

STRAIGHT SHOOTING: AN OBJECTIVE REVIEW OF HAWAII FIREARM LAWS AND RELATED STATISTICS

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FOREWORD

This report was prepared pursuant to Senate Concurrent Resolution No. 116, S.D. 1 (2018), which requested the Legislative Reference Bureau (Bureau) to compile and submit a report to the Legislature regarding existing gun laws and firearm data for Hawaii.

The Bureau requested information from federal, state, and county agencies to complete this study. The Bureau extends its appreciation to all those that generously provided information and assistance in the preparation of this report.

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Director

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EXECUTIVE SUMMARY

The Legislative Reference Bureau (Bureau) prepared this report pursuant to Senate Concurrent Resolution No. 116, S.D. 1 (2018) (hereinafter S.C.R. No. 116), which requested the Bureau to compile and submit a report to the Legislature regarding existing gun laws and firearm data for Hawaii. Further, SCR No. 116 requested that the report include:

- All statutes involving restrictions on:
 - The ownership and use of certain types of firearms;
 - Modifications to firearms; and
 - Accessories or ammunition for firearms,including statutes that address the caliber or rate of fire of a firearm or prohibited attachments or accessories for a firearm;
- Statutory penalties for the illegal use or possession of a firearm;
- The various processes that citizens of the State must complete with respect to obtaining different types of firearms, including pistols and rifles, and obtaining a license to carry a concealed weapon;
- Circumstances in which an individual may be dispossessed of a firearm or lose the right to possess a firearm, including circumstances involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm;
- With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- Aggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms; and

- A comparison of state statutes, rules, and regulations to existing federal statutes, rules, and regulations where parallel comparisons are available.

The Bureau's Approach to this Report

To obtain data for this report, the Bureau contacted the above-listed agencies, as well as the Department of Health. The Bureau also researched legal standards relevant to firearms as established in the federal law, Hawaii state law, laws of some other states, and court case law.

Firearm Laws

Although the United States Supreme Court has ruled that the Second Amendment to the United States Constitution provides individuals with the right to possess firearms, the Court has also ruled that this right is subject to certain forms of regulation under federal and state law. Federal laws generally limit and regulate the types of firearms and ammunition that may lawfully be manufactured, marketed, sold, owned, possessed, and used, as well as the transportation of firearms across state lines. Federal laws also prohibit certain individuals from engaging in the aforementioned activities, prohibit firearms in certain geographic locations, and provide enhanced penalties for the use of a firearm in the commission of certain types of crimes.

The Constitution of the State of Hawaii provides that "[a] well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed," and the Supreme Court of Hawaii has held that that right may be regulated by the State in a reasonable manner. Hawaii law supplements federal law by imposing additional requirements and restrictions in relation to the manufacture, sales, ownership, possession, and use of firearms. Hawaii law generally requires individuals who wish to acquire a firearm to first obtain a permit and also requires the registration of most firearms.

Hawaii's firearm laws are generally more restrictive than those of most other states, though firearm laws of several other states are more restrictive in some aspects than Hawaii's laws.

Statistical Data Regarding Firearms and Related Crime in Hawaii

No reliable data are available regarding the total number of registered firearms that are presently in the State. The Bureau obtained some statistical information on the frequency of occurrences of certain violent crimes and the frequency of the use of firearms in violent crimes. However, in some instances, the agencies that provided data to the Bureau could not provide all of the requested data due to limitations of their databases or their records. There was also a lack of available data regarding the numbers of alleged perpetrators of violent crimes who had previously applied for but were denied authorization to own or possess a firearm in Hawaii. Relevant data are summarized in the tables attached to this report.

One Recommendation, and Related Issues and Information

In reviewing Hawaii firearm laws, the Bureau noted that a statute requires a person who arrives in the State and who brings or by any other manner causes to be brought into the State a firearm must register the firearm with the local county police department. However, Hawaii law does not explicitly require that that person be of a certain age in order to bring the firearm to Hawaii or to register the firearm, even though state law requires that a person who is already in Hawaii and who wishes to obtain a permit to acquire ownership of a firearm must, among other requirements, be at least twenty-one years old. This report includes a proposed bill draft to address this apparent inconsistency.

Due to data retrieval limitations of governmental agencies from whom the Bureau sought data for this report, it was not possible to provide statistics for all the subject areas described in S.C.R. No. 116. It appears that state and county agencies will need additional resources if the Legislature wishes to continue to pursue that data.

The Legislature may also wish to consider whether to follow the example of states that have enacted firearm laws that are more restrictive or less restrictive than Hawaii's laws.

Further, the Legislature may wish to review the extensive firearm statistics and related information provided by the Criminal Prevention & Justice Assistance Division (CPJAD), Department of the Attorney General, some of which addressed matters beyond the scope of this report. A copy of CPJAD's correspondence is available as an appendix to this report.

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Chapter 1

INTRODUCTION

The Legislative Reference Bureau (Bureau) prepared this report as requested by Senate Concurrent Resolution No. 116, S.D. 1 (2018) (hereinafter S.C.R. No. 116).¹

GENESIS OF THIS REPORT

S.C.R. No. 116 made the following observations:

- The [United States] has seen numerous high profile shootings over many decades;
- The State of Hawaii has some of the [nation's] most comprehensive gun control laws, as well as geography that affords the State the unique opportunity to effectively enforce gun control laws within state boundaries;
- Recent shootings have forced the State to evaluate existing statutes to ensure that they are as adequate and appropriate today as they were when originally enacted.

