

JAN 17 2020

---

---

# A BILL FOR AN ACT

RELATING TO FIREARMS AMMUNITION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that requiring firearms  
2 permits is an effective way of minimizing unlawful possession  
3 and use of firearms. The legislature further finds that the  
4 ammunition used in firearms is what renders firearms dangerous,  
5 yet there are few state regulations with regards to the sale of  
6 ammunition. Specifically, Hawaii does not require a license for  
7 the sale of ammunition, nor does it require a permit to purchase  
8 or possess ammunition. The legislature finds that this  
9 oversight can be addressed by requiring licensure for sellers of  
10 ammunition, and by requiring gun owners to show their firearms  
11 registrations and identification when purchasing ammunition for  
12 the permitted firearms.

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

16           "§134-    Ammunition purchase; proof of registration;  
17 exception.   (a) No person shall sell ammunition or shell



1 casings for any firearm unless the purchaser first demonstrates  
2 that the purchaser is the registered owner of the firearm for  
3 which the ammunition or shell casings are to be purchased, or  
4 has been designated by the registered owner as an alternate for  
5 ammunition purchases on the registration pursuant to section  
6 134-3. Presentation to the seller of the registration issued  
7 pursuant to section 134-3, together with government-issued  
8 photographic identification, such as a driver's license, a  
9 certificate of identification issued pursuant to section 846-30,  
10 a military identification card, or a United States passport,  
11 shall be sufficient to demonstrate that the purchaser is the  
12 registered owner of the firearm for which the ammunition is to  
13 be purchased. For on-line purchases, a scanned copy of the  
14 registration and identification shall be sufficient for  
15 compliance with this section. For the purposes of this section,  
16 the departments responsible for administering firearm  
17 registrations may provide duplicates of the registration  
18 document, or may provide the same information in a format to be  
19 determined by said departments.

20 (b) Violation of this section is a petty misdemeanor.



1        (c) This section shall not apply to ammunition purchases  
2 for firearms manufactured before 1899, and to persons described  
3 in section 134-11."

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

6        "§134-3 Registration, mandatory, exceptions. (a) Every  
7 person arriving in the State who brings or by any other manner  
8 causes to be brought into the State a firearm of any  
9 description, whether usable or unusable, serviceable or  
10 unserviceable, modern or antique, shall register the firearm  
11 within five days after arrival of the person or of the firearm,  
12 whichever arrives later, with the chief of police of the county  
13 of the person's place of business or, if there is no place of  
14 business, the person's residence or, if there is neither a place  
15 of business nor residence, the person's place of sojourn. A  
16 nonresident alien may bring firearms not otherwise prohibited by  
17 law into the State for a continuous period not to exceed ninety  
18 days; provided that the person meets the registration  
19 requirement of this section and the person possesses:



- 1           (1) A valid Hawaii hunting license procured under chapter
- 2                   183D, part II, or a commercial or private shooting
- 3                   preserve permit issued pursuant to section 183D-34;
- 4           (2) A written document indicating the person has been
- 5                   invited to the State to shoot on private land; or
- 6           (3) Written notification from a firing range or target
- 7                   shooting business indicating that the person will
- 8                   actually engage in target shooting.

9 The nonresident alien shall be limited to a nontransferable  
10 registration of not more than ten firearms for the purpose of  
11 the above activities.

12           Every person registering a firearm under this subsection  
13 shall be fingerprinted and photographed by the police department  
14 of the county of registration; provided that this requirement  
15 shall be waived where fingerprints and photographs are already  
16 on file with the police department. The police department shall  
17 perform an inquiry on the person by using the International  
18 Justice and Public Safety Network, including the United States  
19 Immigration and Customs Enforcement query, the National Crime  
20 Information Center, and the National Instant Criminal Background



1 Check System, pursuant to section 846-2.7 before any  
2 determination to register a firearm is made.

3 (b) Every person who acquires a firearm pursuant to  
4 section 134-2 shall register the firearm in the manner  
5 prescribed by this section within five days of acquisition. The  
6 registration shall be on forms prescribed by the attorney  
7 general, which shall be uniform throughout the State, and shall  
8 include the following information: name of the manufacturer and  
9 importer; model; type of action; caliber or gauge; serial  
10 number; and source from which receipt was obtained, including  
11 the name and address of the prior registrant. If the firearm  
12 has no serial number, the permit number shall be entered in the  
13 space provided for the serial number, and the permit number  
14 shall be engraved upon the receiver portion of the firearm  
15 before registration. All registration data that would identify  
16 the individual registering the firearm by name or address shall  
17 be confidential and shall not be disclosed to anyone, except as  
18 may be required:

- 19 (1) For processing the registration;  
20 (2) For database management by the Hawaii criminal justice  
21 data center;



1           (3) By a law enforcement agency for the lawful performance  
2           of its duties; or

3           (4) By order of a court.

4           (c) Dealers licensed under section 134-31 or dealers  
5 licensed by the United States Department of Justice shall  
6 register firearms pursuant to this section on registration forms  
7 prescribed by the attorney general and shall not be required to  
8 have the firearms physically inspected by the chief of police at  
9 the time of registration.

