
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 Hawaii's existing
2 laws do not adequately address the reporting of lost or stolen
3 firearms. As a matter of public safety, the State requires the
4 permitting of firearms owners and the registration of firearms
5 to ensure that firearms remain in the possession of individuals
6 who are properly vetted and meet the stringent requirements to
7 own or possess firearms. Law enforcement officers must have
8 knowledge and an accurate record of lost or stolen firearms to
9 protect the public.

10 Access to accurate information in the national and local
11 databases for lost or stolen firearm enhances police officer
12 safety in situations involving firearm ownership and possession
13 issues. The information allows police officers to timely
14 investigate and seize lost and stolen weapons quickly and
15 surely.

16 The legislature additionally finds that prohibiting gun
17 possession by certain individuals enhances public safety. Such



1 requirements are essential to safeguard against gun violence and
2 assist law enforcement agencies with enforcement of existing
3 firearms laws. Further, the enforcement of the restrictions and
4 requirements on gun acquisition must be supported with timely
5 and accurate reporting systems for firearms.

6 The legislature further finds that an effective system of
7 reporting unlawful attempts to purchase firearms is vital to
8 public safety and will create a factual framework for guiding
9 policy and directing the application of resources where they can
10 do the most good.

11 The purpose of this Act is to strengthen the system of
12 firearm reporting in the State by:

- 13 (1) Requiring firearm owners to report lost, stolen, or
14 destroyed firearms; and
- 15 (2) Requiring licensed sellers and manufacturers of
16 firearms to report any attempts to unlawfully purchase
17 firearms as a condition of the license to sell and
18 manufacture firearms.

19 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§134-A Reporting lost, stolen, or destroyed firearms;
2 penalties. (a) Every person shall report the loss, theft, or
3 destruction of a firearm that the person owns or possesses
4 within twenty-four hours upon the discovery of such loss, theft,
5 or destruction to:

6 (1) The police department of the county within which the
7 person resides; and

8 (2) The police department of the county where the theft,
9 loss, or destruction occurred.

10 If a person is unable to comply with this subsection, the
11 person's designee shall make the report.

12 (b) The report of a lost, stolen, or destroyed firearm
13 pursuant to subsection (a) shall include:

14 (1) The caliber of the firearm;

15 (2) The make of the firearm;

16 (3) The model of the firearm;

17 (4) The manufacturer of the firearm;

18 (5) The serial number of the firearm;

19 (6) Any other distinguishing number or identification mark
20 on the firearm, if known by the person; and



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1 (7) Any additional relevant information required by the
2 county police department taking the report.

3 (c) Upon receipt of a report of a lost, stolen, or
4 destroyed firearm pursuant to subsection (a), a county police
5 department shall enter the reported information into the
6 National Crime Information Center database.

7 (d) A person who intentionally or knowingly fails to
8 report the loss, theft, or destruction of any firearm pursuant
9 to this section shall:

10 (1) For the first offense, be guilty of a petty
11 misdemeanor;

12 (2) For the second and each subsequent offense, be guilty
13 of a misdemeanor; and

14 (3) For the third and each subsequent offense:

15 (A) Surrender all firearm registrations, ammunition,
16 and firearms to the police department for the
17 county within which the person resides within
18 five days of receiving a notice of violation of
19 this section; and

20 (B) Be prohibited from registering, possessing, or
21 owning a firearm.



1 (e) If a person fails to surrender all firearm
2 registrations, ammunition, and firearms as required in
3 subsection (d), the chief of police of the county within which
4 the person resides or within which any of the person's firearm
5 registrations, ammunitions, or firearms are present shall seize
6 all firearm registrations, firearm ammunition, and firearms
7 registered to and in possession of the person.

8 (f) For the purposes of this section, an incident
9 involving multiple firearms arising in the same occurrence shall
10 constitute a single offense.

11 (g) No person shall report to any law enforcement agency
12 that a firearm has been lost, stolen, or destroyed knowing the
13 report to be false. If a person falsely reports a lost, stolen,
14 or destroyed firearm, the person shall be in violation of this
15 section and subject to the same penalties as provided in
16 subsection (d).

17 (h) A person shall not be in violation of this section if
18 the failure to report is the result of:

19 (1) An act of God or act of war;

20 (2) The inability of a law enforcement agency to receive
21 the report; or



1 (3) The person who is required to report being
2 hospitalized, unconscious, incapacitated, or otherwise
3 seriously physically or mentally impaired as to
4 prevent the person from reporting.

5 §134-B Attempt to purchase firearm unlawfully; duty to
6 report. (a) A licensee shall report, as promptly as is
7 reasonably practicable, to the police department in the county
8 within which the licensee is licensed any attempt to purchase a
9 firearm from the licensee when the attempt was unsuccessful due
10 to the licensee's recognition that the purchase would be
11 unlawful.

12 (b) The report by a licensee pursuant to subsection (a)
13 shall include:

14 (1) The name, description, and address of the person who
15 attempted to unlawfully purchase a firearm; and

16 (2) All facts pertinent to the attempted purchase, to the
17 best of the licensee's recollection.

18 (c) The chief of police of the county in which the
19 attempted purchase was reported shall transmit the information
20 received from a licensee pursuant to subsection (b) to the



1 police departments in all other counties in the State within two
2 days after receiving the report."

3 SECTION 3. Section 134-32, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§134-32 License to sell and manufacture firearms;
6 conditions. Every license issued pursuant to this part shall be
7 issued and shall be regarded as having been accepted by the
8 licensee subject to the following conditions:

- 9 (1) That the licensee at all times shall comply with
10 section 134-B and all other provisions of law relative
11 to the sale of firearms.
- 12 (2) That the license during any time of national emergency
13 or crisis, as defined in section 134-34, may be
14 canceled or suspended.
- 15 (3) That all firearms in the possession and control of any
16 licensee at any time of national emergency or crisis,
17 as defined in section 134-34, may be seized and held
18 in possession or purchased by or on the order of the
19 governor until such time as the national emergency or
20 crisis has passed, or until such time as the licensee
21 and the government of the United States or the



1 government of the State may agree upon some other
2 disposition of the same.

3 (4) That all firearms in the possession and control of the
4 licensee or registered pursuant to section 134-3(c) by
5 the licensee shall be subject to physical inspection
6 by the chief of police of each county during normal
7 business hours at the licensee's place of business.

8 (5) That the license may be revoked for a violation of any
9 of the conditions of this section."

10 SECTION 4. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 5. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 6. New statutory material is underscored.



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1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'Alan', written over a horizontal line.

JAN 18 2019



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Report Title:

Firearm; Reporting; Lost, Stolen, or Destroyed Firearms; License

Description:

Requires firearm owners to report lost, stolen, or destroyed firearms. Requires firearm licensees to report attempted unlawful purchases of firearms as a condition of the license to sell and manufacture firearms.

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