THE SCOPE OF THIS REPORT

S.C.R. No. 116 requested the Bureau to “compile and submit a report to the Legislature regarding existing gun laws and firearm data for Hawaii.” More specifically, S.C.R. No. 116 requested that the report include:

- All statutes involving restrictions on:
 - The ownership and use of certain types of firearms;
 - Modifications to firearms; and
 - Accessories or ammunition for firearms,including statutes that address the caliber or rate of fire of a firearm or prohibited attachments or accessories for a firearm;
- Statutory penalties for the illegal use or possession of a firearm;

¹ S.C.R. No. 116 is available as Appendix A.

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- The various processes that citizens of the State must complete with respect to obtaining different types of firearms, including pistols and rifles, and obtaining a license to carry a concealed weapon;
- Circumstances in which an individual may be dispossessed of a firearm or lose the right to possess a firearm, including circumstances involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm;
- With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- Aggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms; and
- A comparison of state statutes, rules, and regulations to existing federal statutes, rules, and regulations where parallel comparisons are available.

S.C.R. No. 116 further requested that the following agencies submit “any firearms-related information relevant to the substance of this report in order to assist the Bureau in its timely completion of the report:”

- The Honolulu Field Office of the United States Federal Bureau of Investigation;
- The Honolulu Satellite Office of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- The Judiciary of the State of Hawaii;
- The [Hawaii] Department of the Attorney General; and
- The respective police departments of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui.

THE BUREAU'S APPROACH TO THIS REPORT

The Bureau prepared this report in accordance with the scope of S.C.R. No. 116. We contacted the governmental agencies listed in S.C.R. No. 116, as well as the Hawaii Department of Health, in an attempt to collect relevant data for this report. Not all of the agencies provided data pursuant to our requests, and some agencies could not provide all information that S.C.R. No. 116 specified. We also researched and examined legal standards relevant to firearms as established in the United States Code, the Hawaii Revised Statutes, laws of some other states, and case law established by court rulings.

ORGANIZATION OF THIS REPORT

The remaining chapters of this report provide the following:

- (1) Chapter 2 describes relevant federal and Hawaii state laws regarding firearms, explains how Hawaii law imposes firearm restrictions and requirements beyond those imposed by federal law, and describes additional restrictions imposed in some other states.
- (2) Chapter 3 provides relevant state firearm and crime statistics that are available, and explains why some data are not available; and
- (3) Chapter 4 discusses: an apparent inconsistency in Hawaii law regarding age restrictions and firearm ownership and a recommendation to address the inconsistency; issues regarding data collection and management; and additional information that policymakers may wish to consider regarding firearms and crime in Hawaii.

Chapter 2

FIREARM LAWS

This chapter addresses the requests in S.C.R. No. 116 for information on federal and Hawaii state laws regarding firearm restrictions, penalties for illegal firearm possession, processes to legally obtain a firearm, and circumstances under which the law provides for the dispossession of an individual's firearm. As this chapter will explain, state law imposes restrictions relating to firearms that are in addition to those in federal law. Further, because S.C.R. No. 116 related a desire to evaluate the adequacy of existing state statutes,¹ this chapter also briefly summarizes laws from some other states that impose restrictions that exceed those in Hawaii law, and also demonstrates that Hawaii has enacted restrictive laws that have not been enacted in some other states.

FEDERAL FIREARM LAWS; AN OVERVIEW

The United States Supreme Court has ruled² that the legal authority of individuals to possess firearms is derived from the Second Amendment to the United States Constitution³ and is subject to certain forms of regulation under federal and state law.⁴

As will be explained, federal laws generally limit and regulate the types of firearms and ammunition that may lawfully be manufactured, marketed, sold, owned, possessed, and used, as well as the transportation of firearms across state lines. Federal laws also prohibit certain individuals from engaging in the aforementioned activities, prohibit firearms in certain geographic locations, and provide enhanced penalties for the use of a firearm in the commission of certain types of crimes. Federal laws are applicable in all localities of the United States, and individual states and other political subdivisions may further prohibit, restrict, and regulate various activities related to firearms and ammunition so long as those requirements do not conflict with the United States Constitution or federal laws.⁵

¹ SCR No. 116 states in pertinent part that “recent shootings have forced the State to evaluate existing statutes to ensure that they are as adequate and appropriate today as they were when originally enacted.”

² *See, e.g.,* District of Columbia v. Heller, 554 U.S. 570 (2008) (holding, inter alia, that the Second Amendment to the United States Constitution protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, but that the right to bear arms is not unlimited and is thus subject to regulation).

³ The Second Amendment to the United States Constitution provides that “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.”

⁴ McDonald v. Chicago, 561 U.S. 742 (2010) (holding, inter alia, that the Second Amendment right to bear arms recognized in *Heller*, 554 U.S. 570, is fully applicable to the states through the Due Process Clause of the Fourteenth Amendment).

⁵ 18 U.S.C. §927.

Major federal firearm statutes relevant to this report⁶ are included in the Gun Control Act of 1968,⁷ the Brady Handgun Violence Prevention Act,⁸ and the National Firearms Act of 1934.⁹ The Gun Control Act primarily regulates interstate commerce in firearms by prohibiting firearm transfers except among licensed manufacturers, dealers, and importers. The Gun Control Act was expanded by the Brady Handgun Violence Prevention Act, which established categories of individuals to whom the sale of firearms is prohibited, and required licensed firearm sellers to inspect criminal history backgrounds of prospective firearm purchasers, as will be explained. The National Firearms Act imposes an excise tax on the manufacture and transfer of certain firearms, such as machineguns, and requires that those firearms be registered.

