

STAND. COM. REP. NO. **2997**

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 3196
S.D. 1

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. 3196 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) Amend the prohibition on certain assault weapons to include assault rifles, assault shotguns, .50 caliber rifles, and assault weapon attachments;
- (2) Modernize the prohibition on assault pistols to include pistols with one or more prohibited feature;
- (3) Expand the ban on pistols with a detachable magazine with over a ten round capacity to any firearm with a detachable magazine with over a ten round capacity;
- (4) Prohibit persons from bringing or causing to be brought into the State an assault rifle or assault shotgun;
- (5) Prohibit the sale or transfer of an assault rifle or assault shotgun in the State, unless the assault rifle or assault shotgun is sold or transferred to an authorized individual; and



- (6) Create exceptions for the acquisition and possession of prohibited firearms for members of law enforcement and the military.

Your Committee received testimony in support of this measure from GIFFORDS; Everytown for Gun Safety; Hawai'i Chapter of Moms Demand Action for Gun Sense in America; Hawai'i Chapter of Students Demand Action for Gun Sense in America; Brady Campaign to Prevent Gun Violence Hawaii Chapter; Hawaii Friends of Civil Rights; League of Women Voters of Hawaii; Institute for Human Services, Inc.; Indivisible Hawaii; Hui Malama Pono Hawaii Foundation; Hawai'i State Coalition Against Domestic Violence; Hawaii Coalition to Prevent Gun Violence; North Hawaii Community Action Network; Church of the Crossroads; a form letter signed by more than one hundred individuals; and more than two hundred eighty individuals.

Your Committee received testimony in opposition to this measure from the National Rifle Association; National Association for Gun Rights; Firearms International, LLC; Hawaii Rifle Association; Hawaii Firearms Coalition; Hawaii Federation of Republican Women; Hawaii Hunters; Volcano Neighborhood Watch; Pu'uloa Rifle and Pistol Club; SDM Training Group; Bows 'N Bullets; Maui Ammo and Gun Supply; S. Tokunaga Store Inc; Diamond Training Group, LLC; Hawaii Tactical Outfitter; Young Guns; 50th Holster Works; Koffin Wurks; Honolulu Sporting Goods, LLC; Red Letter Industries; Epowersports; and more than one thousand two hundred seventy-five individuals.

Your Committee received comments on this measure from the Honolulu Police Department and two individuals.

Your Committee finds that for decades, the State's leaders have prioritized the safety and well-being of the people in the State by enacting and implementing proactive, research-informed policy solutions that prevent gun violence, save lives, and spare communities from loss, trauma, and cycles of violence. However, the State's assault weapons ban fails to ban assault weapon attachments, such as large capacity magazines, and .50 caliber rifles. Your Committee believes that banning .50 caliber rifles and large capacity magazines is important because they are designed to be capable of mass violence and have a potential for mass murder that far outweighs any plausible use for hunting,



recreation, or self-defense. This measure will reaffirm the State's commitment to protecting the safety and well-being of its citizens by strengthening the State's firearms laws to address the serious hazards to public safety posed by .50 caliber rifles and large capacity magazines.

Your Committee has amended this measure by:

- (1) Deleting language that would have, after July 8, 2024, prohibited a person from bringing or causing to be brought into the State an assault rifle or assault shotgun;
- (2) Deleting language that would have, after July 8, 2024, prohibited an assault rifle or assault shotgun from being sold or transferred to anyone within the State;
- (3) Deleting language that would have required a person who obtains title by bequest or intestate succession to an assault rifle or assault shotgun to, within ninety days, render the weapon permanently inoperable, sell or transfer the weapon to a licensed dealer or chief of police of any county, or remove the weapon from the State;
- (4) Deleting language that would have prohibited the manufacture, possession, barter, trade, gift, transfer, or acquisition of assault rifles or assault shotguns;
- (5) Restoring statutory language clarifying that the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds that are designed for or capable of use with a pistol is prohibited;
- (6) Inserting language prohibiting the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of twenty rounds that are designed for or capable of use with any firearm other than a pistol, but excluding magazines originally designed to accept more than twenty rounds of ammunition which have



been modified to accept no more than twenty rounds and which are not capable of being readily restored to a capacity of more than twenty rounds;

- (7) Inserting language clarifying that the mens rea requirement for a person violating the prohibitions against the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of certain firearms and firearm attachments is an intentionally or knowingly standard;
- (8) Deleting language that would have established exemptions for the acquisition and possession of assault rifles and assault shotguns;
- (9) Inserting a severability clause;
- (10) Inserting an effective date of April 14, 2112, to encourage further discussion;
- (11) Amending section 1 to reflect its amended purpose; 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. 3196, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3196, S.D. 1.

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 3196	PSM, JDC	02/27/24

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 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: Adopted Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**