

STAND. COM. REP. NO.

1575

Honolulu, Hawaii

MAR 24 , 2023

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

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1230, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to clarify, revise, and reframe Hawaii's firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Business, Economic Development, and Tourism; Department of Transportation; University of Hawai'i System; Office of Planning and Sustainable Development; Hawai'i State Public Library System; Department of Transportation Services of the City and County of Honolulu; one member of the Hawai'i County Council; Stonewall Caucus of the Democratic Party of Hawaii; Brady Hawaii; Hale Ola Spa & Apothecary; Everytown for Gun Safety; Moms Demand Action; Moms Demand Action Hawaii Chapter; Students Demand Action; Hawaii Bankers Association; Hawai'i State Coalition Against Domestic Violence; Hawai'i Public Health Institute; Institute for Human Services; Hawaii Credit Union League; Hawai'i Children's Action

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Network Speaks!; Indivisible Hawaii; Church of the Crossroads; Healthcare Association of Hawaii; Building Owners and Managers Association of Hawai'i; Assistive Technology Resource Centers of Hawaii; and numerous individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association in Hawaii, Pu'uloa Rifle and Pistol Club, Hawaii Federation of Republican Women, and numerous individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Honolulu Police Department, Citizen's Caucus, and sixteen individuals.

Your Committee finds that the United States Supreme Court held under *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111 (2022) that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes. However, your Committee further finds that this ruling is not a regulatory straitjacket and allows states to enact firearms regulations, such as prohibiting carrying firearms in sensitive locations and requiring those who carry firearms be law-abiding, responsible citizens. Your Committee believes extensive amendments are needed to the State's existing firearms laws to ensure the safety and welfare of citizens as a result of *Bruen*.

Your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 984, H.D. 2, a substantially similar measure, which previously passed the House, and which clarifies, revises, and updates Hawaii's firearms laws by:

- (1) Prohibiting firearms in certain locations and premises and providing for enhanced sentencing;
- (2) Requiring possession and disclosure of a license to carry;
- (3) Prohibiting an unsecured and unattended firearm in a vehicle;
- (4) Prohibiting consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm;



- (5) Prohibiting carrying or possessing firearms on certain private property open to the public without express authorization;
- (6) Requiring annual reports from the Department of the Attorney General on carry licenses;
- (7) Amending the requirements for obtaining, and revocation of, firearms permits and licenses;
- (8) Amending the disqualification of persons from owning, possessing, or controlling a firearm; and
- (9) Expanding the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses.

Your Committee has further amended this measure by:

- (1) Amending the applicability of the prohibition against carrying or possessing a firearm in certain locations and premises;
- (2) Providing that county ordinances establishing locations where the carrying of firearms is prohibited are void if the ordinance is inconsistent with state law;
- (3) Amending the documentation required to be kept in a licensee's immediate possession while carrying a firearm;
- (4) Changing the penalty for the offense of leaving an unsecured firearm in a vehicle unattended from a misdemeanor to a petty misdemeanor;
- (5) Making the offense of consuming or being under the influence of alcohol or an intoxicating liquor while carrying a firearm a petty misdemeanor, instead of a misdemeanor;
- (6) Requiring the Department of the Attorney General's annual report to include:



- (A) Information on the applicant's or licensee's gender, instead of sex; and
- (B) The number of violations of sensitive location restrictions;
- (7) Deleting language that would have established enhanced sentencing for carrying or possessing a firearm in certain locations and premises;
- (8) Establishing the offense of failure to conceal a firearm by a concealed carry licensee;
- (9) Clarifying that the criminal offenses included under the definition of "criminal offense relating firearms" are those punishable as misdemeanors;
- (10) Including the offense of endangering the welfare of an incompetent person under the definition of "crime of violence";
- (11) Prohibiting persons who illegally distribute drugs from owning, possessing, or controlling any firearm or ammunition;
- (12) Providing that a firearms instructor may not submit a certification signed by the instructor for the instructor's own license application;
- (13) Requiring an issuing authority to waive license application fees upon a showing of financial hardship by the applicant;
- (14) Deleting language that required carry licenses to include the licensee's signature;
- (15) Deleting language that prohibited individuals from carrying concealed or unconcealed pistols or revolvers without being licensed or authorized to do so;
- (16) Deleting language that would have prohibited persons carrying a firearm in accordance with the Law Enforcement Officers Safety Act from intentionally,



knowingly, or recklessly carrying more than one firearm on the licensee's person at one time;

- (17) Changing the penalty for licensees who carry more than one firearm on the licensee's person from a misdemeanor to a petty misdemeanor;
- (18) Clarifying that the enhanced penalty for committing the offense of terroristic threatening in the first degree with a firearm applies regardless of whether the firearm was loaded or operable; and
- (19) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1230, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1230, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



