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# A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

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

1 SECTION 1. The legislature finds that the United States  
2 Supreme Court decision in *Caetano v. Massachusetts*,  
3 136 S. Ct. 1027 (2016), which overruled a decision of the  
4 Massachusetts Supreme Judicial Court, has raised questions  
5 regarding the constitutionality of bans on electric guns, and  
6 may make amendments to Hawaii's law on electric guns advisable.

7 The purpose of this Act is to protect the health and safety  
8 of the public by regulating the sale and use of electric guns.

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

12 "PART . ELECTRIC GUNS

13 §134-A Definitions. As used in this part:

14 "Cartridge" means any device or object that is designed to  
15 be used with an electric gun to project a missile. "Cartridge"  
16 includes a Taser cartridge.



1 "Electric gun" means any portable device that is designed  
2 to discharge electric energy, charge, voltage, or current into  
3 the body through direct contact or utilizing a projectile.

4 "Electric gun" includes devices commonly referred to as stun  
5 guns and Tasers. "Electric gun" does not include any automatic  
6 external defibrillator used in emergency medical situations.

7 "Law enforcement agency" means any county police  
8 department, the department of public safety, the department of  
9 the attorney general, the division of conservation and resources  
10 enforcement of the department of land and natural resources, and  
11 any other state or county public body that employs law  
12 enforcement officers.

13 "Law enforcement officer" means a sheriff or deputy  
14 sheriff, a police officer, an enforcement officer within the  
15 division of conservation and resources enforcement of the  
16 department of land and natural resources, a special agent of the  
17 department of the attorney general, and any other public servant  
18 vested by law with a duty to maintain public order, make arrests  
19 for offenses, or enforce criminal laws, whether that duty  
20 extends to all offenses or is limited to a specific class of  
21 offenses.



1 "Licensee" means a person licensed to sell, offer to sell,  
2 distribute, or otherwise transfer electric guns and cartridges  
3 pursuant to section 134-C.

4 "Person" means an individual, firm, corporation,  
5 partnership, association, or any form of business or legal  
6 entity.

7 "Transfer" means the granting of possession or ownership to  
8 another. "Transfer" includes the granting of temporary  
9 possession to another.

10 **§134-B Restrictions on use, sale, offer for sale,**  
11 **distribution, and transfer of electric guns and cartridges. (a)**  
12 Beginning January 1, 2022, it shall be unlawful for any person  
13 to knowingly or recklessly use an electric gun for any purpose  
14 except:

- 15 (1) Self-defense;
- 16 (2) Defense of another person; or
- 17 (3) Protection of property of the person or of another  
18 person.

19 (b) Except as provided in section 134-E, it shall be  
20 unlawful for any person to knowingly sell, offer to sell,  
21 distribute, or otherwise transfer an electric gun or cartridge



1 without a license obtained pursuant to section 134-C. It is an  
2 affirmative defense to prosecution pursuant to this subsection  
3 that the person is more than twenty-one years of age and is an  
4 employee of a licensee acting within the scope of the person's  
5 employment.

6 (c) It shall be unlawful for a licensee or employee of a  
7 licensee to knowingly sell, offer to sell, distribute, or  
8 otherwise transfer an electric gun or cartridge at a place other  
9 than the licensee's designated place of business.

10 (d) It shall be unlawful for any person to knowingly sell,  
11 offer to sell, distribute, or otherwise transfer an electric gun  
12 or cartridge to a person less than twenty-one years of age.

13 (e) It shall be unlawful for any person, other than a  
14 licensee, a law enforcement agency, or the Army or Air National  
15 Guard, to knowingly or recklessly purchase, obtain, or otherwise  
16 receive an electric gun or cartridge from a person who does not  
17 have a license issued pursuant to section 134-C.

18 (f) Any person violating this section shall be guilty of a  
19 misdemeanor.

