

Honolulu, Hawaii

MAR 03 2023

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1230, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the crime of carrying a firearm in a sensitive location or on the private property of another without authorization;
- (2) Define "sensitive location";
- (3) Require the Attorney General to publish an annual report on licenses to carry firearms;
- (4) Require a person carrying a firearm in public pursuant to a license to maintain insurance coverage;
- (5) Establish a duty to maintain possession of a license while carrying a firearm;
- (6) Establish a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer;



- (7) Amend section 134-1, Hawaii Revised Statutes, to add definitions for "concealed", "locked container", and "unconcealed", and amend the definition of "crime of violence" to include additional crimes;
- (8) Prohibit 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;
- (9) Require 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;
- (10) Add a definition of "enclosed container" for purposes of the transport of lawfully acquired pistols and revolvers relating to hunting game mammals;
- (11) Set requirements for applications for a license to carry a concealed firearm;
- (12) Establish 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;
- (13) Set revocation conditions for licenses to carry concealed firearms;
- (14) Require firearms be kept in a locked container and out of plain view when in an unattended vehicle and establish penalties;
- (15) Allow county police departments to conduct criminal history record checks for licenses to carry a firearm; and
- (16) Establish penalties for violations.



Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Business, Economic Development, and Tourism; Office of Planning and Sustainable Development; Department of Transportation; University of Hawai'i System; Hawai'i State Public Library System; one member of the Hawai'i County Council; Brady Hawaii; Hawaii Bankers Association; Everytown for Gun Safety; Moms Demand Action for Gun Sense in America; Students Demand Action for Gun Sense in America; Island Naturals Market and Deli; Stonewall Caucus of the Democratic Party of Hawai'i; Church of the Crossroads; Healthcare Association of Hawaii; Hawaii Family Support Institute; Indivisible Hawaii; and more than three hundred forty individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii County Game Management Advisory Commission, Pu'uoloa Rifle and Pistol Club, and more than one hundred twenty-five individuals. Your Committee received comments on this measure from the Honolulu Police Department, Hawai'i Primary Care Association, and two individuals.

Your Committee finds that, pursuant to article IX, sections 1 and 10, of the Constitution of the State of Hawai'i, the State is obligated to protect the health and safety of the public. Your Committee further finds that Hawai'i's firearms laws are an important reason that Hawai'i leads the nation in preventing incidents of gun violence. Your Committee recognizes that, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), the United States Supreme Court held that the public carrying of firearms "could be prohibited consistent with the Second Amendment" in "sensitive places". This measure will protect the public health and safety in a manner consistent with the Second Amendment of the Constitution of the United States.

Your Committee has amended this measure by:

- (1) Adding language to the legislative findings to support the measure;
- (2) Specifying that "private property of another person without authorization" means residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased, unless:



- (A) The owner, lessee, operator, or manager of the property has provided express authorization to carry a firearm on the property or premises to the person carrying a concealed firearm pursuant to a license issued under section 134-9, Hawaii Revised Statutes, or in accordance with title 18, United State Code section 926B or 926C;
  - (B) The owner, lessee, operator, or manager of the property clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that carrying firearms is authorized on that property or premises; or
  - (C) The person carrying a concealed firearm pursuant to a license issued under section 134-9, Hawaii Revised Statutes, or in accordance with title 18, United States Code section 926B or 926C is an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property;
- (3) Including adjacent areas and parking areas in the definition of all sensitive locations;
- (4) Specifying that "sensitive location" includes:
- (A) Research facilities that are part of a public or private college or university;
  - (B) A shelter or residential facility operated by a government entity or a charitable organization serving adults, including but not limited to unhoused adults; and
  - (C) A voter service center, place of deposit, or appurtenance to a voter service center or place of deposit, including any area designated for voters waiting to vote, routes of access, and any other areas specified in section 11-132, Hawaii Revised Statutes, and any area within a two hundred foot radius from the perimeter of those locations;



- (5) Clarifying that "sensitive location" includes a bar, restaurant, or establishment issued a license for on-premise consumption of liquor;
- (6) Requiring the Attorney General to publish the number of violations of sensitive location restrictions in the annual report on licenses to carry;
- (7) Specifying that mandatory insurance coverage for licensees is effective one year after the Insurance Commissioner makes a formal determination that suitable policies are commercially available;
- (8) Adding language that requires the mandatory insurance coverage to include negligent storage of a firearm;
- (9) Adding language stating that nothing in chapter 134, Hawaii Revised Statutes, shall be construed to affect the authority of any county to impose requirements relating to firearms that exceed the statewide provisions established, including but not limited to prohibitions against carrying or possessing a firearm in additional locations or premises within that county;
- (10) Adding language to provide qualified immunity to physician assistants and advanced practice registered nurses who provide information on permit or license applicants;
- (11) Adding language specifying that all provisions in sections 134-2 and 134-9, Hawaii Revised Statutes, that state that a permit or license "shall" be granted shall be construed as discretionary, rather than mandatory, in the event the Attorney General certifies that the United States Supreme Court has overruled the holding of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022); and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



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

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

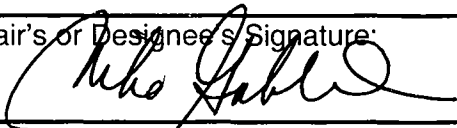
---

KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 1230 SD1</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>3/1/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)		✓		
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes