
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 State has some
2 of the strongest gun safety laws in the nation, receiving an
3 A-minus rating from the Giffords Law Center to Prevent Gun
4 Violence. However, the legislature also finds that the State
5 can improve its gun safety laws by completely prohibiting the
6 use of large-capacity magazines for all firearms. Existing
7 state law prohibits the use of these types of magazines with
8 pistols but not with long guns such as rifles or shotguns.

9 The legislature further finds that the involvement of large
10 capacity magazines increases the deadliness of violent
11 incidents. Large capacity magazines are capable of holding in
12 excess of ten rounds of ammunition. These magazines
13 significantly increase a shooter's ability to injure and kill
14 large numbers of people quickly before a shooter needs to
15 reload. For example, in the 2019 mass shooting in Dayton, Ohio,
16 the assailant, using an assault weapon and a drum magazine that
17 held one hundred rounds, fired at least forty-one rounds of



1 ammunition in less than thirty seconds, killing nine people and
2 wounding twenty-six others. According to the Giffords Law
3 Center to Prevent Gun Violence, large capacity magazines have
4 been used in all ten of the deadliest mass shootings in the last
5 decade. According to Everytown for Gun Safety Support Fund,
6 mass shootings that involve large capacity magazines result in
7 five times as many people being shot with twice as many
8 fatalities compared to mass shootings that do not involve large
9 capacity magazines.

10 The time a shooter takes to reload his weapon can be
11 critical in enabling victims to escape and for law enforcement
12 or others to intervene. In the 2011 mass shooting in Tucson,
13 Arizona, the shooter was tackled by a bystander after stopping
14 to reload his weapon. In the 2018 mass shooting in Parkland,
15 Florida, students at Marjory Stoneman Douglas High School were
16 able to escape down a stairwell while the shooter paused to
17 reload his weapon.

18 The purpose of this Act is to reduce gun violence in the
19 State by eliminating the use of large capacity magazines in all
20 types of firearms, not just pistols.



1 SECTION 2. Section 134-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§134-8 Ownership, etc., of automatic firearms, silencers,
4 etc., prohibited; penalties. (a) The manufacture, possession,
5 sale, barter, trade, gift, transfer, or acquisition of any of
6 the following is prohibited: assault pistols, except as
7 provided by section 134-4(e); automatic firearms; rifles with
8 barrel lengths less than sixteen inches; shotguns with barrel
9 lengths less than eighteen inches; cannons; mufflers, silencers,
10 or devices for deadening or muffling the sound of discharged
11 firearms; hand grenades, dynamite, blasting caps, bombs, or
12 bombshells, or other explosives; or any type of ammunition or
13 any projectile component thereof coated with teflon or any other
14 similar coating designed primarily to enhance its capability to
15 penetrate metal or pierce protective armor; and any type of
16 ammunition or any projectile component thereof designed or
17 intended to explode or segment upon impact with its target.

18 (b) Any person who installs, removes, or alters a firearm
19 part with the intent to convert the firearm to an automatic
20 firearm shall be deemed to have manufactured an automatic
21 firearm in violation of subsection (a).



1 (c) ~~[The]~~ Except as provided in subsection (d), the
2 manufacture, possession, sale, barter, trade, gift, transfer, or
3 acquisition of detachable ammunition magazines with a capacity
4 in excess of ten rounds ~~[which are designed for or capable of~~
5 ~~use with a pistol]~~ is prohibited. This subsection shall not
6 apply to magazines originally designed to accept more than ten
7 rounds of ammunition which have been modified to accept no more
8 than ten rounds and which are not capable of being readily
9 restored to a capacity of more than ten rounds.

10 (d) Detachable ammunition magazines with a capacity in
11 excess of ten rounds may be possessed and used by a law
12 enforcement agency or duly authorized law enforcement officer
13 for official use.

14 ~~[(d)]~~ (e) Any person violating subsection (a) or (b)
15 shall be guilty of a class C felony and shall be imprisoned for
16 a term of five years without probation. Any person violating
17 subsection (c) shall be guilty of a misdemeanor except when a
18 detachable magazine prohibited under this section is possessed
19 while inserted into a ~~[pistol]~~ firearm in which case the person
20 shall be guilty of a class C felony."



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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.
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H.B. NO. 1902

Report Title:

Firearms; Large Capacity Magazine; Prohibition

Description:

Extends the prohibition for large capacity magazines to all firearms, rather than just pistols. Provides an exception to the prohibition for law enforcement agencies and duly authorized officers.

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