A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

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

SECTION 1. The legislature finds that requiring firearms permits is an effective way of minimizing unlawful possession and use of firearms. The legislature further finds that the ammunition used in firearms is what renders firearms dangerous, yet there are few state regulations with regards to the sale of ammunition. Specifically, Hawaii does not require a license for the sale of ammunition, nor does it require a permit to purchase or possess ammunition. The legislature finds that this oversight can be addressed by requiring licensure for sellers of ammunition, and by requiring gun owners to show their firearms registrations and identification when purchasing ammunition for the permitted firearms.

The purposes of this Act, among others, is to:

(1) Prohibit any person from selling ammunition or shell casings for any firearm unless the purchaser first demonstrates that they are the registered owner of the firearm for which the ammunition or shell casings are
to be purchased or have been designated by the
registered owner to do so;

(2) Authorize registered owners to designate a person as
an alternate on the gun registration only for the
purpose of purchasing ammunition; and

(3) Adopt other provisions that ease administration for
county police departments.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

"§134- Ammunition purchase; proof of registration;

exception. (a) No person shall sell ammunition or shell
casings for any firearm unless the purchaser first demonstrates
that the purchaser is the registered owner of the firearm for
which the ammunition or shell casings are to be purchased, or
has been designated by the registered owner as an alternate for
ammunition purchases on the registration pursuant to section
134-3. The police department of the county of registration may
designate on the firearm registration form whether the firearm
can be converted to a different caliber or gauge and may
indicate on the registration form the types of ammunition for

each caliber or gauge of ammunition that the firearm may lawfully use. Presentation to the seller of the registration issued pursuant to section 134-3, together with government-issued photographic identification, such as a driver's license, a certificate of identification issued pursuant to section 846-30, a military identification card, or a United States passport, shall be sufficient to demonstrate that the purchaser is the registered owner of the firearm for which the ammunition is to be purchased or the owner's designated alternate. For online purchases, receipt of a scanned copy of the registration and identification shall be sufficient for compliance with this section. For the purposes of this section, the departments responsible for administering firearm registrations may provide duplicates of the registration document, or may provide the same information in a format to be determined by the departments.  

(b) Violation of this section is a petty misdemeanor.  

(c) This section shall not apply to ammunition purchases for firearms manufactured before 1899, and to persons described in section 134-11."  

SECTION 3. Section 134-3, Hawaii Revised Statutes, is amended to read as follows:
"§134-3 Registration, mandatory, exceptions. (a) Every person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn. A nonresident alien may bring firearms not otherwise prohibited by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:

(1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve permit issued pursuant to section 183D-34;

(2) A written document indicating the person has been invited to the State to shoot on private land; or
(3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting.

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

Every person registering a firearm under this subsection shall be fingerprinted and photographed by the police department of the county of registration; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department. The police department shall perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made.

(b) Every person who acquires a firearm pursuant to section 134-2 shall register the firearm in the manner prescribed by this section within five days of acquisition. The registration shall be on forms prescribed by the attorney
general, which shall be uniform throughout the State, and shall include the following information: name of the manufacturer and importer; model; type of action; caliber or gauge; whether the caliber or gauge can be converted; serial number; and source from which receipt was obtained, including the name and address of the prior registrant. If the firearm has no serial number, the permit number shall be entered in the space provided for the serial number, and the permit number shall be engraved upon the receiver portion of the firearm before registration. All registration data that would identify the individual registering the firearm by name or address shall be confidential and shall not be disclosed to anyone, except as may be required:

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

(c) Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms
prescribed by the attorney general and shall not be required to
have the firearms physically inspected by the chief of police at
the time of registration.

(d) Registration shall not be required for:

(1) Any device that is designed to fire loose black powder
or that is a firearm manufactured before 1899;

(2) Any device not designed to fire or made incapable of
being readily restored to a firing condition; or

(3) All unserviceable firearms and destructive devices
registered with the Bureau of Alcohol, Tobacco, and
Firearms of the United States Department of Justice
pursuant to Title 27, Code of Federal Regulations.

(e) No fee shall be charged for the registration of a
firearm under this section, except for a fee chargeable by and
payable to the registering county for persons registering a
firearm under subsection (a), in an amount equal to the fee
charged by the Hawaii criminal justice data center pursuant to
section 846-2.7. In the case of a joint registration, the fee
provided for in this section may be charged to each person.

(f) A registered owner may designate a person as an
alternate on the gun registration only for the purpose of
purchasing ammunition. The police department of the county of registration may include the name of the designated alternate purchaser on the registration form.

[(g) No person less than twenty-one years of age shall bring or cause to be brought into the State any firearm.]

SECTION 4. Section 134-4, Hawaii Revised Statutes, is amended as follows:

1. By amending the title to read:

"§134-4 Transfer, possession of firearms and ammunition."

2. By amending subsection (b) to read:

"(b) No person shall possess any firearm or ammunition for any firearm that is owned by another, regardless of whether the owner has consented to possession of the firearm or ammunition for the firearm, without a permit from the chief of police of the appropriate county, except as provided in subsection (c) and sections 134-3(f) and 134-5."

3. By amending subsection (d) to read:

"(d) No person shall knowingly lend a firearm or transfer ammunition for any firearm to any person who is prohibited from ownership or possession of a firearm under section 134-7."
SECTION 5. Section 134-31, Hawaii Revised Statutes, is amended to read as follows:

"§134-31 License to sell and manufacture firearms[+] and ammunition; fee. Any person desiring to engage in the business to sell and manufacture firearms or ammunition for any firearm for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. The annual fee for the issuance of such license shall be $10 and shall be payable to said director of finance. A license issued hereunder shall expire on June 30 next following the date of issuance of the license unless sooner terminated. Application for renewal of license shall be filed on or before June 30 of each year."

SECTION 6. Section 134-32, Hawaii Revised Statutes, is amended to read as follows:

"§134-32 License to sell and manufacture firearms[+] and ammunition; conditions. Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:
(1) That the licensee at all times shall comply with all provisions of law relative to the sale of firearms and ammunition for any firearm.

(2) That the license during any time of national emergency or crisis, as defined in section 134-34, may be canceled or suspended.

(3) That all firearms or ammunition for any firearm in the possession and control of any licensee at any time of national emergency or crisis, as defined in section 134-34, may be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the licensee and the government of the United States or the government of the State may agree upon some other disposition of the same.

(4) That all firearms or ammunition for any firearm in the possession and control of the licensee or registered pursuant to section 134-3(c) by the licensee shall be subject to physical inspection by the chief of police
of each county during normal business hours at the
licensee's place of business.
(5) That the license may be revoked for a violation of any
of the conditions of this section."

SECTION 7. Section 134-33, Hawaii Revised Statutes, is
amended to read as follows:

"§134-33 Punishment for violations of section 134-32. Any
person who manufactures or sells any firearms or any ammunition
for any firearm within the State without having a valid license
so to do, or who being a holder of a license violates any of the
terms or conditions of the same, shall be fined not less than
$100 nor more than $1,000 or imprisoned not less than three
months nor more than one year[—]; provided that this section
does not apply to registered firearms owners who manufacture
their own ammunition for personal use for the firearms
registered in their name."

SECTION 8. The attorney general shall update registration
forms prescribed under section 134-3, Hawaii Revised Statutes,
to effectuate the purposes of this Act.
SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect on January 1, 2021.
Report Title:
Ammunition; Purchase; License to Sell

Description:
Prohibits any person from selling ammunition or shell casings for any firearm unless the purchaser first demonstrates that they are the registered owner of the firearm for which the ammunition or shell casings are to be purchased. Authorizes registered owners to designate a person as an alternate on the gun registration only for the purpose of purchasing ammunition. Requires the licensing of sellers of ammunition and provides for the identification and proper permitting of purchasers or possessors of ammunition. Regulate ammunition in the same manner as firearms. Requires the Attorney General to update registration forms. Effective 1/1/2021. (SD2)

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