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 a "ghost gun" is a firearm that is assembled without serial numbers or other identification markings. A person may assemble a ghost gun from a prepackaged kit requiring only minimal expertise and thus bypass background checks, registration, and other legal requirements. The legislature also finds that the State's lack of laws addressing ghost guns allows persons who would normally be prohibited from owning or possessing firearms under state law to obtain firearms. The ease with which ghost guns may be obtained defeats the intent of the State's otherwise strict firearm permitting and registration laws. It is these laws that have helped Hawaii to achieve the lowest gun violence death rate in the nation.

Accordingly, the purpose of this Act is to:

(1) Prohibit the purchase, manufacture, or obtaining of firearm parts for the purpose of assembling a firearm with no serial number; and
(2) Amend certain requirements relating to firearms registration.

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

"§134— Manufacturing or purchasing firearm parts to assemble a firearm without a serial number; penalty. (a) A person who is not licensed to manufacture a firearm under section 134-31, or who is not a dealer licensed by the United States Department of Justice, shall not, for the purpose of assembling a firearm, purchase, produce with a three-dimensional printer, or otherwise obtain separately, or as part of a kit:

(1) A firearm receiver that is not imprinted with a serial number registered with a federally licensed manufacturer;

(2) A firearm receiver that has not been provided a serial number in accordance with section 134-3(c); or

(3) Any combination of parts from which a firearm without a serial number may be readily assembled and rendered functional.

(b) Violation of this section is a class C felony."
SECTION 3. Section 134-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Assembly" means the fabrication of a firearm or the fitting together of component parts to construct a firearm.

"Firearm receiver" means the part of a firearm that provides housing for the firearm's internal components, such as a hammer, bolt, breechblock, action, or firing mechanism. The term includes any object or part that is not a firearm frame or receiver in finished form, but that is designed or intended to be used for that purpose, and may readily be made into a firearm frame or receiver through milling or other means.

"Ghost gun" means a firearm that is assembled without a serial number or other identification marking."

SECTION 4. Section 134-3, Hawaii Revised Statutes, is amended by amending subsections (a) through (d) to read as follows:

"(a) Every resident or 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 Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made. Any person attempting to register a firearm, a firearm receiver, or the parts used to assemble a firearm, and who is found to be disqualified from ownership, possession, or control of firearms or ammunition under section 134-7, shall surrender or dispose of all firearms and ammunition pursuant to section 134-7.3.

(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 of all firearms 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; serial number; and source from which receipt was obtained, including the name and address of the prior registrant. If the firearm has been assembled from separate parts and an unfinished firearm receiver, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase "assembled from parts" shall be recorded in the space provided for designating the model. If the firearm has been assembled from parts produced using a three-dimensional printer, the entity that registered the firearm receiver shall be recorded in the space provided for designating the name of the manufacturer and importer, and the phrase "3-D printer" shall be recorded in the space provided for designating the model. If the firearm has no serial number, the registration number shall be entered in the space provided for the serial number, and the registration number shall be engraved upon the receiver portion of the firearm before registration. On firearms assembled from parts produced using a three-dimensional printer, the serial number shall be engraved on
stainless steel and permanently embedded to the firearm receiver during fabrication or construction. 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. An authorized dealer, as provided in section 134-31, or a dealer licensed by the United States Department of Justice, who brings, assembles, or causes to be brought into the State by any other means, separate parts and an unfinished firearm receiver that when assembled create a
firearm, or parts produced by a three-dimensional printer that
when assembled create a firearm, shall register the unfinished
firearm receiver and receive a serial number before the assembly
of the firearm or the sale or transfer of unassembled firearm
parts or a receiver to a third party, in accordance with section
134-3(b). Any sale or transfer of unfinished firearm receivers
by an authorized dealer to a third party shall be conducted as
if they were fully assembled firearms having serial numbers
engraved on the firearm receivers and in accordance with the
firearms permitting process in section 134-2. All other
firearms and firearm receivers registered under this section
shall be physically inspected at the time of registration by the
respective county chief of police or the chief's representative.

(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, and Explosives of the United States
Department of Justice pursuant to Title 27, Code of Federal Regulations."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

[Signature]
Report Title:
Firearms; "Ghost Guns"; Registration

Description:
Makes it a Class C felony to purchase, manufacture, or otherwise obtain firearm parts for the purpose of assembling a firearm with no serial number. Amends certain requirements relating to firearms registration.

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