 302A-601.5;



- 1 (5) The counties on employees and prospective employees
2 who may be in positions that place them in close
3 proximity to children in recreation or child care
4 programs and services;
- 5 (6) The county liquor commissions on applicants for liquor
6 licenses as provided by section 281-53.5;
- 7 (7) The county liquor commissions on employees and
8 prospective employees involved in liquor
9 administration, law enforcement, and liquor control
10 investigations;
- 11 (8) The department of human services on operators and
12 employees of child caring institutions, child placing
13 organizations, and foster boarding homes as provided
14 by section 346-17;
- 15 (9) The department of human services on prospective
16 adoptive parents as established under section
17 346-19.7;
- 18 (10) The department of human services or its designee on
19 applicants to operate child care facilities, household
20 members of the applicant, prospective employees of the
21 applicant, and new employees and household members of



1 the provider after registration or licensure as
2 provided by section 346-154, and persons subject to
3 section 346-152.5;

4 (11) The department of human services on persons exempt
5 pursuant to section 346-152 to be eligible to provide
6 child care and receive child care subsidies as
7 provided by section 346-152.5;

8 (12) The department of health on operators and employees of
9 home and community-based case management agencies and
10 operators and other adults, except for adults in care,
11 residing in community care foster family homes as
12 provided by section 321-15.2;

13 (13) The department of human services on staff members of
14 the Hawaii youth correctional facility as provided by
15 section 352-5.5;

16 (14) The department of human services on employees,
17 prospective employees, and volunteers of contracted
18 providers and subcontractors in positions that place
19 them in close proximity to youth when providing
20 services on behalf of the office or the Hawaii youth
21 correctional facility as provided by section 352D-4.3;



- 1 (15) The judiciary on employees and applicants at detention
2 and shelter facilities as provided by section 571-34;
- 3 (16) The department of public safety on employees and
4 prospective employees who are directly involved with
5 the treatment and care of persons committed to a
6 correctional facility or who possess police powers
7 including the power of arrest as provided by section
8 353C-5;
- 9 (17) The board of private detectives and guards on
10 applicants for private detective or private guard
11 licensure as provided by section 463-9;
- 12 (18) Private schools and designated organizations on
13 employees and prospective employees who may be in
14 positions that necessitate close proximity to
15 children; provided that private schools and designated
16 organizations receive only indications of the states
17 from which the national criminal history record
18 information was provided pursuant to section 302C-1;
- 19 (19) The public library system on employees and prospective
20 employees whose positions place them in close



1 proximity to children as provided by section
2 302A-601.5;

3 (20) The State or any of its branches, political
4 subdivisions, or agencies on applicants and employees
5 holding a position that has the same type of contact
6 with children, vulnerable adults, or persons committed
7 to a correctional facility as other public employees
8 who hold positions that are authorized by law to
9 require criminal history record checks as a condition
10 of employment as provided by section 78-2.7;

11 (21) The department of health on licensed adult day care
12 center operators, employees, new employees,
13 subcontracted service providers and their employees,
14 and adult volunteers as provided by section 321-15.2;

15 (22) The department of human services on purchase of
16 service contracted and subcontracted service providers
17 and their employees serving clients of the adult
18 protective and community services branch, as provided
19 by section 346-97;

20 (23) The department of human services on foster grandparent
21 program, senior companion program, and respite



1 companion program participants as provided by section
2 346-97;

3 (24) The department of human services on contracted and
4 subcontracted service providers and their current and
5 prospective employees that provide home and community-
6 based services under section 1915(c) of the Social
7 Security Act, title 42 United States Code section
8 1396n(c), or under any other applicable section or
9 sections of the Social Security Act for the purposes
10 of providing home and community-based services, as
11 provided by section 346-97;

12 (25) The department of commerce and consumer affairs on
13 proposed directors and executive officers of a bank,
14 savings bank, savings and loan association, trust
15 company, and depository financial services loan
16 company as provided by section 412:3-201;

17 (26) The department of commerce and consumer affairs on
18 proposed directors and executive officers of a
19 nondepository financial services loan company as
20 provided by section 412:3-301;



