A BILL FOR AN ACT

RELATING TO FIREARMS.

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

SECTION 1. The legislature finds that the State has some of the strongest gun safety laws in the nation, having received an A-minus rating from the Giffords Law Center to Prevent Gun Violence. However, the legislature also finds that the State can improve its 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. Existing Hawaii law prohibits the use of these magazines with pistols but not with long guns, such as rifles or shotguns.

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. Mass shootings that involve large-capacity magazines result in two to three times as many fatalities as other mass shootings. By enabling a shooter to fire repeatedly without needing to reload, these magazines significantly increase the shooter's ability to quickly injure and kill large numbers of...
people. For example, using an assault weapon and a drum
magazine containing one hundred rounds of ammunition, the
perpetrator of the 2019 mass shooting in Dayton, Ohio, was able
to fire at least forty-one rounds of ammunition in less than
thirty seconds. As a result, the shooter was able to kill nine
people and wound twenty-six more.

Further, the legislature recognizes that 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. In the 2011 mass shooting in
Tucson, Arizona, six people were killed and thirteen others were
wounded, including United States representative Gabrielle
Giffords. Fortunately, the shooting was interrupted when the
perpetrator stopped to reload his weapon and was tackled by a
bystander. Similarly, during the 2018 mass shooting at Marjory
Stoneman Douglas High School in Parkland, Florida, students were
able to flee down a stairwell as the shooter paused to reload
his weapon.

The purpose of this Act is to reduce gun violence in the
State by:
(1) Prohibiting the possession of large-capacity magazines for all types of firearms, unless it was legally in possession of an individual prior to this Act; and

(2) Prohibiting the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of a detachable ammunition magazine that was legally in an individual's possession prior to this Act.

SECTION 2. Section 134-8, Hawaii Revised Statutes, is amended to read as follows:

"§134-8 Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties. (a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following is prohibited: assault pistols, except as provided by section 134-4(e); automatic firearms; rifles with barrel lengths less than sixteen inches; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms; hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives; or any type of ammunition or any projectile component thereof coated with teflon or any other similar coating designed primarily to enhance its capability to
penetrate metal or pierce protective armor; and any type of
ammunition or any projectile component thereof designed or
intended to explode or segment upon impact with its target.

(b) Any person who installs, removes, or alters a firearm
part with the intent to convert the firearm to an automatic
firearm shall be deemed to have manufactured an automatic
firearm in violation of subsection (a).

(c) The manufacture, possession, sale, barter, trade,
gift, transfer, or acquisition of detachable ammunition
magazines with a capacity in excess of ten rounds [which are
designed for or capable of use with a pistol] is prohibited.
This subsection shall not apply to magazines [originally]:

(1) That were legally in possession of an individual prior
to the effective date of Act , Session Laws of
Hawaii 2020; and

(2) Originally designed to accept more than ten rounds of
ammunition [which] that have been modified to accept
no more than ten rounds and [which] that are not
capable of being readily restored to a capacity of
more than ten rounds.
(d) No person shall sell, barter, trade, gift, transfer, or acquire, except by means of inheritance, a detachable ammunition magazine pursuant to this subsection.

(e) Detachable ammunition magazines with a capacity in excess of ten rounds may be acquired, possessed, and used by a law enforcement agency or duly authorized law enforcement officer for official purposes.

[+é+] (f) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a [pistol] firearm in which case the person shall be guilty of a class C felony."

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

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

SECTION 5. This Act shall take effect upon its approval.
Report Title:
Firearms; Large-capacity Magazines; Prohibition

Description:
Prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible, except for magazines that was legally possessed prior to this Act. Prohibits the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of such large-capacity magazines. Makes an exception for possession and use by law enforcement agencies and officers. (SD2)

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