

ACT 96

S.B. NO. 358

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- Prohibition against seizure of firearms or ammunition during emergency or disaster; suspension of permit or license. (a) Notwithstanding any

provision of chapter 128 or any other law to the contrary, no person or government entity shall seize or confiscate, under any civil defense, emergency, or disaster relief powers or functions conferred, or during any civil defense emergency period, as defined in section 128-2, or during any time of national emergency or crisis, as defined in section 134-34, any firearm or ammunition from any individual who is lawfully permitted to carry or possess the firearm or ammunition under part I of this chapter and who carries, possesses, or uses the firearm or ammunition in a lawful manner and in accordance with the criminal laws of this state.

(b) Notwithstanding any provision of chapter 128 or any other law to the contrary, no person or government entity shall suspend, revoke, or limit, under any civil defense, emergency, or disaster relief powers or functions conferred, any lawfully acquired and maintained permit or license obtained under and in accordance with part I of this chapter.

(c) For purposes of this section, "government entity" means any unit of government in this state, including the State and any county or combination of counties, department, agency, institution, board, commission, district, council, bureau, office, governing authority, or other instrumentality of state or county government, or corporation or other establishment owned, operated, or managed by or on behalf of this state or any county."

SECTION 2. Section 128-6, Hawaii Revised Statutes, is amended to read as follows:

"§128-6 Civil defense powers, in general. The governor may:

- (1) Plans and programs. Prepare comprehensive plans and programs for the civil defense of this [~~State,~~] state, the plans and programs to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest possible extent; and coordinate the preparation of plans and programs for civil defense by the political subdivisions of the State, the plans to be integrated into and coordinated with the civil defense plans and programs of the State to the fullest possible extent[-];
- (2) Training, public information. Institute training programs and public information programs[-];
- (3) Direct operational control, when. In the event of disaster or emergency beyond local control, or which in the opinion of the governor is such as to make state operational control necessary, assume direct operational control over all or any part of the civil defense functions within this [~~State,~~] state;
- (4) Insignia. Provide or authorize suitable insignia of authority for all authorized personnel[-];
- (5) Registration and blood typing. Provide for:
 - (A) Compulsory registration and identification to the extent that voluntary registration and identification has not been accomplished under chapter 846, part II; and
 - (B) Compulsory RHO blood typing on females of child bearing age or younger, and such other compulsory blood typing as may be approved by competent medical authority[-];
- (6) Protection of facilities. Require each public utility, or any person owning, controlling, or operating a vital facility, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding; and provide for the protection and safeguarding of all public properties, or such other properties as the governor

may consider advisable; provided that without prejudice to the generality of the foregoing two clauses, the protecting and safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the governor may prescribe[-].

- (7) Explosives, etc. ~~[Whenever]~~ Except as provided in section 134- , whenever in the governor's opinion the laws of the State do not adequately provide for the common defense, public health, safety, and welfare, investigate, regulate, or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms, and ammunition ~~[(including the power to require the reregistration of firearms)]~~, inflammable materials and other objects, implements, substances, businesses, or services of a hazardous or dangerous character, or particularly capable of misuse by disloyal persons or the enemy, or obstructive of or tending to obstruct military operations or civil defense, including, without limitation, intoxicating liquor and the liquor business; and authorize the seizure and forfeiture of any such objects, implements, or substances unlawfully possessed, as provided in section 128-28[-].
- (8) Air raid drills, etc. Direct or control, as may be necessary for civil defense:
 - (A) Air raid drills, and other alerts, tests, and exercises;
 - (B) Blackouts and practice blackouts;
 - (C) Partial or full mobilization of civil defense organizations in advance of actual disaster;
 - (D) Warnings and signals for drills, alerts, or attacks, and the mechanical devices to be used in connection therewith;
 - (E) Shutting off water mains, gas mains, electric power connections, or suspension of other services; and to the extent permitted by or under federal law, suspension of radio transmission;
 - (F) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after blackouts, drills, alerts, or attacks;
 - (G) Traffic control;
 - (H) The congregation of the public in stricken or danger areas or under dangerous conditions; and
 - (I) The evacuation and reception of the civilian population[-]; provided that only during a civil defense emergency period shall there be instituted under this paragraph mandatory or prohibitory requirements having the force and effect of law."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2010.

(Approved May 12, 2010.)

Note

1. Edited pursuant to HRS §23G-16.5.