

STAND. COM. REP. NO. 802

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1466  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1466, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GUN VIOLENCE PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a process by which a law enforcement officer or family or household member may obtain a court order to prevent a person from accessing firearms and ammunition when the person poses a danger of causing bodily injury to oneself or another.

Your Committee received testimony in support of this measure from the Mayor of the County of Hawai'i; Moms Demand Action for Gun Sense in Hawaii; Eye Productions, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; National Organization of Parents of Murdered Children; and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-based Legislation, Hawaii Firearms Coalition, National Rifle Association of America, Hawaii Rifle Association, and three hundred eighty-two individuals. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that nationwide, active shooters have inflicted great harm by killing and injuring innocent persons,



sometimes in highly publicized mass-shootings. Your Committee further finds that in some cases, law enforcement or a member of the shooter's family or household may have observed warning signs before the shooting, but depending on the jurisdiction, they may not have had the ability to petition a court to confiscate the shooter's firearms and ammunition. This measure will allow the courts and law enforcement to promptly respond to persons who have demonstrated a risk of causing bodily injury to themselves or others. However, your Committee additionally finds that certain provisions of this measure are inconsistent with current procedural practices of the courts and law enforcement agencies.

Accordingly, your Committee has amended this measure by:

- (1) Requiring police officers to file proof of service of a protective order with the court within one business day of service;
- (2) Requiring the court to notify the Hawaii Criminal Justice Data Center of the service of protective orders;
- (3) Requiring the Hawaii Criminal Justice Data Center to make information relating to protective orders available to the National Instant Criminal Background Check System within one business day;
- (4) Inserting an effective date of February 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1466, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1466, S.D. 2.



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

*Karl Rhoads*

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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 1466, SD1</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>2/22/19</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)		✓		
GABBARD, Mike		✓		
KIM, Donna Mercado	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes