

ACT 252

H.B. NO. 1211

A Bill for an Act Relating to Firearms.

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

SECTION 1. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§134- Disclosure for firearm permit and registration purposes. A health care provider or public health authority shall disclose health information, including protected health care information, relating to an individual’s mental health history, to the appropriate county chief of police in response to a request for the information from the chief of police; provided that:

- (1) The information shall be used only for the purpose of evaluating the individual’s fitness to acquire or own a firearm; and
- (2) The individual has signed a waiver permitting release of the health information for that purpose.”

SECTION 2. Section 134-1, Hawaii Revised Statutes, is amended by amending the definition of “electric gun” to read:

““Electric gun” means any portable device that is electrically operated to project a missile or electromotive force. It does not include any electric livestock prod used in animal husbandry[.] and any automatic external defibrillator used in emergency medical situations.”

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

“§134-16 Restriction on possession, sale, gift, or delivery of electric guns. (a) It shall be unlawful for any person, including a licensed manufacturer, licensed importer, or licensed dealer, to possess, offer for sale, hold for sale, sell, give, lend, or deliver any electric gun.

(b) Any electric gun in violation of subsection (a) shall be confiscated and disposed of by the chief of police.

(c) This section shall not apply to law enforcement officers of county police and sheriff departments of this State, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the county police¹ or sheriff departments.

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(d) The county police and sheriff departments of this State shall maintain records regarding every electric gun in their custody and control. Such records shall report every instance of usage of the electric guns; in particular, records shall be maintained in a similar manner as for those of discharging of firearms. The county police and sheriff departments shall annually report to the legislature regarding these records twenty days before the beginning of each session.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

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

(Approved June 19, 2001.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.