1 (27) The department of commerce and consumer affairs on the
2 original chartering applicants and proposed executive
3 officers of a credit union as provided by section
4 412:10-103;

5 (28) The department of commerce and consumer affairs on:

6 (A) Each principal of every non-corporate applicant
7 for a money transmitter license;

8 (B) Each person who upon approval of an application
9 by a corporate applicant for a money transmitter
10 license will be a principal of the licensee; and

11 (C) Each person who upon approval of an application
12 requesting approval of a proposed change in
13 control of licensee will be a principal of the
14 licensee,

15 as provided by sections 489D-9 and 489D-15;

16 (29) The department of commerce and consumer affairs on
17 applicants for licensure and persons licensed under
18 title 24;

19 (30) The Hawaii health systems corporation on:

20 (A) Employees;

21 (B) Applicants seeking employment;



1 (C) Current or prospective members of the corporation
2 board or regional system board; or

3 (D) Current or prospective volunteers, providers, or
4 contractors,

5 in any of the corporation's health facilities as
6 provided by section 323F-5.5;

7 (31) The department of commerce and consumer affairs on:

8 (A) An applicant for a mortgage loan originator
9 license, or license renewal; and

10 (B) Each control person, executive officer, director,
11 general partner, and managing member of an
12 applicant for a mortgage loan originator company
13 license or license renewal,

14 as provided by chapter 454F;

15 (32) The state public charter school commission or public
16 charter schools on employees, teacher trainees,

17 prospective employees, and prospective teacher

18 trainees in any public charter school for any position

19 that places them in close proximity to children, as

20 provided in section 302D-33;



- 1 (33) The counties on prospective employees who work with
2 children, vulnerable adults, or senior citizens in
3 community-based programs;
- 4 (34) The counties on prospective employees for fire
5 department positions that involve contact with
6 children or vulnerable adults;
- 7 (35) The counties on prospective employees for emergency
8 medical services positions that involve contact with
9 children or vulnerable adults;
- 10 (36) The counties on prospective employees for emergency
11 management positions and community volunteers whose
12 responsibilities involve planning and executing
13 homeland security measures including viewing,
14 handling, and engaging in law enforcement or
15 classified meetings and assisting vulnerable citizens
16 during emergencies or crises;
- 17 (37) The State and counties on employees, prospective
18 employees, volunteers, and contractors whose position
19 responsibilities require unescorted access to secured
20 areas and equipment related to a traffic management
21 center;



- 1 (38) The State and counties on employees and prospective
2 employees whose positions involve the handling or use
3 of firearms for other than law enforcement purposes;
- 4 (39) The State and counties on current and prospective
5 systems analysts and others involved in an agency's
6 information technology operation whose position
7 responsibilities provide them with access to
8 proprietary, confidential, or sensitive information;
- 9 (40) The department of commerce and consumer affairs on:
- 10 (A) Applicants for real estate appraiser licensure or
11 certification as provided by chapter 466K;
- 12 (B) Each person who owns more than ten per cent of an
13 appraisal management company who is applying for
14 registration as an appraisal management company,
15 as provided by section 466L-7; and
- 16 (C) Each of the controlling persons of an applicant
17 for registration as an appraisal management
18 company, as provided by section 466L-7;
- 19 (41) The department of health or its designee on all
20 license applicants, licensees, employees, contractors,
21 and prospective employees of medical cannabis



1 dispensaries, and individuals permitted to enter and
2 remain in medical cannabis dispensary facilities as
3 provided under sections 329D-15(a)(4) and
4 329D-16(a)(3);

5 (42) The department of commerce and consumer affairs on
6 applicants for nurse licensure or license renewal,
7 reactivation, or restoration as provided by sections
8 457-7, 457-8, 457-8.5, and 457-9;

9 (43) The county police departments on applicants for
10 permits to acquire firearms pursuant to section 134-2
11 ~~[and]~~, on individuals registering their firearms
12 pursuant to section 134-3~~[+]~~, and on applicants for
13 new or renewed licenses to carry a pistol or revolver
14 and ammunition pursuant to section 134-9;

