
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, pursuant to article
2 IX, sections 1 and 10, of the Constitution of the State of
3 Hawai'i, the State is obligated to protect the health and safety
4 of the public. There are compelling interests in protecting
5 public health, safety, and welfare from the serious hazards
6 associated with firearms and gun violence. Although the United
7 States Supreme Court has held that the Second Amendment provides
8 for an individual right to keep and bear arms for lawful
9 purposes, the Second Amendment is not a regulatory
10 straightjacket. States retain authority to enact a variety of
11 gun regulations, such as prohibiting the carrying of firearms in
12 sensitive locations and adopting laws and regulations designed
13 to ensure that those who carry firearms are law-abiding,
14 responsible citizens.

15 The legislature further finds that Hawai'i's firearms laws
16 are an important reason that Hawai'i leads the nation in
17 preventing incidents of gun violence. Nationwide, more than



1 thirty thousand gun violence-related deaths occur per year. In
 2 Hawai'i, there are fewer than fifty gun violence-related deaths
 3 per year, and these deaths occur at a rate of fewer than five
 4 gun deaths for every one hundred thousand people. Hawai'i has
 5 cumulatively ranked number one as the state with the lowest
 6 number of deaths, and lowest rate of deaths, from gun violence.
 7 According to annual statistics from the Centers for Disease
 8 Control and Prevention, Hawai'i had the lowest number of deaths
 9 and lowest death rate attributed to gun violence in 2020. In
 10 2019, Hawai'i had the second lowest number of deaths and the
 11 fourth lowest death rate. In 2018, Hawai'i had the second fewest
 12 deaths and third lowest death rate; in 2017, the fewest deaths
 13 and lowest death rate; in 2016, the second fewest deaths and
 14 fourth lowest death rate; in 2015, the second fewest deaths and
 15 second lowest death rate; and in 2014, the second fewest deaths
 16 and lowest death rate.

17 The legislature recognizes that, in *New York State Rifle &*
 18 *Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), the
 19 United States Supreme Court held that the public carrying of
 20 firearms "could be prohibited consistent with the Second
 21 Amendment" in "sensitive places". Many states and federal



1 agencies have historically enacted location-based restrictions
2 on the carrying of firearms in or on such places as school
3 grounds, legislative buildings, polling places, courthouses,
4 places of worship, college and university campuses, bars and
5 restaurants that serve alcohol, and other spaces for public or
6 social gathering. The legislature observes that restrictions on
7 public carrying of firearms in Hawai'i have existed for many
8 years. For example, a law enacted on May 25, 1852, "An Act to
9 Prevent the Carrying of Deadly Weapons" (1852 Haw. Sess. Laws
10 19), declared that "the habit of carrying deadly weapons is
11 dangerous to life and the public peace".

12 Accordingly, this Act, grounded in the State's historical
13 restrictions and principles, restricts firearms from areas in
14 which public health and safety demand protection. These areas
15 include any private property or business in which firearms are
16 not usually allowed (and usually not expected), unless the
17 property owner has the authority and expressly consents to an
18 individual's carry of a firearm.

19 The legislature notes that this Act's location-based
20 restrictions do not negate or diminish other laws regulating
21 firearms, including laws that prohibit the possession of a



1 firearm without a permit to acquire a firearm, laws that
2 prohibit carrying a firearm without a license to carry, and laws
3 that require firearm registration.

4 The legislature further finds that data support
5 location-based restrictions on the carrying of firearms. When
6 other cities and states changed their laws to allow the
7 concealed carrying of firearms, or loosened restrictions on the
8 carrying of firearms, there was a corresponding increase in
9 crimes involving firearms. Michael Siegel and other researchers
10 from the Boston University School of Public Health compared
11 homicide rates over a twenty-five-year period, from 1991 to
12 2015. Their findings, published in 2017 in the American Journal
13 of Public Health as *Easiness of Legal access to Concealed*
14 *Firearm Permits and Homicide Rates in the United States* (107:12,
15 1923-29, DOI: <https://doi.org/10.2105/AJPH.2017.304057>), concluded
16 that "shall-issue" laws, which require concealed carry permits
17 to be issued if the permit criteria are met, are associated with
18 significantly higher rates of total, firearm-related, and
19 handgun-related homicide: 6.5 per cent higher total homicide
20 rates, 8.6 per cent higher firearm-related homicide rates, and
21 10.6 per cent higher handgun-specific homicide rates, when



1 compared with states having "may-issue" laws, which grant
2 authorities discretion on whether to issue carrying permits.
3 Similarly, Emma Fridel, a Florida State University College of
4 Criminology and Criminal Justice professor, examined the impact
5 of household gun ownership and concealed carry legislation on
6 firearm-related homicides and mass shootings in the United
7 States from 1991 to 2016. The professor, whose findings were
8 published in 2021 in *Justice Quarterly* as *Comparing the Impact*
9 *of Household Gun Ownership and Concealed Carry Legislation on*
10 *the Frequency of Mass Shootings and Firearms Homicide* (38:5,
11 892-915, DOI: [httdoi.org/10.1080/07418825.2020.1789693](https://doi.org/10.1080/07418825.2020.1789693)), found
12 that states with "shall-issue" laws and states that do not
13 require a permit to carry a firearm have overall firearm
14 homicide rates that are 10.8 per cent higher than states with
15 "may-issue" laws. A team of researchers lead by John Donohue
16 found that "shall-issue" laws were associated with increased
17 rates of violence in forty-seven major United States cities,
18 including a twenty-nine per cent overall increase in firearm
19 violent crimes, a thirty-two per cent increase in firearm-related
20 robberies, and a thirty-five per cent increase in gun thefts.
21 The team, in *More Guns, More Unintended Consequences: The*



1 *Effects of Right-to-Carry on Criminal Behavior and Policing in US*
2 *Cities*, a June 2022 working paper published by the National
3 Bureau of Economic Research (available at:
4 <https://www.nber.org/papers/w30190>), concluded: "Any
5 crime-inhibiting benefits from increased gun carrying are swamped
6 by the crime-stimulating impacts". Still other researchers, led
7 by Mitchell L. Doucette, also found an association of "shall-
8 issue" laws with increased violence. Their manuscript, entitled
9 *Impact of Changes to Concealed Carry Weapons Laws on Fatal and*
10 *Nonfatal Violent Crime, 1980-2019* (kwac160,DOI:
11 <https://doi.org/10.1093/aje/kwac160>), and published in 2022 by the
12 American Journal of Epidemiology, concluded that those laws led
13 to a 9.5 per cent increase in the rate of firearm assaults.