20 §134-C License to sell, offer to sell, distribute, or  
21 otherwise transfer electric guns or cartridges; fee. (a)



1 Beginning January 1, 2022, any person desiring to sell, offer to  
2 sell, distribute, or otherwise transfer electric guns or  
3 cartridges to a person in the State, either at wholesale or  
4 retail, shall annually file an application for a license to do  
5 so with the county in which the person desires to conduct  
6 business or within the county to which the person intends the  
7 electric guns or cartridges to be sold, offered for sale,  
8 distributed, or otherwise transferred using forms prescribed by  
9 the county.

10 (b) If the applicant is an individual, the application and  
11 supporting documentation shall establish at least the following:

- 12 (1) The legal name, date of birth, and the last four  
13 digits of the social security number of the  
14 individual;
- 15 (2) The street address, telephone number, fax number, and  
16 electronic mail address of the individual;
- 17 (3) The name and location of the principal place of  
18 business of the individual and, if applicable, each  
19 additional designated place of business from which the  
20 individual desires to sell, offer to sell, distribute,  
21 or otherwise transfer electric guns or cartridges;



- 1           (4) The individual's Hawaii tax identification number;
- 2           (5) That the individual has had no convictions for any
- 3           felony offense;
- 4           (6) Within the last three years, that the individual has
- 5           completed an electric gun safety or training course
- 6           offered or approved by the county that focuses on:
- 7           (A) The safe use and handling of electric guns;
- 8           (B) Current information about the effects, dangers,
- 9           risks, and limitations of electric guns; and
- 10          (C) Education on the existing state laws on electric
- 11          guns; and
- 12          (7) Any other information the county may require.
- 13          (c) If the applicant is not an individual, the application
- 14 and supporting documentation shall establish at least the
- 15 following:
- 16          (1) The name of the applying entity and any other name
- 17          under which the applying entity does business, if
- 18          applicable;
- 19          (2) The street address, telephone number, fax number, and
- 20          electronic mail address of the applying entity;



- 1           (3) The legal name, date of birth, and the last four  
2           digits of the social security number of each of the  
3           principal owners or members of the applying entity;
- 4           (4) The street address, telephone number, fax number, and  
5           electronic mail address of each of the principal  
6           owners or members of the applying entity;
- 7           (5) The name and location of the principal place of  
8           business of the applying entity and, if applicable,  
9           each additional designated place of business from  
10          which the applying entity desires to sell, offer to  
11          sell, distribute, or otherwise transfer electric guns  
12          or cartridges;
- 13          (6) That the applying entity is registered to do business  
14          in the State;
- 15          (7) That the applying entity is composed of principal  
16          owners or members who have had no convictions for any  
17          felony offense;
- 18          (8) The applying entity's Hawaii tax identification  
19          number;
- 20          (9) The applying entity's federal employer identification  
21          number;



1           (10) Within the last three years, that at least one  
2           principal owner or member of the applying entity has  
3           completed an electric gun safety or training course,  
4           as described in subsection (b) (6); and

5           (11) Any other information the county may require.

6           (d) The applicant shall certify that the applicant will  
7           comply at all times with, and is responsible for compliance by  
8           its employees with, all provisions of law relative to the  
9           acquisition, possession, storage, sale, offer for sale,  
10          distribution, and transfer of electric guns and cartridges.

11          (e) Upon receipt of the completed application form and the  
12          annual licensing fee of \$50 payable to the county, the county  
13          shall review the application and may issue a license to the  
14          applicant if it determines that the applicant meets all the  
15          requirements of this section. If requested by the licensee, the  
16          county shall provide certified copies of the license to the  
17          licensee.

18          (f) A license issued pursuant to this section shall expire  
19          on June 30 next following the date of issuance of the license  
20          unless sooner terminated. Application for renewal of license  
21          shall be filed on or before July 1 of each year.





1           §134-D Sale, offer for sale, distribution, or transfer of  
2 electric guns or cartridges. (a) Beginning January 1, 2022, a  
3 licensee shall post the license to sell, offer to sell,  
4 distribute, or otherwise transfer electric guns or cartridges,  
5 or a certified copy thereof, in a location readily visible to  
6 customers at each designated place of business. For internet  
7 sales by a licensee, the license number shall be prominently  
8 displayed and an electronic copy of the license shall be readily  
9 accessible to the customer.

10           (b) An individual licensee shall complete at least once  
11 every three years an electric gun safety or training course  
12 offered or approved by the county that focuses on:

- 13           (1) The safe use and handling of electric guns;
- 14           (2) Current information about the effects, dangers, risks,  
15           and limitations of electric guns; and
- 16           (3) Education on the existing state laws on electric guns.

17 A licensee shall keep copies of the certificates of completion  
18 of these training courses in the licensee's business records.

19           (c) A licensee shall not allow any employee to participate  
20 in the sale or transfer of electric guns or cartridges unless  
21 the employee completes at least once every three years the



1 training courses described in subsection (b). The licensee  
2 shall keep copies of the certificates of completion of the  
3 training courses for each employee in the licensee's business  
4 records.

5 (d) If there is no manufacturer serial number on an  
6 electric gun or cartridge received into inventory by a licensee,  
7 then the licensee shall engrave on the electric gun or cartridge  
8 a legible unique serial number that begins with the licensee's  
9 license number, followed by a hyphen and a unique identifying  
10 number.

11 (e) A licensee shall keep records for all electric guns  
12 and cartridges received into inventory within the State,  
13 including:

- 14 (1) Information identifying the seller, distributor, or  
15 transferor of the electric gun or cartridge; and
- 16 (2) The transaction record for the electric gun or  
17 cartridge, including the date of receipt, a  
18 description of the electric gun or cartridge, the  
19 manufacturer's serial number or the unique identifying  
20 serial number engraved by the licensee, and, if  
21 available, the manufacturer and the model number.



1 (f) Before completing a sale, distribution, or other  
2 transfer of an electric gun, the licensee or an employee of the  
3 licensee shall conduct a criminal history background check of  
4 the recipient. At minimum, the criminal history background  
5 check shall be a name-based search of the adult criminal  
6 conviction records maintained by the Hawaii criminal justice  
7 data center. The licensee or employee of the licensee shall  
8 require the recipient to review a printed copy of the results of  
9 the background check. After the review, the recipient shall  
10 sign and date a declaration. The declaration shall be in the  
11 following form: "I, (name of recipient), declare under penalty  
12 of law that the attached document accurately reflects my adult  
13 criminal conviction history in Hawaii. I further declare that I  
14 do not have any convictions or charges pending against me that  
15 disqualify me from owning an electric gun. I further declare  
16 under penalty of law that I am not disqualified from owning an  
17 electric gun." The licensee or employee of the licensee shall  
18 witness the recipient sign the declaration and sign the  
19 declaration as a witness. If the recipient is disqualified from  
20 owning an electric gun, or refuses or is unable to sign or make



1 the declaration, the licensee shall immediately terminate the  
2 sale, distribution, or transfer.

3 (g) Before completing a sale, distribution, or other  
4 transfer of an electric gun, the licensee or an employee of the  
5 licensee shall provide an informational briefing to the  
6 recipient that includes but is not limited to the following:

- 7 (1) The safe use and handling of electric guns;
- 8 (2) Current information about the effects, dangers, risks,  
9 and limitations of electric guns;
- 10 (3) Education on the existing state laws on electric guns;  
11 and
- 12 (4) The proper disposal of electric guns.

13 (h) Upon completion of the informational briefing, the  
14 licensee shall provide a certification of informational briefing  
15 that is signed and dated by the recipient and the person who  
16 provided the informational briefing acknowledging that the  
17 briefing was completed and that the recipient understood the  
18 briefing. The certification shall include the names of the  
19 recipient and the person who provided the informational briefing  
20 and the date of the briefing. The form of the certification



1 shall be as provided by the county office that issued the  
2 license to the licensee.

3 (i) A licensee shall keep a record of the information  
4 provided to recipients during the informational briefing.

