

## ACT 52

S.B. NO. 1230

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 there are compelling interests in protecting public health, safety, and welfare from the serious hazards associated with firearms and gun violence. Although the United States Supreme Court has held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes, the Second Amendment is not “a regulatory straightjacket”. *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111, 2133 (2022). States retain authority to enact “a ‘variety’ of gun regulations”, *id.* at 2162 (Kavanaugh, J., concurring), such as prohibitions against the carrying of firearms in sensitive locations and laws and regulations designed to ensure that those who carry firearms are “law-abiding, responsible citizens”, *id.* at 2131, 2156 (internal citation omitted).

The purpose of this Act is to clarify, revise, and update Hawaii’s firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights. To accomplish this purpose, this Act amends and enacts requirements and processes for obtaining a license to carry a firearm, updates criteria governing when firearm ownership, possession, or control is prohibited, defines locations and premises within the State where carrying or possessing a firearm is prohibited, prohibits leaving an unsecured firearm in a vehicle unattended, and enacts, amends, and clarifies other provisions relating to firearms.

In prohibiting carrying or possessing firearms in certain locations and premises within the State, this Act is intended to protect areas in which carrying or possessing dangerous weapons has traditionally been restricted, such as schools and other places frequented by children, government buildings, polling places, and other analogous locations.

This Act also respects the right of private individuals and entities to choose for themselves whether to allow or restrict the carrying of firearms on their property by providing that firearms shall not be carried on private property of another person without the express authorization of the owner, lessee, operator, or manager of the property. Recognizing the risks to public health, safety, and welfare associated with firearms and gun violence, and based on the legislature's assessment of public sentiment and broadly shared preferences within the State, this Act establishes a default rule with respect to carrying firearms on private property of another person that provides for private entities to "opt-in" to authorize the public carry of firearms on their property.

This Act also adjusts certain regulatory fees relating to firearms. These adjustments are warranted because prior fee amounts were established by statute decades ago and have not been adjusted to reflect inflation and increased costs associated with background checks and investigations.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding seven new sections to part I to be appropriately designated and to read as follows:

**"§134-A Carrying or possessing a firearm in certain locations and premises prohibited; penalty.** (a) A person with a license issued under section 134-9, or authorized to carry a firearm in accordance with title 18 United States Code section 926B or 926C, shall not intentionally, knowingly, or recklessly carry or possess a loaded or unloaded firearm, whether the firearm is operable or not, and whether the firearm is concealed or unconcealed, while in any of the following locations and premises within the State:

- (1) Any building or office owned, leased, or used by the State or a county, and adjacent grounds and parking areas, including any portion of a building or office used for court proceedings, legislative business, contested case hearings, agency rulemaking, or other activities of state or county government;
- (2) Any public or private hospital, mental health facility, nursing home, clinic, medical office, urgent care facility, or other place at which medical or health services are customarily provided, including adjacent parking areas;
- (3) Any adult or juvenile detention or correctional facility, prison, or jail, including adjacent parking areas;
- (4) Any bar or restaurant serving alcohol or intoxicating liquor as defined in section 281-1 for consumption on the premises, including adjacent parking areas;
- (5) Any stadium, movie theater, or concert hall, or any place at which a professional, collegiate, high school, amateur, or student sporting event is being held, including adjacent parking areas;
- (6) All public library property, including buildings, facilities, meeting rooms, spaces used for community programming, adjacent grounds, and parking areas;
- (7) The campus or premises of any public or private community college, college, or university, and adjacent parking areas, including buildings, classrooms, laboratories, research facilities, artistic venues, and athletic fields or venues;

- (8) The campus or premises of any public school, charter school, private school, preschool, summer camp, or child care facility as defined in section 346-151, including adjacent parking areas, but not including:
  - (A) A private residence at which education is provided for children who are all related to one another by blood, marriage, or adoption; or
  - (B) A dwelling when not used as a child care facility;
- (9) Any beach, playground, park, or adjacent parking area, including any state park, state monument, county park, tennis court, golf course, swimming pool, or other recreation area or facility under control, maintenance, and management of the State or a county, but not including an authorized target range or shooting complex;
- (10) Any shelter, residential, or programmatic facility or adjacent parking area operated by a government entity or charitable organization serving unhoused persons, victims of domestic violence, or children, including children involved in the juvenile justice system;
- (11) Any voter service center as defined in section 11-1 or other polling place, including adjacent parking areas;
- (12) The premises of any bank or financial institution as defined in section 211D-1, including adjacent parking areas;
- (13) Any place, facility, or vehicle used for public transportation or public transit, and adjacent parking areas, including buses, paratransit vans, bus shelters and terminals (but not including bus stops located on public sidewalks), trains, rail stations, and airports;
- (14) Any amusement park, aquarium, carnival, circus, fair, museum, water park, or zoo, including adjacent parking areas; or
- (15) Any public gathering, public assembly, or special event conducted on property open to the public, including any demonstration, march, rally, vigil, protest, picketing, or other public assembly, for which a permit is obtained from the federal government, the State, or a county, and the sidewalk or street immediately adjacent to the public gathering, public assembly, or special event; provided that there are signs clearly and conspicuously posted at visible places along the perimeter of the public gathering, public assembly, or special event.
- (b) This section shall not apply to a person in an exempt category identified in section 134-11(a). It shall be an affirmative defense to any prosecution under this section that a person is:
  - (1) Carrying or possessing an unloaded firearm in a police station in accordance with section 134-23(a)(6), 134-24(a)(6), or 134-25(a)(6);
  - (2) Carrying or possessing an unloaded firearm at an organized, scheduled firearms show or exhibit;
  - (3) Lawfully carrying or possessing a firearm for hunting in compliance with section 134-5;
  - (4) A private security officer expressly authorized to carry or possess a weapon in a location or premises listed in subsection (a) by the owner, lessee, operator, or manager of the location or premises; provided that the private security officer is acting within the private security officer's scope of employment;
  - (5) Carrying or possessing an unloaded firearm in a courthouse for evidentiary purposes with the prior express authorization of the court;
  - (6) Lawfully present within the person's own home, other than a college or university dormitory or shelter or residential facility serving unhoused persons or victims of domestic violence;

- (7) Carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C in the immediate area surrounding the person's vehicle within a parking area for the limited purpose of storing or retrieving the firearm;
- (8) Possessing a firearm in an airport or any place, facility, or vehicle used for public transportation or public transit; provided that the firearm is unloaded and in a locked hard-sided container for the purpose of transporting the firearm;
- (9) Walking through a public gathering, public assembly, or special event if necessary to access the person's residence, place of business, or vehicle; provided that the person does not loiter or remain longer than necessary to complete their travel or business; or
- (10) Carrying a concealed firearm in accordance with title 18 United States Code section 926B or 926C in a location or premises within the State that is not a State or county property, installation, building, base, or park, and not a location or premises where a private person or entity has prohibited or restricted the possession of concealed firearms on their property.

