RELATING TO GUN VIOLENCE PREVENTION.

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

SECTION 1. The legislature finds that gun violence is a significant public health and safety problem. Nationwide, there are thirty thousand deaths related to gun violence annually. In Hawaii gun deaths are attributable to suicide, accidents, and crime.

Across the nation, rates of fatal gun violence have remained essentially unchanged for more than a decade, as declines in homicide have been offset by increases in suicide. Suicide is the leading cause of fatal injury in Hawaii, with one person dying by suicide every two days. While suicides by overdose or poison are fatal only two per cent of the time and suicides by jumping are fatal only thirty-four per cent of the time, suicides by gun are fatal ninety per cent of the time.

The legislature further finds that without proper training or accountability, guns are often lost, stolen, or left by owners unsecured and end up falling into the wrong hands. This results in numerous accidental deaths, including children.
Furthermore, insufficient training or accountability results in guns entering the black market and being acquired by criminals. The legislature further finds guns are being increasingly used in violent crimes, but current and historical data of gun purchases, transfers, theft, and use in crimes has not been meaningfully combined and analyzed to track these firearms or determine exactly where and how guns are being trafficked.

Other jurisdictions have combined similar data sets to enable tracking of specific firearms, providing law enforcement a clearer picture of how guns end up in the hands of criminals and allowing them to target black market actors accordingly.

The legislature further finds that too little is known about gun violence and its prevention. According to a study published in the Journal of the American Medical Association, between 2004 and 2015, research related to gun violence was substantially underfunded and understudied compared with other leading causes of death. In addition, medical and mental health information has not been connected in a meaningful way to provide a complete picture of the circumstances that pose the highest risk for gun violence among those with medical or mental health issues.
Since the federal government has largely halted research relating to gun violence, both the federal and state governments lack the capacity to connect and analyze law enforcement and mental health data to track black market guns used in crimes, identify at-risk or unstable individuals who may be armed, and develop evidence-based policies that can save lives.

The purpose of this Act is to prevent gun violence and save lives by establishing the Hawaii gun violence prevention center within the University of Hawaii with a mission to bring law enforcement and medical stakeholders together to analyze related data and develop evidence-based strategies to prevent gun violence in Hawaii.

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new subpart to part IV to be appropriately designated and to read as follows:

"§304A-A Hawaii Gun Violence Prevention Center

(a) There is established within the University of Hawaii the Hawaii gun violence prevention center. The center shall be directed and managed by an administrator appointed by the president of the University of Hawaii subject to chapter 76."
(b) The Hawaii gun violence prevention center shall work with law enforcement, the medical community, policy makers, and other stakeholders to collect and analyze data, conduct research, and make recommendations for prevention of gun-related violence.

(c) The Hawaii gun violence prevention center may coordinate with other institutions working on this issue.

(d) The Hawaii gun violence prevention center shall work on a continuing basis with the State and counties to identify, implement, and evaluate innovative gun violence prevention policies and programs.

(e) To help ensure a long-term and successful effort to understand and prevent gun violence, the Hawaii gun violence prevention center may recruit and provide specialized training opportunities for staff members.

(f) As a supplement to its own research, the Hawaii gun violence prevention center may administer grants for research on gun violence. All research funds shall be awarded on a basis of scientific merit as determined by an open, competitive peer review process that assures objectivity, consistency, and high quality.
(g) The peer review process for the selection of grants awarded by the Hawaii gun violence prevention center shall be modeled on the process used by the National Institutes of Health in its grantmaking process.

(h) The Hawaii gun violence prevention center shall submit an annual report to the governor and legislature on its research, findings, and recommendations. The report shall include a financial report on the center’s expenditures, grants made, and pending grants.

(i) State agencies and entities, including but not limited to the department of the attorney general, department of health, department of public safety, department of defense, and department of human services, shall cooperate with the University of Hawaii and Hawaii gun violence prevention center and shall provide to the center, upon proper request, the data necessary for the center to conduct its research.

(j) The Hawaii gun violence prevention center and all recipients of grants shall provide copies of their research publications to the governor, legislature, and agencies supplying data used in the conduct of that research as soon as is practicable following publication.
§304A-B Hawaii gun violence prevention center special fund. (a) There is established in the state treasury a special fund to be designated as the Hawaii gun violence prevention center special fund to carry out the purposes of the center. The following moneys shall be deposited into the Hawaii gun violence prevention center special fund:

(1) Appropriations made by the legislature for deposit into the special fund;
(2) Donations and contributions made by private individuals or organizations;
(3) Proceeds from forfeitures pursuant to chapter 712A; and
(4) Grants provided by governmental agencies or any other source, except for funds that may not be used for the purposes of the special fund pursuant to federal law.

(b) The Hawaii gun violence prevention center special fund may be used by the Hawaii gun violence prevention center for one or more of the following purposes:

(1) Planning, designing, developing, implementing, and reporting on gun violence prevention policies pursuant to this subpart;
(2) Providing grants to nongovernmental organizations for gun violence prevention in projects subject to this subpart; and

(3) Administrative costs."

SECTION 3. Section 712A-16, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

"(4) There is established in the department of the attorney general a revolving fund to be known as the criminal forfeiture fund, hereinafter referred to as the "fund" in which shall be deposited one-half of the proceeds of a forfeiture and any penalties paid pursuant to section 712A-10(6). All moneys in the fund shall be expended by the attorney general and are appropriated for the following purposes:

(a) The payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to this chapter or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property and such contract services and payments to reimburse any federal, state,
or county agency for any expenditures made to perform
the foregoing functions;

(b) The payment of awards for information or assistance
leading to a civil or criminal proceeding;

(c) The payment of supplemental sums to state and county
agencies for law enforcement purposes;

(d) The payment of expenses arising in connection with
programs for training and education of law enforcement
officers;

(e) The payment of expenses arising in connection with
enforcement pursuant to the drug nuisance abatement
unit in the department of the attorney general; and

(f) The payment of expenses arising in connection with the
law enforcement officer independent review board in
the department of the attorney general[[-]];

provided that the attorney general may use moneys in the fund
for deposit into the Hawaii gun violence prevention center
special fund established pursuant to section 304A-B."

SECTION 4. There is appropriated out of the general
revenues of the State of Hawaii the sum of $ or so
much thereof as may be necessary for fiscal year 2020-2021 to be
deposited into the Hawaii gun violence prevention center special fund to carry out the purposes of this Act.

SECTION 5. There is appropriated out of the Hawaii gun violence prevention center special fund the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 for the establishment of three or more full-time permanent positions to carry out the provisions of this Act.

The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 6. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2020; provided that the amendments made to section 712A-16, Hawaii Revised Statutes, by section 3 of this Act shall not be repealed when that section is reenacted on June 30, 2022, pursuant to section 7 of Act 161, Session Laws of Hawaii 2016.
Report Title:
Gun Violence Prevention; Research; Special Fund; Appropriation

Description:
Establishes the Hawaii Gun Violence Prevention Center to assist law enforcement, analyze data, and conduct research necessary to help reduce gun violence. Creates a special fund to support the Center. Appropriates funds.

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