Federal Law Prohibits Firearm Sales to, and Possession by, Certain Persons

Of primary relevance to this report, the Gun Control Act generally prohibits the shipment, transportation, or sale of any firearm¹⁰ or ammunition¹¹ in interstate or foreign commerce to, or possession of any firearm or ammunition that has been in interstate or foreign commerce by, any person who:

- Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;¹²
- Is a fugitive from justice;¹³
- Is an unlawful user of or addicted to any controlled substance;¹⁴
- Has been adjudicated as a mental defective or been committed to a mental institution;¹⁵

⁶ Pursuant to Senate Concurrent Resolution No. 116 S.D. 1 (2018), this report will focus on the intersection of federal and Hawaii state firearm laws and a comparison of those laws, rather than present an exhaustive cataloging of all federal and state firearm laws.

⁷ The Gun Control Act of 1968 has been codified as 18 U.S.C. §921 et seq. and is also referenced as Title I of the United States federal firearms laws.

⁸ The Brady Handgun Violence Prevention Act was passed in 1993 and amended title 18 U.S.C. by creating §§921-922.

⁹ The National Firearms Act of 1934 has been codified as 26 U.S.C. §5801 et. seq. and is also referenced as Title II of the United States federal firearms laws.

¹⁰ As used in the Gun Control Act, “firearm” is defined as “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.” 18 U.S.C. §921(a)(3).

¹¹ *Id.* §921(a)(17)(A) (as used in the Gun Control Act, “ammunition” is defined as “ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm).

¹² *Id.* §§922(d)(1), (g)(1).

¹³ *Id.* §§922(d)(2), (g)(2).

¹⁴ *Id.* §§922(d)(3), (g)(3) (“controlled substance” is defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802).

¹⁵ *Id.* §§922(d)(4), (g)(4).

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- Is unlawfully in the United States or has been admitted to the United States under a nonimmigrant visa;¹⁶
- Has been dishonorably discharged from the United States military;¹⁷
- Has renounced United States citizenship;¹⁸
- Is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner, the person's child or a child of a partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;¹⁹ or
- Has been convicted of a misdemeanor offense of domestic violence.²⁰

Federal law also:

- **Establishes age restrictions regarding firearms**

Persons younger than eighteen are prohibited from possessing handguns or handgun ammunition,²¹ and federal firearms licensees²² are prohibited from transferring handguns or handgun ammunition to persons younger than eighteen,²³ or transferring shotguns, rifles, or applicable ammunition to persons younger than twenty-one.²⁴

- **Requires firearms dealers to identify and conduct background checks of purchasers**

Persons “engaged in the business”²⁵ of dealing in firearms must be licensed²⁶ and, before transferring a firearm to a prospective purchaser, verify that person's

¹⁶ *Id.* §§922(d)(5), (g)(5). These prohibitions do not apply to certain aliens lawfully admitted to the United States under a nonimmigrant visa, such as an official representative of a foreign government or foreign law enforcement officer acting in an official capacity. *Id.* §922(y)(2).

¹⁷ *Id.* §§922(d)(6), (g)(6).

¹⁸ *Id.* §§922(d)(7), (g)(7).

¹⁹ *Id.* §§922(d)(8), (g)(8).

²⁰ *Id.* §§922(d)(9), (g)(9).

²¹ *Id.* §922(x). However, federal law provides exceptions authorizing persons younger than eighteen to temporarily possess and use handguns and ammunition for specified activities such as employment, ranching, farming, target practice, hunting, and instruction in the safe and lawful use of handguns. *Id.* §922(x)(3).

²² Federal firearms licensees include firearms importers, manufacturers, dealers, and collectors licensed by the federal government. *Id.* §922(b).

²³ *Id.* §922(b).

²⁴ *Id.* §922(b). Unlike Hawaii law, which generally prohibits the transfer of a rifle or shotgun to anyone younger than eighteen, federal law does not establish a minimum age for a person to possess a rifle or shotgun or applicable ammunition. For a discussion of applicable age restrictions under Hawaii law, see this chapter at notes 68-72 and accompanying text.

²⁵ A person “engaged in the business” of dealing in firearms is defined as “a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes

identity and perform a background check to ensure that the person is not prohibited from possessing a firearm.²⁷

- **Requires owners to register machineguns**

Individual owners must register machineguns²⁸ and certain other firearms²⁹ that were lawfully possessed prior to May 19, 1986.³⁰ Federal law prohibits individuals from transferring, acquiring, or possessing machineguns that were not lawfully possessed and registered prior to May 19, 1986.³¹

- **Prohibits armor-piercing ammunition**

The manufacture, importation, sale, or delivery of armor-piercing ammunition, which is designed to penetrate metal or body armor, is generally prohibited.³² Federal law defines armor-piercing ammunition in pertinent part as any “projectile or projectile core that may be used in a handgun and that is constructed . . . from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium”³³

- **Prohibits firearms in federal buildings and in and around schools**

The possession of a firearm, including a concealed firearm, is generally prohibited on federal property, such as a federal office building, post office, courthouse, prison, or military base, except by a qualified law enforcement officer, federal official, or member of the armed forces, depending on the specific federal property.³⁴

Federal law also prohibits the possession of a loaded or unsecured firearm in a school zone,³⁵ which includes public, private, and parochial elementary and high

occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms[.]” 18 U.S.C. §921(a)(21)(C).

²⁶ *Id.* §923(a).

²⁷ *Id.* §922(t).

²⁸ For these purposes, federal law defines a machinegun as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” 26 U.S.C. §5845(b).

²⁹ Other firearms subject to registration include certain short-barreled shotguns and rifles, and silencers. *Id.* §5845(a).

³⁰ *Id.* §5841(a). Private individuals are prohibited from transferring or possessing machineguns other than those that were lawfully possessed and registered before May 19, 1986. 18 U.S.C. §922(o). Federal law prohibits the Attorney General from prescribing, after May 19, 1986, any rule or regulation that would require the establishment of any federal “system of registration of firearms, firearms owners, or firearms transactions or dispositions. . . .” *Id.* §926(a).