14 Accordingly, the purpose of this Act is to clarify, revise,
15 and reframe Hawai'i's firearms laws to mitigate the serious
16 hazards to public health, safety, and welfare associated with
17 firearms and gun violence, while respecting and protecting the
18 lawful exercise of individual rights.

19 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
20 amended by adding five new sections to be appropriately
21 designated and to read as follows:



1 "§134-A Prohibition against carrying a firearm in a
 2 sensitive location; prohibition against carrying a firearm on
 3 the private property of another person without authorization;
 4 penalty. (a) Subject to the exceptions stated in subsections
 5 (b) through (e), a person granted a license to carry a concealed
 6 firearm under section 134-9, or in accordance with title 18
 7 United States Code section 926B or 926C, shall not
 8 intentionally, knowingly, or recklessly carry a firearm:

- 9 (1) In a sensitive location; or
- 10 (2) On the private property of another person without
 11 authorization.

12 (b) Subsection (a) shall not apply to the following
 13 individuals:

- 14 (1) Persons exempted from section 134-9 under section
 15 134-11; and
- 16 (2) Detectives, private detectives, investigators, or
 17 guards as defined in section 463-1; provided that the
 18 detective, private detective, investigator, or guard
 19 is expressly authorized by the county chief of police
 20 to carry a firearm in a particular sensitive location
 21 while on duty in that sensitive location or is



1 expressly authorized to carry or possess a weapon in a
2 location defined in subsection (i) by the owner,
3 lessee, operator, or manager of that location or
4 premise and is acting within that person's scope of
5 employment.

6 (c) Notwithstanding subsection (a), a person carrying a
7 firearm pursuant to a license issued under section 134-9, or in
8 accordance with title 18 United States Code section 926B or
9 926C, may:

10 (1) Transport a concealed firearm within the person's
11 vehicle or in a location specified in paragraphs (14)
12 or (15) of the definition of "sensitive location" in
13 subsection (i); provided that the firearm is unloaded
14 and in a locked container;

15 (2) Transport a concealed firearm within a vehicle into or
16 out of a parking area in a location covered under
17 subsection (a); provided that the firearm is secured
18 in a locked container; and

19 (3) Transport a concealed firearm in the immediate area
20 surrounding their vehicle within a prohibited parking
21 lot area only for the purpose of storing or retrieving



1 a firearm within a locked container in the vehicle's
2 trunk or other place inside the vehicle that is out of
3 plain view.

4 (d) Except in the locations specified in paragraphs (1)
5 and (2) of the definition of "sensitive location" in subsection
6 (i), a person shall not be in violation of this section while
7 traveling along a public right-of-way that touches or crosses
8 any of the locations identified in subsection (i) if the
9 concealed firearm is carried on their person or is being
10 transported in a vehicle by the licensee in accordance with all
11 other applicable laws; provided that nothing in this exception
12 shall allow a licensee to loiter or remain in such sensitive
13 location longer than necessary to complete their travel.

14 (e) This section shall not apply to a licensee who must
15 walk through a public gathering or special event in order to
16 access their residence, place of business, or vehicle while the
17 licensee is in the act of walking through the gathering or event
18 to access their residence, place of business, or vehicle;
19 provided that nothing in this exception shall allow a licensee
20 to loiter or remain in a place identified in this subsection
21 longer than necessary to complete their travel.



1 (f) The applicability of the exceptions stated in
2 subsections (b) through (e) shall constitute defenses on which a
3 defendant bears an initial burden of production.

4 (g) Nothing in this section shall prohibit the carrying of
5 a firearm where it is otherwise expressly authorized by state
6 law.

7 (h) Any person violating subsection (a) shall be guilty of
8 a misdemeanor, and shall also be subject to revocation of their
9 license to carry a firearm under section 134-13, and
10 disqualified from renewing their license to carry a firearm
11 under section 134-9.

12 (i) For the purposes of this section:

13 "Private property of another person without authorization"
14 means residential, commercial, industrial, agricultural,
15 institutional, or undeveloped property that is privately leased,
16 unless:

17 (1) The owner, lessee, operator, or manager of the
18 property has provided express authorization to carry a
19 firearm on the property or premises to the person
20 carrying a concealed firearm pursuant to a license



1 issued under section 134-9 or in accordance with title
2 18, United State Code section 926B or 926C;

3 (2) The owner, lessee, operator, or manager of the
4 property clearly and conspicuously posts a sign at the
5 entrance of the building or on the premises indicating
6 that carrying firearms is authorized on that property
7 or premises; or

8 (3) The person carrying a concealed firearm pursuant to a
9 license issued under section 134-9 or in accordance
10 with title 18, United States Code section 926B or 926C
11 is an owner, lessee, operator, or manager of the
12 property, including but not limited to an ownership
13 interest in a common element or limited common element
14 of the property.

15 "Sensitive location" means the following, including
16 adjacent areas and parking areas:

17 (1) A school as defined in section 302A-901 and any school
18 bus;

19 (2) A public or private college or university, including
20 but not limited to buildings, classrooms,



- 1 laboratories, artistic venues, research facilities,
- 2 athletic fields or venues;
- 3 (3) A child care facility as defined in section 346-151;
- 4 (4) A nursery school, preschool, day care center, or
- 5 summer camp;
- 6 (5) A public park or recreational ground as defined in
- 7 section 708-814.5, but not including an authorized
- 8 target range or shooting complex;
- 9 (6) A playground, library, museum, carnival, aquarium,
- 10 zoo, or recreation center;
- 11 (7) A shelter or residential facility operated by a
- 12 government entity or a charitable organization serving
- 13 children or adults, including but not limited to
- 14 unhoused children or adults and children involved in
- 15 the juvenile justice system;
- 16 (8) A bar, restaurant, or establishment issued a license
- 17 for on-premise consumption of liquor pursuant to
- 18 sections 281-31 and 281-32.5;
- 19 (9) A building or office owned, leased, or used by the
- 20 State or a county, including but not limited to any
- 21 portion of a building or office used for legislative



1 business, contested case hearings, agency rulemaking,
2 or other activities of state or county government;

3 (10) A courthouse, courtroom, or any other premises used to
4 conduct judicial or court administrative proceedings
5 or functions;

6 (11) A voter service center, place of deposit, or
7 appurtenance to a voter service center or place of
8 deposit, including any area designated for voters
9 waiting to vote, routes of access, and any other areas
10 specified in section 11-132 and any area within a two
11 hundred foot radius from the perimeter of those
12 locations as follows:

13 (A) As applied to voter service centers and their
14 appurtenances, all operating hours, as set forth
15 in section 11-109; and

16 (B) As applied to places of deposit and their
17 appurtenances, all times at which the place of
18 deposit is accessible to the public;

19 (12) A vote counting center or a place where ballots are
20 stored;



1 (13) A public gathering, public assembly, or special event
2 conducted on property open to the public, including
3 but not limited to a demonstration, march, rally,
4 vigil, protest, or picketing event, that requires the
5 issuance of a permit from a federal, state, or local
6 government and the sidewalk or street immediately
7 adjacent to the public gathering or special event and
8 within one thousand feet from the event or gathering;
9 provided that there are signs clearly and
10 conspicuously posted at visible places along the
11 perimeter of the event;

12 (14) A place, conveyance, or vehicle used for public
13 transportation or public transit, including but not
14 limited to:

- 15 (A) Buses and paratransit vans;
- 16 (B) Train cars;
- 17 (C) Ferries;
- 18 (D) Railroad; and
- 19 (E) Marine or aviation transportation;



1 (15) A facility used for or in connection with service in
2 the transportation of passengers, including but not
3 limited to:

4 (A) Airports;

5 (B) Bus shelters and terminals;

6 (C) Train stations;

7 (D) Rail stations; and

8 (E) Harbors;

9 (16) A stadium, arena, theater, performance venue, or
10 amusement park, or any place at which a professional,
11 collegiate, high school, amateur, or student sporting
12 event is being held;

13 (17) A public or private hospital or hospital affiliate,
14 mental health facility, nursing home, clinic, medical
15 office, urgent care facility, or other place at which
16 medical services are customarily provided; and

17 (18) A financial institution as defined in section 211D-1.

18 §134-B Annual report on licenses to carry. (a) By
19 April 1, 2024, and each year thereafter, the attorney general
20 shall publish a report on its publicly available website
21 detailing:



- 1 (1) The number of licenses to carry applied for, issued,
- 2 revoked, and denied, and further categorized by the
- 3 age, sex, race, and county of residence of the
- 4 applicant or license holder;
- 5 (2) The specific reasons for each revocation and denial;
- 6 (3) Analysis of denials under section 134-9(b)(2) and
- 7 recommendations to remedy any disparities in denial
- 8 rates by age, sex, or race;
- 9 (4) The number of appeals and appeals granted; and
- 10 (5) The number of violations of sensitive location
- 11 restrictions.

12 (b) The chief of police of each county shall supply the
 13 attorney general with the data the attorney general requires to
 14 complete the report under subsection (a) for the prior year by
 15 February 1 of each year.

16 **§134-C Mandatory insurance coverage.** (a) Effective one
 17 year after the insurance commissioner makes a formal
 18 determination that suitable policies are commercially available,
 19 all persons applying for a new or renewed license to carry a
 20 firearm under section 134-9 shall maintain insurance coverage
 21 insuring against loss resulting from liability imposed by law



1 for bodily injury, death, or property damage sustained by any
2 person arising out of the ownership, maintenance, operation,
3 storage, or use of a firearm carried in public. Liability
4 coverage shall be not less than \$100,000 per person, with an
5 aggregate limit of not less than \$300,000 per occurrence.

6 (b) Proof of insurance as required pursuant to subsection
7 (a) shall, upon request, be produced by the person carrying a
8 firearm in public within a reasonable amount of time following
9 any injury, death, or property damage alleged to have been
10 caused by the person carrying the firearm in public. This
11 requirement shall be satisfied by delivering a full and complete
12 copy of the applicable policy or policies of insurance that meet
13 the standards established by subsection (a) and that were in
14 force at the time of the injury, death, or property damage.
15 Disclosure of policy information under this subsection shall not
16 constitute an admission that the alleged injury, death, or
17 property damage is subject to the policy.

18 §134-D Duty to maintain possession of license while
19 carrying a firearm; duty to disclose; penalty. (a) A person
20 carrying a firearm pursuant to a license issued under section



1 134-9, or in accordance with title 18 United States Code section
2 926B or 926C, shall have in the person's immediate possession:

3 (1) The license issued under section 134-9 or credentials
4 as required under title 18 United States Code section
5 926B or 926C; and

6 (2) Documentary evidence that the firearm being carried is
7 registered under this chapter,
8 and shall, upon request from a law enforcement officer, present
9 the license or credentials and evidence of registration.

10 (b) When a person carrying a firearm, including but not
11 limited to a person carrying a firearm pursuant to a license
12 issued under section 134-9 or in accordance with title 18 United
13 States Code section 926B or 926C, is stopped by a law
14 enforcement officer or is a driver or passenger in a vehicle
15 stopped by a law enforcement officer, the person carrying a
16 firearm shall immediately disclose to the law enforcement
17 officer that the person is carrying a firearm, and shall, upon
18 request:

19 (1) Identify the specific location of the firearm; and

20 (2) Present to the law enforcement officer a license to
21 carry a firearm issued under section 134-9 or



1 credentials as required under title 18 United States
2 Code section 926B or 926C.

3 (c) Any person who intentionally, knowingly, or recklessly
4 violates this section shall be guilty of a petty misdemeanor.

5 §134-E Authority of counties. Nothing in this chapter
6 shall be construed to affect the authority of any county to
7 impose requirements relating to firearms that exceed the
8 statewide provisions established in this chapter, including but
9 not limited to prohibitions against carrying or possessing a
10 firearm in additional locations or premises within that county."