(c) The presence of a person in any location or premises listed in subsection (a) shall be prima facie evidence that the person knew it was a location or premises listed in subsection (a).

(d) Where only a portion of a building or office is owned, leased, or used by the State or a county, this section shall not apply to the portion of the building or office that is not owned, leased, or used by the State or a county, unless carrying or possessing a firearm within that portion is otherwise prohibited by this section.

(e) As used in this section, "private security officer" means any person employed and duly licensed to engage in the private detective or guard business pursuant to chapter 463.

(f) Any person who violates this section shall be guilty of a misdemeanor.

(g) If any ordinance of any county of the State establishing locations where the carrying of firearms is prohibited is inconsistent with this section or with section 134-E, the ordinance shall be void to the extent of the inconsistency.

**§134-B Duty to maintain possession of license while carrying a firearm; duty to disclose; penalty.** (a) A person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C shall have in the person's immediate possession:

- (1) The license issued under section 134-9 or documentation regarding the person's qualifications under title 18 United States Code section 926B or 926C;
- (2) Government-issued photo identification; and
- (3) Except with respect to firearms that are a part of the official equipment of any federal agency as provided under section 134-11(b), documentary evidence that the firearm being carried is registered under this chapter,

and shall, upon request from a law enforcement officer, present government-issued photo identification and the license or credentials and evidence of registration.

(b) When a person carrying a firearm, including a person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C, is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement

officer, the person carrying a firearm shall immediately disclose to the law enforcement officer that the person is carrying a firearm, and shall, upon request:

- (1) Identify the specific location of the firearm; and
- (2) Present to the law enforcement officer a license to carry a firearm issued under section 134-9 or documentation regarding the person's qualifications under title 18 United States Code section 926B or 926C.

(c) Any person who violates this section shall be guilty of a petty misdemeanor.

**§134-C Leaving unsecured firearm in vehicle unattended; penalty.** (a)

No person shall intentionally, knowingly, or recklessly store or otherwise leave a loaded or unloaded firearm out of the person's immediate possession or control inside a vehicle without first securely locking the firearm in a safe storage depository that is out of sight from outside of the vehicle.

(b) For purposes of this section, "safe storage depository" means a safe or other secure impact- and tamper-resistant container that, when locked, is incapable of being opened without a key, keypad, combination, or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to or possession of the firearm contained therein. A vehicle's trunk or glove box alone, even if locked, is not a safe storage depository.

(c) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(d) Any person who violates subsection (a) shall be guilty of a petty misdemeanor.

**§134-D Unlawful conduct while carrying a firearm; penalty.** (a) A

person carrying a firearm shall not:

- (1) Consume alcohol or intoxicating liquor;
  - (2) Consume a controlled substance;
  - (3) Be under the influence of alcohol or intoxicating liquor; or
  - (4) Be under the influence of a controlled substance.
- (b) As used in this section:

"Alcohol" and "intoxicating liquor" shall have the same meaning as in section 281-1.

"Controlled substance" means a drug, substance, or immediate precursor in schedules I through III of part II of chapter 329.

(c) Any person who violates this section shall be guilty of a misdemeanor; provided that any person who violates this section by consuming or being under the influence of alcohol or an intoxicating liquor shall be guilty of a petty misdemeanor.

**§134-E Carrying or possessing a firearm on private property of another person without authorization; penalty.** (a) A person carrying a firearm pursuant to a license issued under section 134-9 shall not intentionally, knowingly, or recklessly enter or remain on private property of another person while carrying a loaded or unloaded firearm, whether the firearm is operable or not, and whether the firearm is concealed or unconcealed, unless the person has been given express authorization to carry a firearm on the property by the owner, lessee, operator, or manager of the property.

(b) For purposes of this section, express authorization to carry or possess a firearm on private property shall be signified by:

- (1) Unambiguous written or verbal authorization; or

(2) The posting of clear and conspicuous signage at the entrance of the building or on the premises, by the owner, lessee, operator, or manager of the property, or agent thereof, indicating that carrying or possessing a firearm is authorized.

(c) For purposes of this section:

“Private entity” means any homeowners’ association, community association, planned community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, or administrative rules, regulations, or provisions governing the use of private property.

“Private property” does not include property that is owned or leased by any governmental entity.

“Private property of another person” means residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately owned or leased, unless the person carrying a firearm is an owner, lessee, operator, or manager of the property, including an ownership interest in a common element or limited common element of the property; provided that nothing in this chapter shall be construed to limit the enforceability of a provision in any private rental agreement restricting a tenant’s possession or use of firearms, the enforceability of a restrictive covenant restricting the possession or use of firearms, or the authority of any private entity to restrict the possession or use of firearms on private property.

(d) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(e) Any person who violates this section shall be guilty of a misdemeanor.”<sup>1</sup>

**§134-F Annual report on licenses to carry.** (a) No later than April 1, 2024, and April 1 of each year thereafter, the department of the attorney general shall publish a report on its publicly available website that includes, if available:

- (1) The number of licenses to carry applied for, issued, revoked, and denied, further categorized by the age, gender, race, and county of residence of each applicant or licensee;
- (2) The specific reasons for each revocation and denial;
- (3) Analysis of denials based on applicants’ failure to meet the standards of section 134-9(d), and recommendations to remedy any disparities in denial rates by age, gender, or race;
- (4) The number of appeals and appeals granted; and
- (5) The number of violations of section 134-A.

