
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 has one of
2 the most stringent license to carry firearms laws in the nation.
3 However, this law has come under scrutiny by a recent federal
4 appeals court decision. While that decision is currently under
5 review, it has highlighted a concern in the application of
6 Hawaii's license to carry firearms law.

7 This concern involves the approval of licenses to carry
8 firearms. Hawaii law grants the county chiefs of police some
9 latitude in the approval of licenses to carry firearms.
10 Additionally, a license to carry a firearm is only valid within
11 the county in which the license is granted. This latitude may
12 create situations where differing standards are used in each
13 county in granting licenses to carry firearms. Since licenses
14 to carry firearms are not valid statewide, there is no single
15 statewide authority providing oversight on the approval of such
16 licenses. The legislature believes that resolving this matter
17 will strengthen Hawaii's license to carry firearms law.



1 The purpose of this Act is to authorize the attorney
2 general to grant licenses to carry concealed or unconcealed
3 firearms statewide. By placing the authority to grant licenses
4 to carry firearms at the state level, a consistent standard will
5 be applied to all applications for licenses to carry firearms
6 within the State. Furthermore, these licenses will be valid
7 statewide.

8 This Act also:

- 9 (1) Limits the authority of the county chiefs of police to
10 grant licenses to carry to firearms to on-duty
11 security guards;
- 12 (2) Mandates certain training requirements for an
13 individual to be granted a license to carry a firearm;
14 and
- 15 (3) Increases the licensing fees to accurately reflect the
16 time and resources spent processing applications for
17 licenses to carry firearms.

18 SECTION 2. Section 134-9, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§134-9 Licenses to carry.** (a) In an exceptional case,
21 when an applicant shows reason to fear injury to the applicant's



1 person or property~~[7]~~ and is not prohibited under section 134-7
2 from the ownership or possession of a firearm, the ~~[chief of~~
3 ~~police of the appropriate county]~~ attorney general may grant a
4 license to an applicant who is a citizen of the United States of
5 the age of twenty-one years or more or to a duly accredited
6 official representative of a foreign nation of the age of
7 twenty-one years or more to carry a pistol or revolver and
8 ammunition therefor concealed or unconcealed on the person
9 within the ~~[county where the license is granted.]~~ State.

10 (b) Where the urgency or the need has been sufficiently
11 indicated, the respective chief of police may grant to an
12 applicant of good moral character who is a citizen of the United
13 States of the age of twenty-one years or more, is engaged in the
14 protection of life and property~~[7]~~ while employed and on duty
15 with a guard agency as defined in section 463-1, is in
16 compliance with the requirements of section 463-10.5, and is not
17 prohibited under section 134-7 from the ownership or possession
18 of a firearm, a license to carry a pistol or revolver and
19 ammunition therefor unconcealed on the person within the county
20 where the license is granted.



1 (c) The chief of police of the appropriate county, the
2 attorney general, or the [~~chief's~~] designated representative[~~7~~]
3 of the chief of police or attorney general shall perform an
4 inquiry on an applicant by using the National Instant Criminal
5 Background Check System, to include a check of the Immigration
6 and Customs Enforcement databases where the applicant is not a
7 citizen of the United States, before any determination to grant
8 a license is made. Unless renewed, the license shall expire one
9 year from the date of issue.

10 [~~(b)~~] (d) The chief of police of each county and the
11 attorney general shall adopt procedures to require that any
12 person granted a license to carry a concealed or unconcealed
13 weapon on the person shall:

14 (1) Be qualified to use the firearm in a safe manner[~~7~~] by
15 having completed an approved firearms safety and
16 training course as authorized under section
17 134-2(g)(2), (3), and (4) no more than one-hundred
18 eighty days before applying for a license under this
19 section;

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



- 1 (3) Not be prohibited under section 134-7 from the
- 2 ownership or possession of a firearm; and
- 3 (4) Not have been adjudged insane or not appear to be
- 4 mentally deranged.

5 [~~(e)~~] (e) No person shall carry concealed or unconcealed
 6 on the person a pistol or revolver without being licensed to do
 7 so under this section or in compliance with sections 134-5(c) or
 8 134-25.

9 [~~(d)~~] (f) A fee of [~~\$10~~] \$100 shall be charged for each
 10 [~~license~~] application and shall be deposited in the treasury of
 11 the [~~county in which the license is granted.~~] State."

12 SECTION 3. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY: Gregory Tolson / By request

JAN 09 2020



H.B. NO. 1598

Report Title:

License to Carry Firearms; Concealed Carry; Open Carry; AG;
County Chiefs of Police

Description:

Authorizes the attorney general to grant licenses to carry a pistol or revolver and ammunition therefor concealed or unconcealed statewide. Limits the county chiefs of police authority to grant licenses to carry. Amends the requirements and fee for licenses to carry.

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