5 (j) A licensee shall keep records of all sales,  
6 distributions, and other transactions of electric guns and  
7 cartridges sold in the State or to a recipient in the State,  
8 including:

9 (1) The recipient's name, date of birth, address, and  
10 telephone number;

11 (2) A copy of the recipient's government-issued  
12 identification card or document;

13 (3) The transaction record for the electric gun or  
14 cartridge, including the date of the transaction; a  
15 description of the electric gun or cartridge; if  
16 available, the name of the manufacturer and serial and  
17 model numbers; and, if necessary, the unique serial  
18 number engraved by the licensee;

19 (4) The criminal history background check and declaration  
20 signed by the recipient and the licensee or licensee's  
21 employee as a witness; and



1           (5) A copy of the certification of informational briefing  
2                   signed and dated by the recipient and the person who  
3                   provided the briefing.

4           (k) A licensee shall keep a record of the licensee's  
5 current inventory of electric guns and cartridges.

6           (l) During normal business hours, a licensee shall allow  
7 the chief of police of the appropriate county or designee to  
8 inspect the licensee's books and records for all records  
9 required to be kept by the licensee for electric guns and  
10 cartridges. At the discretion of the chief of police of the  
11 appropriate county or designee, the inspection of the records  
12 may be conducted via facsimile transmittal of the records.

13           (m) A licensee shall keep records required by this section  
14 for a minimum of ten years. If a licensee, as a result of death  
15 or dissolution, cannot maintain the records, the records shall  
16 be turned over to the chief of police of the appropriate county  
17 or designee.

18           (n) When displaying or storing electric guns or cartridges  
19 at a designated place of business, a licensee shall display or  
20 store the electric guns and cartridges in a locked cabinet or  
21 area not accessible to the general public.



1 (o) During normal business hours, a licensee shall allow  
2 the chief of police of the appropriate county or designee to  
3 physically inspect all electric guns and cartridges in the  
4 possession and control of the licensee wherever they may be  
5 located within the State.

6 (p) Any person, including any licensee, violating this  
7 section shall be guilty of a misdemeanor.

8 (q) A license may be suspended or revoked for a violation  
9 of any of the requirements of this section.

10 **§134-E Disposal of electric gun or cartridge.** Beginning  
11 January 1, 2022, a person who is not a licensee may sell or  
12 otherwise transfer an electric gun or cartridge to a licensee or  
13 the chief of police of the appropriate county or designee. The  
14 chief of police may either destroy the electric gun or cartridge  
15 or utilize the electric gun or cartridge for educational  
16 purposes. The chief of police shall maintain records of all  
17 surrendered electric guns and cartridges, including their  
18 disposition.

19 **§134-F Ownership or possession prohibited.** (a) Beginning  
20 January 1, 2022, no person who is a fugitive from justice shall  
21 own, possess, or control an electric gun.



1 (b) No person who is under indictment for, has waived  
2 indictment for, has been bound over to the circuit court for, or  
3 has been convicted in this State or elsewhere of having  
4 committed a felony, any crime of violence, or any illegal sale  
5 of any drug shall own, possess, or control an electric gun.

6 (c) No person who:

7 (1) Is or has been under treatment or counseling for  
8 addiction to, abuse of, or dependence upon any  
9 dangerous, harmful, or detrimental drug; intoxicating  
10 compound as defined in section 712-1240; or  
11 intoxicating liquor;

12 (2) Has been acquitted of a crime on the grounds of mental  
13 disease, disorder, or defect pursuant to  
14 section 704-411;

15 (3) Is or has been diagnosed as having a significant  
16 behavioral, emotional, or mental disorder as defined  
17 by the most current diagnostic manual of the American  
18 Psychiatric Association; or

19 (4) Is under treatment for an organic brain syndrome;  
20 shall own, possess, or control an electric gun, unless the  
21 person has been medically documented to be no longer adversely





1 affected by the addiction, abuse, dependence, syndrome, or  
2 mental disease, disorder, or defect.

3 (d) No person who is less than twenty-five years of age  
4 and has been adjudicated by the family court to have committed a  
5 felony, two or more crimes of violence, or an illegal sale of  
6 any drug shall own, possess, or control an electric gun.

7 (e) No person who is less than twenty-one years of age  
8 shall own, possess, or control an electric gun.

9 (f) No person shall possess an electric gun that is owned  
10 by another, regardless of whether the owner has consented to  
11 possession of the electric gun.

12 (g) No person who has been restrained pursuant to an order  
13 of any court, including an ex parte order as provided in this  
14 subsection, from contacting, threatening, or physically abusing  
15 any person or from possessing or owning a firearm, shall  
16 possess, control, or transfer ownership of an electric gun, so  
17 long as the protective order, restraining order, or any  
18 extension is in effect, unless the order, for good cause shown,  
19 specifically permits the possession of an electric gun. The  
20 restraining order or order of protection shall specifically  
21 include a statement that possession, control, or transfer of an



1 electric gun by the person named in the order is prohibited.  
2 Such person shall relinquish possession and control of any  
3 electric gun owned by that person to the police department of  
4 the appropriate county for safekeeping for the duration of the  
5 order or extension thereof.

6 In the case of an ex parte order that includes a  
7 restriction on the possession, control, or transfer of an  
8 electric gun, the affidavit or statement under oath that forms  
9 the basis for the order shall contain a statement of the facts  
10 that support a finding that the person to be restrained owns,  
11 intends to obtain or transfer, or possesses an electric gun, and  
12 that the electric gun may be used to threaten, injure, or abuse  
13 any person. The ex parte order shall be effective upon service  
14 pursuant to section 586-6.

15 At the time of service of a restraining order involving  
16 electric guns issued by any court, the police officer may take  
17 custody of any and all electric guns in plain sight, those  
18 discovered pursuant to a consensual search, and those electric  
19 guns surrendered by the person restrained.

20 For the purposes of this subsection, "good cause" shall not  
21 be based solely upon the consideration that the person subject



1 to restraint pursuant to an order of any court, including an ex  
2 parte order as provided for in this subsection, is required to  
3 possess or carry an electric gun during the course of the  
4 person's employment. "Good cause" includes the protection and  
5 safety of the person to whom a restraining order is granted.

6 (h) Any person disqualified from ownership, possession,  
7 control, or the right to transfer ownership of an electric gun  
8 under this section shall surrender or dispose of all electric  
9 guns in compliance with section 134-E.

10 (i) For the purposes of enforcing this section, and  
11 notwithstanding section 571-84 or any other law to the contrary,  
12 any agency within the State shall make its records relating to  
13 family court adjudications available to law enforcement  
14 officials.

15 (j) Any person violating subsection (a) or (b) shall be  
16 guilty of a class C felony. Any person violating subsection  
17 (c), (d), (e), (f), (g), or (h) shall be guilty of a  
18 misdemeanor.

19 **§134-G Exemptions.** (a) Sections 134-B and 134-F(f) shall  
20 not apply to:



1 (1) Law enforcement agencies and law enforcement officers  
2 acting within the course of their employment; and

3 (2) The Army or Air National Guard and its members when  
4 they are assisting civil authorities in disaster  
5 relief, emergency management, or law enforcement  
6 functions, subject to the requirements of section  
7 121-34.5;

8 provided that the electric guns shall be acquired by the law  
9 enforcement agencies or the Army or Air National Guard and not  
10 individual law enforcement officers or members of the Army or  
11 Air National Guard, and shall remain in the custody and control  
12 of law enforcement agencies or the Army or Air National Guard.

13 (b) Law enforcement agencies that authorize use of  
14 electric guns by its law enforcement officers and the Army or  
15 Air National Guard shall:

16 (1) Provide training from the manufacturer or from a  
17 manufacturer-approved training program conducted by  
18 manufacturer-certified or manufacturer-approved  
19 instructors in the use of electric guns before  
20 deployment of the electric guns and related equipment  
21 in public;



1           (2) Maintain records regarding every electric gun in its  
2           custody and control, including every instance of usage  
3           of the electric guns, in a similar manner as records  
4           are maintained for the discharge of firearms; and

5           (3) Report to the legislature on the information in, and  
6           maintenance of, these records no later than twenty  
7           days prior to the convening of each regular session.

8           (c) The licensing requirement of sections 134-B(b) and  
9           134-C shall not apply to the sale of electric guns and  
10          cartridges by the electric gun manufacturers distributing  
11          directly to law enforcement agencies or the Army or Air National  
12          Guard.

13          **§134-H Storage of electric gun; responsibility with**  
14          **respect to minors.** (a) Beginning January 1, 2022, no person  
15          shall store or keep any electric gun on any premises under the  
16          person's control if the person knows or reasonably should know  
17          that a minor is likely to gain access to the electric gun,  
18          unless the person:

19               (1) Keeps the electric gun in a securely locked box or  
20               other container or in a location that a reasonable  
21               person would believe to be secure; or



1           (2) Carries the electric gun on the person or within such  
2           close proximity thereto that the minor cannot gain  
3           access or control of the electric gun.

4           (b) Any person violating this section shall be guilty of a  
5           misdemeanor.

6           **§134-I Carrying or use of electric gun in the commission**  
7           **of a separate misdemeanor.** (a) Beginning January 1, 2022, it  
8           shall be unlawful for a person to knowingly carry on the person  
9           or have within the person's immediate control or intentionally  
10          use or threaten to use an electric gun, whether operable or not,  
11          while engaged in the commission of a separate misdemeanor;  
12          provided that a person shall not be prosecuted under this  
13          subsection when the separate misdemeanor is a misdemeanor  
14          defined by this chapter.

15          (b) A conviction and sentence under this section shall be  
16          in addition to and not in lieu of any conviction and sentence  
17          for the separate misdemeanor; provided that the sentence imposed  
18          under this section may run concurrently or consecutively with  
19          the sentence for the separate misdemeanor.

20          (c) Any person violating this section shall be guilty of a  
21          class C felony.



1           §134-J Carrying or use of electric gun in the commission  
2 of a separate felony. (a) Beginning January 1, 2022, it shall  
3 be unlawful for a person to knowingly carry on the person or  
4 have within the person's immediate control or intentionally use  
5 or threaten to use an electric gun, whether operable or not,  
6 while engaged in the commission of a separate felony; provided  
7 that a person shall not be prosecuted under this subsection when  
8 the separate felony is a felony defined by this chapter.

9           (b) A conviction and sentence under this section shall be  
10 in addition to and not in lieu of any conviction and sentence  
11 for the separate felony; provided that the sentence imposed  
12 under this section may run concurrently or consecutively with  
13 the sentence for the separate felony.

14           (c) Any person violating this section shall be guilty of a  
15 class B felony."

16           SECTION 3. Section 121-34.5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           " ~~[+]§121-34.5[+]~~ Use of electric guns. Members of the  
19 ~~[army or air national guard]~~ Army or Air National Guard who have  
20 been qualified by training and are authorized by their  
21 commanders may use electric guns, as specifically provided in



1 section [~~134-16(e) and (d)~~], 134-G, when assisting civil  
2 authorities in disaster relief, emergency management, or law  
3 enforcement functions; provided that "training" for the purposes  
4 of this section means a course of instruction or training in the  
5 use of any electric gun authorized pursuant to this section,  
6 that is provided or authorized by the manufacturer or is  
7 manufacturer-approved or is an electric gun training program  
8 approved by the [~~army or air national guard, prior to~~] Army or  
9 Air National Guard, before deployment or issuance of electric  
10 guns and related equipment."

11 SECTION 4. Section 134-1, Hawaii Revised Statutes, is  
12 amended by deleting the definition of "electric gun".

13 [~~"Electric gun" means any portable device that is~~  
14 ~~electrically operated to project a missile or electromotive~~  
15 ~~force. It does not include any electric livestock prod used in~~  
16 ~~animal husbandry and any automatic external defibrillator used~~  
17 ~~in emergency medical situations."]~~

18 SECTION 5. Section 134-17, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) Any person who violates section 134-2, 134-4, 134-10,  
21 or 134-15 [~~, or 134-16(a)~~] shall be guilty of a misdemeanor. Any





1 person who violates section 134-3(b) shall be guilty of a petty  
2 misdemeanor and the firearm shall be confiscated as contraband  
3 and disposed of, if the firearm is not registered within five  
4 days of the person receiving notice of the violation."

