A BILL FOR AN ACT

RELATING TO GUNS.

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

PART I

SECTION 1. The legislature finds it is crucial for public safety for those who wish to own and carry a firearm to have a thorough understanding of the ability to safely use a firearm in a time of need. There is an inherent danger in operating a firearm, and all too often, during an active shooter event, innocent bystanders are wounded or killed by gunfire that was intended to stop the active shooter.

The legislature believes that adequate training in firearm use to prepare for chaotic situations, such an active shooter event, can save lives. Further, laws that require firearms training will give members of the public confidence that those among them who choose to carry a firearm in public are trained in and capable of safe firearm use.

The purpose of this part is to improve the training of individuals who carry concealed or unconcealed handguns by:
(1) Requiring these individuals to undergo additional training before applying for or renewing a license to carry a concealed or unconcealed handgun;

(2) Requiring any individual applying for or renewing a license to carry an unconcealed handgun to undergo the same review as an individual applying for or renewing a license to carry a concealed handgun; and

(3) Reducing the length of a license to carry a concealed or unconcealed handgun from one year to six months.

SECTION 2. Section 134-2, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) Effective July 1, 1995, no person shall be issued a permit under this section for the acquisition of a pistol or revolver unless the person, at any time prior to the issuance of the permit, has completed:

(1) An approved hunter education course as authorized under section 183D-28;

(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; [ex]

(4) A firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor or a certified military firearms instructor that 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; and

(B) Education on the firearm laws of the State. An affidavit signed by the certified 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; or

(5) A firearms training or safety course or class conducted by a state certified firearms instructor or a certified military firearms instructor that provides, at a minimum, all of the training of a safety course or class described in paragraph (4) and also provides a total of at least four hours of additional training in:

(A) Properly carrying concealed and unconcealed weapons in public;

(B) Situation de-escalation;

(C) Interaction with law enforcement; and

(D) The proper use of a weapon as a last resort.

An affidavit signed by the certified 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."
SECTION 3. Section 134-9, Hawaii Revised Statutes, is amended 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 chief of police of the appropriate county may 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 person within the county where the license is granted. Where the urgency or the need has been sufficiently indicated, the respective chief of police 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 person within the county where the license is granted. The chief of police of the appropriate county, or the chief's designated representative, 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 the
applicant is not a citizen of the United States, before any
determination to grant a license is made. Unless renewed, [the]
a license issued pursuant to this section shall expire [one]:
(1) One year from the date of issue if the license was
issued on an initial or renewal basis before July
1, 2019; or
(2) Six months from the date of issue if the license was
issued on an initial or renewal basis after June
30, 2019.
(b) The chief of police of each county shall adopt
procedures to require that any person granted a license to carry
a [concealed weapon] pistol or revolver and ammunition on the
person shall:
(1) Be qualified to use the firearm in a safe manner,[r],
as evidenced by documentation showing successful
completion by the person of a firearms safety or
training course or class approved by the chief of
police of the appropriate county and as described in
section 134-2(g)(5); provided that the person shall
have completed the course within thirty days before
applying for or renewing a license;

(2) Appear to be a suitable person to be so licensed;

(3) Not be prohibited under section 134-7 from the
ownership or possession of a firearm; [and]

(4) Not have been adjudged insane or not appear to be
mentally deranged[–]; and

(5) Also carry on the person an electric gun, as defined
in section 134-1, which is intended to be non-lethal
by design, whenever the licensee carries a pistol or
revolver pursuant to the license.

(c) If a licensee violates any requirement relating to the
license, the chief of police who issued the license shall revoke
the license.

(d) 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 [section] section
134-5(c) or section 134-25.

(e) 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.
PART II

SECTION 4. The legislature finds that its existing ban on electric guns may be unconstitutional as a result of the decision by Supreme Court of the United States in the case of Caetano v. Massachusetts. The legislature further finds that the possession and use of electric guns should be permitted as an exercise of the right of self-defense and to discourage the use of more dangerous weapons, including firearms. The legislature notes that Hawaii, New York, and Rhode Island are the only states that have an outright ban on the civilian ownership of electric guns.

The purpose of this part is to repeal the State's ban on electric guns.

SECTION 5. Section 121-34.5, Hawaii Revised Statutes, is amended to read as follows:

§121-34.5 Use of electric guns. Members of the army or air national guard who have been qualified by training and are authorized by their commanders may use electric guns, [as specifically provided in section 134-16(c) and (d),] subject to the requirements of section 134-16 (a) and (b), when assisting civil authorities in disaster relief, emergency management, or
law enforcement functions; provided that "training" for the
purposes of this section means a course of instruction or
training in the use of any electric gun authorized pursuant to
this section, that is provided or authorized by the manufacturer
or is manufacturer-approved or is an electric gun training
program approved by the army or air national guard, prior to
deployment or issuance of electric guns and related equipment."
(2) Law enforcement officers of the department of public safety;

(3) Conservation and resources enforcement officers of the department of land and natural resources;

(4) Members of the Army or Air National Guard when assisting civil authorities in disaster relief, emergency management, or law enforcement functions, subject to the requirements of section 121-34.5; [and]

or

(5) Vendors providing electric guns to the individuals described in paragraphs (1) through (4) [i—]

[provided that electric guns] shall at all times remain in the custody and control of the law enforcement officers of the county police departments, the law enforcement officers of the department of public safety, the conservation and resources enforcement officers of the department of land and natural resources, or the members of the Army or Air National Guard.

[+o+]{b} The county police departments of this State, the department of public safety, the department of land and natural resources, and the army and air national guard shall maintain records regarding every electric gun in their custody and
control. The records shall report every instance of usage of the electric guns; in particular, records shall be maintained in a similar manner as for those of discharging of firearms. The county police departments, the department of public safety, the department of land and natural resources, and the army and air national guard shall annually report to the legislature regarding these records no later than twenty days before the beginning of each regular session of the legislature.

[-(-e4-] (c) The department of land and natural resources and the department of public safety shall ensure that each of its conservation and resources enforcement officers and law enforcement officers who is authorized to use an electric gun and related equipment shall first receive training from the manufacturer or from a manufacturer-approved training program, as well as by manufacturer-certified or approved instructors in the use of electric guns prior to deployment of the electric guns and related equipment in public. Training for conservation and resources enforcement officers of the department of land and natural resources and law enforcement officers of the department of public safety may be done concurrently to ensure cost savings.
[+(d+) (d)] No later than June 30, 2018, the conservation
and resources enforcement program of the department of land and
natural resources shall meet the law enforcement accreditation
or recognition standards of the Commission on Accreditation for
Law Enforcement Agencies, Inc., in the use of electric guns."

SECTION 7. Section 134-17, Hawaii Revised Statutes, is
amended by amending subsection (c) to read as follows:
"(c) Any person who violates section 134-2, 134-4, 134-10,
or 134-15[, or 134-16(a)] shall be guilty of a misdemeanor. Any
person who violates 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."

PART III

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

SECTION 9. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 10. This Act shall take effect upon its approval; provided that part I shall take effect on July 1, 2019.

INTRODUCED BY: _____________________________

JAN 24 2019
Report Title:
Firearms; Concealed Carry; Licenses; Terms; Training Requirements; Electric Guns

Description:
Requires an applicant to successfully complete a firearms safety or training course within thirty days before applying for or renewing a license to carry a concealed or uncoased weapon. Repeals the ban on electric guns.

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