(b) No later than February 1 of each year, the chief of police of each county shall supply the department of the attorney general with the data the department requires to complete the report under subsection (a).

**§134-G Failure to conceal a firearm by a concealed carry licensee; penalty.** (a) A person commits the offense of failure to conceal a firearm by a concealed carry licensee if a person is carrying a firearm pursuant to a license issued under section 134-9(a) and intentionally, knowingly, or recklessly causes alarm to another person by failing to conceal the firearm, even briefly, whether the firearm was loaded or not, and whether operable or not.

(b) It shall be a defense to any prosecution under this section if the person:

- (1) Was within the person’s private residence; or
- (2) Caused the firearm to be unconcealed for the purpose of self-defense in accordance with section 703-304 or defense of another person in accordance with section 703-305.

(c) Failure to conceal a firearm by a concealed carry licensee shall be a petty misdemeanor.”

SECTION 3. Section 134-1, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

““Concealed” means, in relation to a firearm, that the firearm is entirely hidden from view of the public and not discernible by ordinary observation, in a manner that a reasonable person without law enforcement training would be unable to detect the presence of the firearm.

“Criminal offense relating to firearms” means:

- (1) Any criminal offense under this chapter punishable as a misdemeanor;
- (2) Criminally negligent storage of a firearm under section 707-714.5; and
- (3) Any other criminal offense punishable as a misdemeanor under federal or state law or the law of another state, a United States territory, or the District of Columbia that has as an element of the offense the use, attempted use, threatened use, or possession of a firearm.

“Unconcealed” means not concealed.”

2. By amending the definition of “crime of violence” to read:

“Crime of violence” means [any];

- (1) Any offense[~~—as defined in title 37,~~] under federal or state law or the law of another state, a United States territory, or the District of Columbia that [involves injury] has as an element of the offense the:
  - (A) Injury or threat of injury to the person of another[~~—including sexual~~]; or
  - (B) Use, attempted use, or threatened use of physical force against the person or property of another or the creation of a substantial risk of causing bodily injury;
- (2) Reckless endangering in the second degree under section 707-714;
- (3) Terroristic threatening in the second degree under section 707-717;
- (4) Sexual assault in the fourth degree under section 707-733 [and harassment];
- (5) Endangering the welfare of a minor in the second degree under section 709-904;
- (6) Endangering the welfare of an incompetent person under section 709-905;
- (7) Harassment under section 711-1106(1)(a);
- (8) Harassment by stalking under section 711-1106.5[.];
- (9) Criminal solicitation under section 705-510; provided that the solicitation was for a crime described or listed in paragraphs (1) to (8);
- (10) Criminal conspiracy under section 705-520; provided that the conspiracy was for a crime described or listed in paragraphs (1) to (8); and
- (11) Offenses under federal law, or the law of another state, a United States territory, or the District of Columbia, that are comparable to the offenses described or listed in paragraphs (1) to (10).”

SECTION 4. Section 134-2, Hawaii Revised Statutes, is amended to read as follows:

“**§134-2 Permits to acquire.** (a) No person shall acquire the ownership of a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether

procured in the State or imported by mail, express, freight, or otherwise, until the person has first procured from 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 place of business nor residence, the person's place of sojourn, a permit to acquire the ownership of a firearm as prescribed in this section. When title to any firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of [a] the firearm; provided that upon presentation of a copy of the death certificate of the owner making the bequest, any heir or legatee may transfer the inherited or bequested firearm directly to a dealer licensed under section 134-31 or licensed by the United States Department of Justice without complying with the requirements of this section.

- (b) The permit application form shall ~~[include the]~~:
  - (1) Include:
    - (A) The applicant's name, address, ~~[sex,]~~ gender, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number~~[-, and information]~~;
    - (B) Information regarding the applicant's mental health history;
    - (C) Any aliases or other names previously used by the applicant;
    - (D) Information that is or may be relevant in determining whether the applicant is disqualified under section 134-7 from the ownership, possession, or control of a firearm; and
    - (E) Information that is or may be relevant in determining whether the applicant lacks the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (c); and [shall require]
  - (2) Require the fingerprinting and photographing of the applicant by the police department of the county of registration; provided that where fingerprints and a photograph are already on file with the department, these may be waived.
- (c) An applicant for a permit shall ~~[sign]~~:
  - (1) Sign a waiver at the time of application, allowing the chief of police of the county issuing the permit or a designee of the chief of police access to ~~[any]~~ all records that have a bearing on the mental health of the applicant~~[-. The permit application form and the waiver form shall be prescribed by the attorney general and shall be uniform throughout the State.]; and~~
  - (2) Identify any health care providers who possess or may possess the records described in paragraph (1).
- (d) The chief of police of the respective counties ~~[may]~~ shall issue permits to acquire firearms to ~~[citizens]~~:
  - (1) Citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more~~[-, or duly]~~;
  - (2) Duly accredited official representatives of foreign nations~~[-, or duly]~~;
  - (3) 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]~~;
  - (4) 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]~~; and
  - (5) 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]~~ may 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 law to the contrary and upon joint application, the chief of police may, upon request, issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.

(e) The permit application form shall be signed by the applicant and ~~[by the]~~ issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, ~~[or]~~ dealers licensed by the United States Department of Justice, ~~[or]~~ law enforcement officers, ~~[or where a license is granted under section 134-9,]~~ or where any firearm is registered pursuant to section 134-3(a), no permit shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a permit shall be issued or the application denied before the ~~[twentieth]~~ fortieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within ~~[ten]~~ thirty days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and ~~[subject to]~~ revocation under section 134-13; provided that if a permittee is arrested for committing a felony ~~[or any]~~, a crime of violence, a criminal offense relating to firearms, or for the illegal sale or distribution of any drug, the permit shall be impounded and ~~[shall be]~~ surrendered to the issuing authority. The issuing authority shall perform an inquiry on an applicant 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 issue a permit or to deny an application is made. The issuing authority shall not issue a permit to acquire the ownership of a firearm if an applicant is disqualified under section 134-7 from the ownership, possession, or control of a firearm, or if the issuing authority determines that issuance would not be in the interest of public health, safety, or welfare because the person lacks the essential character or temperament necessary to be entrusted with a firearm. In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the issuing authority shall consider whether the person poses a danger of causing a self-inflicted bodily injury or unlawful injury to another person, as evidenced by:

- (1) Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;
- (2) Statements or actions by the person indicating any dangerous propensity or violent animus toward one or more individuals or groups, including groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or any other characteristic, and the propensity or animus is of a nature or to an extent that would objectively indicate to a reasonable observer that it would not be in the interest of the public health, safety, or welfare for the person to own, possess, or control a firearm or ammunition; or
- (3) Other information that would lead a reasonable, objective observer to conclude that the person presents or would present a danger to the community as a result of acquiring or possessing a firearm or intends or is likely to use a firearm for an unlawful purpose or in an unlawful manner.