5 SECTION 6. Section 266-24, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) The director of transportation shall enforce this  
8 chapter and all rules thereunder, except for the rules relative  
9 to the control and management of the beaches encumbered with  
10 easements in favor of the public and ocean waters, which shall  
11 be enforced by the department of land and natural resources.  
12 For the purpose of the enforcement of this chapter and of all  
13 rules adopted pursuant to this chapter, the powers of police  
14 officers are conferred upon the director of transportation and  
15 any officer, employee, or representative of the department of  
16 transportation. Without limiting the generality of the  
17 foregoing, the director and any person appointed by the director  
18 hereunder may serve and execute warrants, arrest offenders, and  
19 serve notices and orders. The director of transportation and  
20 any employee, agent, or representative of the department of  
21 transportation appointed as enforcement officers by the



1 director, and every state and county officer charged with the  
2 enforcement of any law, statute, rule, regulation, ordinance, or  
3 order, shall enforce and assist in the enforcement of this  
4 chapter and of all rules and orders issued pursuant thereto, and  
5 in carrying out the responsibilities hereunder, each shall be  
6 specifically authorized to:

- 7 (1) Conduct any enforcement action hereunder in any  
8 commercial harbor area and any area over which the  
9 department of transportation and the director of  
10 transportation has jurisdiction under this chapter;
- 11 (2) Inspect and examine at reasonable hours any premises,  
12 and the buildings and other structures thereon, where  
13 harbors or harbor facilities are situated, or where  
14 harbor-related activities are operated or conducted;  
15 and
- 16 (3) Subject to limitations as may be imposed by the  
17 director of transportation, serve and execute  
18 warrants, arrest offenders, and serve notices and  
19 orders.

20 Any employee appointed as a law enforcement officer by the  
21 director of transportation pursuant to this section who has been



1 qualified by training may use electric guns, as specifically  
2 provided in section [~~134-16,~~] 134-G, when exercising powers of  
3 police officers and carrying out the responsibilities described  
4 herein; provided that training for the purposes of this section  
5 means a course of instruction or training in the use of any  
6 electric gun that is provided, authorized, or approved by the  
7 manufacturer of the electric gun [~~prior to~~] before deployment of  
8 issuance of electric guns and related equipment.

9 For purposes of this subsection, [~~the term "agents and~~  
10 ~~representatives" includes~~] "agent" and "representative" includes  
11 persons performing services at harbors or harbor areas under  
12 contract with the department of transportation."

13 SECTION 7. Section 463-10.5, Hawaii Revised Statutes, is  
14 amended by amending subsection (e) to read as follows:

15 "(e) Before beginning employment as a guard or in a guard  
16 capacity, in addition to the classroom instruction required by  
17 this section, guards and individuals acting in a guard capacity  
18 who carry a firearm or other weapon, including but not limited  
19 to an electric gun as defined in section [~~134-1,~~] 134-A, while  
20 on-duty in a guard capacity shall possess a valid permit to  
21 acquire the ownership of a firearm issued by county police



1 pursuant to section 134-2 and shall satisfy the requirements of  
2 section 134-2(g)."

3 SECTION 8. Section 134-16, Hawaii Revised Statutes, is  
4 repealed.

5 ~~["§134-16 Restriction on possession, sale, gift, or~~  
6 ~~delivery of electric guns. (a) It shall be unlawful for any~~  
7 ~~person, including a licensed manufacturer, licensed importer, or~~  
8 ~~licensed dealer, to possess, offer for sale, hold for sale,~~  
9 ~~sell, give, lend, or deliver any electric gun.~~

10 ~~(b) Any electric gun possessed, offered for sale, held for~~  
11 ~~sale, sold, given, lent, or delivered in violation of subsection~~  
12 ~~(a) shall be confiscated and disposed of by the chief of police.~~

13 ~~(c) This section shall not apply to:~~

14 ~~(1) Law enforcement officers of county police departments;~~

15 ~~(2) Law enforcement officers of the department of public~~  
16 ~~safety;~~

17 ~~(3) Conservation and resources enforcement officers of the~~  
18 ~~department of land and natural resources;~~

