



# GOV. MSG. NO. 1353

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

SB2845 SD2 HD1 CD1

RELATING TO FIREARMS.  
**ACT 248**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 9 2024

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

S.B. NO. 2845  
S.D. 2  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the State has some  
2 of the strongest gun safety laws in the nation and had the third  
3 lowest number of gun deaths per capita in the nation as of 2021.  
4 Despite this, state laws restricting the sale, ownership, and  
5 possession of ammunition do not currently align with the State's  
6 gun safety laws. Existing law prohibits the ownership of  
7 firearms by persons under the age of twenty-one, but state law  
8 does not restrict the purchase, ownership, or possession of  
9 ammunition by persons under the age of twenty-one. Numerous  
10 states, including Arizona, California, Connecticut, Delaware,  
11 Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts,  
12 Minnesota, New Hampshire, New Jersey, New York, Rhode Island,  
13 and Vermont, have set a minimum age requirement for ammunition  
14 sales. Setting a minimum age requirement to purchase, own, or  
15 possess ammunition that conforms to the existing minimum age  
16 requirement to purchase, own, or possess a firearm in the State  
17 will help to ensure the safety of residents and reduce incidents  
18 of gun violence in the State.



1 Accordingly, the purpose of this Act is to prohibit:

2 (1) A person from selling ammunition to a person under the  
3 age of twenty-one; and

4 (2) A person under the age of twenty-one from owning,  
5 possessing, or controlling ammunition, with  
6 exceptions.

7 SECTION 2. Chapter 134, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§134- Sale of ammunition to a person under the age of  
11 twenty-one; prohibition; penalty. (a) No person shall  
12 intentionally, knowingly, or recklessly sell, offer to sell,  
13 distribute, or otherwise transfer ammunition for any firearm to  
14 any person who is under the age of twenty-one; provided that it  
15 shall not be a violation of this section to sell, offer to sell,  
16 distribute, or otherwise transfer ammunition to a person who:

17 (1) Meets the criteria to possess a firearm under section  
18 134-5; and

19 (2) Is actively engaged in hunting or target shooting or  
20 going to or from the place of hunting or target  
21 shooting.



1        (b) Any person who sells, offers for sale, distributes, or  
2 otherwise transfers ammunition for any firearm shall check the  
3 government-issued photographic identification of the buyer or  
4 recipient to establish the age of the buyer or recipient before  
5 making the transfer.

6        (c) It shall be an affirmative defense to subsection (a)  
7 that the seller, distributor, or transferor of the ammunition  
8 had requested, examined, and reasonably relied upon a  
9 government-issued photographic identification establishing the  
10 age of the buyer or recipient as at least twenty-one years of  
11 age before selling, offering to sell, distributing, or otherwise  
12 transferring the ammunition.

13        (d) Any person violating subsection (a) shall be guilty of  
14 a misdemeanor."

15        SECTION 3. Section 134-7, Hawaii Revised Statutes, is  
16 amended to read as follows:

17        "**§134-7 Ownership, possession, or control prohibited,**  
18 **when; penalty.** (a) No person who is a fugitive from justice or  
19 prohibited from possessing a firearm or ammunition under title  
20 18 United States Code section 922 or any other provision of



1 federal law shall own, possess, or control any firearm or  
2 ammunition.

3 (b) No person who is being prosecuted for one or more  
4 charges for a felony, a crime of violence, a criminal offense  
5 relating to firearms, or an illegal sale or distribution of any  
6 drug in a court in this State or elsewhere, or who has been  
7 convicted in this State or elsewhere of having committed a  
8 felony, a crime of violence, a criminal offense relating to  
9 firearms, or an illegal sale or distribution of any drug shall  
10 own, possess, or control any firearm or ammunition.

11 (c) No person shall own, possess, or control any firearm  
12 or ammunition if the person:

13 (1) Is or has been under treatment or counseling for  
14 addiction to, abuse of, or dependence upon any  
15 dangerous, harmful, or detrimental drug, intoxicating  
16 compound as defined in section 712-1240, or  
17 intoxicating liquor;

18 (2) Has been acquitted of a crime on the grounds of mental  
19 disease, disorder, or defect pursuant to section  
20 704-411 or any similar provision under federal law, or



1 the law of another state, a United States territory,  
2 or the District of Columbia;

3 (3) Is or has been diagnosed with or treated for a  
4 medical, behavioral, psychological, emotional, or  
5 mental condition or disorder that causes or is likely  
6 to cause impairment in judgment, perception, or  
7 impulse control to an extent that presents an  
8 unreasonable risk to public health, safety, or welfare  
9 if the person were in possession or control of a  
10 firearm; or

11 (4) Has been adjudged to:

12 (A) Meet the criteria for involuntary hospitalization  
13 under section 334-60.2; or

14 (B) Be an "incapacitated person", as defined in  
15 section 560:5-102,

16 unless the person establishes, with appropriate medical  
17 documentation, that the person is no longer adversely affected  
18 by the criteria or statuses identified in this subsection.