(f) In all cases where a pistol or revolver is acquired from another person within the State, the permit shall be signed in ink by the person to whom title to the pistol or revolver is transferred and shall be delivered to the person who is transferring title to the firearm, who shall verify that the person to whom the firearm is to be transferred is the person named in the permit and enter on the permit in the space provided the following information: name, address, and telephone number of the person who transferred the firearm; name, address, and telephone number of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number, as applicable. The person who is transferring title to the firearm shall sign the permit in ink and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after transferring the firearm.

In all cases where receipt of a firearm is had by mail, express, freight, or otherwise from sources ~~[without]~~ outside the State, the person to whom the permit has been issued shall make the prescribed entries on the permit, sign the permit in ink, and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm.

In all cases where a rifle or shotgun is acquired from another person within the State, the person who is transferring title to the rifle or shotgun shall submit, within forty-eight hours after transferring the firearm, to the authority that issued the permit to acquire, the following information, in writing: name, address, and telephone number of the person who transferred the firearm[.]; name, address, and telephone number of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number, as applicable.

(g) ~~[Effective July 1, 1995, no]~~ No person shall be issued a permit under this section for the acquisition of a ~~[pistol or revolver]~~ firearm unless the person, ~~[at any time prior to]~~ within the four years before the issuance of the permit, has completed:

- (1) An approved hunter education course as authorized under section 183D-28[.], unless the applicant seeks to acquire a pistol or revolver, in which case the applicant shall complete a training satisfying the requirements of paragraph (2), (3), or (4);
- (2) A firearms safety or training course or class available to the general public offered by a law enforcement agency of the State or of any county;
- (3) A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or
- (4) A firearms training or safety course or class conducted by a ~~[state certified or National Rifle Association-certified firearms instructor]~~ firearms instructor certified or verified by the chief of police of the respective county or a designee of the chief of police or certified by a nongovernmental organization approved for such purposes by the chief of police of the respective county or a designee of the chief of police, or conducted by a certified military firearms instructor; provided that the firearms training or safety course or class provides, at a minimum, a total of at least two hours of firing training at a firing range and a total of at least four hours of classroom instruction, which may include a video, that focuses on:
  - (A) The safe use, handling, and storage of firearms and firearm safety in the home[.], as well as a component on mental health, suicide prevention, and domestic violence issues associated with firearms and firearm violence; and
  - (B) Education on the firearm laws of the State.

An affidavit signed by the certified or verified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph~~[-];~~ provided that an instructor shall not submit an affidavit signed by the instructor for the instructor's own permit application.

(h) No person shall sell, give, lend, or deliver into the possession of another any firearm except in accordance with this chapter.

(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 charged by the Hawaii criminal justice data center pursuant to section 846-2.7. 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].~~ If an application under this section is denied, the chief of police or a designee of the chief of police shall notify the applicant of the denial in writing, stating the ground or grounds for the denial and informing the applicant of the right to seek review of the denial through a hearing pursuant to subsection (k).

(j) In all cases where a permit application under this section is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the applicable county shall, within ten business days from the date of denial, send written notice of the denial, including the identity of the applicant and the reasons for the denial, to the:

- (1) Prosecuting attorney in the county where the permit was denied;
- (2) Attorney general;
- (3) United States Attorney for the District of Hawaii; and
- (4) Director of public safety.

If the permit to acquire was denied because the applicant is subject to an order described in section 134-7(f), the chief of police shall, within three business days from the date of denial, send written notice of the denial to the court that issued the order.

When the director of public safety receives notice that an applicant has been denied a permit because of a prior criminal conviction, the director of public safety shall determine whether the applicant is currently serving a term of probation or parole, and if the applicant is serving such a term, send written notice of the denial to the applicant's probation or parole officer.

(k) If an application under this section is denied, a person or entity aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person or entity aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party shall be entitled to a judicial review proceeding in state circuit court in accordance with section 91-14.

(l) The permit application form and the waiver form required under this section shall be prescribed by the issuing authority."

SECTION 5. Section 134-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) No person shall intentionally, knowingly, or recklessly lend a firearm to any person who is prohibited from ownership ~~[or]~~, possession, or control of a firearm under section 134-7.”

SECTION 6. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

“**§134-7 Ownership ~~[or]~~, possession, or control prohibited, when; penalty.** (a) No person who is a fugitive from justice or ~~[is a person]~~ prohibited from possessing ~~[firearms]~~ a firearm or ammunition under title 18 United States Code section 922 or any other provision of federal law shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(b) No person who ~~[is under indictment for, or has waived indictment for, or has been bound over to the circuit court for,]~~ is being prosecuted for one or more charges for a felony, a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug in a court in this State or elsewhere, or who has been convicted in this State or elsewhere of having committed a felony, ~~[or any]~~ a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(c) No person ~~[who:]~~ shall own, possess, or control any firearm or ammunition if the person:

- (1) Is or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;
- (2) Has been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411[;] or any similar provision under federal law, or the law of another state, a United States territory, or the District of Columbia;
- (3) Is or has been diagnosed ~~[as having a significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes;]~~ with or treated for a medical, behavioral, psychological, emotional, or mental condition or disorder that causes or is likely to cause impairment in judgment, perception, or impulse control to an extent that presents an unreasonable risk to public health, safety, or welfare if the person were in possession or control of a firearm; or
- (4) Has been adjudged to:

(A) Meet the criteria for involuntary hospitalization under section 334-60.2; or

(B) Be an “incapacitated person”, as defined in section 560:5-102, ~~[shall own, possess, or control any firearm or ammunition therefor,]~~ unless the person ~~[has been medically documented to be]~~ establishes, with appropriate medical documentation, that the person is no longer adversely affected by ~~[the addiction, abuse, dependence, mental disease, disorder, or defect,]~~ the criteria or statuses identified in this subsection.