19 ~~(4) Members of the Army or Air National Guard when~~  
20 ~~assisting civil authorities in disaster relief,~~



1           ~~emergency management, or law enforcement functions,~~  
2           ~~subject to the requirements of section 121-34.5;~~  
3           ~~(5) Law enforcement officers appointed by the director of~~  
4           ~~transportation pursuant to section 266-24; and~~  
5           ~~(6) Vendors providing electric guns to the individuals~~  
6           ~~described in paragraphs (1) through (5); provided that~~  
7           ~~electric guns shall at all times remain in the custody~~  
8           ~~and control of the law enforcement officers of the~~  
9           ~~county police departments, the law enforcement~~  
10           ~~officers of the department of public safety, the~~  
11           ~~conservation and resources enforcement officers of the~~  
12           ~~department of land and natural resources, the members~~  
13           ~~of the Army or Air National Guard, or law enforcement~~  
14           ~~officers appointed by the director of transportation.~~  
15           ~~(d) The county police departments of this State, the~~  
16           ~~department of public safety, the department of land and natural~~  
17           ~~resources, the army and air national guard, and the department~~  
18           ~~of transportation shall maintain records regarding every~~  
19           ~~electric gun in their custody and control. The records shall~~  
20           ~~report every instance of usage of the electric guns; in~~  
21           ~~particular, records shall be maintained in a similar manner as~~



1 ~~for those of discharging of firearms. The county police~~  
2 ~~departments, the department of public safety, the department of~~  
3 ~~land and natural resources, the army and air national guard, and~~  
4 ~~the department of transportation shall annually report to the~~  
5 ~~legislature regarding these records no later than twenty days~~  
6 ~~before the beginning of each regular session of the legislature.~~

7 ~~(e) The department of land and natural resources, the~~  
8 ~~department of public safety, and the department of~~  
9 ~~transportation shall ensure that each of its conservation and~~  
10 ~~resources enforcement officers and law enforcement officers who~~  
11 ~~is authorized to use an electric gun and related equipment shall~~  
12 ~~first receive training from the manufacturer or from a~~  
13 ~~manufacturer approved training program, as well as by~~  
14 ~~manufacturer certified or approved instructors in the use of~~  
15 ~~electric guns prior to deployment of the electric guns and~~  
16 ~~related equipment in public. Training for conservation and~~  
17 ~~resources enforcement officers of the department of land and~~  
18 ~~natural resources, law enforcement officers of the department of~~  
19 ~~public safety, and law enforcement officers of the department of~~  
20 ~~transportation may be done concurrently to ensure cost savings.~~



1       ~~(f) No later than June 30, 2018, the conservation and~~  
2       ~~resources enforcement program of the department of land and~~  
3       ~~natural resources shall meet the law enforcement accreditation~~  
4       ~~or recognition standards of the Commission on Accreditation for~~  
5       ~~Law Enforcement Agencies, Inc., in the use of electric guns.~~

6       ~~(g) No later than June 30, 2024, the law enforcement~~  
7       ~~officers appointed by the director of transportation shall meet~~  
8       ~~the law enforcement accreditation or recognition standards of~~  
9       ~~the Commission on Accreditation for Law Enforcement Agencies,~~  
10       ~~Inc., in the use of electric guns." ]~~

11       SECTION 9. This Act does not affect rights and duties that  
12       matured, penalties that were incurred, and proceedings that were  
13       begun, before the effective date of this Act.

14       SECTION 10. In codifying the new sections added by  
15       section 2 of this Act, the revisor of statutes shall substitute  
16       appropriate section numbers for the letters used in designating  
17       the new sections in this Act.

18       SECTION 11. Statutory material to be repealed is bracketed  
19       and stricken. New statutory material is underscored.

20       SECTION 12. This Act shall take effect upon its approval;  
21       provided that section 8 shall take effect on January 1, 2022.



H.B. NO. 891  
H.D. 2  
S.D. 1

**Report Title:**

Electric Guns; Cartridges; Regulation

**Description:**

Regulates the sale and use of electric guns and cartridges.  
Regulations take effect 1/1/2022. (SD1)

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