³¹ 18 U.S.C. §922(o).

³² *Id.* §921(a) (2012). Federal law provides limited exceptions for armor-piercing ammunition that is manufactured for certain federal and state government divisions, exportation, or testing. *Id.*

³³ *Id.* §921(a)(17).

³⁴ *Id.* §930.

³⁵ *Id.* §921(q)(2)(A).

schools, and non-private property within one thousand feet of the school,³⁶ except by a law enforcement officer or individual authorized under state or local law.³⁷

- **Authorizes certain law enforcement officers and retirees to carry concealed firearms**

Certain qualified active³⁸ and retired³⁹ law enforcement officers are generally authorized to carry concealed firearms, except on property that is subject to a state or local government law that allows a private property owner or state or local government to restrict or prohibit concealed firearms.⁴⁰

HAWAII FIREARM LAWS AND APPLICABLE CRIMINAL OFFENSES

The State of Hawaii Constitution provides that “[a] well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”⁴¹ The Supreme Court of Hawaii has held, however, that “the right to bear arms may be regulated by the state in a reasonable manner.”⁴² The court therefore upheld the conviction of an individual for failing to obtain a permit prior to acquiring a firearm, as required by state law.⁴³

This section will summarize regulations and restrictions of firearms in Hawaii pursuant to chapter 134 of the Hawaii Revised Statutes and other relevant statutory provisions, particularly from Division 5, entitled “Crimes and Criminal Proceedings.” The following discussion will reference different classes of criminal offenses in footnotes. Penalties for these offenses are established by law, per class, as follows:

<u>Offense Class</u>	<u>Maximum Fine</u>	<u>Maximum Term of Imprisonment</u>
Petty Misdemeanor	\$1,000 ⁴⁴	30 days ⁴⁵
Misdemeanor	\$2,000 ⁴⁶	1 year ⁴⁷
Class C Felony	\$10,000 ⁴⁸	5 years ⁴⁹

³⁶ *Id.* §921(a)(25).

³⁷ *Id.* §921(q)(2)(B).

³⁸ *Id.* §926B.

³⁹ *Id.* §926C.

⁴⁰ *Id.* §§926B, 926C. Although these statutes provide that a qualified law enforcement officer or qualified retired law enforcement officer may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, “[n]otwithstanding any other provision of the law of any State or any political subdivision thereof . . .”, each statute also provides that the statute “shall not be construed to supersede or limit the laws of any State that . . . permit private persons or entities to prohibit or restrict the possession of concealed firearms *on their property*; or . . . prohibit or restrict the possession of firearms *on any State or local government property, installation, building, base, or park.*” (emphasis added).

⁴¹ HAW. CONST. art. I, §17.

⁴² *State v. Mendoza*, 82 Haw. 143, 154, 920 P.2d 357, 368 (1996).

⁴³ *Id.* at 154-155, 920 P.2d 368-369.

⁴⁴ HAW. REV. STAT. §706-640(1)(e).

⁴⁵ *Id.* §706-663.

⁴⁶ *Id.* §706-640(1)(d).

⁴⁷ *Id.* §706-663.

⁴⁸ *Id.* §706-640(1)(c).

⁴⁹ *Id.* §706-660(1)(b).

<u>Offense Class</u>	<u>Maximum Fine</u>	<u>Maximum Term of Imprisonment</u>
Class B Felony	\$25,000 ⁵⁰	10 years ⁵¹
Class A Felony	\$50,000 ⁵²	20 years ⁵³
Murder	\$50,000 ⁵⁴	Life ⁵⁵

Hawaii Law Prohibits Certain Persons from Obtaining or Possessing Firearms

Hawaii law provides that no person prohibited from possessing firearms or ammunition under federal law⁵⁶ shall own, possess, or control any firearm or ammunition.⁵⁷ Hawaii law also prohibits a person from owning or possessing a firearm or ammunition if the person has:

- Been arraigned for, has waived indictment for, has been bound to circuit court for, or has been indicted or convicted by a court of law for having committed any crime of violence or illegal sale of any drug;⁵⁸ or
- Been restrained pursuant to an order of any court from contacting, threatening, or physically abusing any person and the order specifically prohibits the restrained person from possessing a firearm.⁵⁹

Certain law enforcement officers and others are generally exempt from most of the foregoing prohibitions while acting in specified official capacities.⁶⁰

When state law prohibits a person from possessing firearms, the person is required to remove all firearms from the person's possession,⁶¹ which the person may accomplish by:

- Surrendering all firearms and ammunition to the person's local police department;
- Selling the person's firearms and ammunition to a licensed gun dealer; or
- Transferring the person's firearms and ammunition to a person having a valid permit to acquire ownership of firearms,⁶² unless the transferor is prohibited by a restraining order from making the transfer.⁶³

⁵⁰ *Id.* §706-640(1)(b).

⁵¹ *Id.* §706-660(1)(a).

⁵² *Id.* §706-640(1)(a).

⁵³ *Id.* §706-659.

⁵⁴ *Id.* §706-640(1)(a).

⁵⁵ *Id.* §706-656.

⁵⁶ Applicable prohibitions under federal law are discussed in this chapter at notes 10-20 and accompanying text.

⁵⁷ HAW. REV. STAT. §134-7(a). Violation of this prohibition is a class C felony under Hawaii law. *Id.* §134-7(h).

⁵⁸ *Id.* §134-7(b). Violation of this prohibition is a class C felony or a class B felony, depending on whether the offender is already a felon. *Id.* §134-7(h). *See also id.* §806-11(a) and (b).

⁵⁹ *Id.* §134-7(f). Violation of this prohibition is a misdemeanor. *Id.* §134-7(h).

