

JAN 19 2024

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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



1 will help to ensure the safety of residents and reduce incidents  
2 of gun violence in the State.

3 Accordingly, the purpose of this Act is to:

4 (1) Prohibit a person from selling ammunition to a person  
5 under the age of twenty-one; and

6 (2) Prohibit a person under the age of twenty-one from  
7 owning, possessing, or controlling ammunition.

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

11 "§134- Sale of ammunition to a person under the age of  
12 twenty-one; prohibition; penalty. (a) No person shall  
13 knowingly sell, offer to sell, distribute, or otherwise transfer  
14 ammunition for any firearm to any person who is under the age of  
15 twenty-one.

16 (b) It is a defense to a prosecution for the sale of  
17 ammunition to a person under the age of twenty-one that the  
18 defendant sold the ammunition to the person under the age of  
19 twenty-one with the belief, which was reasonable under the  
20 circumstances, that the person under the age of twenty-one had  
21 attained the age of twenty-one.



1           (c) Any person violating subsection (a) shall be guilty of  
2 a misdemeanor."

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

5           "**§134-7 Ownership, possession, or control prohibited,**  
6 **when; penalty.** (a) No person who is a fugitive from justice or  
7 prohibited from possessing a firearm or ammunition under title  
8 18 United States Code section 922 or any other provision of  
9 federal law shall own, possess, or control any firearm or  
10 ammunition.

11           (b) No person who is being prosecuted for one or more  
12 charges for a felony, a crime of violence, a criminal offense  
13 relating to firearms, or an illegal sale or distribution of any  
14 drug in a court in this State or elsewhere, or who has been  
15 convicted in this State or elsewhere of having committed a  
16 felony, a crime of violence, a criminal offense relating to  
17 firearms, or an illegal sale or distribution of any drug shall  
18 own, possess, or control any firearm or ammunition.

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



- 1           (1) Is or has been under treatment or counseling for  
2           addiction to, abuse of, or dependence upon any  
3           dangerous, harmful, or detrimental drug, intoxicating  
4           compound as defined in section 712-1240, or  
5           intoxicating liquor;
- 6           (2) Has been acquitted of a crime on the grounds of mental  
7           disease, disorder, or defect pursuant to section 704-  
8           411 or any similar provision under federal law, or the  
9           law of another state, a United States territory, or  
10          the District of Columbia;
- 11          (3) Is or has been diagnosed with or treated for a  
12          medical, behavioral, psychological, emotional, or  
13          mental condition or disorder that causes or is likely  
14          to cause impairment in judgment, perception, or  
15          impulse control to an extent that presents an  
16          unreasonable risk to public health, safety, or welfare  
17          if the person were in possession or control of a  
18          firearm; or
- 19          (4) Has been adjudged to:
  - 20                (A) Meet the criteria for involuntary hospitalization
  - 21                under section 334-60.2; or



1           (B) Be an "incapacitated person", as defined in  
2                           section 560:5-102,  
3 unless the person establishes, with appropriate medical  
4 documentation, that the person is no longer adversely affected  
5 by the criteria or statuses identified in this subsection.

6           (d) No person who is less than twenty-five years old and  
7 has been adjudicated by the family court to have 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           (e) No minor shall own, possess, or control any firearm or  
12 ammunition if the minor:

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

17           (2) Is a fugitive from justice; or

18           (3) Has been determined not to have been responsible for a  
19 criminal act or has been committed to any institution  
20 on account of a mental disease, disorder, or defect,



1 unless the minor establishes, with appropriate medical  
2 documentation, that the minor is no longer adversely affected by  
3 the addiction, mental disease, disorder, or defect.

4 For the purposes of enforcing this section, and  
5 notwithstanding section 571-84 or any other law to the contrary,  
6 any agency within the State shall make its records relating to  
7 family court adjudications available to law enforcement  
8 officials.

9 (f) No person who has been restrained pursuant to an order  
10 of any court, including a gun violence protective order issued  
11 pursuant to part IV, from contacting, threatening, or physically  
12 abusing any person, shall possess, control, or transfer  
13 ownership of any firearm or ammunition, so long as the  
14 protective order, restraining order, or any extension is in  
15 effect. The protective order or restraining order shall  
16 specifically include a statement that possession, control, or  
17 transfer of ownership of a firearm or ammunition by the person  
18 named in the order is prohibited. The person shall relinquish  
19 possession and control of any firearm and ammunition owned by  
20 that person to the police department of the appropriate county  
21 for safekeeping for the duration of the order or extension



1 thereof. At the time of service of a protective order or  
2 restraining order involving firearms and ammunition issued by  
3 any court, a police officer may take custody of any and all  
4 firearms and ammunition in plain sight, those discovered  
5 pursuant to a consensual search, and those firearms surrendered  
6 by the person restrained. If the person restrained is the  
7 registered owner of a firearm and knows the location of the  
8 firearm, but refuses to surrender the firearm or disclose the  
9 location of the firearm, the person restrained shall be guilty  
10 of a misdemeanor. In any case, when a police officer is unable  
11 to locate the firearms and ammunition either registered under  
12 this chapter or known to the person granted protection by the  
13 court, the police officer shall apply to the court for a search  
14 warrant pursuant to chapter 803 for the limited purpose of  
15 seizing the firearm and ammunition.

16 (g) No person who is less than twenty-one years of age  
17 shall own, possess, or control any ammunition for any firearm;  
18 provided that this subsection shall not apply to:

19 (1) Law enforcement officers as defined in section 701-  
20 118;



1        (2) Wardens, superintendents, and keepers of prisons,  
2        penitentiaries, jails, and other institutions for the  
3        detention of persons accused or convicted of an  
4        offense; and

5        (3) Members of the armed services or reserve forces of the  
6        United States or the Hawaii National Guard, while  
7        performing their official duties or while traveling to  
8        or from their places of duty.

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

14       [~~h~~] (i) Any person who otherwise would be prohibited  
15       under subsection (b) from owning, possessing, or controlling a  
16       firearm and ammunition solely as a result of a conviction for a  
17       crime that is not a felony, and who is not prohibited from  
18       owning, possessing, or controlling a firearm or ammunition for  
19       any reason under any other provision of this chapter or under  
20       title 18 United States Code section 922 or another provision of  
21       federal law, shall not be prohibited under this section from





1 owning, possessing, or controlling a firearm and ammunition if  
2 twenty years have elapsed from the date of the conviction.

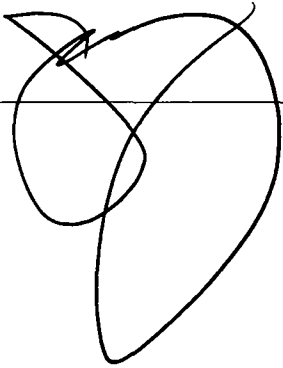
3 ~~(i)~~ (j) Any person violating subsection (a) or (b) shall  
4 be guilty of a class C felony; provided that any felon violating  
5 subsection (b) shall be guilty of a class B felony. Any person  
6 violating subsection (c), (d), (e), (f), ~~(g)~~ (h) shall  
7 be guilty of a misdemeanor."

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

A handwritten signature in black ink, consisting of several overlapping loops and curves, is written over a horizontal line.

# S.B. NO. 2845

**Report Title:**

Firearms; Ammunition; Sale; Ownership; Possession; Control;  
Persons Under Twenty-One; Prohibition; Penalty

**Description:**

Prohibits a person from selling ammunition to a person under the age of twenty-one. Prohibits a person under the age of twenty-one from owning, possessing, or controlling ammunition.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

