

Honolulu, Hawaii

APR 28 2023

RE: S.B. No. 1230  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1230, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit the carrying or possessing of firearms in certain locations and premises;
- (2) Require possession and disclosure of a license to carry;
- (3) Prohibit leaving an unsecured firearm in a vehicle unattended;



- (4) Prohibit consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm;
- (5) Prohibit carrying or possessing firearms on certain private property open to the public without express authorization;
- (6) Require annual reports from the Department of the Attorney General on licenses to carry;
- (7) Prohibit the failure to conceal a firearm by a concealed carry licensee where the failure to conceal results in alarm to another person;
- (8) Amend the requirements for, and revocation of, firearms permits and licenses;
- (9) Amend the criteria for disqualification of persons from owning, possessing, or controlling a firearm; and
- (10) Expand the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses.

Your Committee on Conference finds that although the United States Supreme court held in *New York State Rifle and Pistol Association V. Bruen*, 142 S. Ct. 2111 (2022), that licenses to carry a firearm shall be granted unless there is an objective statutory basis requiring denial, states still retain the authority to enact a variety of gun regulations, such as prohibiting the carrying of firearms in sensitive locations and adopting laws to ensure that those who carry firearms are law-abiding, responsible citizens. This measure will update the State's existing firearms laws to ensure the safety and welfare of citizens as a result of *Bruen*.

Your Committee on Conference has amended this measure by:

- (1) Including tennis courts, golf courses, swimming pools, or other recreation areas or facilities under control, maintenance, and management of the State or a county as locations where carrying or possessing a firearm is prohibited;



- (2) Deleting language that would have included any space within one thousand feet from a public gathering, public assembly, or special event from being included as locations where carrying or possessing a firearm is prohibited;
- (3) Including the following as affirmative defenses to the crime of carrying or possessing a firearm in certain locations and premises:
  - (A) Walking through a public gathering, public assembly, or special event if necessary to access the person's residence, place of business, or vehicle; and
  - (B) Carrying a concealed firearm in accordance with title 18 United States Code section 926B or 926C in a location or premises within the State that is not a state or county property, installation, building, base, or park, and not a location or premises where a private person or entity has prohibited or restricted the possession of concealed firearms on their property;
- (4) Clarifying that any ordinance of any county establishing locations where the carrying of firearms is prohibited is inconsistent with state law, the ordinance shall be void to the extent of the inconsistency;
- (5) Requiring a person legally carrying a firearm to have government-issued photo identification in the person's immediate possession and present the identification to a law enforcement officer upon request;
- (6) Clarifying that the prohibition against unlawful conduct while carrying a firearm applies to any person carrying a firearm;
- (7) Amending the offense of carrying or possessing a firearm on private property open to the public without authorization to the offense of carrying or possessing a firearm on private property of another person without authorization;
- (8) Clarifying that express authorization to carry or possess a firearm on private property shall be signified by unambiguous written or verbal authorization or the posting



of clear and conspicuous signage at the entrance of the building or on the premises by the owner, lessee, operator, or manager of the property, or agent thereof;

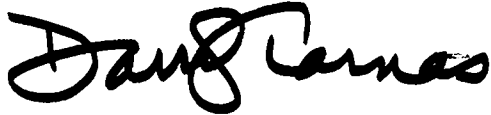
- (9) Inserting definitions for "private entity", "private property", and "private property of another person";
- (10) Clarifying that the Department of the Attorney General is required to publish certain data relating to firearms on its website only if the data is available to the Department;
- (11) Clarifying that the offense of failure to conceal a firearm by a concealed carry licensee applies to persons carrying a firearm pursuant to a license issued under section 134-9(a), Hawaii Revised Statutes;
- (12) Specifying that harassment as a "crime of violence" includes harassment under section 711-1106(1)(a), Hawaii Revised Statutes;
- (13) Specifying that certain amendments to the requirements for, and revocation of, firearms permits and licenses shall take effect on January 1, 2024;
- (14) Clarifying that a license to carry a firearm does not constitute a government-issued photo identification document under federal or state law;
- (15) Clarifying that a license issued by the chief of police of a county within the State to carry a pistol or revolver and ammunition concealed on the licensee's person is valid for use in each county within the State; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1230, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1230, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE



---

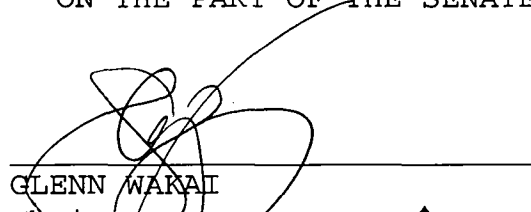
DAVID A. TARNAS  
Co-Chair



---

KYLE T. YAMASHITA  
Co-Chair

ON THE PART OF THE SENATE



---

GLENN WAKAI  
Chair



---

KARL RHOADS  
Co-Chair