⁶⁰ *Id.* §134-11(a). The statutory text lists the numerous exemptions that apply.

⁶¹ *Id.* §134-7(g). Violation of this prohibition is a misdemeanor. §134-7(h).

⁶² *Id.* §§134-7(g) and 134-7.3.

⁶³ *Id.* §§134-7(f) and 134-7.3(d).

If the prohibited person fails to remove all firearms and ammunition from the person's possession, the local police department may seize the applicant's firearms and ammunition.⁶⁴ A prohibited person will normally have seven days to complete the surrender, sale, or transfer,⁶⁵ but a person is required to surrender firearms and ammunition to police immediately if prohibited from possessing firearms or ammunition due to mental health issues.⁶⁶ Further, when police serve a restraining order that prohibits a person from owning, possessing, controlling, or transferring firearms, police may immediately seize all firearms and ammunition that are in plain sight or that are found during a consensual search.⁶⁷

Hawaii Law Also:

- **Establishes Age Restrictions Regarding Firearms**

Hawaii law is more restrictive than federal law⁶⁸ with respect to age limits for the acquisition and possession of firearms. Generally, a person must be at least twenty-one years old to obtain a permit to acquire a firearm in Hawaii.⁶⁹ Hawaii law also generally prohibits the transfer of any rifle or shotgun to anyone under the age of eighteen,⁷⁰ although an exception applies with respect to minors accompanied by adults for hunting or target shooting.⁷¹ Persons who have firearms on their premises are required to store and keep the firearms in a manner meant to prevent minors under the age of sixteen from accessing those firearms without parental or guardian permission.⁷²

- **Requires a Permit to Acquire Ownership of a Firearm, and the Permitting Process Includes a Background Check and Other Requirements**

Hawaii law generally requires that a person who wishes to acquire⁷³ ownership of a firearm in Hawaii must first obtain a permit.⁷⁴ The individual seeking a permit must submit an application form with extensive personal information to the police department of the county in which the applicant resides.⁷⁵ The applicant is also

⁶⁴ *Id.* §134-7.3(b). *See also id.* §806-11(a), (b), and (c).

⁶⁵ *Id.* §134-7.3(a) and (b).

⁶⁶ *Id.* §134-7.3(c).

⁶⁷ *Id.* §134-7(f).

⁶⁸ Applicable prohibitions under federal law are discussed in this chapter at notes 21-24 and accompanying text.

⁶⁹ HAW. REV. STAT. §134-2(d). The statutory text provides some exceptions for certain aliens aged eighteen or older using shotguns or rifles for a limited period of time, or for certain officials of foreign nations.

⁷⁰ *Id.* §134-4(a). A person who makes such a transfer is guilty of a misdemeanor. *Id.* §134-17(c).

⁷¹ *Id.* §§134-4(a) and 134-5(a).

⁷² *Id.* §134-10.5. If a minor obtains a firearm without parental permission, the person who had the obligation to properly store the firearm is guilty of a misdemeanor. *Id.* §707-714.5.

⁷³ The term "acquire" means to "gain ownership of" under Hawaii firearms law. *Id.* §134-1.

⁷⁴ *Id.* §134-2(a). A person who fails to comply with the permitting process is guilty of a misdemeanor, unless the person intentionally gives false information or offers false evidence concerning his or her mental or criminal history, in which case the person is guilty of a class C felony. *Id.* §134-17(a) and (c). An exemption to the permitting process applies if the firearm is part of the official equipment of a federal agency. *Id.* §134-11(b).

⁷⁵ *Id.* §134-2(b).

required to sign a waiver that authorizes the local chief of police to access records that have a bearing on the applicant's mental health.⁷⁶ Health care providers and public health authorities in the State are then required to disclose mental health information regarding the applicant to the police.⁷⁷ Police departments are also required to perform a background check on the applicant before making any determination to issue or deny a permit.⁷⁸

A police department cannot issue a permit to acquire a handgun if the applicant has not completed at least one of several education or training courses or classes.⁷⁹ Generally, no permit may be issued to an applicant earlier than fourteen days after the date of application.⁸⁰ However, a permit must be issued or denied before the twentieth day after the date of application.⁸¹ After an applicant has acquired a permit, the permittee's ability to use the permit will vary based on the type of permit that was issued. If the permit is to acquire a handgun, the permit becomes void after the tenth day after the date the permit is issued to the applicant.⁸² Further, a separate permit is required for each transaction involving a handgun.⁸³ However, if the permit is to acquire a shotgun or rifle, the permittee may use the permit to acquire multiple rifles or shotguns for a period of one year from the date of issuance, unless the permittee is otherwise subsequently disqualified from owning, possessing or controlling firearms or ammunition.⁸⁴ Either permit may be revoked for cause by police or the courts.⁸⁵

If the permittee acquires a firearm from another person within Hawaii, the person who transferred the firearm is required to submit information about the firearm to the permit-issuing police department within forty-eight hours after transferring the firearm to the permittee.⁸⁶ If the permittee acquires the firearm from a source located outside of Hawaii, the permittee is required to record prescribed information on the permit itself and cause the permit to be delivered or sent by registered mail to the permit-issuing police department within forty-eight hours after taking possession of the firearm.⁸⁷

⁷⁶ *Id.* §134-2(c).

⁷⁷ *Id.* §134-3.5. Hawaii law provides doctors qualified immunity from civil liability when they render opinions on permit applicants' mental health. *Id.* §134-18.

⁷⁸ *Id.* §134-2(e). The background check includes the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System. *Id.*

⁷⁹ *Id.* §134-2(g). The statutory text lists the different types of acceptable courses and classes.

