

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 15 Date 4/30/25

TO: SENATE Bill No. 401, S.D. 2, H.D. 1, C.D. 1

Section 1. Senate Bill No. 401, S.D. 2, H.D. 1, C.D. 1, is amended by amending section 3 to read as follows:

"SECTION 3. Section 134-8, Hawaii Revised Statutes, is amended to read as follows:

"§134-8 Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties.

"(a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following shall be prohibited: assault pistols, except as provided by section 134-4(e); assault rifles, except as provided by section 134-4(f); assault shotguns, except as provided by section 134-4(f); .50 caliber firearm, except as provided by section 134-4(f); automatic firearms; rifles with barrel lengths less than sixteen inches; ghost guns; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms; hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives; or any type of ammunition or any projectile component thereof coated with [~~teflon~~] Teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor; and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target.

This subsection shall not apply to a person's possession of an assault rifle, an assault shotgun, or a .50 caliber firearm registered to the person before January 1, 2026, pursuant to 134-3.

A person authorized under this subsection to possess an assault rifle, an assault shotgun, or a .50 caliber firearm shall possess that weapon only:



- (1) On private property owned or immediately controlled by the person;
- (2) On private property that is not open to the public with the express permission of the person who owns or immediately controls the property;
- (3) While on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
- (4) While engaged in the legal use of the assault rifle, assault shotgun, or .50 caliber firearm at a properly licensed firing range or sport shooting competition venue; or
- (5) While traveling to or from the locations listed in paragraphs (1) through (4); provided that the assault rifle, assault shotgun, or .50 caliber firearm is unloaded in an enclosed container, as defined in section 134-24.

(b) Any person who installs, removes, or alters a firearm part with the intent to convert the firearm to an automatic firearm shall be deemed to have manufactured an automatic firearm in violation of subsection (a).

(c) 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~~] any firearm shall be prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition that have been modified to accept no more than ten rounds and that are not capable of being readily restored to a capacity of more than ten rounds.

(d) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a [~~pistol~~] firearm in which case the person shall be guilty of a class C felony.



(e) In any prosecution for the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of a ghost gun, it shall be an affirmative defense that the person holds a current license to sell and manufacture firearms for sale under section 134-31, or that the person is a dealer licensed by the United States Department of Justice, or that the firearm is not required to have a serial number under the federal Gun Control Act of 1968.

(f) Notwithstanding any provision of this section to the contrary, the possession of an assault rifle, assault shotgun, or detachable magazine with a capacity greater than ten rounds shall be lawful if:

- (1) The assault rifle, assault shotgun, or detachable magazine with a capacity greater than ten rounds was lawfully possessed within the State before January 1, 2026;
- (2) The owner is not disqualified under section 134-7 from the ownership, possession, or control of a firearm;
- (3) The owner resides in the State;
- (4) The firearm is stored in a secure, locked gun safe or other locked storage container that is inaccessible to unauthorized users; and
- (5) The assault rifle, assault shotgun, or detachable magazine with a capacity greater than ten rounds is registered with the chief of police of the appropriate county on or before July 1, 2026.

(g) Dealers licensed under section 134-31 operating in the State may sell, repair, service, or transfer firearms and magazines that are lawfully possessed by a qualified owner under subsection (f).

(h) If the State requires the surrender, seizure, or prohibition of any firearm or magazine lawfully possessed before January 1, 2026, the State shall provide just compensation to the registered owner in an amount equal to the fair market value of the firearm or magazine at the time of surrender. Compensation shall be paid within ninety days of surrender, seizure, or prohibition.

(i) This section shall not apply to the possession or use of an assault rifle, assault shotgun, or detachable magazine with a capacity greater than ten rounds when used for:



- (1) Lawful subsistence hunting by residents of the State engaged in traditional and customary practices recognized under article XII, section 7 of the Hawaii State Constitution; or
- (2) Invasive species control authorized by the department of land and natural resources, or by private landowners participating in conservation and wildlife management activities consistent with state permits and regulations."

Offered by  (☒) Carried
(☐) Failed to Carry
(☐) Withdrawn

