

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. In particular, ghost guns are a
3 major concern. The number of ghost guns, used in the commission
4 of crimes, confiscated by the Honolulu Police Department on Oahu
5 from January 1, 2024, to November 2024 is eighty-four compared
6 with thirty-four for the same time period. Currently, the law
7 prohibits the possession or acquisition of firearm parts with
8 the purpose of assembling a firearm. But this law does not
9 prohibit the possession, transfer, or sale of an
10 already-assembled ghost gun.

11 Further, ghost guns are inherently problematic because they
12 do not have serial numbers. Without serial numbers, guns are
13 untraceable. When a gun with a serial number is recovered at a
14 crime scene, it can be traced back to its manufacturer based on
15 the serial number. This tool aids law enforcement in
16 investigating and solving crime. Another problem with ghost
17 guns is that they can be bought and transferred without the



1 background check necessary to ensure those with guns are safe
2 owners. It is therefore necessary to criminalize the possession
3 or transfer of a ghost gun in order to deter and decrease the
4 proliferation of these guns to people who should not be in
5 possession of them.

6 Accordingly, the purpose of this Act is to criminalize the
7 possession, transfer, or sale of assembled ghost guns.

8 SECTION 2. Section 134-1, Hawaii Revised Statutes, is
9 amended by adding a new definition to be appropriately inserted
10 and to read as follows:

11 "Ghost gun" means a firearm, including a firearm frame or
12 firearm receiver, that has not been imprinted with a serial
13 number registered with a federally licensed manufacturer. It
14 does not include a firearm that has been rendered permanently
15 inoperable."

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

18 **"§134-8 Ownership, etc., of automatic firearms, silencers,**
19 **etc., prohibited; penalties.** (a) The manufacture, possession,
20 sale, barter, trade, gift, transfer, or acquisition of any of
21 the following is prohibited: assault pistols, except as



1 provided by section 134-4(e); automatic firearms; rifles with
2 barrel lengths less than sixteen inches; ghost guns; shotguns
3 with barrel lengths less than eighteen inches; cannons;
4 mufflers, silencers, or devices for deadening or muffling the
5 sound of discharged firearms; hand grenades, dynamite, blasting
6 caps, bombs, or bombshells, or other explosives; or any type of
7 ammunition or any projectile component thereof coated with
8 teflon or any other similar coating designed primarily to
9 enhance its capability to penetrate metal or pierce protective
10 armor; and any type of ammunition or any projectile component
11 thereof designed or intended to explode or segment upon impact
12 with its target.

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

17 (c) The manufacture, possession, sale, barter, trade,
18 gift, transfer, or acquisition of detachable ammunition
19 magazines with a capacity in excess of ten rounds which are
20 designed for or capable of use with a pistol is prohibited.
21 This subsection shall not apply to magazines originally designed



1 to accept more than ten rounds of ammunition which have been
2 modified to accept no more than ten rounds and which are not
3 capable of being readily restored to a capacity of more than ten
4 rounds.

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

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



1 SECTION 4. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§706- Sentence of imprisonment for use of a ghost gun
5 in a felony. (1) A person convicted of a felony, where the
6 person had a ghost gun in the person's possession or threatened
7 its use or used the ghost gun while engaged in the commission of
8 the felony, whether the ghost gun was loaded or not, may in
9 addition to the indeterminate term of imprisonment provided for
10 the grade of offense be sentenced to a mandatory minimum term of
11 imprisonment without possibility of parole or probation the
12 length of which shall be as follows:

- 13 (a) For murder in the second degree and attempted murder
14 in the second degree-up to fifteen years;
15 (b) For a class A felony-up to ten years;
16 (c) For a class B felony-up to five years; and
17 (d) For a class C felony-up to three years.

18 The sentence of imprisonment for a felony involving the use of a
19 ghost gun as provided in this section shall not be subject to
20 the procedure for determining minimum term of imprisonment
21 prescribed under section 706-669; provided further that a person



1 who is imprisoned in a correctional institution as provided in
2 this subsection shall become subject to the parole procedure as
3 prescribed in section 706-670 only upon the expiration of the
4 term of mandatory imprisonment fixed under paragraph (a), (b),
5 (c), or (d).

6 (2) A person convicted of a second ghost gun felony
7 offense as provided in subsection (1), where the person had a
8 ghost gun in the person's possession or threatened its use or
9 used the ghost gun while engaged in the commission of the
10 felony, whether the ghost gun was loaded or not, shall in
11 addition to the indeterminate term of imprisonment provided for
12 the grade of offense be sentenced to a mandatory minimum term of
13 imprisonment without possibility of parole or probation the
14 length of which shall be as follows:

15 (a) For murder in the second degree and attempted murder
16 in the second degree—twenty years;

17 (b) For a class A felony—thirteen years, four months;

18 (c) For a class B felony—six years, eight months; and

19 (d) For a class C felony—three years, four months.

20 The sentence of imprisonment for a second felony offense
21 involving the use of a ghost gun as provided in this subsection



1 shall not be subject to the procedure for determining a minimum
2 term of imprisonment prescribed under section 706-669; provided
3 further that a person who is imprisoned in a correctional
4 institution as provided in this subsection shall become subject
5 to the parole procedure as prescribed in section 706-670 only
6 upon expiration of the term of mandatory imprisonment fixed
7 under paragraph (a), (b), (c), or (d).

8 (3) Any person convicted of a ghost gun felony offense as
9 provided in subsection (1) who has previously been convicted of
10 a felony offense involving the use of a firearm under
11 section 706-660.1, shall in addition to the indeterminate term
12 of imprisonment provided for the grade of offense be sentenced
13 to a mandatory minimum term of imprisonment without possibility
14 of parole or probation the length of which shall be as follows:

15 (a) For murder in the second degree and attempted murder
16 in the second degree—twenty years;

17 (b) For a class A felony—thirteen years, four months;

18 (c) For a class B felony—six years, eight months; and

19 (d) For a class C felony—three years, four months.

20 The sentence of imprisonment as provided in this subsection
21 shall not be subject to the procedure for determining a minimum



1 term of imprisonment prescribed under section 706-669; provided
2 further that a person who is imprisoned in a correctional
3 institution as provided in this subsection shall become subject
4 to the parole procedure as prescribed in section 706-670 only
5 upon expiration of the term of mandatory imprisonment fixed
6 under paragraph (a), (b), (c), or (d).

7 (4) In this section:

8 "Firearm" has the same meaning defined in section 134-1.

9 "Ghost gun" has the same meaning defined in section 134-1."

10 SECTION 5. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 6. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 7. New statutory material is underscored.



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY: *M. J. M.*
By Request



S.B. NO. 285

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses;
Firearms; Ghost Guns

Description:

Prohibits the possession, transfer, and sale of ghost guns.
Establishes mandatory minimum sentencing for use of a ghost gun
in the commission of a felony.

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