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# 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 existing provisions  
2 in the law are inadequate to deter persons with firearms from  
3 trespassing on lands and potentially causing bodily injury to  
4 others or damage to property, livestock, and crops. These  
5 occurrences have been especially egregious on farms and ranches.

6           The purpose of this Act is to require those who wish to  
7 access private land for hunting or other legitimate purposes to  
8 obtain written permission from the landowner.

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

12           "§134- Felony penalties not applicable to certain  
13 sections. Violation of any provision of this chapter with  
14 reference to a "place of formal hunting" shall be a misdemeanor  
15 offense, notwithstanding sections 134-21 to 134-27."

16           SECTION 3. Section 134-1, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:



1       "Place of formal hunting" means an area on private or  
2 public land where the landowner has granted written permission  
3 to an individual to use the land for hunting or target  
4 shooting."

5       SECTION 4. Section 134-5, Hawaii Revised Statutes, is  
6 amended as follows:

7       1. By amending subsection (a) to read:

8       "(a) Any person of the age of sixteen years, or over or  
9 any person under the age of sixteen years while accompanied by  
10 an adult, may carry and use any lawfully acquired rifle or  
11 shotgun and suitable ammunition while actually engaged in  
12 hunting or target shooting at a place of formal hunting or while  
13 going to and from the place of formal hunting or target  
14 shooting; provided that the person has procured a hunting  
15 license under chapter 183D, part II. A hunting license shall  
16 not be required for persons engaged in target shooting."

17       2. By amending subsection (c) to read:

18       "(c) A person may carry unconcealed and use a lawfully  
19 acquired pistol or revolver while actually engaged in hunting  
20 game mammals[7] at a place of formal hunting if that pistol or  
21 revolver and its suitable ammunition are acceptable for hunting  
22 by rules adopted pursuant to section 183D-3 and if that person



1 is licensed pursuant to part II of chapter 183D. The pistol or  
2 revolver may be transported in an enclosed container, as defined  
3 in section 134-25 in the course of going to and from the place  
4 of [~~the hunt,~~] formal hunting, notwithstanding section 134-26."

5 SECTION 5. Section 134-17, Hawaii Revised Statutes, is  
6 amended by amending subsection (c) to read as follows:

7 "(c) Any person who violates section 134-2, 134-4, 134-  
8 5(a), 134-5(c), 134-10, 134-15, [or] 134-16(a), 134-23(a), 134-  
9 24(a), 134-25(a), or 134-27(a) shall be guilty of a misdemeanor.  
10 Any person who violates section 134-3(b) shall be guilty of a  
11 petty misdemeanor and the firearm shall be confiscated as  
12 contraband and disposed of, if the firearm is not registered  
13 within five days of the person receiving notice of the  
14 violation."

15 SECTION 6. Section 134-23, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) Except as provided in section 134-5, all firearms  
18 shall be confined to the possessor's place of business,  
19 residence, or sojourn; provided that it shall be lawful to carry  
20 unloaded firearms in an enclosed container from the place of  
21 purchase to the purchaser's place of business, residence, or  
22 sojourn, or between these places upon change of place of



1 business, residence, or sojourn, or between these places and the  
2 following:

- 3 (1) A place of repair;
- 4 (2) A target range;
- 5 (3) A licensed dealer's place of business;
- 6 (4) An organized, scheduled firearms show or exhibit;
- 7 (5) A place of formal ~~hunter~~ hunting or firearm use  
8 training or instruction; or
- 9 (6) A police station.

10 "Enclosed container" means a rigidly constructed  
11 receptacle, [æ] a commercially manufactured gun case, or the  
12 equivalent thereof that completely encloses the firearm."

13 SECTION 7. Section 134-24, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) Except as provided in section 134-5, all firearms  
16 shall be confined to the possessor's place of business,  
17 residence, or sojourn; provided that it shall be lawful to carry  
18 unloaded firearms in an enclosed container from the place of  
19 purchase to the purchaser's place of business, residence, or  
20 sojourn, or between these places upon change of place of  
21 business, residence, or sojourn, or between these places and the  
22 following:



- 1 (1) A place of repair;
- 2 (2) A target range;
- 3 (3) A licensed dealer's place of business;
- 4 (4) An organized, scheduled firearms show or exhibit;
- 5 (5) A place of formal ~~hunter~~ hunting or firearm use
- 6 training or instruction; or
- 7 (6) A police station.

8 "Enclosed container" means a rigidly constructed  
9 receptacle, [œ] a commercially manufactured gun case, or the  
10 equivalent thereof that completely encloses the firearm."

11 SECTION 8. Section 134-25, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) Except as provided in sections 134-5 and 134-9, all  
14 firearms shall be confined to the possessor's place of business,  
15 residence, or sojourn; provided that it shall be lawful to carry  
16 unloaded firearms in an enclosed container from the place of  
17 purchase to the purchaser's place of business, residence, or  
18 sojourn, or between these places upon change of place of  
19 business, residence, or sojourn, or between these places and the  
20 following:

- 21 (1) A place of repair;
- 22 (2) A target range;



- 1 (3) A licensed dealer's place of business;
- 2 (4) An organized, scheduled firearms show or exhibit;
- 3 (5) A place of formal [~~hunter~~] hunting or firearm use
- 4 training or instruction; or
- 5 (6) A police station.