(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, ~~[two or more crimes]~~ a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(e) No minor ~~[who:]~~ shall own, possess, or control any firearm or ammunition if the minor:

- (1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;
- (2) Is a fugitive from justice; or
- (3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect[;].

~~[shall own, possess, or control any firearm or ammunition therefor,] unless the minor [has been medically documented to be] establishes, with appropriate medical documentation, that the minor is no longer adversely affected by the addiction, mental disease, disorder, or defect.~~

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

(f) No person who has been restrained pursuant to an order of any court, including a gun violence protective order issued pursuant to part IV, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition ~~[therefor]~~, so long as the protective order, restraining order, or any extension is in effect~~[- unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition]~~. The protective order or restraining order shall specifically include a statement that possession, control, or transfer of ownership of a firearm or ammunition by the person named in the order is prohibited. The person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. At the time of service of a protective order or restraining order involving firearms and ammunition issued by any court, a police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or ~~[refuses to]~~ disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.

~~[For the purposes of this subsection, good cause shall not be based solely upon the consideration that the person subject to restraint pursuant to an order of any court is required to possess or carry firearms or ammunition during the course of the person's employment. Good cause consideration may include but not be limited to the protection and safety of the person to whom a restraining order is granted.]~~

(g) Any person disqualified from ownership, possession, control, or the right to transfer ownership of firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.

(h) Any person who otherwise would be prohibited under subsection (b) from owning, possessing, or controlling a firearm and ammunition solely as a result of a conviction for a crime that is not a felony, and who is not prohibited from owning, possessing, or controlling a firearm or ammunition for any reason under any other provision of this chapter or under title 18 United States Code section 922 or another provision of federal law, shall not be prohibited under

this section from owning, possessing, or controlling a firearm and ammunition if twenty years have elapsed from the date of the conviction.

~~[(h)]~~ (i) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor.”

SECTION 7. Section 134-9, Hawaii Revised Statutes, is amended to read as follows:

**“§134-9 Licenses to carry.** (a) ~~[In an exceptional case, when an applicant shows reason to fear injury to the applicant’s person or property, the~~ The chief of police of ~~[the appropriate]~~ a county ~~[may]~~ shall grant a license to an applicant ~~[who is a citizen of the United States of the age of twenty-one years or more or to a duly accredited official representative of a foreign nation of the age of twenty-one years or more]~~ to carry a pistol or revolver and ammunition ~~[therefor]~~ concealed on the licensee’s person within [the county where the license is granted. Where the urgency or the need has been sufficiently indicated, the respective] the State, if the applicant:

- (1) Satisfies each of the criteria established by or pursuant to subsection (d);
- (2) Is not prohibited under section 134-7 from the ownership, possession, or control of a firearm and ammunition;
- (3) Is not found to be lacking the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (h);
- (4) Is a citizen, national, or lawful permanent resident of the United States or a duly accredited official representative of a foreign nation;
- (5) Is a resident of the State; and
- (6) Is of the age of twenty-one years or more.

~~(b) The chief of police of a county may grant to an applicant [of good moral character who is a citizen of the United States of the age of twenty-one years or more, is engaged in the protection of life and property, and is not prohibited under section 134-7 from the ownership or possession of a firearm,] a license to carry a pistol or revolver and ammunition [therefor] unconcealed on the licensee’s person within the county where the license is granted[.], if the applicant:~~

- (1) Sufficiently establishes the urgency or need to carry a firearm unconcealed;
- (2) Is engaged in the protection of life and property;
- (3) Satisfies each of the criteria established by or pursuant to subsection (d);
- (4) Is not prohibited under section 134-7 from the ownership, possession, or control of a firearm and ammunition;
- (5) Is not found to be lacking the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (h);
- (6) Is a citizen, national, or lawful permanent resident of the United States; and
- (7) Is of the age of twenty-one years or more.

~~(c) The chief of police of the appropriate county, or [the chief’s] a designated representative[.], of the chief of police, shall perform an inquiry on an applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases [where] if the applicant is not a citizen of the United States, before any determination to grant a concealed or unconcealed license is made. [Unless renewed, the license shall expire one year from the date of issue.~~

~~(b) The chief of police of each county shall adopt procedures to require that any person granted a license to carry a concealed weapon on the person shall:~~

(d) To be eligible to receive a license to carry a concealed or unconcealed pistol or revolver on the licensee's person, the applicant shall:

- (1) [Be qualified to use the firearm in a safe manner;] Submit the appropriate carry license application, in person, to the chief of police of the appropriate county, with:
  - (A) All fields on the application form completed and all questions answered truthfully, under penalty of law;
  - (B) All required signatures present on the application;
  - (C) Any required documents attached to the application; and
  - (D) Payment of the nonrefundable license application fee required under this section;
- (2) [Appear to be a suitable person to be so licensed;] Be the registered owner of the firearm or firearms for which the license to carry will be issued; provided that this paragraph shall not apply to detectives, private detectives, investigators, and guards with an active license issued pursuant to chapter 463;
- (3) Not be prohibited under section 134-7 from the ownership [or], possession, or control of a firearm; [and]
- (4) [Not have been adjudged insane or not appear to be mentally deranged;] Have completed a course of training as described in subsection (e) and be certified as qualified to use the firearm or firearms for which the license to carry will be issued in a safe manner; and
- (5) Sign an affidavit expressly acknowledging that:
  - (A) The applicant has read and is responsible for understanding and complying with the federal, state, and county laws governing the permissible use of firearms and associated requirements, including:
    - (i) The prohibition on carrying or possessing a firearm in certain locations and premises;
    - (ii) The prohibition on carrying more than one firearm on the licensee's person at one time;
    - (iii) The prohibition on carrying a firearm on private property of another person without the express authorization of the owner, lessee, operator, or manager of the private property;
    - (iv) The requirement to maintain possession of the license on the licensee's person while carrying a firearm;
    - (v) The requirement to disclose information regarding the carrying of a firearm when stopped by law enforcement;
    - (vi) The provision for absolute liability for injury or property damage proximately caused by a legally unjustified discharge of a firearm under section 663-9.5; and
    - (vii) Laws regarding the use of deadly force for self-defense or the defense of another;
  - (B) A license to carry issued under this section shall be void if a licensee becomes disqualified from the ownership, possession, or control of a firearm pursuant to section 134-7(a), (b), (d), or (f);
  - (C) The license shall be subject to revocation under section 134-13 if a licensee for any other reason becomes disqualified under section 134-7 from the ownership, possession, or control of a firearm; and

