

ACT 74

H.B. NO. 2744

A Bill for an Act Relating to Gun Violence Prevention.

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

PART I

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
GUN VIOLENCE AND VIOLENT CRIMES COMMISSION**

§ -1 **Gun violence and violent crimes commission; established.** There is established the gun violence and violent crimes commission that shall be placed within the department of the attorney general for administrative purposes only.

§ -2 **Gun violence and violent crimes commission; membership.** (a) The attorney general or the attorney general’s designee shall coordinate and serve as the chair of the gun violence and violent crimes commission.

(b) The following individuals, or their designees, shall serve as members of the gun violence and violent crimes commission:

- (1) The chief justice of the supreme court of Hawaii;
- (2) The director of health;
- (3) The director of public safety;
- (4) A county prosecuting attorney to be selected by the chair of the commission;
- (5) The public defender;
- (6) The chief of police of each county;
- (7) The administrator of the Hawaii state hospital;
- (8) The dean of the college of social sciences at the University of Hawaii at Manoa;
- (9) The dean of the John A. Burns school of medicine;
- (10) One representative from a group that advocates for stricter gun safety laws; and
- (11) One representative from a firearm advocacy group.

(c) The chair of the gun violence and violent crimes commission may request the participation or input of experts in gun violence and violent crimes; county, state, and federal officials; members of the public; and other persons as necessary.

(d) The members of the gun violence and violent crimes commission shall serve without compensation but may be reimbursed for their actual and necessary expenses, including travel expenses, incurred in carrying out their duties.

§ -3 Gun violence and violent crimes commission; powers and duties.

(a) The purpose of the gun violence and violent crimes commission shall be to address gun violence and violent crimes in Hawaii.

(b) The gun violence and violent crimes commission shall provide coordination, facilitation, and planning among state and county agencies, federal agencies, and other partners as appropriate to carry out its purpose.

(c) The gun violence and violent crimes commission shall endeavor to:

- (1) Identify relevant data that may be used to reduce gun violence and violent crimes;
- (2) Identify areas in which relevant data is not available;
- (3) Maximize the sharing between the agencies represented on the commission and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and
- (4) Coordinate and conduct research on gun violence and violent crimes.

(d) The gun violence and violent crimes commission may work with and engage stakeholders for the purposes of this chapter.

(e) The gun violence and violent crimes commission shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2022 and each regular session thereafter, on policy relating to preventing gun violence and violent crimes.”

PART II

SECTION 2. The legislature finds that a “ghost gun” is a firearm that is assembled without serial numbers or other identification markings. A person may assemble a ghost gun from a prepackaged kit requiring only minimal expertise and, thus, bypass background checks, registration, and other legal require-

ments. The legislature also finds that the State's lack of laws addressing ghost guns allows persons who would normally be prohibited under state law from owning or possessing firearms to do so. The ease with which ghost guns may be obtained defeats the intent of the State's otherwise strict firearm permitting and registration laws. It is these laws that have helped Hawaii to achieve the lowest gun violence death rate in the nation.

Accordingly, the purpose of this part is to:

- (1) Prohibit the manufacture, purchase, or obtaining of firearm parts for the purpose of assembling a firearm having no serial number; and
- (2) Amend certain requirements relating to firearms registration.

SECTION 3. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§134- Manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number; penalty. (a) A person who is not licensed to manufacture a firearm under section 134-31, or who is not a dealer licensed by the United States Department of Justice, shall not, for the purpose of assembling a firearm, purchase, produce with a three-dimensional printer, or otherwise obtain separately, or as part of a kit:

- (1) A firearm receiver that is not imprinted with a serial number registered with a federally licensed manufacturer;
 - (2) A firearm receiver that has not been provided a serial number that may be registered in accordance with section 134-3(c); or
 - (3) Any combination of parts from which a firearm having no serial number may be readily assembled; provided that the parts do not have the capacity to function as a firearm unless assembled.
- (b) Violation of this section is a class C felony.”

