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# 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 keeping firearms out  
2 of the hands of people who are suffering from mental illness is  
3 critical to ensure the safety of those individuals and of the  
4 community. Tragic events caused by mass shootings that involve  
5 mental illness clearly demonstrate the need for legislative  
6 action. Under current law, if the owner of a firearm has been  
7 disqualified from owning, possessing, or controlling a firearm  
8 for a variety of reasons, including mental illness, the owner  
9 has thirty days after receiving notification of the  
10 disqualification to voluntarily surrender the firearm, after  
11 which the police chief may take possession of the firearm.  
12 There is no provision in the law that specifically addresses  
13 prompt dispossession of a person's firearms in situations that  
14 require immediate action, such as when a person is hospitalized  
15 by emergency admission due to a determination by a physician,  
16 advanced practice registered nurse, or psychologist that the  
17 person is mentally ill or suffering from substance abuse, is



1 imminently dangerous to self or others, and is in need of care  
2 or treatment or both.

3       The legislature finds that the vast majority of firearm  
4 permit applicants will not be affected by this Act. Data from  
5 the crime prevention and justice assistance division of the  
6 department of the attorney general reflect that approximately  
7 one per cent of firearms permits are denied each year for any  
8 reason. Of those, only eighteen per cent are for mental health  
9 reasons. Over the last ten years, 133,000 permit applications  
10 have been granted and two hundred sixty-nine have been denied  
11 for mental health reasons.

12       The purpose of this Act is to:

13       (1) Require the immediate surrender of a person's firearms  
14       and ammunition; or

15       (2) If such voluntary surrender is not effectuated,  
16       require seizure of the same by the chief of police,  
17 if a person has been disqualified from owning, possessing, or  
18 controlling firearms and ammunition due to a diagnosis of having  
19 a significant behavioral, emotional, or mental disorder or for  
20 treatment for organic brain syndromes, or due to hospitalization  
21 by emergency admission under section 334-59, Hawaii Revised



1 Statutes. This Act also sets forth the notice requirements for  
2 such surrender or seizure of firearms and ammunition.

3 SECTION 2. Section 134-7.3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§134-7.3 Seizure of firearms upon disqualification. (a)

6 If any applicant is denied a permit, the chiefs of police of the  
7 respective counties shall send, by certified mail, a notice  
8 setting forth the reasons for the denial and may require that  
9 the applicant voluntarily surrender all firearms and ammunition  
10 to the chief of police where the applicant resides or dispose of  
11 all firearms and ammunition. If an applicant fails to  
12 voluntarily surrender or dispose of all firearms and ammunition  
13 within thirty days from the date notice was mailed, the chief of  
14 police may seize all firearms and ammunition.

15 (b) ~~Any~~ Except as provided in subsection (c), any person  
16 disqualified from ownership, possession, or control of firearms  
17 and ammunition under section 134-7 shall voluntarily surrender  
18 all firearms and ammunition to the chief of police where the  
19 person resides or dispose of all firearms and ammunition. If  
20 any person fails to voluntarily surrender or dispose of all  
21 firearms and ammunition within thirty days from the date of



1 disqualification[7] or as provided in subsection (c), the chief  
2 of police may seize all firearms and ammunition.

3 (c) For any person disqualified from ownership,  
4 possession, or control of firearms and ammunition under section  
5 134-7(c), or who underwent or is undergoing an emergency  
6 hospitalization under section 334-59, once the chief of police  
7 is notified that the person is disqualified, the chief of police  
8 shall promptly issue a notice to the disqualified person to  
9 immediately surrender all firearms and ammunition. The notice  
10 shall be in writing, shall set forth the reasons for the  
11 disqualification, and shall state the requirement that the  
12 person immediately surrender all firearms and ammunition to the  
13 chief of police. If any person fails to voluntarily surrender  
14 all firearms and ammunition upon receiving notice, the chief of  
15 police shall seize all firearms and ammunition. The firearms  
16 and ammunition shall be held in police custody until the person  
17 has been medically documented to be no longer adversely affected  
18 as provided in section 134-7 or until transferred or sold by the  
19 owner.

20 ~~(e)~~ (d) For the purposes of this section, "dispose"  
21 means selling the firearms to a gun dealer licensed under



1 section 134-31, transferring ownership of the firearms to any  
2 person who meets the requirements of section 134-2, or  
3 surrendering all firearms to the chief of police where the  
4 person resides for storage or disposal; provided, for a person  
5 subject to section 134-7(f), "dispose" shall not include  
6 transferring ownership of the firearms to any person who meets  
7 the requirements of section 134-2.

8       ~~(d)~~ (e) The chief of police of the respective counties  
9 shall adopt procedures to implement and administer the  
10 provisions of this section by December 31, 2001."

11       SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14       SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16       SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Firearms Disqualification; Mental Illness; Police

**Description:**

Requires firearms owners who have been disqualified from owning a firearm and ammunition due to a diagnosis of significant behavioral, emotional, or mental disorder or for treatment for organic brain syndromes, or due to emergency hospitalization, to immediately surrender their firearms and ammunition to the Chief of Police. Requires the chief of police to seize firearms and ammunition if a disqualified individual fails to surrender the firearms and ammunition and the person receives notice of disqualification. (SD1)

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