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

13 1. By adding three new definitions to be appropriately
14 inserted and to read:

15 "Concealed" means, in relation to a firearm, that the
16 firearm is entirely hidden from view of the public and not
17 discernible by ordinary observation, such that a reasonable
18 person without law enforcement training would be unable to
19 detect the presence of a firearm.

20 "Locked container" means a secure container that is fully
21 enclosed, capable of preventing an unauthorized person from



1 obtaining access to or possession of the firearm contained
2 therein, and locked by a padlock, keylock, keypad, combination
3 lock, or similar locking device. The term "locked container"
4 does not include the trunk or the utility or glove compartment
5 of a motor vehicle.

6 "Unconcealed" means not concealed."

7 2. By amending the definition of "crime of violence" to
8 read:

9 "Crime of violence" means any offense [~~, as defined in~~
10 ~~title 37,~~ under state or federal law, or the law of another
11 state, a United States territory, or the District of Columbia
12 that [~~involves~~] has as an element of injury or threat of injury
13 to the person of another [~~, including~~] or that has as an element
14 of use, attempted use, or threatened use of physical force
15 against the person or property of another or the creation of a
16 substantial risk of causing bodily injury, and also includes the
17 following offenses: sexual assault in the fourth degree under
18 section 707-733 [~~and~~], harassment under section 711-1106,
19 harassment by stalking under section 711-1106.5 [~~-~~], endangering
20 the welfare of a minor in the second degree under section
21 709-904, terroristic threatening in the second degree under



1 section 707-717, reckless endangering in the second degree under
2 section 707-714, criminal solicitation of a crime of violence
3 under section 705-510, and conspiracy to commit a crime of
4 violence under section 705-520, and offenses under federal law,
5 or the law of another state, a United States territory, or the
6 District of Columbia, that are comparable to the offense defined
7 or listed above."

8 SECTION 4. Section 134-2, Hawaii Revised Statutes, is
9 amended by amending subsections (d) and (e) to read as follows:

10 "(d) The chief of police of the respective counties [~~may~~]
11 shall issue permits to acquire firearms to citizens, nationals,
12 or lawful permanent residents of the United States of the age of
13 twenty-one years or more, or duly accredited official
14 representatives of foreign nations, or duly commissioned law
15 enforcement officers of the State who are aliens; provided that
16 any law enforcement officer who is the owner of a firearm and
17 who is an alien shall transfer ownership of the firearm within
18 forty-eight hours after termination of employment from a law
19 enforcement agency. The chief of police of each county [~~may~~]
20 shall issue permits to aliens of the age of eighteen years or
21 more for use of rifles and shotguns for a period not exceeding



1 sixty days, upon a showing that the alien has first procured a
2 hunting license under chapter 183D, part II. The chief of
3 police of each county [~~may~~] shall issue permits to aliens of the
4 age of twenty-one years or more for use of firearms for a period
5 not exceeding six months, upon a showing that the alien is in
6 training for a specific organized sport-shooting contest to be
7 held within the permit period. The attorney general shall adopt
8 rules, pursuant to chapter 91, as to what constitutes sufficient
9 evidence that an alien is in training for a sport-shooting
10 contest. Notwithstanding any law to the contrary and upon joint
11 application, the chief of police [~~may~~] shall issue permits to
12 acquire firearms jointly to spouses who otherwise qualify to
13 obtain permits under this section.

14 (e) The permit application form shall be signed by the
15 applicant and by the issuing authority. One copy of the permit
16 shall be retained by the issuing authority as a permanent
17 official record. Except for sales to dealers licensed under
18 section 134-31, or dealers licensed by the United States
19 Department of Justice, or law enforcement officers, [~~or where a~~
20 ~~license is granted under section 134-9,~~] or where any firearm is
21 registered pursuant to section 134-3(a), no permit shall be



1 issued to an applicant earlier than fourteen calendar days after
2 the date of the application; provided that a permit shall be
3 issued or the application denied before the twentieth day from
4 the date of application. Permits issued to acquire any pistol
5 or revolver shall be void unless used within ten days after the
6 date of issue. Permits to acquire a pistol or revolver shall
7 require a separate application and permit for each transaction.
8 Permits issued to acquire any rifle or shotgun shall entitle the
9 permittee to make subsequent purchases of rifles or shotguns for
10 a period of one year from the date of issue without a separate
11 application and permit for each acquisition, subject to the
12 disqualifications under section 134-7 and subject to revocation
13 under section 134-13; provided that if a permittee is arrested
14 for committing a felony or any crime of violence or for the
15 illegal sale or distribution of any drug, the permit shall be
16 impounded and shall be surrendered to the issuing authority.
17 The issuing authority shall perform an inquiry on an applicant
18 by using the International Justice and Public Safety Network,
19 including the United States Immigration and Customs Enforcement
20 query, the National Crime Information Center, and the National
21 Instant Criminal Background Check System, pursuant to section



1 846-2.7 before any determination to issue a permit or to deny an
2 application is made. The issuing authority shall not issue a
3 permit to acquire the ownership of a firearm to any person where
4 the issuance would not be in the interest of public health,
5 safety, or welfare because the person is found to be lacking the
6 essential character or temperament necessary to be entrusted
7 with a firearm. In determining whether the person lacks the
8 essential character or temperament necessary to be entrusted
9 with a firearm, the issuing authority shall consider whether the
10 person is likely to engage in conduct, other than lawful self-
11 defense, that would pose a danger to self or others, as
12 evidenced by whether the applicant has any history of threats or
13 acts of violence by the applicant directed toward their self or
14 others or any history of use, attempted use, or threatened use
15 of physical force by the applicant against another person, or
16 other incidents implicating the disqualifying criteria set forth
17 in this subsection, including but not limited to determining
18 whether the applicant has been subject to any recent arrests or
19 criminal charges or has been experiencing any mental health
20 issues such as suicidal ideation or violent impulses, the
21 applicant's use of drugs or alcohol, and any other relevant



1 evidence. The issuing authority shall consider the risks
2 associated with firearms in the home, such as failure to
3 consistently secure a firearm when not in the applicant's
4 immediate control, the initiating or escalating of conflicts
5 with intimate partners, family members, cohabitants, and invited
6 guests such that a firearm is likely to be displayed or
7 discharged other than in lawful self-defense; and shall consider
8 the likelihood an applicant would bring the firearm outside of
9 the home to engage in violence or to carry unlawfully in public.
10 If an application under this section is denied, a person
11 aggrieved by the denial shall be entitled to a hearing before
12 the chief of police of the appropriate county or a designee of
13 the chief of police. A person aggrieved by the denial shall
14 submit a request for a hearing in writing to the chief of police
15 of the appropriate county no later than thirty days following
16 the date of the decision or determination notice. The hearing
17 shall constitute a contested case hearing for purposes of
18 chapter 91. Following the hearing, an aggrieved party shall be
19 entitled to an appeal before the chief of police of the
20 appropriate county or a designee of the chief of police."



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

3 **"§134-5 Possession by licensed hunters and minors; target**
4 **shooting; game hunting.** (a) Any person of the age of sixteen
5 years, or over or any person under the age of sixteen years
6 while accompanied by an adult, may carry and use any lawfully
7 acquired rifle or shotgun and suitable ammunition while actually
8 engaged in hunting or target shooting or while going to and from
9 the place of hunting or target shooting; provided that the
10 person has procured a hunting license under chapter 183D, part
11 II. A hunting license shall not be required for persons engaged
12 in target shooting.

13 (b) A permit shall not be required when any lawfully
14 acquired firearm is lent to a person, including a minor, upon a
15 target range or similar facility for purposes of target
16 shooting; provided that the period of the loan does not exceed
17 the time in which the person actually engages in target shooting
18 upon the premises.

19 (c) A person may carry unconcealed and use a lawfully
20 acquired pistol or revolver while actually engaged in hunting
21 game mammals, if that pistol or revolver and its suitable



1 ammunition are acceptable for hunting by rules adopted pursuant
2 to section 183D-3 and if that person is licensed pursuant to
3 part II of chapter 183D. The pistol or revolver may be
4 transported in an enclosed container[, ~~as defined in section~~
5 ~~134-25~~] in the course of going to and from the place of the
6 hunt, notwithstanding section 134-26.

7 (d) For purposes of this section, "enclosed container"
8 means a rigidly constructed receptacle, or a commercially
9 manufactured gun case, or the equivalent thereof that completely
10 encloses the firearm."

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

13 "§134-7 Ownership [~~ex~~], possession, or control prohibited,
14 when; penalty. (a) No person who is a fugitive from justice or
15 is a person prohibited from possessing [~~firearms~~] a firearm or
16 ammunition under title 18 United States Code section 922 or any
17 other provision of federal law shall own, possess, or control
18 any firearm or ammunition therefor.

19 (b) No person who [~~is under indictment for, or has waived~~
20 ~~indictment for, or has been bound over to the circuit court~~
21 ~~for,~~] has one or more pending charges for a felony, a crime of



1 violence, or an illegal sale or distribution of any drug in a
2 court in this State or elsewhere, or who has been convicted in
3 this State or elsewhere of having committed a felony, [~~or any~~] a
4 crime of violence, or an illegal sale or distribution of any
5 drug shall own, possess, or control any firearm or ammunition
6 therefor.

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

9 (1) [~~Is~~] The person is or has been under treatment or
10 counseling for addiction to, abuse of, or dependence
11 upon any dangerous, harmful, or detrimental drug,
12 intoxicating compound as defined in section 712-1240,
13 or intoxicating liquor;

14 (2) [~~Has~~] The person has been acquitted of a crime on the
15 grounds of mental disease, disorder, or defect
16 pursuant to section 704-411[+] or any similar
17 provision under federal law, or the law of another
18 state, a United States territory, or the District of
19 Columbia;

20 (3) [~~Is~~] The person is or has been diagnosed [~~as having a~~]
21 ~~significant behavioral, emotional, or mental disorders~~



1 ~~as defined by the most current diagnostic manual of~~
 2 ~~the American Psychiatric Association or for treatment~~
 3 ~~for organic brain syndromes,]~~ with or treated for a
 4 medical, behavioral, psychological, emotional, or
 5 mental condition or disorder that causes or is likely
 6 to cause impairment in judgment, perception, or
 7 impulse control to an extent that presents an
 8 unreasonable risk to public health, safety, or welfare
 9 if the person were in possession or control of a
 10 firearm or ammunition; or

11 (4) The person has been adjudged to be an "incapacitated
 12 person" within the meaning of section 560:5-102 or has
 13 been adjudged to meet the criteria for involuntary
 14 hospitalization under section 334-60.2,

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



1 (d) No person who is less than twenty-five years old and
2 has been adjudicated by the family court to have committed a
3 felony, [~~two or more crimes~~] a crime of violence, or an illegal
4 sale or distribution of any drug shall own, possess or control
5 any firearm or ammunition therefor.

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

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

12 (2) Is a fugitive from justice; or

13 (3) Has been determined not to have been responsible for a
14 criminal act or has been committed to any institution
15 on account of a mental disease, disorder, or defect;

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



1 For the purposes of enforcing this section, and
2 notwithstanding section 571-84 or any other law to the contrary,
3 any agency within the State shall make its records relating to
4 family court adjudications available to law enforcement
5 officials.

6 (f) No person who has been restrained pursuant to an order
7 of any court, including a gun violence protective order issued
8 pursuant to part IV, from contacting, threatening, or physically
9 abusing any person, shall possess, control, or transfer
10 ownership of any firearm or ammunition therefor, so long as the
11 protective order, restraining order, or any extension is in
12 effect, unless the order, for good cause shown, specifically
13 permits the possession of a firearm and ammunition. The
14 protective order or restraining order shall specifically include
15 a statement that possession, control, or transfer of ownership
16 of a firearm or ammunition by the person named in the order is
17 prohibited. The person shall relinquish possession and control
18 of any firearm and ammunition owned by that person to the police
19 department of the appropriate county for safekeeping for the
20 duration of the order or extension thereof. At the time of
21 service of a protective order or restraining order involving



1 firearms and ammunition issued by any court, a police officer
2 may take custody of any and all firearms and ammunition in plain
3 sight, those discovered pursuant to a consensual search, and
4 those firearms surrendered by the person restrained. If the
5 person restrained is the registered owner of a firearm and knows
6 the location of the firearm, but refuses to surrender the
7 firearm or refuses to disclose the location of the firearm, the
8 person restrained shall be guilty of a misdemeanor. In any
9 case, when a police officer is unable to locate the firearms and
10 ammunition either registered under this chapter or known to the
11 person granted protection by the court, the police officer shall
12 apply to the court for a search warrant pursuant to chapter 803
13 for the limited purpose of seizing the firearm and ammunition.

