

ACT 200

S.B. NO. 2322

A Bill for an Act Relating to Firearms.

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

SECTION 1. The legislature finds that the processing of applications for permits to acquire firearms, which includes an extensive background investigation conducted on each applicant, is a cost-intensive responsibility currently being absorbed by the State's taxpayers. Local verifications alone conducted by the Honolulu police department require the services of three full-time investigators and four clerks, and approximately eight hundred permit applications are processed monthly by the Honolulu police department, with each application necessitating an average of one hour and forty-five minutes to complete. The legislature also finds that the processing of such applications has become increasingly expensive, putting a burden on the already overwhelmed budgets of the county police departments. The Honolulu police department estimates the direct cost of fingerprinting and related costs to be \$225,000 annually. Moreover, since October 1994, the Federal Bureau of Investigation has been charging the Honolulu police department a processing fee of \$24 for each fingerprint analysis, which is required for every applicant. The legislature notes that the majority of other states require a fee of applicants to cover firearms permit processing costs. Thus, the legislature finds and declares that it is eminently appropriate, especially in view of the State's current fiscal crisis, that applicants for permits to acquire firearms support the costs of processing the permits, as opposed to the taxpayers.

The legislature further finds that such permit applications are necessary under the State's power to protect the public health, safety, and welfare. Furthermore, the legislature notes that a complete reading of the Proceedings of the 1950 Constitutional Convention (pp. 10-15), regarding the adoption of section 15 of

article I of the state constitution, clearly indicates that it was the intent of the 1950 constitutional convention to allow the legislature to impose reasonable restrictions, including even the absolute prohibition of certain types of lethal weapons, on the "right to keep and bear arms." Therefore, the legislature further finds and declares that a fee imposed upon applicants for permits to acquire firearms is a reasonable regulation of firearms and is necessary to protect the public's health, safety, and welfare.

Accordingly, this Act is intended to impose a reasonable fee upon permits to acquire firearms to offset the cost to the county police departments for the processing of the permit applications.

Furthermore, the legislature finds that where both spouses enjoy sports involving handguns, each of them must register their own handguns. The law currently makes it a misdemeanor to possess a handgun belonging to another, even with the consent of the owner, except for the actual time that the borrower is engaged in target shooting at the target range. This increases the number of handguns out in the community.

Therefore, this Act is also intended to permit spouses to jointly register firearms.

SECTION 2. Section 134-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The chief of police of the respective counties may issue permits to acquire firearms to citizens of the United States of the age of twenty-one years or more, or duly accredited official representatives of foreign nations, or duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency. The chief of police of each county may issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II. The chief of police of each county may issue permits to aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period. The attorney general shall adopt rules, pursuant to chapter 91, as to what constitutes sufficient evidence that an alien is in training for a sport-shooting contest. Notwithstanding any provision of the law to the contrary and upon joint application, the chief of police may issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section."

SECTION 3. Section 134-2, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) No fee shall be charged for permits, or applications for permits, under this section[.], except for a single fee chargeable by and payable to the issuing county, for individuals applying for their first permit, in an amount equal to the fee actually charged by the Federal Bureau of Investigation to the issuing police department for a fingerprint check in connection with that application or permit. In the case of a joint application, the fee provided for in this section may be charged to each person to whom no previous permit has been issued."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

ACT 200

SECTION 5. This Act shall take effect on July 1, 1996.

(Approved June 17, 1996.)