

ACT 19

S. B. 184.

A Bill for an Act Relating to the Ownership of and Possession of Firearms, and Amending Chapter 157 of the Revised Laws of Hawaii 1955, as Amended, and Establishing New Penalties for Certain Violations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

During recent years, there has been an alarming increase in the number of crimes involving the use of firearms in the State of Hawaii. Up to two years ago the number of armed robberies was few in comparison to the total number of robberies of all kinds and the use or possession of firearms by other arrestees was very few in number.

Since the possession of firearms and/or ammunition by persons having a prior record of convictions for crimes of violence gives rise to a reasonable apprehension that such persons might use such firearms for criminal and violent purposes, legislation prohibiting the possession or control of firearms by such persons and making such possession a felony is urgent and necessary for the protection of the general public.

Further, since the present chapter 157 provides no penalty or prohibition against selling, giving, lending or placing firearms in the custody of persons prohibited from ownership or possession, and since it is known that persons who are prohibited from ownership or possession of firearms do obtain them through sources which supply weapons for criminal activity, legislation to prohibit such possession and provide an appropriate penalty is the only way to prevent any additional increase in violent crimes committed through the use of firearms.

Further, the amendment of section 157-7 is necessary for uniformity of legislation to include those persons convicted of crimes involving the possession or sale of depressant or stimulant drugs to the class of persons prohibited from the ownership or possession of firearms as previous legislatures had done for those convicted of narcotics offenses; it is a fact that these classes of offenders are particularly dangerous when they are apprehended or when they are under the influence of narcotics or drugs, and must therefore be prevented from possession of firearms for the public interest.

The amendment to section 157-6 continues the penalty for its violation to remain a misdemeanor as presently provided in section 157-7 although the penalty for the violation of the provisions of section 157-7 has been increased to the level of felony.

SECTION 2. Chapter 157 of the Revised Laws of Hawaii 1955, as amended, relating to firearms and ammunition is hereby further amended as follows:

A. By further amending section 157-6, as amended, by adding thereto, at the end thereof, a new paragraph to read as follows:

“Any person who violates any provision of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

B. By further amending section 157-7, as amended, to read as follows:

“§ 157-7. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term ‘fugitive from justice’ means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere of having committed or attempted a crime of violence, or the illegal use, possession or sale of narcotics, or any depressant or stimulant drug, as defined by the Revised Laws of Hawaii 1955, as amended, shall own or have in his possession or under his control any firearm or ammunition therefor.

(c) No person shall knowingly give, sell, lend or place into the possession or control of any person prohibited therefrom by the provisions of paragraphs (a) or (b) above any firearm or ammunition therefor.

(d) Any person violating this section shall be fined not more than \$1,000 or imprisoned not more than 10 years, or both.”

SECTION 3. This Act shall take effect upon its approval.

(Approved April 30, 1968.)