⁸⁰ *Id.* §134-2(e). The statutory text lists several exceptions granted to licensed dealers, law enforcement officers, persons applying for concealed carry permits, and persons arriving from outside the State and registering their firearms.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* §§134-2(e) and 134-7.

⁸⁵ *Id.* §134-13.

⁸⁶ *Id.* §134-2(f).

⁸⁷ *Id.*

If a police department denies an application for a permit, the department is required to send written notice to the applicant of the reasons for the denial.⁸⁸ The department may also require the applicant, within thirty days after the mailing of the notice, to:

- Surrender all of the applicant's firearms and ammunition;
- Sell all of the applicant's firearms and ammunition to a licensed gun dealer; or
- Transfer the applicant's firearms and ammunition to a person having a valid permit to acquire ownership of firearms,⁸⁹ unless the transferor is prohibited by a restraining order from making the transfer.⁹⁰

The department may seize all firearms and ammunition from an applicant who fails to so comply.⁹¹ Further, if the police department denies a permit because state or federal law prohibits the applicant from acquiring one, the department must send written notice of the denial to the local prosecuting attorney, the state attorney general, the United States Attorney for the District of Hawaii, and the state Director of Public Safety.⁹² If the permit has been denied because the applicant is under a restraining order, the police department must send written notice of the denial to the court that issued the order.⁹³

A police department may charge a fee for an individual's first-time application for a permit.⁹⁴ This fee is currently \$42.⁹⁵

The Bureau asked the county police departments if they employed additional county-level ordinances, regulations, or policies with respect to obtaining firearms. Each of the respective departments reported procedures that appeared to be consistent with the Hawaii Revised Statutes.⁹⁶ The Honolulu Police Department (HPD) noted, however, that once it approves an applicant's permit application, the applicant has twenty days to pick up the permit from the department. If the applicant fails to do so, the permit will be void.⁹⁷ HPD staff

⁸⁸ *Id.* §134-7.3(a).

⁸⁹ *Id.* §134-7.3(a) and (d).

⁹⁰ *Id.* §§134-7(f) and 134-7.3(d).

⁹¹ *Id.* §134-7.3(a).

⁹² *Id.* §134-2(j).

⁹³ *Id.* §§134-2(j) and 134-7(f).

⁹⁴ *Id.* §134-2(i).

⁹⁵ Letter from Honolulu Police Department staff dated July 24, 2018, at 1 [hereinafter "HPD 7/24/18 Letter"] (on file with the Bureau); E-mail from Kauai Police Department staff dated July 31, 2018 [hereinafter "KPD 7/31/18 E-mail"] (on file with the Bureau).

⁹⁶ See HPD 7/24/18 Letter, *supra* note 95; KPD 7/31/18 E-mail, *supra* note 95; Letter from Hawaii (County) Police Department staff dated July 30, 2018, at (on file with the Bureau); E-mail from Maui Police Department staff dated August 1, 2018 (on file with the Bureau).

⁹⁷ HPD 7/24/18 Letter, *supra* note 95, at 1. Also, as explained previously in this chapter, a permit to acquire a handgun will become void after the tenth day after the permit is issued to the applicant. See this chapter at note 82 and accompanying text for further discussion.

explained that this was a departmental policy to prevent the department from retaining approved permits indefinitely, particularly because it is possible for an applicant to engage in behavior in the interim that may affect the applicant's eligibility for the permit.⁹⁸

- **Prohibits Certain Types and Modifications of Firearms and Ammunition**

Hawaii law is more restrictive than federal law with respect to certain types of firearms and modifications of firearms. More specifically, Hawaii law prohibits any person from:⁹⁹

- Manufacturing, possessing, selling, bartering, trading, gifting, or acquiring any:
 - Assault pistol;¹⁰⁰
 - Automatic firearm;¹⁰¹
 - Rifle with a barrel length of less than sixteen inches;¹⁰²
 - Shotgun with a barrel length of less than eighteen inches;¹⁰³
 - Bump fire stock;¹⁰⁴

⁹⁸ Telephone interview with Honolulu Police Department staff on September 17, 2018.

⁹⁹ Committing any action on this list is a class C felony. HAW. REV. STAT. §§134-8(d) and 134-28.

¹⁰⁰ *Id.* §§134-4(e) and 134-8(a). Under Hawaii law, the term “assault pistol” means: a semiautomatic pistol that accepts a detachable magazine and has two or more of the following characteristics:

- (1) An ammunition magazine that attaches to the pistol outside of the pistol grip;
- (2) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;
- (3) A shroud that is attached to or partially or completely encircles the barrel and permits the shooter to hold the firearm with the second hand without being burned;
- (4) A manufactured weight of fifty ounces or more when the pistol is unloaded;
- (5) A centerfire pistol with an overall length of twelve inches or more; or
- (6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section, or a curio or relic as those terms are used in 18 United States Code section 921(a)(13) or 27 Code of Federal Regulations section 478.11.

HAW. REV. STAT. §134-1.

¹⁰¹ HAW. REV. STAT. §134-8(a). Under Hawaii law, an “automatic firearm” is: any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot, without a manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be assembled if the parts are in the possession or under the control of a single person.

Id. §134-1.

¹⁰² *Id.* §134-8(a).

¹⁰³ *Id.*

¹⁰⁴ *Id.* §134-8.5. Under Hawaii law, a “bump fire stock” is:

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- Multiburst trigger activator;¹⁰⁵
- Trigger crank;¹⁰⁶
- Cannon;¹⁰⁷
- Muffler, silencer, or device for deadening or muffling the sound of discharged firearms;¹⁰⁸
- Type of ammunition or any projectile component thereof designed to:
 - Penetrate metal or pierce protective armor; or
 - Explode or segment upon impact with its target;¹⁰⁹ or
- Detachable ammunition magazine with a capacity of more than ten rounds and the magazine is inserted into a pistol;¹¹⁰ or
- Altering a firearm with the intent to convert it into an automatic firearm.¹¹¹

We note that the foregoing prohibitions do not apply to firearms that are used solely as movie or television props in accordance with Hawaii law.¹¹²

a butt stock designed to be attached to a semiautomatic firearm and designed, made, or altered to increase the rate of fire achievable with such firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

Id.