14 For the purposes of this subsection, good cause shall not
15 be based solely upon the consideration that the person subject
16 to restraint pursuant to an order of any court is required to
17 possess or carry firearms or ammunition during the course of the
18 person's employment. Good cause consideration may include but
19 not be limited to the protection and safety of the person to
20 whom a restraining order is granted.



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

5 (h) Any person who otherwise would be prohibited under
6 subsection (b) from owning, possessing, or controlling a firearm
7 and ammunition solely as a result of a conviction for a crime
8 that is not a felony, and who is not prohibited from owning,
9 possessing, or controlling a firearm or ammunition under any
10 other provision of this chapter or under title 18 United States
11 Code section 922 or another provision of federal law, shall not
12 be prohibited under this section from owning, possessing, or
13 controlling a firearm and ammunition if twenty years have
14 elapsed from the date of the conviction.

15 [~~h~~] (i) Any person violating subsection (a) or (b) shall
16 be guilty of a class C felony; provided that any felon violating
17 subsection (b) shall be guilty of a class B felony. Any person
18 violating subsection (c), (d), (e), (f), or (g) shall be guilty
19 of a misdemeanor."

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



1 "~~§134-9~~ Licenses to carry. (a) [~~In an exceptional case,~~
2 ~~when an applicant shows reason to fear injury to the applicant's~~
3 ~~person or property, the]~~ The chief of police of the appropriate
4 county [~~may~~] shall grant a license to an applicant who is a
5 [~~citizen of the United States of the age of twenty one years or~~
6 ~~more or to a duly accredited official representative of a~~
7 ~~foreign nation]~~ resident of the State of the age of twenty-one
8 years or more to carry a pistol or revolver and ammunition
9 therefor concealed on the person within the county where the
10 license is granted~~[-]~~ upon determination by the chief of police
11 that the applicant meets all the requirements set forth in this
12 section. Where the urgency or the need has been sufficiently
13 indicated, the respective chief of police may grant to an
14 applicant of good moral character who is a citizen of the United
15 States, a United States national, or a lawful permanent resident
16 of the age of twenty-one years or more, is engaged in the
17 protection of life and property, and is not prohibited under
18 section 134-7 from the ownership or possession of a firearm, a
19 license to carry a pistol or revolver and ammunition therefor
20 unconcealed on the person within the county where the license is
21 granted. The chief of police of the appropriate county, or the



1 chief's designated representative, shall perform an inquiry on
2 an applicant by using the National Instant Criminal Background
3 Check System, to include a check of the Immigration and Customs
4 Enforcement databases where the applicant is not a citizen of
5 the United States, before any determination to grant a license
6 is made. Unless renewed, the license shall expire one year from
7 the date of issue.

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

11 (1) Be qualified to use the firearm in a safe manner[+].
12 To prove an applicant is qualified, applicants shall
13 be required to provide proof of a firearm
14 certification program that satisfies the requirements
15 of section 134-2(g)(2) through (4) no earlier than
16 ninety days prior to submitting an application for an
17 initial license to carry a concealed pistol or
18 revolver on the person, and at intervals to be
19 determined by the chief of police for applications to
20 renew a license to carry a concealed pistol or



1 revolver on the person. An eligible firearm

2 certification program shall include:

3 (A) In-person instruction and a written test covering
4 the topics of relevant gun laws, including secure
5 storage practices and location restrictions, use
6 of force and de-escalation, and the risks to self
7 and others of owning firearms; and

8 (B) Live-fire instruction and demonstration of safe
9 handling of, and shooting proficiency with, each
10 firearm the applicant is applying to be licensed
11 to carry;

12 (2) [~~Appear to be~~] Be a suitable person to [be so
13 licensed,] carry a concealed pistol or revolver in
14 public. In determining whether the person is a
15 suitable person to carry a concealed pistol or
16 revolver in public, the chief of police shall make the
17 required inquiry and investigation set forth in
18 section 134-2(e) and shall also consider the
19 additional risks associated with public carry of a
20 firearm, such as failure to consistently secure a
21 firearm outside the home and protect it from theft or



1 unauthorized access, especially in densely populated
2 settings; conduct or statements, including verbal
3 threats involving a firearm or displaying a firearm,
4 that would have the tendency to threaten or terrorize
5 members of the public; the initiation or escalation of
6 conflicts with others such that a firearm is likely to
7 be displayed or discharged other than in lawful self-
8 defense during interactions in public; and
9 unintentional or reckless discharge of a firearm in
10 public. The attorney general may issue rules or
11 publish guidance regarding the types of conduct that
12 the chief of police may consider when deciding whether
13 the applicant is a suitable person to carry a
14 concealed pistol or revolver in public;

15 (3) Not be prohibited under section 134-7 from the
16 ownership or possession of a firearm; [and]

17 (4) Not have one or more pending charges for a felony, a
18 crime of violence, or an illegal sale or distribution
19 of any drug in a court in the State or elsewhere, or
20 have been convicted in the State or elsewhere of
21 having committed in the previous ten years:



- 1 (A) Operating a vehicle under the influence of an
2 intoxicant under section 291E-61;
- 3 (B) Criminally negligent storage of a firearm under
4 section 707-714.5; or
- 5 (C) A firearm offense punishable as a misdemeanor
6 under this chapter; and
- 7 ~~[(4)]~~ (5) Not have been adjudged insane or not appear to be
8 mentally deranged. Being a person who does "not
9 appear to be mentally deranged" means that the
10 applicant does not exhibit specific and articulable
11 indicia that would objectively indicate to a
12 reasonable observer that the applicant is not capable
13 of being a reasonable and law-abiding user of
14 firearms. Such specific and articulable indicia may
15 include but are not limited to suicidal ideations;
16 homicidal ideations; or potential dangerousness,
17 including a violent animus towards one or more groups
18 based on race, color, national origin, ancestry, sex,
19 gender identity, gender expression, sexual
20 orientation, age, disability, religion, or other
21 characteristic, such that a reasonable person would



1 conclude that the applicant harbored an intention to
2 use a firearm in public to attack or threaten others,
3 rather than for self defense.

