

STAND. COM. REP. NO.

3756

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 1902
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1902, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to reduce gun violence in the State by:

- (1) Eliminating the use of large capacity magazines in all types of firearms, not just pistols;
- (2) Prohibiting certain individuals who, as a minor, were diagnosed with behavioral, emotional, or mental disorders from owning firearms unless the person has been medically documented to be no longer adversely affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves or others;
- (3) Prohibiting certain individuals who have been adjudicated by the family court to have committed a certain number of crimes of violence from owning firearms; and
- (4) Requiring records of these diagnoses or adjudications to be made available to law enforcement officials.



Prior to decision making on this measure, your Committee posted and made available for public review a proposed S.D. 2, which amends this measure by:

- (1) Inserting language to exempt magazines possessed by a person who legally possessed or acquired by means of inheritance from someone who legally possessed the magazine prior to the effective date of this measure;
- (2) Deleting language that would have prohibited certain individuals who, as a minor, were diagnosed with behavioral, emotional, or mental disorders from owning firearms unless the person has been medically documented to be no longer adversely affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves or others;
- (3) Deleting language that would have prohibited certain individuals who have been adjudicated by the family court to have committed a certain number of crimes of violence from owning firearms;
- (4) Deleting language that would have required records of such diagnoses or adjudications to be made available to law enforcement officials;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making it effective upon its approval.

Your Committee received testimony in support of the proposed S.D. 2 from the Honolulu Police Department, Church of the Crossroads, and twenty-seven individuals. Your Committee received testimony in opposition to the proposed S.D. 2 from the Libertarian Party of Hawaii, Hawaii Rifle Association, National Rifle Association of America, Hawaii Firearms Coalition, Pu'uloa Rifle and Pistol Club, Schofield Rod and Gun Club, Hawaii Hunting Association, Rook Customs, one hundred twenty-two individuals, and form letters from two hundred twenty-three individuals. Your Committee received comments on the proposed S.D. 2 from the Judiciary, Department of the Attorney General, Office of the Public Defender, and two individuals.



Your Committee finds that according to the Giffords Law Center to Prevent Gun Violence, large-capacity magazines have been used in all ten of the deadliest mass shootings that have occurred in the last decade. Large-capacity magazines enable a shooter to fire repeatedly without needing to reload, significantly increasing the shooter's ability to quickly injure and kill large numbers of people. The amount of time a shooter needs to reload a weapon can be a critical factor in allowing would-be victims to escape and for law enforcement or other persons to intervene. This measure improves the State's gun safety laws by prohibiting the new acquisition and use of large-capacity magazines for firearms that can hold more than ten rounds of ammunition.

Your Committee further finds that reasonable regulation of firearms and ammunition is permissible under the United States Constitution. In District of Columbia v. Heller, 554 U.S. 570 (2008), the United States Supreme Court for the first time found that the second amendment to the constitution conferred an individual right to bear arms; however it also held that "it is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Id.* at 626.

Your Committee has amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Deleting language that would have exempted the manufacture, transportation, possession, sale, or rental of blank-firing assault weapons and the weapon's respective attachments by persons authorized or permitted to acquire and possess these weapons or attachments for the purpose of rental for use solely as props for a motion picture, television, or digital video production or entertainment event;
- (2) Inserting language to allow the use of blank-fire detachable ammunition magazines with a capacity in excess of ten rounds for use solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county and not in violation of federal law; and



- (3) 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 H.B. No. 1902, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1902, H.D. 2, S.D. 2.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1902 HD2 SD1	PSM, JDC	06/30/2020		
<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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike		/		
KIM, Donna Mercado	/			
FEVELLA, Kurt			/	
TOTAL	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes