
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 federal Law
2 Enforcement Officers Safety Act of 2004 (LEOSA), Public Law 108-
3 277, was intended to afford active and retired law enforcement
4 officers the privilege of carrying a concealed firearm across
5 state lines. LEOSA was amended by the Law Enforcement Officers
6 Safety Act Improvements Act of 2010, Public Law 111-272, to
7 include former officers who have separated after serving as law
8 enforcement officers for ten years or more. LEOSA was amended
9 again by section 1089 of the National Defense Authorization Act
10 for Fiscal Year 2013, Public Law 112-239, to include a certain
11 category of military employees with statutory powers of arrest
12 or apprehension. However, since the enactment of the second
13 amendment of LEOSA, varying state approaches to implementation
14 have hindered the consistent and effective operation of the
15 federal law, especially with respect to qualified retired law
16 enforcement officers.

17 Under LEOSA, as amended, qualified retired law enforcement
18 officers who wish to carry a concealed firearm in any of the



1 fifty states are required to carry a photographic identification
2 that is issued by the agency from which the qualified retired
3 law enforcement officer was employed that indicates or is
4 accompanied by a firearm certification. If the photographic
5 identification does not indicate that the retired officer has
6 met firearm training standards, then the photographic
7 identification is required to be accompanied by a firearm
8 certification that is issued by the state in which the qualified
9 retired law enforcement officer resides or by a certified
10 firearms instructor who is qualified to conduct firearms
11 qualification tests for active duty officers within that state.
12 The firearm certification must also certify that the qualified
13 retired law enforcement officer has met, within the most recent
14 twelve-month period, the active law enforcement standards for
15 qualification, as determined by the State, to carry a firearm of
16 the same type as the firearm the qualified retired law
17 enforcement officer intends to conceal and carry. If the state
18 that the qualified retired law enforcement officer resides in
19 has not established any qualification standards, then standards
20 established by any law enforcement agency within that state may
21 be used. Currently, Hawaii has not formerly established a



1 firearm qualification standards for qualified retired law
2 enforcement officers residing in the State or a statutory
3 framework to uniformly permit active and qualified retired law
4 enforcement officers to carry a concealed weapon in Hawaii
5 pursuant to LEOSA, as amended.

6 The purpose of this Act is to authorize the department of
7 the attorney general to develop and implement a state program to
8 allow active and qualified retired law enforcement officers to
9 carry a concealed firearm in Hawaii pursuant to LEOSA, as
10 amended.

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

14 "PART . CARRYING OF CONCEALED FIREARMS BY LAW ENFORCEMENT
15 OFFICERS

16 §134-A Purpose. The purpose of this part is to authorize
17 the attorney general to develop and implement a state program to
18 allow qualified active and qualified retired law enforcement
19 officers to carry a concealed firearm in Hawaii pursuant to the
20 Law Enforcement Officers Safety Act of 2004 as codified and
21 amended in title 18 United States Code sections 926B and 926C.



1 **§134-B Compliance with federal and state laws.** (a) To
2 carry a concealed firearm in this State pursuant to title 18
3 United States Code section 926B, a qualified law enforcement
4 officer shall comply with all state laws, including but not
5 limited to this chapter and rules adopted under this part. If a
6 qualified law enforcement officer is not on official duty with
7 the officer's government agency and is carrying a concealed
8 firearm pursuant to title 18 United States Code section 926B in
9 this State, state law shall apply to this officer as a person
10 with no law enforcement powers.

11 (b) To carry a concealed firearm in this State pursuant to
12 title 18 United States Code section 926C, a qualified retired
13 law enforcement officer shall comply with all state laws,
14 including but not limited to this chapter and rules adopted
15 under this part. Title 18 United States Code section 926C and
16 state law shall not authorize a qualified retired law
17 enforcement officer to act as a law enforcement officer in this
18 State.

19 **§134-C Rules.** The department of the attorney general
20 shall adopt rules pursuant to chapter 91 to effectuate the
21 purposes of this part."



1 SECTION 3. Section 134-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§134-9 Licenses to carry. (a) In an exceptional case,
4 when an applicant shows reason to fear injury to the applicant's
5 person or property, the chief of police of the appropriate
6 county may grant a license to an applicant who is a citizen of
7 the United States of the age of twenty-one years or more or to a
8 duly accredited official representative of a foreign nation of
9 the age of twenty-one years or more to carry a pistol or
10 revolver and ammunition therefor concealed on the person within
11 the county where the license is granted. Where the urgency or
12 the need has been sufficiently indicated, the respective chief
13 of police may grant to an applicant of good moral character who
14 is a citizen of the United States of the age of twenty-one years
15 or more, is engaged in the protection of life and property, and
16 is not prohibited under section 134-7 from the ownership or
17 possession of a firearm, a license to carry a pistol or revolver
18 and ammunition therefor unconcealed on the person within the
19 county where the license is granted. The chief of police of the
20 appropriate county, or the chief's designated representative,
21 shall perform an inquiry on an applicant by using the National



1 Instant Criminal Background Check System, to include a check of
2 the Immigration and Customs Enforcement databases where the
3 applicant is not a citizen of the United States, before any
4 determination to grant a license is made. Unless renewed, the
5 license shall expire one year from the date of issue.

6 (b) The chief of police of each county shall adopt
7 procedures to require that any person granted a license to carry
8 a concealed weapon on the person shall:

9 (1) Be qualified to use the firearm in a safe manner;

10 (2) Appear to be a suitable person to be so licensed;

11 (3) Not be prohibited under section 134-7 from the
12 ownership or possession of a firearm; and

13 (4) Not have been adjudged insane or not appear to be
14 mentally deranged.

15 (c) No person shall carry concealed or unconcealed on the
16 person a pistol or revolver without being licensed to do so
17 under this section or in compliance with sections 134-5(c) or
18 134-25.

19 (d) A fee of \$10 shall be charged for each license and
20 shall be deposited in the treasury of the county in which the
21 license is granted.



1 (e) This section shall not apply to qualified law
2 enforcement officers or qualified retired law enforcement
3 officers in compliance with part and the rules adopted
4 pursuant to part ."

5 SECTION 4. 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 5. In codifying the new sections added by section
9 2 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 6. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval;
14 provided that the department of the attorney general shall
15 comply with section 2 of this Act until it adopts rules pursuant
16 to chapter 91, Hawaii Revised Statutes, to effectuate section 2
17 of this Act.

18



Report Title:

Firearms; Active and Retired Law Enforcement Officers; Carrying of a Concealed Firearm; LEOSA

Description:

Authorizes the department of the attorney general to develop and implement a state program to allow active and retired law enforcement officers to carry a concealed firearm in Hawaii pursuant to the federal Law Enforcement Officers Safety Act of 2004. Makes a conforming amendment to state firearm laws.
(SD1)

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