19 (d) No person who is less than twenty-five years old and  
20 has been adjudicated by the family court to have committed a  
21 felony, a crime of violence, a criminal offense relating to



1 firearms, or an illegal sale or distribution of any drug shall  
2 own, possess, or control any firearm or ammunition.

3 (e) No minor shall own, possess, or control any firearm or  
4 ammunition if the minor:

5 (1) Is or has been under treatment for addiction to any  
6 dangerous, harmful, or detrimental drug, intoxicating  
7 compound as defined in section 712-1240, or  
8 intoxicating liquor;

9 (2) Is a fugitive from justice; or

10 (3) Has been determined not to have been responsible for a  
11 criminal act or has been committed to any institution  
12 on account of a mental disease, disorder, or defect,  
13 unless the minor establishes, with appropriate medical  
14 documentation, that the minor is no longer adversely affected by  
15 the addiction, mental disease, disorder, or defect.

16 For the purposes of enforcing this section, and  
17 notwithstanding section 571-84 or any other law to the contrary,  
18 any agency within the State shall make its records relating to  
19 family court adjudications available to law enforcement  
20 officials.



1 (f) No person who has been restrained pursuant to an order  
2 of any court, including a gun violence protective order issued  
3 pursuant to part IV, from contacting, threatening, or physically  
4 abusing any person, shall possess, control, or transfer  
5 ownership of any firearm or ammunition, so long as the  
6 protective order, restraining order, or any extension is in  
7 effect. The protective order or restraining order shall  
8 specifically include a statement that possession, control, or  
9 transfer of ownership of a firearm or ammunition by the person  
10 named in the order is prohibited. The person shall relinquish  
11 possession and control of any firearm and ammunition owned by  
12 that person to the police department of the appropriate county  
13 for safekeeping for the duration of the order or extension  
14 thereof. At the time of service of a protective order or  
15 restraining order involving firearms and ammunition issued by  
16 any court, a police officer may take custody of any and all  
17 firearms and ammunition in plain sight, those discovered  
18 pursuant to a consensual search, and those firearms surrendered  
19 by the person restrained. If the person restrained is the  
20 registered owner of a firearm and knows the location of the  
21 firearm, but refuses to surrender the firearm or disclose the





1 location of the firearm, the person restrained shall be guilty  
2 of a misdemeanor. In any case, when a police officer is unable  
3 to locate the firearms and ammunition either registered under  
4 this chapter or known to the person granted protection by the  
5 court, the police officer shall apply to the court for a search  
6 warrant pursuant to chapter 803 for the limited purpose of  
7 seizing the firearm and ammunition.

8 (g) Except as provided in section 134-5, no person who is  
9 under the age of twenty-one shall own, possess, or control any  
10 ammunition for any firearm; provided that this subsection shall  
11 not apply to a person in an exempt category identified in  
12 section 134-11(a).

13 [~~g~~] (h) Any person disqualified from ownership,  
14 possession, control, or the right to transfer ownership of  
15 firearms and ammunition under this section shall surrender or  
16 dispose of all firearms and ammunition in compliance with  
17 section 134-7.3.

18 [~~h~~] (i) Any person who otherwise would be prohibited  
19 under subsection (b) from owning, possessing, or controlling a  
20 firearm and ammunition solely as a result of a conviction for a  
21 crime that is not a felony, and who is not prohibited from



1 owning, possessing, or controlling a firearm or ammunition for  
2 any reason under any other provision of this chapter or under  
3 title 18 United States Code section 922 or another provision of  
4 federal law, shall not be prohibited under this section from  
5 owning, possessing, or controlling a firearm and ammunition if  
6 twenty years have elapsed from the date of the conviction.

7       ~~(i)~~ (j) Any person violating subsection (a) or (b) shall  
8 be guilty of a class C felony; provided that any felon violating  
9 subsection (b) shall be guilty of a class B felony. Any person  
10 violating subsection (c), (d), (e), (f), ~~(g)~~, or (h) shall  
11 be guilty of a misdemeanor."

12       SECTION 4. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

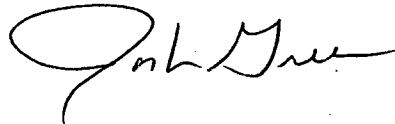
15       SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 6. This Act shall take effect upon its approval.



S.B. NO. 2845  
S.D. 2  
H.D. 1  
C.D. 1

APPROVED this **9th** day of **July**, 2024

A handwritten signature in black ink, appearing to read "Jonn Blue". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

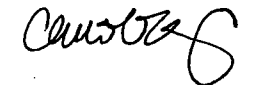
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2845, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives