

JAN 15 2025

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 gun violence is a
2 growing concern in Hawaii. Due to multiple high profile
3 shootings across the State, it is critical that the State hold
4 individuals accountable for illegally possessing firearms in
5 public. "Ghost guns", which are untraceable firearms that can
6 be easily assembled with little to no training, are also
7 becoming more prevalent in gun violence. Individuals who
8 illegally carry firearms or firearm parts in public must be held
9 accountable to reduce gun violence.

10 Currently, state and county law enforcement are unable to
11 bring charges against an individual in possession of a firearm
12 that has been deconstructed, which makes it difficult to reduce
13 the potential for gun violence. This loophole is known to
14 criminals and has been used to evade enforcement of the gun laws
15 as no charges can be sought against a person in possession of
16 all the parts necessary to create a firearm because the weapon
17 is not considered "operational". Even an unskilled person can



1 assemble a deconstructed firearm in a matter of seconds. There
2 is no reason for a person to be in possession of unsecured
3 firearm parts as they traverse through our state other than to
4 assemble the parts to create a gun. This loophole of carrying
5 gun parts must be closed to protect the community from gun
6 violence.

7 Often, individuals who illegally carry firearms throughout
8 the State are not merely trying to protect themselves; they are
9 also committing a significant number of other crimes, which
10 create a significant risk to public safety. In 2023, the
11 Honolulu police department initiated one hundred forty-three
12 cases for "place to keep" offenses, of which eighty-four arrests
13 were effected on seventy-two individuals. In 2023 alone, those
14 seventy-two individuals arrested for "place to keep" accounted
15 for an additional two hundred nineteen felony arrests and one
16 hundred ninety-five misdemeanor arrests.

17 In recent years, shootings among teens and young adults
18 have become increasingly common in Honolulu. These teens and
19 young adults are not of age to legally possess a firearm but
20 have been able to acquire the parts to build complete weapons
21 because of the availability of firearms categorized as ghost



1 guns. In addition to these youth, ghost guns can be built by
2 individuals who are prohibited from possessing a firearm due to
3 felony convictions, domestic violence convictions, or court
4 orders. The Honolulu police department conducted a target
5 enforcement operation between October 13, 2024, and October 26,
6 2024, in which seven individuals were arrested for "place to
7 keep" offenses. Of the seven individuals arrested, four were
8 previously convicted of felonies, and three high-capacity
9 magazines were recovered during separate investigations. The
10 number of ghost gun-related cases has risen sharply, with a two
11 hundred twenty per cent increase in one year. During the period
12 of January 1, 2023, through October 14, 2023, the Honolulu
13 police department initiated thirty-one ghost gun-related cases;
14 and from January 1, 2024, through October 14, 2024, the
15 department initiated sixty-eight ghost gun-related cases. This
16 trend is likely to increase unless the State makes improvements
17 to the existing law and require imprisonment for "place to keep"
18 convictions.

19 To further enhance public safety and deter gun violence
20 more effectively, it is imperative that the State add mandatory
21 terms of imprisonment for these types of charges to discourage



1 would-be offenders from illegally possessing firearms,
2 particularly in public spaces. To close this loophole in the
3 existing laws, it is crucial that the State also prohibit
4 individuals from carrying or possessing unsecured firearm parts
5 in public spaces, even when they are not in immediate possession
6 of all the parts necessary to create a firearm.

7 Accordingly, the purpose of this Act is to:

8 (1) Allow the carrying or possessing of firearm parts only
9 at or between specific locations and in an enclosed
10 container; and

11 (2) Establish and increase penalties for the carrying or
12 possessing of certain firearms or firearm parts other
13 than at or between specific locations and in an
14 enclosed container.

15 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

18 **"§134- Place to keep firearm parts; penalty. (a)**
19 Except as provided in sections 134-5 and 134-9, all firearm
20 parts shall be confined to the possessor's place of business,
21 residence, or sojourn; provided that it shall be lawful to carry



1 firearm parts in an enclosed container from the place of
2 purchase to the purchaser's place of business, residence, or
3 sojourn, or between these places upon change of place of
4 business, residence, or sojourn, or between these places and the
5 following:

6 (1) A place of repair;

7 (2) A target range;

8 (3) A licensed dealer's place of business;

9 (4) An organized, scheduled firearms show or exhibit;

10 (5) A place of formal hunter or firearm use training or
11 instruction; or

12 (6) A police station.

13 (b) Any person violating this section by carrying or
14 possessing three or more firearm parts shall be guilty of a
15 misdemeanor; provided that any felon or prohibited person
16 violating this section shall be guilty of a class B felony;
17 provided further that any felon or prohibited person convicted
18 under this section shall be sentenced to a term of probation of
19 four years, with conditions to include a term of imprisonment of
20 not less than one year without possibility of suspension of
21 sentence."



1 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Enclosed container" means a rigidly constructed
5 receptacle, or a commercially manufactured gun case, or the
6 equivalent thereof that completely encloses the firearm or
7 firearm parts.