4 (c) No person shall carry concealed or unconcealed on the
5 person a pistol or revolver without being licensed to do so
6 under this section or in compliance with sections 134-5(c) or
7 134-25.

8 (d) The application for license to carry a concealed
9 firearm shall be in the form prescribed by the chief of police
10 of each county and shall include, at a minimum the following
11 features:

12 (1) The applicant's name; address; sex; height; weight;
13 date of birth; place of birth; country of citizenship;
14 social security number; alien or admission number; any
15 aliases or other names previously used by the
16 applicant; physical description, including any
17 distinguishing physical characteristics of the
18 applicant; current employer; and identifying
19 information for the firearm for which the license is
20 sought;



- 1 (2) The text of state laws pertaining to firearm storage
2 in sections 134-10.5, 134-25, and 707-714.5, the text
3 of the locations where firearms are prohibited set
4 forth in section 134-A, the text of section 134-D, and
5 space for an applicant's signature confirming the
6 applicant's acknowledgement and understanding of those
7 laws;
- 8 (3) A certification of whether the applicant has been
9 confined or committed to a mental institution or
10 hospital for treatment or observation of a mental or
11 psychiatric condition on a temporary, interim, or
12 permanent basis, or experienced any mental health
13 condition that could impact risk to public safety,
14 including but not limited to conditions involving
15 suicidal ideations, homicidal ideations, or violent
16 impulses;
- 17 (4) Contact information for not less than four reputable
18 persons who are not related by blood or law to the
19 applicant and have known the applicant for at least
20 three years preceding the application date who will
21 serve as personal references for the applicant's



1 license application and who have sufficient knowledge
2 of whether the applicant is a suitable person to carry
3 a concealed pistol or revolver in public, as set forth
4 in subsection (b) (2). The applicant shall also
5 provide names and contact information for the
6 applicant's current spouse, domestic partner, or
7 significant other, if any, and any other adults
8 residing in the applicant's home, including adult
9 children;

10 (5) The applicant shall complete an authorization for
11 release of mental health records, including
12 psychiatric, behavioral health, and substance abuse
13 information. The applicant shall also complete any
14 forms required by the applicant's health care provider
15 or relevant government entity for release of mental
16 health information; and

17 (6) Any other information the county chief of police, or a
18 designated member of the chief of police's staff, may
19 require from the applicant or any other person as the
20 chief of police reasonably deems necessary to conduct
21 the review of the application, including but not



1 limited to publicly available statements posted or
2 published online by the applicant.

3 The chief of police in the applicant's county, or a designated
4 member of the chief of police's staff, shall conduct an in-
5 person interview with the applicant and an in-person
6 videoconference, or telephonic interview with individuals
7 identified by the applicant as personal references, and shall
8 make inquiry concerning, and investigate to the extent
9 warranted, whether the applicant meets the qualifications and
10 standards set forth in subsection (b). Individuals whose
11 contact information is provided on the application form may be
12 contacted by the county chief of police, or a designated member
13 of the chief of police's staff, during this inquiry and
14 investigation. The county chief of police, or a designated
15 member of the chief of police's staff, shall also contact local
16 law enforcement where the applicant resides and works, and any
17 place where the applicant has resided in the previous ten years,
18 if the applicant currently or within the previous ten years has
19 resided or worked in a county other than the one in which a
20 license is being sought.



1 ~~[(d)]~~ (e) A fee of \$10 shall be charged for each license
2 and shall be deposited in the treasury of the county in which
3 the license is granted.

4 (f) If an application under this section is denied, a
5 person aggrieved by the denial shall be entitled to a hearing
6 before the chief of police of the appropriate county or a
7 designee of the chief of police. A person aggrieved by the
8 denial shall submit a request for a hearing in writing to the
9 chief of police of the appropriate county no later than thirty
10 days following the date of the decision or determination notice.
11 The hearing shall constitute a contested case hearing for
12 purposes of chapter 91. Following the hearing and final
13 decision, an aggrieved party shall be entitled to an appeal
14 before the chief of police of the appropriate county or a
15 designee of the chief of police. In all cases where a permit
16 application under this section is denied because an applicant is
17 prohibited from owning, possessing, receiving, or controlling
18 firearms under federal or state law, the chief of police of the
19 applicable county shall send written notice as described in
20 section 134-2(j)."



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

3 "§134-13 Revocation of permits. (a) All permits and
4 licenses provided for under this part may be revoked[~~, for good~~
5 ~~cause,~~] by the issuing authority or by the judge of any court[-]
6 if, at any time, the licensee or permit holder no longer meets
7 the qualifications or requirements of the applicable permit or
8 license section under which their permit or license was granted.
9 Licenses to carry concealed firearms shall be revoked if, at any
10 time, either the issuing authority determines or is notified by
11 the judge of any court or a law enforcement agency of any of the
12 following:

- 13 (1) A licensee is prohibited by state or federal law from
14 owning or purchasing a firearm;
15 (2) A licensee becomes ineligible to obtain a license
16 under section 134-9(b);
17 (3) Any information provided by a licensee in connection
18 with an application for a new license or license
19 renewal is inaccurate or incomplete;
20 (4) A licensee is no longer a suitable person to hold a
21 license under section 134-9(b)(2); or



1 (5) A licensee engages in any conduct that would have
2 resulted in the denial of a license.

3 (b) If the issuing authority determines that a permit or
4 license is subject to revocation, it shall notify the permit or
5 license holder of the determination in writing, stating the
6 grounds for the determination and informing the permit or
7 license holder of the right to seek a hearing before the issuing
8 authority regarding the determination prior to revocation.
9 Unless the permit or license holder submits a request for a
10 hearing in writing to the issuing authority no later than thirty
11 days following the date of the written notice that the permit or
12 license is subject to revocation, the permit or license shall be
13 immediately revoked by the issuing authority. Any hearing
14 regarding a determination that a permit or license is subject to
15 revocation shall constitute a contested case hearing for
16 purposes of chapter 91. A person aggrieved by a revocation
17 under this section may appeal to the chief of police of the
18 appropriate county or a designee of the chief of police. If the
19 license or permit is revoked because the licensee or permit
20 holder is prohibited from possessing firearms under section



1 134-7 or part IV of this chapter, then section 134-7.3 shall
2 govern the process for voluntary surrender and seizure."