(D) A license that is revoked or that becomes void shall be returned to the chief of police of the appropriate county within forty-eight hours after the license is revoked or becomes void.

~~[(e) No person shall carry concealed or unconcealed on the person a pistol or revolver without being licensed to do so under this section or in compliance with sections 134-5(e) or 134-25.~~

~~(d) A fee of \$10 shall be charged for each license and shall be deposited in the treasury of the county in which the license is granted.]~~

(e) The course of training for issuance of a license under this section may be any course acceptable to the licensing authority that meets all of the following criteria:

- (1) The course shall include in-person instruction on firearm safety; firearm handling; shooting technique; safe storage; legal methods to transport firearms and secure firearms in vehicles; laws governing places in which persons are prohibited from carrying a firearm; firearm usage in low-light situations; situational awareness and conflict management; and laws governing firearms, including information regarding the circumstances in which deadly force may be used for self-defense or the defense of another;
- (2) The course shall include a component on mental health and mental health resources;
- (3) Except for the component on mental health and mental health resources, the course shall be conducted by one or more firearms instructors certified or verified by the chief of police of the respective county or a designee of the chief of police or certified by a nongovernmental organization approved for those purposes by the chief of police of the respective county or a designee of the chief of police, or conducted by one or more certified military firearms instructors;
- (4) The course shall require participants to demonstrate their understanding of the covered topics by achieving a score of at least seventy per cent on a written examination; and
- (5) The course shall include live-fire shooting exercises on a firing range and shall include a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant is applying to be licensed to carry.

(f) Upon passing the course of training identified in subsection (e), the applicant shall obtain from the instructor, and include as part of the applicant's application package, a certification as to the following:

- (1) The applicant's name, as confirmed by reviewing the applicant's government-issued photo identification;
- (2) The date and location of the firearm proficiency test;
- (3) The firearm or firearms that the applicant used in the firearm proficiency test;
- (4) The applicant's score; provided that an indication that the applicant passed or failed, without the score itself, shall be insufficient information for the purposes of the application; and
- (5) The instructor's qualifications to administer the firearm proficiency test.

The certification of the above information, signed by the firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor, shall constitute evidence of successful completion of the course; provided that the instructor shall not submit a certification signed by the instructor for the instructor's own license application. The course of training for issuance of a license under this section shall be undertaken at the licensee's expense.



- (g) An applicant for a license under this section shall:
  - (1) Sign a waiver at the time of application, allowing the chief of police of the county issuing the license or a designee of the chief of police access to any records that have a bearing on the mental health of the applicant; and
  - (2) Identify any health care providers who possess or may possess the records described in paragraph (1).
- (h) In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the licensing authority shall consider whether the person poses a danger of causing a self-inflicted bodily injury or unlawful injury to another person, as evidenced by:
  - (1) Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;
  - (2) Statements or actions by the person indicating any dangerous propensity or violent animus toward one or more individuals or groups, including groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or any other characteristic, and the propensity or animus is of a nature or to an extent that would objectively indicate to a reasonable observer that it would not be in the interest of the public health, safety, or welfare for the person to own, possess, or control a firearm or ammunition; or
  - (3) Other information that would lead a reasonable, objective observer to conclude that the person presents or would present a danger to the community as a result of carrying a firearm in public or intends or is likely to use a firearm for an unlawful purpose or in an unlawful manner.
- (i) A nonrefundable fee of \$150 shall be charged for each license application submitted under this section. The fee shall be chargeable by and payable to the appropriate county and shall be used for expenses related to police services. The issuing authority shall waive the fee required by this subsection upon a showing of financial hardship by the applicant.
- (j) If the applicant satisfies each of the requirements for a concealed carry license, an application for a concealed carry license submitted to the chief of police of the appropriate county under this section shall be approved within a reasonable time after receipt of all required application materials. If the applicant does not satisfy one or more of the requirements for a concealed carry license, the license shall be denied within a reasonable time after receipt of the application materials. If an application is denied, the chief of police or a designee of the chief of police shall notify the applicant of the denial in writing, stating the ground or grounds for the denial and informing the applicant of the right to seek review of the denial through a hearing pursuant to subsection (k). If the chief of police does not grant or deny a submitted application for a concealed carry license within one hundred twenty days following the date of the application, the application shall be deemed denied as of that date for purposes of subsection (k).
- (k) If an application under this section is denied, a person or entity aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person or entity aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party

shall be entitled to a judicial review proceeding in state circuit court in accordance with section 91-14.

(l) If an application pursuant to this section is approved, the chief of police shall issue the applicant a license that contains, at minimum:

- (1) The licensee's name;
- (2) The licensee's address;
- (3) A photograph of the licensee taken within ninety days before issuance of the license;
- (4) The county of issuance;
- (5) A notation as to whether the license permits concealed or unconcealed carry;
- (6) The serial number of each registered firearm that the licensee may carry pursuant to the license; and
- (7) The license expiration date.

The license issued under this subsection shall not constitute a government-issued photo identification document under federal or state law.

(m) Unless renewed, a concealed or unconcealed license shall expire four years from the date of issue.

