

STAND. COM. REP. NO.

2941

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2845
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2845, 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) Prohibit a person from selling ammunition to a person under the age of twenty-one; and
- (2) Prohibit a person under the age of twenty-one from owning, possessing, or controlling ammunition, with exceptions.

Your Committee received testimony in support of this measure from Everytown for Gun Safety; Moms Demand Action for Gun Sense in America, Hawaii Chapter; Students Demand Action for Gun Sense in America, Hawaii Chapter; Hawai'i State Coalition Against Domestic Violence; and four individuals.

Your Committee received testimony in opposition to this measure from the National Rifle Association and more than one hundred sixty individuals.

Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that research shows that individuals aged eighteen to twenty commit gun homicides at three times the rate of adults aged twenty-one years and older. Restricting access to ammunition for persons under the age of twenty-one will save lives if an individual under the age of twenty-one is able to obtain an illegal firearm. This measure will improve public safety and conform the State's laws regulating ammunition with the State's existing firearm laws.

Your Committee has amended this measure by:

- (1) Clarifying that no person shall intentionally, knowingly, or recklessly sell, offer to sell, distribute, or otherwise transfer ammunition for any firearm to any person who is under the age of twenty-one;
- (2) Clarifying that it is not a violation of the prohibition against the sale of ammunition to a person under the age of twenty-one if the person under the age of twenty-one meets the criteria to possess a firearm under section 134-5, Hawaii Revised Statutes, and is actively engaged in hunting or target shooting or going to or from the place of hunting or target shooting;
- (3) Inserting language requiring any person who sells, offers for sale, distributes, or otherwise transfers ammunition for any firearm to check the government-issued photographic identification of the buyer or recipient to establish the age of the buyer or recipient before making the transfer;
- (4) Deleting language that would have made it a defense to a prosecution for the sale of ammunition to a person under the age of twenty-one that the defendant sold the ammunition to the person under the age of twenty-one with the belief, which was reasonable under the circumstances, that the person under the age of twenty-one had attained the age of twenty-one;
- (5) Inserting language that makes it an affirmative defense to the prohibition against the sale of ammunition to a



person under the age of twenty-one that the seller, distributor, or transferor of the ammunition had requested, examined, and reasonably relied upon a government-issued photographic identification establishing the age of the buyer or recipient as at least twenty-one years of age before making the transfer of the ammunition;

- (6) Clarifying that the exemption to the prohibition against a person under the age of twenty-one from owning, possessing, or controlling ammunition applies to a person in an exempt category identified in section 134-11(a), Hawaii Revised Statutes;
- (7) Inserting a savings clause; and
- (8) 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. 2845, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2845, S.D. 2.

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



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2845 SD1	PSM, JDC	02/27/24		
<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			✓	
TOTAL	3	—	2	—
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes