
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, having received
3 an 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 prohibiting the new
6 acquisition and use of large-capacity magazines for firearms
7 that can hold more than ten rounds of ammunition. Existing
8 Hawaii law prohibits the use of these magazines with pistols but
9 not with long guns, such as rifles or shotguns.

10 According to the Giffords Law Center to Prevent Gun
11 Violence, large-capacity magazines have been used in all ten of
12 the deadliest mass shootings that have occurred in the last
13 decade. Mass shootings that involve large-capacity magazines
14 result in two to three times as many fatalities as other mass
15 shootings. By enabling a shooter to fire repeatedly without
16 needing to reload, these magazines significantly increase the
17 shooter's ability to quickly injure and kill large numbers of



1 people. For example, using an assault weapon and a drum
2 magazine containing one hundred rounds of ammunition, the
3 perpetrator of the 2019 mass shooting in Dayton, Ohio, was able
4 to fire at least forty-one rounds of ammunition in less than
5 thirty seconds. As a result, the shooter was able to kill nine
6 people and wound twenty-six more.

7 Further, the legislature recognizes that the amount of time
8 a shooter needs to reload a weapon can be a critical factor in
9 allowing would-be victims to escape and for law enforcement or
10 other persons to intervene. In the 2011 mass shooting in
11 Tucson, Arizona, six people were killed and thirteen others were
12 wounded, including United States representative Gabrielle
13 Giffords. Fortunately, the shooting was interrupted when the
14 perpetrator stopped to reload his weapon and was tackled by a
15 bystander. Similarly, during the 2018 mass shooting at Marjory
16 Stoneman Douglas High School in Parkland, Florida, students were
17 able to flee down a stairwell as the shooter paused to reload
18 his weapon.

19 The purpose of this Act is to reduce gun violence in the
20 State by:



1 (1) Prohibiting the possession of large-capacity magazines
2 for all types of firearms, unless the magazine was
3 legally in the possession of a person prior to this
4 Act; and

5 (2) Prohibiting the manufacture, possession, sale, barter,
6 trade, gift, transfer, or acquisition, except by means
7 of inheritance, of large-capacity magazines.

8 SECTION 2. Section 134-2.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Upon a finding that public safety is not endangered,
11 the chief of police of the appropriate county may issue permits,
12 initially valid for a period of one year and renewable annually
13 thereafter, for the possession, transportation, or use, with
14 blank cartridges, of firearms [~~or~~], explosives, or detachable
15 ammunition magazines with a capacity in excess of ten rounds
16 solely as props for motion picture films or television program
17 production upon a showing that good cause exists for the
18 issuance of a permit to the applicant and upon sufficient proof
19 of a federal firearms license and a state film permit required
20 under section 201-3. No permit shall be issued to a person who



1 is under twenty years of age or who is disqualified under
2 section 134-7."

3 SECTION 3. Section 134-8, Hawaii Revised Statutes, is
4 amended to read as follows:

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

20 (b) Any person who installs, removes, or alters a firearm
21 part with the intent to convert the firearm to an automatic



1 firearm shall be deemed to have manufactured an automatic
2 firearm in violation of subsection (a).

3 (c) The manufacture, possession, sale, barter, trade,
4 gift, transfer, or acquisition of detachable ammunition
5 magazines with a capacity in excess of ten rounds [~~which are~~
6 ~~designed for or capable of use with a pistol~~] is prohibited[-];
7 provided that a detachable ammunition magazine with a capacity
8 in excess of ten rounds may be:

- 9 (1) Possessed by a person who legally possessed the
10 magazine prior to the effective date of Act _____ ;
11 (2) Acquired by a person by means of inheritance from
12 another person who legally possessed the magazine
13 prior to the effective date of Act _____ ; or
14 (3) Acquired, possessed, and used by a law enforcement
15 agency or duly authorized law enforcement officer for
16 official purposes.

17 This subsection shall not apply to magazines originally
18 designed to accept more than ten rounds of ammunition [~~which~~
19 that have been modified to accept no more than ten rounds and
20 [~~which~~ that are not capable of being readily restored to a
21 capacity of more than ten rounds.



1 (d) Any person violating subsection (a) or (b) shall be
 2 guilty of a class C felony and shall be imprisoned for a term of
 3 five years without probation. Any person violating subsection
 4 (c) shall be guilty of a misdemeanor except when a detachable
 5 magazine prohibited under this section is possessed while
 6 inserted into a [~~pistol~~] firearm in which case the person shall
 7 be guilty of a class C felony."

8 SECTION 4. Section 134-11, Hawaii Revised Statutes, is
 9 amended by amending subsection (c) to read as follows:

10 "(c) Sections 134-8, 134-9, and 134-21 to 134-27, shall
 11 not apply to the possession, transportation, or use, with blank
 12 cartridges, of any firearm [~~or~~], explosive, or detachable
 13 ammunition magazine with a capacity in excess of ten rounds
 14 solely as props for motion picture film or television program
 15 production when authorized by the chief of police of the
 16 appropriate county pursuant to section 134-2.5 and not in
 17 violation of federal law."

18 SECTION 5. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun before its effective date.



- 1 SECTION 6. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Firearms; Large-Capacity Magazine; Prohibition

Description:

Prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible. Allows possession of large-capacity magazines that were legally possessed prior to the effective date of this Act. Allows acquisition by means of inheritance of large-capacity magazines that were legally in possession prior to the effective date of this Act. Allows possession and use by law enforcement agencies and officers. Allows the use of blank-fire assault weapons and detachable ammunition magazines with a capacity in excess of ten rounds for use solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county and not in violation of federal law. (SD2)

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