(n) A license to carry issued under this section shall be void if a licensee becomes disqualified from the ownership, possession, or control of a firearm pursuant to section 134-7(a), (b), (d), or (f). If a licensee for any other reason becomes disqualified under section 134-7 from the ownership, possession, or control of a firearm, the license shall be subject to revocation under section 134-13. A license that is void or revoked shall be returned to the chief of police of the appropriate county within forty-eight hours after the license becomes void or is revoked.

(o) The chief of police of each county shall adopt procedures to implement this section.

(p) The chief of police of each county shall establish procedures and criteria for the renewal of licenses issued under this section. No license renewal shall be granted if an applicant for a renewed license does not satisfy, or no longer satisfies, the eligibility criteria for a new license set forth in subsections (a) through (d). As a precondition for the renewal of licenses issued under this section, the chief of police of each county may establish reasonable continuing education, training, and certification requirements, including requirements pertaining to the safe handling of firearms and shooting proficiency. A nonrefundable fee of \$50 shall be charged for each license renewal application submitted under this section. The fee shall be chargeable by and payable to the appropriate county and shall be used for expenses related to police services. The issuing authority shall waive the fee required by this subsection upon a showing of financial hardship by the applicant.

(q) No person carrying a firearm pursuant to a license issued under this section shall intentionally, knowingly, or recklessly carry more than one firearm on the licensee's person at one time.

(r) A license issued by the chief of police of a county within the State under subsection (a) to carry a pistol or revolver and ammunition concealed on the licensee's person shall be valid for use in each county within the State."

SECTION 8. Section 134-13, Hawaii Revised Statutes, is amended to read as follows:

**"§134-13 Revocation of permits~~[-]~~and licenses.** (a) All permits and licenses provided for under this part ~~[may]~~ shall be revoked~~[, for good cause,]~~ by the issuing authority ~~[or]~~, and ~~may be revoked~~ by ~~[the judge of]~~ any court~~[-]~~, if the issuing authority or court determines that the permit or license is subject

to revocation because the permit or license holder does not satisfy, or no longer satisfies, the applicable qualifications or requirements associated with the permit or license.

(b) If the issuing authority determines that a permit or license is subject to revocation, the issuing authority shall notify the permit or license holder of the determination in writing, stating the grounds for the determination and informing the permit or license holder of the right to seek a hearing before the issuing authority regarding the determination before revocation. Unless the permit or license holder submits a request for a hearing in writing to the issuing authority no later than thirty days following the date of the written notice that the permit or license is subject to revocation, the permit or license shall be immediately revoked by the issuing authority. Any hearing regarding a determination on whether a permit or license is subject to revocation shall constitute a contested case hearing for purposes of chapter 91. A person or entity aggrieved by a revocation under this section may apply for judicial review in state circuit court in accordance with section 91-14.

(c) If a permit or license is revoked pursuant to this section, the former permit or license holder shall return the permit or license to the issuing authority within forty-eight hours following receipt of the notice of revocation.”

SECTION 9. Section 134-17, Hawaii Revised Statutes, is amended to read as follows:

**“§134-17 Penalties.** (a) ~~If any person [gives false information or offers false evidence of the person’s identity in complying with any of the requirements of this part, that person shall be guilty of a misdemeanor, provided, however that if any person intentionally gives false information or offers false evidence concerning their] intentionally, knowingly, or recklessly makes any materially false, fictitious, or fraudulent statement or representation in connection with any of the requirements of this part, that person shall be guilty of a misdemeanor; provided that if any person intentionally, knowingly, or recklessly makes any materially false, fictitious, or fraudulent statement or representation regarding the person’s psychiatric or criminal history in [complying] connection with any of the requirements of this part, that person shall be guilty of a class C felony.~~

~~[(b) Any person who violates section 134-3(a) shall be guilty of a petty misdemeanor.~~

~~(c)] (b) Any person who violates [section]:~~

- ~~(1) Section 134-2, 134-4, 134-10, [or] 134-13(c), or 134-15 shall be guilty of a misdemeanor[. Any person who violates section];~~
- ~~(2) Section 134-3(a) or 134-9(q) shall be guilty of a petty misdemeanor;~~  
~~or~~
- ~~(3) Section 134-3(b) shall be guilty of a petty misdemeanor and the firearm shall be confiscated as contraband and disposed of, if the firearm is not registered within five days of the person receiving notice of the violation.”~~

SECTION 10. Section 134-18, Hawaii Revised Statutes, is amended to read as follows:

**“§134-18 Qualified immunity for physicians, psychologists, [or] psychiatrists, physician assistants, or advanced practice registered nurses who provide information on permit or license applicants.** There shall be no civil liability for any physician, psychologist, [or] psychiatrist, physician assistant, or advanced practice registered nurse who provides information or renders an opinion in response to an inquiry made for purposes of issuing a firearm permit under section 134-2, issuing or renewing a license under section 134-9, or [for purposes of] in-

vestigating the continuing mental health of the holder of a valid firearm permit or license; provided that the physician, psychologist, [Ø] psychiatrist, physician assistant, or advanced practice registered nurse acted without malice.”

SECTION 11. Section 707-716, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Terroristic threatening in the first degree is a class C felony[-]; provided that terroristic threatening in the first degree is a class B felony if committed with a firearm as defined in section 134-1, whether the firearm was loaded or not, and whether operable or not, or a simulated firearm, while in one of the locations or premises listed in section 134-A(a).”

SECTION 12. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) Criminal history record checks may be conducted by:
- (1) The department of health or its designee on operators of adult foster homes for individuals with developmental disabilities or developmental disabilities domiciliary homes and their employees, as provided by section 321-15.2;
  - (2) The department of health or its designee on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health or health care services as provided by section 321-171.5;
  - (3) The department of health or its designee on all applicants for licensure or certification for, operators for, prospective employees, adult volunteers, and all adults, except adults in care, at healthcare facilities as defined in section 321-15.2;
  - (4) The department of education on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by section 302A-601.5;
  - (5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;
  - (6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;
  - (7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;
  - (8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;
  - (9) The department of human services on prospective adoptive parents as established under section 346-19.7;
  - (10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;
  - (11) The department of human services on persons exempt pursuant to section 346-152 to be eligible to provide child care and receive child care subsidies as provided by section 346-152.5;
  - (12) The department of health on operators and employees of home and community-based case management agencies and operators and

- other adults, except for adults in care, residing in community care foster family homes as provided by section 321-15.2;
- (13) The department of human services on staff members of the Hawaii youth correctional facility as provided by section 352-5.5;
  - (14) The department of human services on employees, prospective employees, and volunteers of contracted providers and subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office or the Hawaii youth correctional facility as provided by section 352D-4.3;
  - (15) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;
  - (16) The department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest as provided by section 353C-5;
  - (17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;
  - (18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;
  - (19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
  - (20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;
  - (21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;
  - (22) The department of human services on purchase of service contracted and subcontracted service providers and their employees serving clients of the adult protective and community services branch, as provided by section 346-97;
  - (23) The department of human services on foster grandparent program, senior companion program, and respite companion program participants as provided by section 346-97;
  - (24) The department of human services on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under section 1915(c) of the Social Security Act, title 42 United States Code section 1396n(c), or under any other applicable section or sections of the Social Security Act for the purposes of providing home and community-based services, as provided by section 346-97;
  - (25) The department of commerce and consumer affairs on proposed directors and executive officers of a bank, savings bank, savings and loan association, trust company, and depository financial services loan company as provided by section 412:3-201;

- (26) The department of commerce and consumer affairs on proposed directors and executive officers of a nondepository financial services loan company as provided by section 412:3-301;
- (27) The department of commerce and consumer affairs on the original chartering applicants and proposed executive officers of a credit union as provided by section 412:10-103;
- (28) The department of commerce and consumer affairs on:
  - (A) Each principal of every non-corporate applicant for a money transmitter license;
  - (B) Each person who upon approval of an application by a corporate applicant for a money transmitter license will be a principal of the licensee; and
  - (C) Each person who upon approval of an application requesting approval of a proposed change in control of licensee will be a principal of the licensee,
 as provided by sections 489D-9 and 489D-15;
- (29) The department of commerce and consumer affairs on applicants for licensure and persons licensed under title 24;
- (30) The Hawaii health systems corporation on:
  - (A) Employees;
  - (B) Applicants seeking employment;
  - (C) Current or prospective members of the corporation board or regional system board; or
  - (D) Current or prospective volunteers, providers, or contractors, in any of the corporation's health facilities as provided by section 323F-5.5;
- (31) The department of commerce and consumer affairs on:
  - (A) An applicant for a mortgage loan originator license, or license renewal; and
  - (B) Each control person, executive officer, director, general partner, and managing member of an applicant for a mortgage loan originator company license or license renewal,
 as provided by chapter 454F;
- (32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;
- (33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;
- (34) The counties on prospective employees for fire department positions that involve contact with children or vulnerable adults;
- (35) The counties on prospective employees for emergency medical services positions that involve contact with children or vulnerable adults;
- (36) The counties on prospective employees for emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable citizens during emergencies or crises;
- (37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;

- (38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;
- (39) The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;
- (40) The department of commerce and consumer affairs on:
  - (A) Applicants for real estate appraiser licensure or certification as provided by chapter 466K;
  - (B) Each person who owns more than ten per cent of an appraisal management company who is applying for registration as an appraisal management company, as provided by section 466L-7; and
  - (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466L-7;
- (41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical cannabis dispensaries, and individuals permitted to enter and remain in medical cannabis dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);
- (42) The department of commerce and consumer affairs on applicants for nurse licensure or license renewal, reactivation, or restoration as provided by sections 457-7, 457-8, 457-8.5, and 457-9;
- (43) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2 ~~[and]~~, on individuals registering their firearms pursuant to section 134-3~~;~~, and on applicants for new or renewed licenses to carry a pistol or revolver and ammunition pursuant to section 134-9;
- (44) The department of commerce and consumer affairs on:
  - (A) Each of the controlling persons of the applicant for licensure as an escrow depository, and each of the officers, directors, and principals who will be in charge of the escrow depository's activities upon licensure; and
  - (B) Each of the controlling persons of an applicant for proposed change in control of an escrow depository licensee, and each of the officers, directors, and principals who will be in charge of the licensee's activities upon approval of the application, as provided by chapter 449;
- (45) The department of taxation on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 231-1.6;
- (46) The department of labor and industrial relations on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 383-110;
- (47) The department of human services on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 346-2.5;
- (48) The child support enforcement agency on current or prospective employees, or contractors who have access to federal tax informa-

- tion in order to comply with federal law, regulation, or procedure, as provided by section 576D-11.5;
- (49) The department of the attorney general on current or prospective employees or employees or agents of contractors who have access to federal tax information to comply with requirements of federal law, regulation, or procedure, as provided by section 28-17;
  - [(50)] The department of commerce and consumer affairs on each control person, executive officer, director, general partner, and managing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;
  - [(51)] The University of Hawaii on current and prospective employees and contractors whose duties include ensuring the security of campus facilities and persons; and
  - [(52)] Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law.”

SECTION 13. Act 30, Session Laws of Hawaii 2022, is amended by amending section 5 to read as follows:

~~“SECTION 5. This Act shall take effect upon its approval; provided that on June 30, 2025, section 2 of this Act shall be repealed and section 134-3, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act].”~~

SECTION 14. Every provision in this Act and every application of each provision in this Act is severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is determined by any court to be invalid, the remainder of this Act and the application of the Act’s provisions to all other persons and circumstances shall not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court determines to be invalid or unenforceable, leaving the valid applications in force, because it is the legislature’s intent that all valid applications shall remain in force.

SECTION 15. This Act shall be construed to be enforceable up to but no further than the maximum possible extent consistent with federal law and constitutional requirements.

SECTION 16. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>2</sup>

SECTION 18. This Act shall take effect on July 1, 2023; provided that:

- (1) Sections 4 and 7 shall take effect on January 1, 2024; and
- (2) The amendments made to section 846-2.7(b), Hawaii Revised Statutes, by section 12 of this Act shall not be repealed when section 28 of Act 278, Session Laws of Hawaii 2022, takes effect on January 1, 2024.

(Approved June 2, 2023.)

#### Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.