6 "Enclosed container" means a rigidly constructed  
7 receptacle, [~~or~~] a commercially manufactured gun case, or the  
8 equivalent thereof that completely encloses the firearm."

9 SECTION 9. Section 134-27, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) Except as provided in sections 134-5 and 134-9, all  
12 ammunition shall be confined to the possessor's place of  
13 business, residence, or sojourn; provided that it shall be  
14 lawful to carry ammunition in an enclosed container from the  
15 place of purchase to the purchaser's place of business,  
16 residence, or sojourn, or between these places upon change of  
17 place of business, residence, or sojourn, or between these  
18 places and the following:

- 19 (1) A place of repair;
- 20 (2) A target range;
- 21 (3) A licensed dealer's place of business;
- 22 (4) An organized, scheduled firearms show or exhibit;



1 (5) A place of formal [~~hunter~~] hunting or firearm use  
2 training or instruction; or

3 (6) A police station.

4 "Enclosed container" means a rigidly constructed  
5 receptacle, [~~or~~] a commercially manufactured gun case, or the  
6 equivalent thereof that completely encloses the ammunition."

7 SECTION 10. Section 183D-21, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§183D-21 Hunting licenses required.** No person shall  
10 hunt, pursue, kill, or take any game bird or mammal without  
11 first procuring a hunting license[+] and written permission from  
12 the landowner to hunt on a place of formal hunting, as defined  
13 in section 134-1; provided that section 183D-32 to the contrary  
14 notwithstanding, no license shall be required of persons who may  
15 be authorized in writing by the board to destroy game birds or  
16 game mammals injurious to forest growth or agriculture, or that  
17 constitute a nuisance or a health hazard."

18 SECTION 11. Section 183D-25, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§183D-25 Licenses; display thereof.** No person to whom a  
21 hunting license has been issued shall permit any other person to  
22 carry, display, or use the license in any way. Every person to



1 whom a hunting license has been issued and every person to whom  
2 written permission to hunt on a place of formal hunting, as  
3 defined in section 134-1, shall physically possess the license  
4 and written permission when hunting and shall show the license  
5 and written permission upon the demand of any officer authorized  
6 to enforce the game laws of the State. No person, upon the  
7 request of an officer, shall refuse to show the license or  
8 written permission or withhold permission to inspect the  
9 person's game bag, container, hunting coat or jacket, or  
10 carrier, or vehicle of any kind where game might be concealed."

11 SECTION 12. Section 183D-26, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§183D-26 **Hunting on private lands prohibited.** [~~a~~] No  
14 person shall enter upon any land or premises belonging to, held,  
15 or occupied by another, for the purpose of hunting or to take  
16 any kind of wildlife including game without first having  
17 obtained written permission from the owner or a duly appointed  
18 agent, if the owner is the occupier or holder, or if the owner  
19 has let another occupy or hold the same, without having first  
20 obtained the permission of the occupier or holder thereof, or  
21 the duly appointed agent of the occupier or holder.





1       ~~[(b) No prosecution shall be brought under this section,~~  
2       ~~except upon the sworn complaint of the owner, occupier, or~~  
3       ~~holder of the land or premises, or a duly appointed agent, or if~~  
4       ~~the owner, occupier, or holder is either a corporation or a~~  
5       ~~partnership, then the complaint shall be sworn to by an officer~~  
6       ~~of the corporation or by one of the members of the~~  
7       ~~partnership.] "~~

8           SECTION 13. Section 708-813, Hawaii Revised Statutes, is  
9       amended to read as follows:

10           "**§708-813 Criminal trespass in the first degree.** (1) A  
11       person commits the offense of criminal trespass in the first  
12       degree if:

13           (a) That person knowingly enters or remains unlawfully:

14                   (i) In a dwelling; or

15                   (ii) In or upon the premises of a hotel or apartment  
16                   building;

17           (b) That person:

18                   (i) Knowingly enters or remains unlawfully in or upon  
19                   premises ~~[that are fenced or enclosed in a manner~~  
20                   ~~designed to exclude intruders]; and~~

21                   (ii) Is in possession of a firearm, as defined in  
22                   section 134-1, at the time of the intrusion; ~~[or]~~



1        (c) That person enters or remains unlawfully on private  
2        property at night while in the possession of a  
3        firearm, as defined in section 134-1; or

4        [~~(e)~~] (d) That person enters or remains unlawfully in or  
5        upon the premises of any public school as defined in  
6        section 302A-101, or any private school, after  
7        reasonable warning or request to leave by school  
8        authorities or a police officer; provided however,  
9        such warning or request to leave shall be unnecessary  
10       between 10:00 p.m. and 5:00 a.m.

11       (2) Criminal trespass in the first degree is a  
12       misdemeanor. "

13       SECTION 14. Statutory material to be repealed is bracketed  
14       and stricken. New statutory material is underscored.

15       SECTION 15. This Act shall take effect on July 1, 2012.



**Report Title:**

Agriculture; Hunting

**Description:**

Restricts hunting to places of formal hunting, defined as private or public land where the landowner has granted written permission to an individual to use the land for hunting or target shooting. Makes it a misdemeanor to violate provisions relating to places of formal hunting. Makes amendments to the wildlife law to accommodate hunting in a place of formal hunting to require written permission by the landowners, in addition to a hunting license. Amends the crime of criminal trespass in the first degree to add the element of entering or remaining unlawfully on private property at night while in the possession of a firearm. (SD1)

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

