

Honolulu, Hawaii

April 4, 2016

RE: S.B. No. 2954
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2954, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose of this measure is to enable counties to acquire accurate information on applicants for firearm registration by:

- (1) Requiring the county police departments to perform a criminal history record check on a person registering a firearm in the State before a determination is made to register the firearm; and
- (2) Authorizing the Hawaii Criminal Justice Data Center to access firearm registration data.

The Department of the Attorney General, Honolulu Police Department, and two concerned individuals testified in support of this measure. Three concerned individuals testified in opposition.

Your Committee has amended this measure by:

- (1) Amending firearms permit and registration requirements to amend the process currently used by the county police departments for background checks for firearms permit applicants and registrants, including by updating



references to the various federally sponsored data programs involved in the conduct of a background check;

- (2) Specifying that fees for firearms permits and registration shall be an amount equal to the fee charged by the Hawaii Criminal Justice Data Center for a criminal history record check;
- (3) Authorizing county police departments to conduct criminal history record checks through the Hawaii Criminal Justice Data Center on applicants for permits to acquire firearms and on individuals registering their firearms;
- (4) Inserting a savings clause specifying that this measure does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date;
- (5) Making this measure effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee finds that the Federal Bureau of Investigation permits authorized government agencies, including law enforcement, to access a program, known as Rap Back, that provides continuous monitoring of individuals who are subject to a criminal history record check. When an individual is arrested for a criminal offense elsewhere in the country, the agency that conducted the background check will be notified. While the county police departments have authority under current statutory firearms permit and registration procedures to conduct a background check on applicants for permits to obtain or possess a firearm and to register a firearm, those statutes refer to a background check procedure that does not include the Rap Back program and is a static snapshot of the individual's criminal history. This measure will authorize county police departments to receive notifications of subsequent arrests of individuals who acquire permits or register firearms after the effective date of this measure. The county police departments will then be able to utilize the notifications to examine whether an individual's criminal conduct disqualifies them from continued ownership or possession of firearms under federal and state laws.



State agencies have been authorized to use the Rap Back system for more than forty purposes since 2012, including checks of teachers, daycare operators, Hawaii Health System Corporation employees, and traffic management employees with access to secured areas. Your Committee finds that county police departments should have similar access to information about criminal activity committed by individuals who possess and own firearms.

This measure does not amend the standard for granting a firearms permit, continued possession of a firearm, or any of the bases for disqualification.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2954, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2954, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