15 (44) The department of commerce and consumer affairs on:
16 (A) Each of the controlling persons of the applicant
17 for licensure as an escrow depository, and each
18 of the officers, directors, and principals who
19 will be in charge of the escrow depository's
20 activities upon licensure; and

1 (B) Each of the controlling persons of an applicant
2 for proposed change in control of an escrow
3 depository licensee, and each of the officers,
4 directors, and principals who will be in charge
5 of the licensee's activities upon approval of the
6 application,

7 as provided by chapter 449;

8 (45) The department of taxation on current or prospective
9 employees or contractors who have access to federal
10 tax information in order to comply with requirements
11 of federal law, regulation, or procedure, as provided
12 by section 231-1.6;

13 (46) The department of labor and industrial relations on
14 current or prospective employees or contractors who
15 have access to federal tax information in order to
16 comply with requirements of federal law, regulation,
17 or procedure, as provided by section 383-110;

18 (47) The department of human services on current or
19 prospective employees or contractors who have access
20 to federal tax information in order to comply with



1 requirements of federal law, regulation, or procedure,
2 as provided by section 346-2.5;

3 (48) The child support enforcement agency on current or
4 prospective employees, or contractors who have access
5 to federal tax information in order to comply with
6 federal law, regulation, or procedure, as provided by
7 section 576D-11.5;

8 (49) The department of the attorney general on current or
9 prospective employees or employees or agents of
10 contractors who have access to federal tax information
11 to comply with requirements of federal law,
12 regulation, or procedure, as provided by section 28-
13 17;

14 [+] (50) [+] The department of commerce and consumer affairs on
15 each control person, executive officer, director,
16 general partner, and managing member of an installment
17 loan licensee, or an applicant for an installment loan
18 license, as provided in chapter 480J;

19 [+] (51) [+] The University of Hawaii on current and prospective
20 employees and contractors whose duties include



1 ensuring the security of campus facilities and
 2 persons; and
 3 [+] (52) [+] Any other organization, entity, or the State, its
 4 branches, political subdivisions, or agencies as may
 5 be authorized by state law."

6 SECTION 13. Act 30, Session Laws of Hawaii 2022, is
 7 amended by amending section 5 to read as follows:

8 "SECTION 5. This Act shall take effect upon its approval[+
 9 ~~provided that on June 30, 2025, section 2 of this Act shall be~~
 10 ~~repealed and section 134-3, Hawaii Revised Statutes, shall be~~
 11 ~~reenacted in the form in which it read on the day before the~~
 12 ~~effective date of this Act]."~~

13 SECTION 14. Every provision in this Act and every
 14 application of each provision in this Act is severable from each
 15 other. If any application of any provision in this Act to any
 16 person or group of persons or circumstances is determined by any
 17 court to be invalid, the remainder of this Act and the
 18 application of the Act's provisions to all other persons and
 19 circumstances shall not be affected. All constitutionally valid
 20 applications of this Act shall be severed from any applications
 21 that a court determines to be invalid or unenforceable, leaving



1 the valid applications in force, because it is the legislature's
2 intent that all valid applications shall remain in force.

3 SECTION 15. This Act shall be construed to be enforceable
4 up to but no further than the maximum possible extent consistent
5 with federal law and constitutional requirements.

6 SECTION 16. In codifying the new sections added by section
7 2 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 17. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 18. This Act shall take effect on July 1, 2023;
13 provided that the amendments made to section 846-2.7(b), Hawaii
14 Revised Statutes, by section 12 of this Act shall not be
15 repealed when section 28 of Act 278, Session Laws of Hawaii
16 2022, takes effect on January 1, 2024.

17



Report Title:

Firearms; Permits; Licenses; Enforcement

Description:

Prohibits firearms in certain locations and premises. Requires possession and disclosure of a license to carry. Prohibits leaving an unsecured firearm in a vehicle unattended. Prohibits consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm. Prohibits carrying or possessing firearms on certain private property open to the public without express authorization. Requires annual reports from the department of the attorney general on carry licenses. Amends the requirements for, and revocation of, firearms permits and licenses. Amends the disqualification of persons from owning, possessing, or controlling a firearm. Expands the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses. (HD1)

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