10          (d) Registration shall not be required for:

11          (1) Any device that is designed to fire loose black powder  
12          or that is a firearm manufactured before 1899;

13          (2) Any device not designed to fire or made incapable of  
14          being readily restored to a firing condition; or

15          (3) All unserviceable firearms and destructive devices  
16          registered with the Bureau of Alcohol, Tobacco, and  
17          Firearms of the United States Department of Justice  
18          pursuant to Title 27, Code of Federal Regulations.

19          (e) No fee shall be charged for the registration of a  
20 firearm under this section, except for a fee chargeable by and  
21 payable to the registering county for persons registering a



1 firearm under subsection (a), in an amount equal to the fee  
2 charged by the Hawaii criminal justice data center pursuant to  
3 section 846-2.7. In the case of a joint registration, the fee  
4 provided for in this section may be charged to each person.

5 (f) A registered owner may designate his or her spouse as  
6 an alternate on the gun registration only for the purpose of  
7 purchasing ammunition. The owner's spouse shall have completed  
8 the same background check and fingerprinting as is required for  
9 obtaining a permit under section 134-2.

10 [~~f~~] (g) No person less than twenty-one years of age  
11 shall bring or cause to be brought into the State any firearm."

12 SECTION 4. Section 134-4, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By amending the title to read:

15 "~~§134-4 Transfer, possession of firearms[7] and~~  
16 ammunition."

17 2. By amending subsection (b) to read:

18 "(b) No person shall possess any firearm or ammunition for  
19 any firearm that is owned by another, regardless of whether the  
20 owner has consented to possession of the firearm[7] or  
21 ammunition for the firearm, without a permit from the chief of



1 police of the appropriate county, except as provided in  
2 subsection (c) and section 134-5."

3 3. By amending subsection (d) to read:

4 "(d) No person shall knowingly lend a firearm or transfer  
5 ammunition for any firearm to any person who is prohibited from  
6 ownership or possession of a firearm under section 134-7."

7 SECTION 5. Section 134-31, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§134-31 License to sell and manufacture firearms[+] and**  
10 **ammunition; fee.** Any person desiring to engage in the business  
11 to sell and manufacture firearms or ammunition for any firearms  
12 for sale in the State either at wholesale or retail, shall  
13 annually file an application for a license therefor with the  
14 director of finance of each county of the State. The annual fee  
15 for the issuance of such license shall be \$10 and shall be  
16 payable to said director of finance. A license issued hereunder  
17 shall expire on June 30 next following the date of issuance of  
18 the license unless sooner terminated. Application for renewal  
19 of license shall be filed on or before June 30 of each year."

20 SECTION 6. Section 134-32, Hawaii Revised Statutes, is  
21 amended to read as follows:





1           "§134-32 License to sell and manufacture firearms[+] and  
2 ammunition; conditions. Every license issued pursuant to this  
3 part shall be issued and shall be regarded as having been  
4 accepted by the licensee subject to the following conditions:

5           (1) That the licensee at all times shall comply with all  
6 provisions of law relative to the sale of firearms[-]  
7 and ammunition for any firearms.

8           (2) That the license during any time of national emergency  
9 or crisis, as defined in section 134-34, may be  
10 canceled or suspended.

11           (3) That all firearms or ammunition for any firearms in  
12 the possession and control of any licensee at any time  
13 of national emergency or crisis, as defined in section  
14 134-34, may be seized and held in possession or  
15 purchased by or on the order of the governor until  
16 such time as the national emergency or crisis has  
17 passed, or until such time as the licensee and the  
18 government of the United States or the government of  
19 the State may agree upon some other disposition of the  
20 same.



1           (4) That all firearms or ammunition for any firearms in  
2           the possession and control of the licensee or  
3           registered pursuant to section 134-3(c) by the  
4           licensee shall be subject to physical inspection by  
5           the chief of police of each county during normal  
6           business hours at the licensee's place of business.

7           (5) That the license may be revoked for a violation of any  
8           of the conditions of this section."

9           SECTION 7. Section 134-33, Hawaii Revised Statutes, is  
10          amended to read as follows:

11           "**§134-33 Punishment for violations of section 134-32.** Any  
12          person who manufactures or sells any firearms or any ammunition  
13          for any firearms within the State without having a valid license  
14          so to do, or who being a holder of a license violates any of the  
15          terms or conditions of the same, shall be fined not less than  
16          \$100 nor more than \$1,000 or imprisoned not less than three  
17          months nor more than one year, provided that this section does  
18          not apply to registered firearms owners who manufacture their  
19          own ammunition for personal use for the firearms registered in  
20          their name."



1 SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on January 1, 2021.

4

INTRODUCED BY:

Karl Rhoads

~~D.C. Ketchum~~

Ronald L Baker

Clarence R. Mishiher



# S.B. NO. 2635

**Report Title:**

Ammunition; Purchase; License to Sell

**Description:**

Requires the licensing of sellers of ammunition, and for the identification and proper permitting of purchasers or possessors of ammunition. Regulates ammunition in the same manner that firearms are regulated.

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