SECTION 4. Section 134-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

“‘Assembly’ means the fabrication of a firearm or the fitting together of component parts to construct a firearm.

“Firearm receiver” means the part of a firearm that provides housing for the firearm’s internal components, including a hammer, bolt, breechblock, action, or firing mechanism. “Firearm receiver” includes any object or part that is not a firearm frame or receiver in finished form but that is designed or intended to be used for that purpose and may readily be made into a firearm frame or receiver through milling or other means.”

SECTION 5. Section 134-3, Hawaii Revised Statutes, is amended by amending subsections (a) through (d) to read as follows:

“(a) Every resident or other person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person’s place of business or, if there is no place of business, the person’s residence or, if there is neither a place of business nor residence, the person’s place of sojourn. A nonresident alien may bring firearms not otherwise prohibited by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:

- (1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve permit issued pursuant to section 183D-34;
- (2) A written document indicating the person has been invited to the State to shoot on private land; or
- (3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting.

The nonresident alien shall be limited to a nontransferable registration of not more than ten firearms for the purpose of the above activities.

Every person registering a firearm under this subsection shall be fingerprinted and photographed by the police department of the county of registration; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department. The police department shall perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made. Any person attempting to register a firearm, a firearm receiver, or the parts used to assemble a firearm, and who is found to be disqualified from ownership, possession, or control of firearms or ammunition under section 134-7, shall surrender or dispose of all firearms and ammunition pursuant to section 134-7.3.

(b) Every person who acquires a firearm pursuant to section 134-2 shall register the firearm in the manner prescribed by this section within five days of acquisition. The registration of all firearms shall be on forms prescribed by the attorney general, which shall be uniform throughout the State, and shall include the following information: name of the manufacturer and importer; model; type of action; caliber or gauge; serial number; and source from which receipt was obtained, including the name and address of the prior registrant. If the firearm has been assembled from separate parts and an unfinished firearm receiver, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase "assembled from parts" shall be recorded in the space provided for model. If the firearm has been assembled from parts created using a three-dimensional printer, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase "3-D printer" shall be recorded in the space provided for model. If the firearm has no serial number, the [permit] registration number shall be entered in the space provided for the serial number, and the [permit] registration number shall be engraved upon the receiver portion of the firearm before registration. On firearms assembled from parts created using a three-dimensional printer, the serial number shall be engraved on stainless steel and permanently embedded to the firearm receiver during fabrication or construction. All registration data that would identify the individual registering the firearm by name or address shall be confidential and shall not be disclosed to anyone, except as may be required:

- (1) For processing the registration;
- (2) For database management by the Hawaii criminal justice data center;
- (3) By a law enforcement agency for the lawful performance of its duties; or
- (4) By order of a court.

(c) Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be re-

quired to have the firearms physically inspected by the chief of police at the time of registration. An authorized dealer, as provided in section 134-31, or a dealer licensed by the United States Department of Justice, who brings, assembles, or causes to be brought into the State by any other means, separate parts and an unfinished firearm receiver that when assembled create a firearm, or parts created by a three-dimensional printer that when assembled create a firearm, shall register the unfinished firearm receiver and receive a serial number before the assembly of the firearm or the sale or transfer of unassembled firearm parts or a receiver to a third party in accordance with subsection (b). Any sale or transfer of unfinished firearm receivers by an authorized dealer to a third party shall be conducted as if they were fully assembled firearms with a serial number engraved on the firearm receiver and in accordance with the firearms permitting process in section 134-2. All other firearms and firearm receivers registered under this section shall be physically inspected by the respective county chief of police or the chief's representative at the time of registration.

(d) Registration shall not be required for:

- (1) Any device that is designed to fire loose black powder or that is a firearm manufactured before 1899;
- (2) Any device not designed to fire or made incapable of being readily restored to a firing condition; or
- (3) All unserviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, ~~and~~ Firearms, and Explosives of the United States Department of Justice pursuant to Title 27, Code of Federal Regulations.”

PART III

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect upon its approval.

(Became law on September 15, 2020, without the governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.