

ACT 23

H.B. NO. 720

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 Hawaii's existing laws do not adequately address the reporting of lost or stolen firearms. As a matter of public safety, the State requires the permitting of firearms owners and the registration of firearms to ensure that firearms remain in the possession of individuals who are properly vetted and meet the stringent requirements to own or possess firearms. Law enforcement officers must have knowledge and an accurate record of lost or stolen firearms to protect the public.

Access to accurate information in the national and local databases for lost or stolen firearm enhances police officer safety in situations involving firearm ownership and possession issues. The information allows police officers to timely investigate and seize lost and stolen weapons quickly and surely.

The purpose of this Act is to strengthen the system of firearm reporting in the State by requiring firearm owners to report lost, stolen, or destroyed firearms.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§134- Reporting lost, stolen, or destroyed firearms; penalties. (a) Every person shall report the loss, theft, or destruction of a firearm that the person owns or possesses within twenty-four hours upon the discovery of such loss, theft, or destruction to:

- (1) The police department of the county within which the person resides; and
- (2) The police department of the county where the theft, loss, or destruction occurred.

If a person is unable to comply with this subsection, the person's designee shall make the report.

(b) The report of a lost, stolen, or destroyed firearm pursuant to subsection (a) shall include:

- (1) The caliber of the firearm;
- (2) The make of the firearm;
- (3) The model of the firearm;
- (4) The manufacturer of the firearm;
- (5) The serial number of the firearm;
- (6) Any other distinguishing number or identification mark on the firearm, if known by the person; and
- (7) Any additional relevant information required by the county police department taking the report.

(c) Upon receipt of a report of a lost, stolen, or destroyed firearm pursuant to subsection (a), a county police department shall enter the reported information into the National Crime Information Center database.

(d) A person who intentionally or knowingly fails to report the loss, theft, or destruction of any firearm pursuant to this section shall:

- (1) For the first offense, be guilty of a petty misdemeanor;
- (2) For the second and each subsequent offense, be guilty of a misdemeanor; and
- (3) For the third and each subsequent offense:
 - (A) Surrender all firearm registrations, ammunition, and firearms to the police department for the county within which the person resides within seven days of receiving a notice of violation of this section; and
 - (B) Be prohibited from registering, possessing, or owning a firearm.

(e) If a person fails to surrender all firearm registrations, ammunition, and firearms as required in subsection (d), the chief of police of the county within which the person resides or within which any of the person's firearm registrations, ammunitions, or firearms are present shall seize all firearm registrations, firearm ammunition, and firearms registered to and in possession of the person.

(f) For the purposes of this section, an incident involving multiple firearms arising in the same occurrence shall constitute a single offense.

(g) No person shall report to any law enforcement agency that a firearm has been lost, stolen, or destroyed knowing the report to be false. If a person falsely reports a lost, stolen, or destroyed firearm, the person shall be in violation of this section and subject to the same penalties as provided in subsection (d).

(h) A person shall not be in violation of this section if the failure to report is the result of:

- (1) An act of God or act of war;
- (2) The inability of a law enforcement agency to receive the report; or
- (3) The person who is required to report being hospitalized, unconscious, incapacitated, or otherwise seriously physically or mentally impaired as to prevent the person from reporting."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.
(Approved April 24, 2019.)

Note

1. Edited pursuant to HRS §23G-16.5