

STAND. COM. REP. NO. 1517

Honolulu, Hawaii

MAR 3 1 2021

RE: H.B. No. 891
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 891, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to regulate the sale and use of electric guns and cartridges.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, Hawai'i Police Department, and Kaua'i Police Department. Your Committee received testimony in opposition to this measure from the Hawai'i Firearms Coalition and ten individuals.

Your Committee finds that the United States Supreme Court decision in *Caetano v. Massachusetts*, 136 S. Ct. 1027 (2016), which overruled a decision of the Massachusetts Supreme Judicial Court, has raised questions regarding the constitutionality of bans on electric guns. Your Committee further finds that a pending lawsuit in the United States District Court for the District of Hawaii is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. This measure repeals the ban on electric guns and replaces it with regulations and rules on the use, storage, transfer, disposal, and purchase of



electric guns and electric projectile guns. Your Committee additionally finds that this measure is necessary to ensure public safety and prevent the purchase, possession, and use of electric guns by the public from becoming completely unregulated and uncontrolled in any way.

Your Committee has amended this measure by:

- (1) Making the regulations on the sale and use of electric guns and cartridges applicable after December 31, 2021;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 891, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 891, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



