

JAN 22 2021

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the State has some
2 of the strongest gun safety laws in the nation, and in 2016
3 Hawai'i received an A-minus rating from the Giffords Law Center
4 to Prevent Gun Violence. Additionally, Hawai'i had the lowest
5 number of gun deaths per capita among the states in 2017,
6 according to the Centers for Disease Control and Prevention.
7 The legislature is committed to protecting the safety and
8 well-being of its citizens. The fact that Hawai'i is the only
9 state with an assault weapons ban that fails to ban assault
10 rifles and assault shotguns is inconsistent with this
11 commitment.

12 The purpose of this Act is to:

13 (1) Amend the prohibition of certain assault weapons to
14 include assault rifles, assault shotguns, and shotguns
15 with a revolving cylinder;



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- 1 (2) Expand the ban on pistols with a detachable magazine
2 with over ten round capacity to any firearm with a
3 detachable magazine with over ten round capacity;
- 4 (3) Prohibit anyone from bringing or causing to be brought
5 into the State an assault rifle or assault shotgun;
6 and
- 7 (4) Prohibit the sale or transfer of an assault rifle or
8 assault shotgun, unless sold or transferred to an
9 authorized individual.

10 SECTION 2. Section 134-1, Hawaii Revised Statutes, is
11 amended by adding two new definition to be appropriately
12 inserted and to read as follows:

13 "Assault rifle" means a semiautomatic rifle that accepts a
14 detachable magazine and has one or more of the following
15 characteristics:

- 16 (1) A centerfire rifle with an overall length less than
17 thirty inches;
- 18 (2) A folding or telescoping stock;
- 19 (3) A thumbhole stock;
- 20 (4) A second handgrip or protruding grip that can be held
21 by the non-trigger hand;



1 (5) A flash suppressor;

2 (6) A shroud that is attached to or partially or
3 completely encircles the barrel and permits the
4 shooter to hold the firearm with the second hand
5 without being burned;

6 (7) A bayonet mount;

7 (8) A grenade launcher; or

8 (9) A threaded barrel capable of accepting a barrel
9 extender, flash suppressor, forward hand grip, or
10 silencer.

11 "Assault shotgun" means a semiautomatic shotgun that has
12 one or more of the following characteristics:

13 (1) Accepts a detachable magazine; or

14 (2) Has a revolving cylinder."

15 SECTION 3. Section 134-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§134-4 Transfer, possession of firearms. (a) No**
18 transfer of any rifle having a barrel length of sixteen inches
19 or over or any shotgun having a barrel length of eighteen inches
20 or over, whether usable or unusable, serviceable or
21 unserviceable, modern or antique, registered under prior law or



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1 by a prior owner, or unregistered shall be made to any person
2 under the age of eighteen years, except as provided by section
3 134-5.

4 (b) No person shall possess any firearm that is owned by
5 another, regardless of whether the owner has consented to
6 possession of the firearm, without a permit from the chief of
7 police of the appropriate county, except as provided in
8 subsection (c) and section 134-5.

9 (c) Any lawfully acquired rifle or shotgun may be lent to
10 an adult for use within the State for a period not to exceed
11 fifteen days without a permit; provided that where the rifle or
12 shotgun is to be used outside of the State, the loan may be for
13 a period not to exceed seventy-five days.

14 (d) No person shall knowingly lend a firearm to any person
15 who is prohibited from ownership or possession of a firearm
16 under section 134-7.

17 (e) After July 1, 1992, no person shall bring or cause to
18 be brought into the State an assault pistol. No assault pistol
19 may be sold or transferred on or after July 1, 1992, to anyone
20 within the State other than to a dealer licensed under section
21 134-32 or the chief of police of any county except that any



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1 person who obtains title by bequest or intestate succession to
2 an assault pistol registered within the State shall, within
3 ninety days, render the weapon permanently inoperable, sell or
4 transfer the weapon to a licensed dealer or the chief of police
5 of any county, or remove the weapon from the State.

6 (f) After July 8, 2021, no person shall bring or cause to
7 be brought into the State an assault rifle or assault shotgun.
8 No assault rifle or assault shotgun shall be sold or transferred
9 on or after July 8, 2021, to anyone within the State, other than
10 to a dealer licensed under section 134-32 or the chief of police
11 of any county; provided that any person who obtains title by
12 bequest or intestate succession to an assault rifle or assault
13 shotgun registered within the State shall, within ninety days,
14 render the weapon permanently inoperable, sell or transfer the
15 weapon to a licensed dealer or the chief of police of any
16 county, or remove the weapon from the State."

17 SECTION 4. Section 134-8, Hawaii Revised Statutes, is
18 amended to read as follows:

19 1. By amending subsection (a) to read:

20 "(a) The manufacture, possession, sale, barter, trade,
21 gift, transfer, or acquisition of any of the following is



1 prohibited: assault pistols, except as provided by section
2 134-4(e); assault rifles, except as provided by section 134-
3 32(f); assault shotguns, except as provided by section 134-
4 32(f); automatic firearms; rifles with barrel lengths less than
5 sixteen inches; shotguns with barrel lengths less than eighteen
6 inches; shotguns with a revolving cylinder; cannons; mufflers,
7 silencers, or devices for deadening or muffling the sound of
8 discharged firearms; hand grenades, dynamite, blasting caps,
9 bombs, or bombshells, or other explosives; or any type of
10 ammunition or any projectile component thereof coated with
11 teflon or any other similar coating designed primarily to
12 enhance its capability to penetrate metal or pierce protective
13 armor; and any type of ammunition or any projectile component
14 thereof designed or intended to explode or segment upon impact
15 with its target."

16 2. By amending subsection (c) to read:

17 "(c) The manufacture, possession, sale, barter, trade,
18 gift, transfer, or acquisition of detachable ammunition
19 magazines with a capacity in excess of ten rounds [~~which~~] that
20 are designed for or capable of use with [~~a pistol~~] any firearm
21 is prohibited. This subsection shall not apply to magazines



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1 originally designed to accept more than ten rounds of ammunition
2 which have been modified to accept no more than ten rounds and
3 which are not capable of being readily restored to a capacity of
4 more than ten rounds."

5 SECTION 5. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11



INTRODUCED BY: _____



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Report Title:

Firearms; Assault Weapons Ban; Assault Pistols; Detachable Magazines

Description:

Defines "assault rifle" and "assault shotgun". Expands the ban on pistols with a detachable magazine with over ten round capacity to any firearm with a detachable magazine with over ten round capacity. Prohibits anyone from bringing or causing to be brought into the State an assault rifle or assault shotgun. Prohibits the sale or transfer of any assault rifle or assault shotgun in the State, unless sold or transferred to an authorized person.

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