

STAND. COM. REP. NO.

775

Honolulu, Hawaii

, 2023

FEB 17

RE: H.B. No. 984

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 H.B. No. 984 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 update Hawaii's firearms laws by:

- (1) Prohibiting firearms in certain locations and premises;
- (2) Requiring licensees who publicly carry firearms to obtain liability insurance coverage beginning January 1, 2025;
- (3) Requiring possession and disclosure of a license to carry;
- (4) Prohibiting leaving an unsecured firearm in a vehicle unattended;
- (5) Prohibiting consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm;

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- (6) Prohibiting carrying or possessing firearms on certain private property open to the public without express authorization;
- (7) Amending the requirements for, and revocation of, firearms permits and licenses; and
- (8) Amending the disqualification of persons from owning, possessing, or controlling a firearm.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Honolulu Police Department; Retail Merchants of Hawaii; Everytown for Gun Safety; Moms Demand Action; Students Demand Action; Hawaii Bankers Association; Everytown Veteran Advisory Council; Indivisible Hawaii; Church of the Crossroads; Saint Luke's Episcopal Church Honolulu; Giffords; Brady Hawaii; Moms Demand Action for Gun Sense in America Hawaii Chapter; Hawaii Coalition to Prevent Gun Violence; Institute for Human Services, Inc.; Healthcare Association of Hawaii; and numerous individuals. Your Committee received testimony in opposition to this measure from the Maui Police Department, National Rifle Association, Hawaii Federation of Republican Women, Pu'uloa Rifle and Pistol Club, Hawaii Firearms Coalition, Active Self Protection, Hawaii Tactical Division LLC., Young Guns, and numerous individuals. Your Committee received comments on this measure from the Kauai Police Department and Hawai'i Primary Care Association.

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:

- (1) Amending the locations and premises where carrying or possessing a firearm is prohibited to include:



- (A) The adjacent parking areas of any voting service center or other polling place; and
 - (B) Any public gathering, public assembly, or special event conducted on property open to the public;
- (2) Clarifying when persons are exempt from certain firearms prohibitions;
 - (3) Deleting the requirement that licensees who publicly carry firearms obtain liability insurance coverage beginning January 1, 2025;
 - (4) Deleting the requirement that the safe storage depository required for securely locking firearms in unattended vehicles be fire resistant;
 - (5) Deleting the authority for the counties to impose requirements that exceed the statewide provisions, including prohibitions against carrying or possessing a firearm in additional locations or premises within that county;
 - (6) Requiring the Department of the Attorney General to publish an annual report on licenses to carry;
 - (7) Adding a blank term of enhanced sentencing for persons who carry or possess a firearm in certain prohibited locations and premises when not licensed or exempt;
 - (8) Requiring the name, address, and phone number for the transferor and transferee of a firearm;
 - (9) Clarifying that a party aggrieved by a firearm permit denial is entitled to judicial review after a hearing and final decision;
 - (10) Clarifying that the license for concealed carry applies statewide;
 - (11) Extending the duration of licenses to carry to four years;



- (12) Requiring an applicant for a license to carry to identify any health care providers who possess or may possess any records that have a bearing on the mental health of the applicant;
- (13) Clarifying that licensing authorities must consider whether a person would present a danger to the community when making determinations on whether a person lacks the essential character or temperament to be entrusted with a firearm;
- (14) Allowing a designee of the chief of police to notify an applicant of the denial of their application for a license to carry;
- (15) Expanding the qualified immunity for physicians, psychologists, and psychiatrists who provide information on applicants for firearms permits to include physician assistants and advanced practice registered nurses and clarifying that the qualified immunity applies when information is provided on applicants for firearms licenses;
- (16) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (17) 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 H.B. No. 984, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 984, 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,



DAVID A. TARNAS, Chair



