

---

---

# A BILL FOR AN ACT

RELATING TO FIREARMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the State has some  
2 of the strongest gun safety laws in the nation, having received  
3 an A-minus rating from the Giffords Law Center to Prevent Gun  
4 Violence. However, the legislature also finds that the State  
5 can improve its gun safety laws by prohibiting the new  
6 acquisition and use of large-capacity magazines for firearms  
7 that can hold more than ten rounds of ammunition. Existing  
8 Hawaii law prohibits the use of these magazines with pistols but  
9 not with long guns, such as rifles or shotguns.

10           According to the Giffords Law Center to Prevent Gun  
11 Violence, large-capacity magazines have been used in all ten of  
12 the deadliest mass shootings that have occurred in the last  
13 decade. Mass shootings that involve large-capacity magazines  
14 result in two to three times as many fatalities as other mass  
15 shootings. By enabling a shooter to fire repeatedly without  
16 needing to reload, these magazines significantly increase the  
17 shooter's ability to quickly injure and kill large numbers of



1 people. For example, using an assault weapon and a drum  
2 magazine containing one hundred rounds of ammunition, the  
3 perpetrator of the 2019 mass shooting in Dayton, Ohio, was able  
4 to fire at least forty-one rounds of ammunition in less than  
5 thirty seconds. As a result, the shooter was able to kill nine  
6 people and wound twenty-six more.

7 Further, the legislature recognizes that the amount of time  
8 a shooter needs to reload a weapon can be a critical factor in  
9 allowing would-be victims to escape and for law enforcement or  
10 other persons to intervene. In the 2011 mass shooting in  
11 Tucson, Arizona, six people were killed and thirteen others were  
12 wounded, including United States representative Gabrielle  
13 Giffords. Fortunately, the shooting was interrupted when the  
14 perpetrator stopped to reload his weapon and was tackled by a  
15 bystander. Similarly, during the 2018 mass shooting at Marjory  
16 Stoneman Douglas High School in Parkland, Florida, students were  
17 able to flee down a stairwell as the shooter paused to reload  
18 his weapon.

19 The purpose of this Act is to reduce gun violence in the  
20 State by:



- 1           (1) Prohibiting the possession of large-capacity magazines  
2                   for all types of firearms, unless it was legally in  
3                   possession of an individual prior to this Act;
- 4           (2) Requiring every person in the State who was in  
5                   possession of a detachable ammunition magazine prior  
6                   to this Act to register the magazine with the  
7                   appropriate county police department; and
- 8           (3) Prohibiting the sale, barter, trade, gift, transfer,  
9                   or acquisition, except by means of inheritance, of a  
10                  detachable ammunition magazine that was legally in an  
11                  individual's possession prior to this Act and  
12                  requiring the inheritor to update the registration  
13                  with the appropriate county police department.

14           SECTION 2. Section 134-8, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§134-8 Ownership, etc., of automatic firearms, silencers,**  
17 **etc., prohibited; penalties.** (a) The manufacture, possession,  
18 sale, barter, trade, gift, transfer, or acquisition of any of  
19 the following is prohibited: assault pistols, except as  
20 provided by section 134-4(e); automatic firearms; rifles with  
21 barrel lengths less than sixteen inches; shotguns with barrel



1 lengths less than eighteen inches; cannons; mufflers, silencers,  
2 or devices for deadening or muffling the sound of discharged  
3 firearms; hand grenades, dynamite, blasting caps, bombs, or  
4 bombshells, or other explosives; or any type of ammunition or  
5 any projectile component thereof coated with teflon or any other  
6 similar coating designed primarily to enhance its capability to  
7 penetrate metal or pierce protective armor; and any type of  
8 ammunition or any projectile component thereof designed or  
9 intended to explode or segment upon impact with its target.

10 (b) Any person who installs, removes, or alters a firearm  
11 part with the intent to convert the firearm to an automatic  
12 firearm shall be deemed to have manufactured an automatic  
13 firearm in violation of subsection (a).

14 (c) The manufacture, possession, sale, barter, trade,  
15 gift, transfer, or acquisition of detachable ammunition  
16 magazines with a capacity in excess of ten rounds [~~which are~~  
17 ~~designed for or capable of use with a pistol~~] is prohibited.  
18 This subsection shall not apply to magazines [~~originally~~]:

19 (1) That were legally in possession of an individual prior  
20 to the effective date of Act , Session Laws of  
21 Hawaii 2020; and



1        (2) Originally designed to accept more than ten rounds of  
2            ammunition [~~which~~] that have been modified to accept  
3            no more than ten rounds and [~~which~~] that are not  
4            capable of being readily restored to a capacity of  
5            more than ten rounds.

6        (d) Every person in the State who was in possession of a  
7            detachable ammunition magazine with a capacity in excess of ten  
8            rounds prior to the effective date of Act        , Session Laws of  
9            Hawaii 2020, shall register the magazine with the county police  
10           department where the magazine is located. No person shall sell,  
11           barter, trade, gift, transfer, or acquire, except by means of  
12           inheritance, a detachable ammunition magazine pursuant to this  
13           subsection; provided that upon inheriting a detachable  
14           ammunition magazine pursuant to this subsection, the inheritor  
15           shall update the registration with the appropriate county police  
16           department where the magazine is located.

17        (e) Detachable ammunition magazines with a capacity in  
18           excess of ten rounds may be acquired, possessed, and used by a  
19           law enforcement agency or duly authorized law enforcement  
20           officer for official purposes.



1            [~~d~~] (f) Any person violating subsection (a) or (b) shall  
2 be guilty of a class C felony and shall be imprisoned for a term  
3 of five years without probation. Any person violating  
4 subsection (c) shall be guilty of a misdemeanor except when a  
5 detachable magazine prohibited under this section is possessed  
6 while inserted into a [~~pistol~~] firearm in which case the person  
7 shall be guilty of a class C felony."

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

11            SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13            SECTION 5. This Act shall take effect on January 1, 2021.



**Report Title:**

Firearms; Large-capacity Magazines; Prohibition

**Description:**

Prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible, except for magazines that was legally possessed prior to this Act. Requires every person in the State who possessed a large-capacity magazine prior to this Act to register the magazine with the appropriate county police department. Prohibits the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of such large-capacity magazines and requires the inheritor to update registration. Makes an exception for possession and use by law enforcement agencies and officers. Effective 1/1/2021. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