3 SECTION 9. Section 134-18, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§134-18 Qualified immunity for physicians, psychologists,
6 ~~[e]~~ psychiatrists, physician assistants, or advanced practice
7 registered nurses who provide information on permit or license
8 applicants. There shall be no civil liability for any
9 physician, psychologist, ~~[e]~~ psychiatrist, physician assistant,
10 or advanced practiced registered nurse who provides information
11 or renders an opinion in response to an inquiry made for
12 purposes of issuing a firearm permit under section 134-2,
13 issuing or renewing a license under section 134-9, or ~~[f]~~
14 ~~purposes of]~~ investigating the continuing mental health of the
15 holder of a valid firearm permit or license; provided that the
16 physician, psychologist, ~~[e]~~ psychiatrist, physician assistant,
17 or advanced practiced registered nurse acted without malice."

18 SECTION 10. Section 134-25, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§134-25[+] Place to keep pistol or revolver; penalty.

21 (a) Except as provided in sections 134-5 and 134-9, all



1 firearms shall be confined to the possessor's place of business,
2 residence, or sojourn; provided that it shall be lawful to carry
3 unloaded firearms in [~~an enclosed~~] a locked container from the
4 place of purchase to the purchaser's place of business,
5 residence, or sojourn, or between these places upon change of
6 place of business, residence, or sojourn, or between these
7 places and the following:

- 8 (1) A place of repair;
- 9 (2) A target range;
- 10 (3) A licensed dealer's place of business;
- 11 (4) An organized, scheduled firearms show or exhibit;
- 12 (5) A place of formal hunter or firearm use training or
13 instruction; or
- 14 (6) A police station.

15 [~~"Enclosed container" means a rigidly constructed~~
16 ~~receptacle, or a commercially manufactured gun case, or the~~
17 ~~equivalent thereof that completely encloses the firearm.]~~

18 (b) Any person who carries or possess a pistol or revolver
19 in a vehicle pursuant to section 134-5, pursuant to a license
20 issued under section 134-9, or in accordance with title 18
21 United States Code section 926B or 926C, shall keep the pistol



1 or revolver in a locked container and place the container out of
2 plain view when leaving the pistol or revolver in a vehicle
3 unattended.

4 ~~[(b)]~~ (c) Any person violating ~~[this section]~~ subsection
5 (a) by carrying or possessing a loaded or unloaded pistol or
6 revolver shall be guilty of a class B felony.

7 (d) Any person who intentionally, knowingly, or recklessly
8 violates subsection (b) shall be guilty of a misdemeanor, and
9 shall also be subject to revocation of their license to carry a
10 firearm under section 134-13 and disqualified from renewing
11 their license to carry a firearm issued under section 134-9.

12 (e) For the purposes of this section, a vehicle is
13 unattended when a person who is lawfully carrying or
14 transporting a firearm in a vehicle is not within close enough
15 proximity to the vehicle to reasonably prevent unauthorized
16 access to the vehicle or its contents."

17 SECTION 11. Section 846-2.7, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

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

20 (1) The department of health or its designee on operators
21 of adult foster homes for individuals with



1 developmental disabilities or developmental
2 disabilities domiciliary homes and their employees, as
3 provided by section 321-15.2;

4 (2) The department of health or its designee on
5 prospective employees, persons seeking to serve as
6 providers, or subcontractors in positions that place
7 them in direct contact with clients when providing
8 non-witnessed direct mental health or health care
9 services as provided by section 321-171.5;

10 (3) The department of health or its designee on all
11 applicants for licensure or certification for,
12 operators for, prospective employees, adult
13 volunteers, and all adults, except adults in care, at
14 healthcare facilities as defined in section 321-15.2;

15 (4) The department of education on employees, prospective
16 employees, and teacher trainees in any public school
17 in positions that necessitate close proximity to
18 children as provided by section 302A-601.5;

19 (5) The counties on employees and prospective employees
20 who may be in positions that place them in close



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



1 provided by section 346-154, and persons subject to
2 section 346-152.5;

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

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

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

15 (14) The department of human services on employees,
16 prospective employees, and volunteers of contracted
17 providers and subcontractors in positions that place
18 them in close proximity to youth when providing
19 services on behalf of the office or the Hawaii youth
20 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
13 28-17;

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 12. All provisions in sections 134-2 and 134-9
7 that state that a permit or license "shall" be granted shall be
8 construed as discretionary, rather than mandatory, in the event
9 the attorney general certifies that the United States Supreme
10 Court has overruled the holding of *New York State Rifle & Pistol*
11 *Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

12 SECTION 13. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 14. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 15. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 16. This Act shall take effect on January 1, 2050;
4 provided that the amendments made to section 846-2.7(b), Hawaii
5 Revised Statutes, by section 10 of this Act shall not be
6 repealed when that section is repealed and reenacted pursuant to
7 Act 278, Session Laws of Hawaii 2022.



Report Title:

Firearms; Concealed Carry; License to Carry; Sensitive Locations; Attorney General; Police; Insurance; Report

Description:

Prohibits issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. Requires issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public. Increases requirements for applicants seeking a license to carry a firearm. Sets minimum requirements for applications for a license to carry a concealed firearm. Establishes the crime of carrying a firearm in sensitive locations. Defines sensitive location. Requires licenses to carry concealed firearms be revoked if certain conditions are met. Requires the Attorney General to publish an annual report on licenses to carry firearms. Requires firearms be kept in a locked container and out of plain view when in an unattended vehicle. Defines locked container and makes conforming amendments. Amends the definition of "crime of violence" to include additional crimes. Requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage. Establishes a duty to maintain possession of a license while carrying a firearm. Establishes a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer. Establishes an appeals process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm. Allows county police departments to conduct criminal history record checks for licenses to carry a firearm. Provides qualified immunity for physician assistants and advanced practice registered nurses who provide information on permit applicants. Establishes penalties for violations. Takes effect 1/1/2050. (SD2)

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

