
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 section 134-7,
2 Hawaii Revised Statutes, as a matter of public safety, prohibits
3 the possession of firearms and ammunition by criminal offenders
4 who have committed any felony, a crime of violence, or the
5 illegal sale of drugs; substance abusers; persons diagnosed with
6 a mental or emotional disorder; and persons who are subject to a
7 restraining order or protective order. However, the prohibition
8 does not directly apply to perpetrators of certain misdemeanor
9 offenses, such as harassment by stalking, who may pose a
10 significant risk of harm to others if allowed to possess
11 firearms. A study of female murder victims in ten cities
12 published in 1999 found that seventy-six per cent of women
13 murdered and eighty-five per cent of women who survived a murder
14 attempt by a current or former intimate partner experienced
15 stalking in the year preceding the murder. J. M. McFarland, J.
16 C. Campbell, S. Wilt, C. J. Sachs, Y. Ulrich, & X. Xu, *Stalking*
17 *and Intimate Partner Femicide*, 3 Homicide Studies no. 4 300
18 (Nov. 1999). This and other studies demonstrate that while



1 stalking may appear to be low-level, nonviolent behavior, it is
2 often the first step in an escalating course of conduct that too
3 often results in murder.

4 The legislature further finds that stalking and related
5 acts of domestic abuse have been linked with gun violence.
6 According to the Johns Hopkins Bloomberg School of Public
7 Health's Center for Gun Policy and Research, having a gun in the
8 home increases the risk of homicide of an intimate partner by
9 eight times compared to households without guns and by twenty
10 times when there is a history of domestic violence in the
11 family. Additional studies have documented the correlation
12 between partner stalking, sexual assault, and the propensity for
13 partner stalkers to use firearms against their victims. T. K.
14 Logan & J. Cole, *Exploring the Intersection of Partner Stalking*
15 *and Sexual Abuse*, 17 *Violence Against Women* no. 7 904 (July
16 2011); K. Mohandie, J. R. Meloy, M. McGowan, & J. Williams, *The*
17 *RECON Typology of Stalking: Reliability and Validity Based Upon*
18 *a Large Sample of North American Stalkers*, 51 *J. of Forensic*
19 *Science* no. 1 147 (Jan. 2006).

20 Currently, at least eleven states bar some or all
21 individuals convicted of misdemeanor stalking from possessing



1 firearms. As noted by the United States Supreme Court in *United*
2 *States v. Castleman*, 134 S.Ct. 1405, 1409 (2014), in regards to
3 federal law, "Congress enacted [the misdemeanor domestic
4 violence gun ban], in light of these sobering facts, to 'close a
5 dangerous loophole' in the gun control laws: While felons had
6 long been barred from possessing guns, many perpetrators of
7 domestic violence are convicted only of misdemeanors."

8 The purpose of this Act is to enhance protections against
9 acts of gun violence committed by individuals with a history of
10 dangerous behavior by specifying that misdemeanor harassment by
11 stalking and sexual assault are among the offenses that
12 disqualify a person from owning, possessing, or controlling any
13 firearm or ammunition.

14 SECTION 2. Section 134-1, Hawaii Revised Statutes, is
15 amended by amending the definition of "crime of violence" to
16 read as follows:

17 "Crime of violence" means any offense, as defined in title
18 37, that involves injury or threat of injury to the person of
19 another[-], including sexual assault in the fourth degree under
20 section 707-733 and harassment by stalking under section 711-
21 1106.5."



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

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

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



Report Title:

Firearms Possession; Misdemeanor Stalking and Sexual Assault

Description:

Specifies that harassment by stalking and sexual assault are among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. (SD1)

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