

JAN 24 2019

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. Section 134-3, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Every person arriving in the State who brings or by
4 any other manner causes to be brought into the State a firearm
5 of any description, whether usable or unusable, serviceable or
6 unserviceable, modern or antique, shall register the firearm
7 within five days after arrival of the person or of the firearm,
8 whichever arrives later, with the chief of police of the county
9 of the person's place of business or, if there is no place of
10 business, the person's residence or, if there is neither a place
11 of business nor residence, the person's place of sojourn[-];
12 provided that the duty to register the firearm shall be an
13 ongoing one, and failure to register the firearm within five
14 days of arrival shall not relieve the person of the duty to
15 register the firearm thereafter.

16 A nonresident alien may bring firearms not otherwise
17 prohibited by law into the State for a continuous period not to



1 exceed ninety days; provided that the person meets the
2 registration requirement of this section and the person
3 possesses:

- 4 (1) A valid Hawaii hunting license procured under chapter
5 183D, part II, or a commercial or private shooting
6 preserve permit issued pursuant to section 183D-34;
- 7 (2) A written document indicating the person has been
8 invited to the State to shoot on private land; or
- 9 (3) Written notification from a firing range or target
10 shooting business indicating that the person will
11 actually engage in target shooting.

12 The nonresident alien shall be limited to a nontransferable
13 registration of not more than ten firearms for the purpose of
14 the above activities.

15 Every person registering a firearm under this subsection
16 shall be fingerprinted and photographed by the police department
17 of the county of registration; provided that this requirement
18 shall be waived where fingerprints and photographs are already
19 on file with the police department. The police department shall
20 perform an inquiry on the person by using the International
21 Justice and Public Safety Network, including the United States



1 Immigration and Customs Enforcement query, the National Crime
2 Information Center, and the National Instant Criminal Background
3 Check System, pursuant to section 846-2.7 before any
4 determination to register a firearm is made.

5 (b) Every person who acquires a firearm pursuant to
6 section 134-2 shall register the firearm in the manner
7 prescribed by this section within five days of acquisition[-];
8 provided that the duty to register the firearm shall be an
9 ongoing one, and failure to register the firearm within five
10 days of acquisition shall not relieve the person of the duty to
11 register the firearm thereafter.

12 The registration shall be on forms prescribed by the
13 attorney general, which shall be uniform throughout the State,
14 and shall include the following information: name of the
15 manufacturer and importer; model; type of action; caliber or
16 gauge; serial number; and source from which receipt was
17 obtained, including the name and address of the prior
18 registrant. If the firearm has no serial number, the permit
19 number shall be entered in the space provided for the serial
20 number, and the permit number shall be engraved upon the
21 receiver portion of the firearm prior to registration. All



1 registration data that would identify the individual registering
2 the firearm by name or address shall be confidential and shall
3 not be disclosed to anyone, except as may be required:

- 4 (1) For processing the registration;
- 5 (2) For database management by the Hawaii criminal justice
6 data center;
- 7 (3) By a law enforcement agency for the lawful performance
8 of its duties; or
- 9 (4) By order of a court."

10 SECTION 2. Section 134-17, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§134-17 Penalties. (a) If any person gives false
13 information or offers false evidence of the person's identity in
14 complying with any of the requirements of this part, that person
15 shall be guilty of a misdemeanor, provided, however that if any
16 person intentionally gives false information or offers false
17 evidence concerning their psychiatric or criminal history in
18 complying with any of the requirements of this part, that person
19 shall be guilty of a class C felony.

20 (b) Any person who violates section 134-3(a) shall be
21 guilty of a petty misdemeanor[-]; provided that this subsection



1 shall not apply when the violation is discovered solely due to
2 the person registering the firearm after the time period
3 specified in section 134-3(a).

4 (c) Any person who violates section 134-2, 134-4, 134-10,
5 134-15, or 134-16(a) shall be guilty of a misdemeanor.

6 (d) Any person who violates section 134-3(b) shall be
7 guilty of a petty misdemeanor and the firearm shall be
8 confiscated as contraband and disposed of, if the firearm is not
9 registered within five days of the person receiving notice of
10 the violation[-]; provided that this subsection shall not apply
11 when the violation is discovered solely due to the person
12 registering the firearm after the time period specified in
13 section 134-3(b)."

14 SECTION 3. 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 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



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S.B. NO. 1321

Report Title:

Firearms; Registration

Description:

Clarifies that failure to register a firearm within the required time period does not relieve the owner of the duty to register the firearm. Allows the owner of an unregistered firearm to register the firearm thereafter without penalty.

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

