

STAND. COM. REP. NO.

882

Honolulu, Hawaii

MAR 05 ; 2021

RE: H.B. No. 891
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 891, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTRIC GUNS,"

begs leave to report as follows:

The purpose of this measure is to repeal the existing ban on electric guns and implement a regulatory framework for electric guns that is similar to the regulatory framework for firearms.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from Young Guns and numerous individuals.

Prior to decision making on this measure, your Committee posted and made available for public review a proposed H.D. 2, which amends this measure by:

- (1) Deleting the definition of "electric projectile gun";
- (2) Increasing the age for ownership of an electric gun to twenty-one;

2021-2175 HB891 HD2 HSCR HMSO



- (3) Deleting language regarding permitting for and registration of electric guns and electric projectile guns;
- (4) Amending the renewal deadline for licenses to sell, offer to sell, distribute, or otherwise transfer electric guns;
- (5) Requiring electric gun licensees or employees of the licensees to conduct a criminal history background check of an electric gun recipient; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee received testimony in support of the proposed H.D. 2 from the Department of the Attorney General and Honolulu Police Department. Your Committee received testimony in opposition to the proposed H.D. 2 from the Maui Police Department, Hawaii Firearms Coalition, and two individuals.

Your Committee finds that the Supreme Court of the United States cast doubt on the constitutionality of electric gun prohibitions in *Caetano v. Massachusetts*, 136 S. Ct. 1027 (2016). Your Committee further notes that a pending case in the United States District Court for the District of Hawaii, *Roberts v. Ballard*, 18-00125 HG-KSC, is seeking to invalidate Hawaii's prohibition on electric guns. If the plaintiff in *Roberts* succeeds in invalidating Hawaii's prohibition, the State will be left without safeguards for the sale, distribution, and possession of electric guns. This measure takes a proactive step in ensuring adequate electric gun regulations are in place.

Your Committee has amended this measure by adopting the proposed H.D. 2 and further amending the measure by:

- (1) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this



report, your Committee is in accord with the intent and purpose of H.B. No. 891, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 891, H.D. 2.

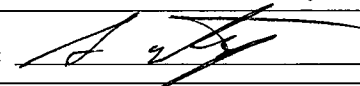
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 891, HD 1	Committee Referral: CPC, JHA	Date: 3-3-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.		✓		
5. LoPRESTI, Matthew S.				✓
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene				✓
TOTAL (12)	8	1	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				