8 "Firearm parts" means any item that is specifically
9 designed for or adapted for use in creating a firearm, including
10 the barrel, bolt, slide, frame, receiver, trigger, hammer,
11 firing pin, cylinder, magazine, or any other part necessary for
12 a firearm to operate.

13 "Prohibited person" means any person who cannot lawfully
14 possess a firearm as defined by section 134-7(a) and (b)."

15 SECTION 4. Section 134-8, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Any person who possesses, installs, removes, or
18 alters a firearm part with the intent to convert the firearm to
19 an automatic firearm, regardless of whether the conversion is
20 readily reversible, shall be deemed to have manufactured an
21 automatic firearm in violation of subsection (a)."



1 SECTION 5. Section 134-23, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[f]§134-23[+] **Place to keep loaded firearms other than**
4 **pistols and revolvers; penalty.** (a) Except as provided in
5 section 134-5, all firearms shall be confined to the possessor's
6 place of business, residence, or sojourn; provided that it shall
7 be lawful to carry unloaded firearms in an enclosed container
8 from the place of purchase to the purchaser's place of business,
9 residence, or sojourn, or between these places upon change of
10 place of business, residence, or sojourn, or between these
11 places and the following:

- 12 (1) A place of repair;
- 13 (2) A target range;
- 14 (3) A licensed dealer's place of business;
- 15 (4) An organized, scheduled firearms show or exhibit;
- 16 (5) A place of formal hunter or firearm use training or
17 instruction; or
- 18 (6) A police station.

19 [~~"Enclosed container" means a rigidly constructed~~
20 ~~receptacle, or a commercially manufactured gun case, or the~~
21 ~~equivalent thereof that completely encloses the firearm.~~]



1 (b) Any person violating this section by carrying or
2 possessing a loaded firearm other than a pistol or revolver
3 shall be guilty of a class B felony~~[-]~~; provided that a person
4 convicted under this section shall be sentenced to a term of
5 probation of four years, with conditions to include a term of
6 imprisonment of not less than one year without possibility of
7 suspension of sentence."

8 SECTION 6. Section 134-24, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~+~~]**\$134-24**[~~+~~] **Place to keep unloaded firearms other than**
11 **pistols and revolvers; penalty.** (a) Except as provided in
12 section 134-5, all firearms shall be confined to the possessor's
13 place of business, residence, or sojourn; provided that it shall
14 be lawful to carry unloaded firearms in an enclosed container
15 from the place of purchase to the purchaser's place of business,
16 residence, or sojourn, or between these places upon change of
17 place of business, residence, or sojourn, or between these
18 places and the following:

- 19 (1) A place of repair;
- 20 (2) A target range;
- 21 (3) A licensed dealer's place of business;



- 1 (4) An organized, scheduled firearms show or exhibit;
- 2 (5) A place of formal hunter or firearm use training or
- 3 instruction; or
- 4 (6) A police station.

5 [~~"Enclosed container" means a rigidly constructed~~
6 ~~receptacle, or a commercially manufactured gun case, or the~~
7 ~~equivalent thereof that completely encloses the firearm.~~]

8 (b) Any person violating this section by carrying or
9 possessing an unloaded firearm other than a pistol or revolver
10 shall be guilty of a class C felony[~~-~~]; provided that a person
11 convicted under this section shall be sentenced to a term of
12 probation of four years, with conditions to include a term of
13 imprisonment of not less than six months without possibility of
14 suspension of sentence."

15 SECTION 7. Section 134-25, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~+~~]**\$134-25[~~+~~]** **Place to keep pistol or revolver; penalty.**

18 (a) Except as provided in sections 134-5 and 134-9, all
19 firearms shall be confined to the possessor's place of business,
20 residence, or sojourn; provided that it shall be lawful to carry
21 unloaded firearms in an enclosed container from the place of



1 purchase to the purchaser's place of business, residence, or
2 sojourn, or between these places upon change of place of
3 business, residence, or sojourn, or between these places and the
4 following:

- 5 (1) A place of repair;
- 6 (2) A target range;
- 7 (3) A licensed dealer's place of business;
- 8 (4) An organized, scheduled firearms show or exhibit;
- 9 (5) A place of formal hunter or firearm use training or
10 instruction; or
- 11 (6) A police station.

12 [~~"Enclosed container" means a rigidly constructed~~
13 ~~receptacle, or a commercially manufactured gun case, or the~~
14 ~~equivalent thereof that completely encloses the firearm.]~~

15 (b) Any person violating this section by carrying or
16 possessing a loaded or unloaded pistol or revolver shall be
17 guilty of a class B felony[~~+~~]; provided that a person convicted
18 under this section shall be sentenced to a term of probation of
19 four years, with conditions to include a term of imprisonment of
20 not less than one year without possibility of suspension of
21 sentence."




1 SECTION 8. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

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

7

INTRODUCED BY: 



S.B. NO. 363

Report Title:

Firearms; Firearm Parts; Criminal Offenses; Penalties

Description:

Allows the carrying or possessing of firearm parts only at or between certain locations and in an enclosed container. Defines firearm parts and prohibited persons. Establishes and increases penalties for the carrying or possessing of certain firearms or firearm parts other than at or between specific locations and in an enclosed container.

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