
A BILL FOR AN ACT

RELATING TO WEAPONS.

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

1 SECTION 1. Chapter 134, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§134- Reports relating to certain orders. (a) The
5 department of the attorney general shall publish an annual
6 report on its publicly available website that includes, if
7 available, broken down by county, the number of instances in
8 which:

9 (1) A person subject to an order described in section
10 134-7(f) or 134-86(g) surrendered a firearm,
11 ammunition, or electric gun as a result of that order;
12 and

13 (2) An order described in section 134-7(f) or 134-86(g)
14 was denied, revoked, or allowed to expire, or the
15 corresponding action was withdrawn by the petitioner,
16 because the person subject to the order required a



1 firearm, ammunition, or electric gun for the purposes
2 of the person's employment.

3 (b) No later than March 31 of each year, the chief of
4 police of each county, judiciary, and department of law
5 enforcement shall provide the department of the attorney general
6 with the data from the prior calendar year to enable the
7 department of the attorney general to complete the report under
8 subsection (a).

9 (c) The report required by this section may be published
10 within the report that is published pursuant to section
11 134-9.6."

12 SECTION 2. Section 134-7, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

14 "(f) No person who has been restrained pursuant to an
15 order of any court, including a gun violence protective order
16 issued pursuant to part IV, from contacting, threatening, or
17 physically abusing any person, shall possess, control, or
18 transfer ownership of any firearm or ammunition, so long as the
19 protective order, restraining order, or any extension is in
20 effect[~~-~~]; provided that the person may possess or control a



1 firearm and ammunition in the course of the person's employment

2 if:

3 (1) The order is not an order issued pursuant to part IV;

4 (2) The person needs to possess or control a firearm and

5 ammunition for the purpose of the person's employment;

6 (3) The employer lawfully owns the firearm and ammunition;

7 (4) The person does not hold any ownership interest in the

8 employer or the firearm or ammunition, or any

9 management authority in the employer;

10 (5) The employer prohibits the employee from possessing or

11 controlling the firearm or ammunition outside the

12 course of the person's employment;

13 (6) The person has never possessed or controlled the

14 employer's firearm or ammunition outside the course of

15 the person's employment; and

16 (7) Upon demand by the presiding court, the person proves

17 to the court's satisfaction that paragraphs (2)

18 through (6) apply.

19 The protective order or restraining order shall

20 specifically include a statement that possession, control, or

21 transfer of ownership of a firearm or ammunition by the person



1 named in the order is prohibited~~(-)~~, except in the course of the
2 person's employment, to the extent authorized by this
3 subsection. The person shall relinquish possession and control
4 of any firearm and ammunition owned by that person to the police
5 department of the appropriate county for safekeeping for the
6 duration of the order or extension thereof. At the time of
7 service of a protective order or restraining order involving
8 firearms and ammunition issued by any court, a police officer
9 may take custody of any and all firearms and ammunition in plain
10 sight, those discovered pursuant to a consensual search, and
11 those firearms surrendered by the person restrained. If the
12 person restrained is the registered owner of a firearm and knows
13 the location of the firearm, but refuses to surrender the
14 firearm or disclose the location of the firearm, the person
15 restrained shall be guilty of a misdemeanor. In any case, when
16 a police officer is unable to locate the firearms and ammunition
17 either registered under this chapter or known to the person
18 granted protection by the court, the police officer shall apply
19 to the court for a search warrant pursuant to chapter 803 for
20 the limited purpose of seizing the firearm and ammunition."



1 SECTION 3. Section 134-86, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) No person who has been restrained pursuant to an
4 order of any court, including an ex parte order as provided in
5 this subsection, from contacting, threatening, or physically
6 abusing any person or from possessing or owning a firearm, shall
7 possess, control, or transfer ownership of an electric gun, so
8 long as the protective order, restraining order, or any
9 extension is in effect [~~unless the~~]; provided that:

10 (1) The person may possess or control an electric gun in
11 the course of the person's employment if:

12 (A) The person needs to possess or control an
13 electric gun for the purpose of the person's
14 employment;

15 (B) The employer lawfully owns the electric gun;

16 (C) The person does not hold any ownership interest
17 in the employer or the electric gun, or any
18 management authority in the employer;

19 (D) The employer prohibits the employee from
20 possessing or controlling the electric gun
21 outside the course of the person's employment;



1 (E) The person has never possessed or controlled the
2 employer's electric gun outside the course of the
3 person's employment; and

4 (F) Upon demand by the presiding court, the person
5 proves to the court's satisfaction that
6 subparagraphs (A) through (E) apply; and

7 (2) The order, for good cause shown, may specifically
8 [permits] permit the possession of an electric gun.

9 The protective order or restraining order [~~or order of~~
10 ~~protection~~] shall specifically include a statement that
11 possession, control, or transfer of an electric gun by the
12 person named in the order is prohibited[~~.—Such~~], subject to the
13 exceptions of this subsection. The person shall relinquish
14 possession and control of any electric gun owned by that person
15 to the police department of the appropriate county for
16 safekeeping for the duration of the order or extension thereof.

17 In the case of an ex parte order that includes a
18 restriction on the possession, control, or transfer of an
19 electric gun, the affidavit or statement under oath that forms
20 the basis for the order shall contain a statement of the facts
21 that support a finding that the person to be restrained owns,



1 intends to obtain or transfer, or possesses an electric gun, and
2 that the electric gun may be used to threaten, injure, or abuse
3 any person. The ex parte order shall be effective upon service
4 pursuant to section 586-6.

5 At the time of service of a restraining order involving
6 electric guns issued by any court, the police officer may take
7 custody of any and all electric guns in plain sight, those
8 discovered pursuant to a consensual search, and those electric
9 guns surrendered by the person restrained.

10 For the purposes of this subsection, "good cause" shall not
11 be based solely upon the consideration that the person subject
12 to restraint pursuant to an order of any court, including an ex
13 parte order as provided for in this subsection, is required to
14 possess or carry an electric gun [~~during the course of the~~
15 ~~person's employment.~~] for the person's own safety. "Good cause"
16 includes but is not limited to the protection and safety of the
17 person to whom a restraining order is granted."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

AG; Courts; Firearms; Electric Guns; Reports; Protective Orders;
Restraining Orders

Description:

Requires the Department of the Attorney General to publish annual reports regarding certain protective and restraining orders, firearms, and electric guns. Authorizes persons subject to certain protective and restraining orders to possess or control firearms, ammunition, or electric guns in the course of employment, subject to certain conditions. Effective 7/1/3000.
(HD1)

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