¹⁰⁵ *Id.* Under Hawaii law, a “multiburst trigger activator” is:

- (1) A device that simulates automatic gunfire by allowing standard function of a semiautomatic firearm with a static positioned trigger finger or a device that fires multiple shots with the pull and release of the trigger; or
- (2) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it simulates automatic gunfire.

Id.

¹⁰⁶ *Id.* Under Hawaii law, a “trigger crank” is:

any device to be attached to a semiautomatic firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion, but does not include any firearm initially designed and manufactured to fire through the use of a crank or lever.

Id.

¹⁰⁷ *Id.* §134-8(a).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.* §134-8(c). Hawaii law also prohibits any person from manufacturing, possessing, selling, bartering, trading, gifting, or acquiring any pistol-compatible detachable ammunition magazine with a capacity of more than ten rounds if the magazine is not inserted into a pistol. *Id.* A person who commits this offense is guilty of a misdemeanor. *Id.* §134-8(d).

¹¹¹ *Id.* §134-8(b) and (d).

¹¹² *Id.* §134-11(c).

Hawaii law also prohibits any person from:¹¹³

- Altering the identifying make, model, manufacturer's number, or other identifying mark on a firearm or ammunition;¹¹⁴
- Possessing, selling, or delivering a handgun with a frame or receiver that is a die casting of zinc alloy that has a melting temperature of less than 80° F;¹¹⁵ or
- Possessing, offering for sale, holding for sale, selling, giving, lending, or delivering any electric gun.¹¹⁶

- **Requires the Registration of Most Firearms**

While federal law requires the registration only of lawfully-possessed machineguns, Hawaii law imposes a much broader requirement. Generally, a person who acquires ownership of any firearm using a permit issued by a county police department is required to register the firearm¹¹⁷ with the police within five days after acquiring the firearm.¹¹⁸ A police department may not charge a fee for the registration of a firearm obtained with a permit issued by the department to acquire the firearm.¹¹⁹

A person who arrives¹²⁰ in the State and who brings or by any other manner causes to be brought into the State a firearm must register the firearm¹²¹ with the local police department within five days after the person or the firearm arrives in the State, whichever date is later.¹²² The police department fingerprints,

¹¹³ Committing any action on this list is a misdemeanor. *Id.* §134-17(c).

¹¹⁴ *Id.* §134-10.

¹¹⁵ *Id.* §134-15.

¹¹⁶ *Id.* §134-16. Under Hawaii law, an “electric gun” is:

any portable device that is electrically operated to project a missile or electromotive force. It does not include any electric livestock prod used in animal husbandry and any automatic external defibrillator used in emergency medical situations.

Id. §134-1.

¹¹⁷ *Id.* §134-3(b). Registration is not required for firearms that are: (1) designed to fire loose black powder, (2) manufactured before 1899, (3) not designed to fire or incapable of firing, or (4) unserviceable and registered with the federal Bureau of Alcohol, Tobacco, and Firearms. *Id.* §134-3(d). Another exemption applies if the firearm is part of the official equipment of a federal agency. *Id.* §134-11(b).

¹¹⁸ A person who is required to register a firearm but fails to do so is guilty of a petty misdemeanor, and the law requires the confiscation of the firearm. *Id.* §134-17(c).

¹¹⁹ *Id.* §134-3(e).

¹²⁰ Hawaii law does not define what the term “arrives” means in this context. Therefore, while the term would appear to apply to individuals who have previously resided elsewhere and who bring or cause to be brought into the State their firearms that they have acquired elsewhere, the term “arrives” could be construed to be broad enough to include Hawaii residents who visit other states and then bring or cause to be brought to Hawaii firearms acquired in those states.

¹²¹ HAW. REV. STAT. §134-3(a). An exemption applies if the firearm is part of the official equipment of a federal agency. *Id.* §134-11(b).

¹²² *Id.* §134-3(a). Under certain circumstances, Hawaii law allows nonresident aliens to bring firearms into the State for short periods of time. *Id.* If the person who is required to register a firearm but fails to do so, the person is guilty of a petty misdemeanor. *Id.* §134-17(b).

photographs, and conducts a background check of each person attempting to register a firearm through this process,¹²³ and may charge the arriving person a registration fee.¹²⁴ Notably, while Hawaii law requires that a person who is already in Hawaii and who wishes to obtain a permit to acquire ownership of a firearm be at least twenty-one years of age,¹²⁵ Hawaii law does not also explicitly require that a person who “arrives” in the State meet the same age requirement in order to bring a firearm into the State or subsequently register the firearm.¹²⁶

- **Regulates the Storage and Carrying of Firearms and Ammunition**

Generally, firearms and ammunition must be kept at a person’s place of business, residence, or sojourn.¹²⁷ A person may transport unloaded firearms and ammunition to any place of repair, target range, licensed dealer’s shop, a firearms show, hunting grounds, training grounds, or police station, but only in a properly enclosed container.¹²⁸ A person may also carry certain loaded firearms at a target range or at hunting grounds,¹²⁹ or carry a concealed handgun if so licensed, in accordance with state law.¹³⁰ Generally, no person may carry a loaded firearm while on a public highway,¹³¹ and a person who carries ammunition in a manner unauthorized by state law may face criminal charges.¹³²

- **Requires a License for the Concealed or Unconcealed Carrying of a Firearm**

Hawaii law authorizes any local police department under certain circumstances to issue licenses to individuals to carry handguns on the person within the county. More specifically, in an exceptional case, police may issue a license to an individual to carry a concealed handgun if the department determines that the applicant has reason to fear injury to the applicant’s person or property.¹³³ The license applicant must pass a background check,¹³⁴ be qualified and suitable,¹³⁵ and not be otherwise prohibited by law from possessing a firearm.¹³⁶

¹²³ *Id.* §134-3(a). The background check includes the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System.

¹²⁴ *Id.* §134-3(e).

¹²⁵ For a discussion on this matter, see note 69 of this chapter and accompanying text.

¹²⁶ A suggestion to address this apparent inconsistency is discussed in the Conclusion to this report.

¹²⁷ HAW. REV. STAT. §§134-23(a), 134-24(a), 134-25(a), and 134-27(a).

¹²⁸ *Id.*

¹²⁹ *Id.* §134-5.

¹³⁰ *Id.* §§134-9 and 134-25(a). Otherwise, a person who carries a handgun, whether loaded or unloaded, or a loaded firearm of any other type, in a manner not permitted by law, is guilty of a class B felony. *Id.* §§134-23(b) and 134-25(b). A person who carries an unloaded firearm (other than a handgun) in a manner not permitted by law is guilty of a class C felony. *Id.* §134-24(b).

¹³¹ *Id.* §134-26. A person who does so is guilty of a class B felony, and the vehicle in which the firearm was carried shall be forfeited to the State. *Id.*

¹³² A person who does so is guilty of a misdemeanor. *Id.* §134-27(b).

¹³³ *Id.* §134-9(a).

¹³⁴ *Id.* The background check includes the National Instant Criminal Background Check System, as well as the United States Immigration and Customs Enforcement query for noncitizens. *Id.*

¹³⁵ *Id.* §134-9(b).

¹³⁶ *Id.*

Police may also issue a license to an individual to openly carry a handgun, but only if the urgency or need has been sufficiently indicated, the applicant is a citizen of good moral character, and the applicant is engaged in the protection of life and property as employment.¹³⁷ To ensure that applicants for a license to openly carry a handgun are so “engaged,” HPD requires each applicant to submit a notarized affidavit from the applicant’s employer verifying the applicant’s employment, along with two photographs depicting the applicant in work uniform.¹³⁸

Police departments are required to charge a fee of \$10 for each license to carry a concealed or unconcealed handgun.¹³⁹ A license may be revoked for cause by police or by the courts.¹⁴⁰

It should be noted that Hawaii’s requirement that an individual obtain a license prior to openly carrying a handgun has been successfully challenged on federal constitutional grounds but remains in place while additional proceedings are pending.¹⁴¹

¹³⁷ *Id.* §134-9(a).

¹³⁸ HPD 7/24/18 Letter, *supra* note 95, at 2.

¹³⁹ HAW. REV. STAT. §134-9(d).

¹⁴⁰ *Id.* §134-13.

¹⁴¹ In July 2018, a three-judge panel of the United States Court of Appeals for the Ninth Circuit ruled that Hawaii’s law prohibiting all persons other than those employed as security guards from openly carrying firearms violates the Second Amendment to the federal constitution and remanded the case to a lower court for further proceedings. *Young v. Hawaii*, 896 F.3d 1044 (9th Cir. 2018). The State of Hawaii and the County of Hawaii have petitioned the appeals court to reconsider the three-judge panel decision. *See, e.g.,* Timothy Hurley, Hawaii Appeals Decision to Allow Guns in Public, HONOLULU STAR-ADVERTISER (Sept. 14, 2018), <http://www.staradvertiser.com/2018/09/14/breaking-news/hawaii-appeals-decision-to-allow-guns-in-public>.

The case involved an individual who was twice denied by the Hawaii (County) Police Department a license to carry a handgun on his person, either concealed or openly. The majority of a three-judge panel of the appeals court noted the precedent established by the United States Supreme Court, which recognized an individual’s Second Amendment right to keep arms for self-defense in the individual’s home. *Id.* at 1049 (citing *District of Columbia v. Heller*, 554 U.S. 570, 635, 128 S.Ct. 2783, 2783 (2008)). The majority noted the language of the federal Second Amendment, which states in relevant part that “the right of the people to keep and bear Arms, shall not be infringed.” *Id.* at 1050 (quoting U.S. Const. amend. II). The majority also noted that “to ‘bear’ an object means to carry it, and ‘[w]hen used with ‘arms,’ . . . the term has a meaning that refers to carrying for a particular purpose—confrontation.” *Id.* at 1052 (quoting *Heller*, 554 U.S. at 584). The majority observed that the “prospect of confrontation is, of course, not limited to one’s dwelling” and that “the fact that the Second Amendment protects bearing *as well as* keeping arms implies some level of public carry in case of confrontation.” *Id.* at 1052 (emphasis in original). The majority determined that “[o]nce identified as an individual right focused on self-defense in public, the right to bear arms must guarantee *some* right to self-defense in public.” *Id.* at 1068 (emphasis in original).

The *Young* majority noted that Hawaii law “limits the open carry of firearms to people engaged in the protection of life and property, and even those lucky few may carry firearms only in the actual course of their duties.” *Id.* at 1070. Further, the majority noted that based on acknowledgement made by the counsel for the County of Hawaii, no one other than a security guard (or someone similarly employed) had ever been issued an open carry license. *Id.* The majority determined that restricting open carry licenses to those whose employment entails protecting life or property limits open carry licenses to “a small and insulated subset of law-abiding citizens” and that a “typical, law-abiding citizen is therefore entirely foreclosed from exercising the core Second Amendment right to bear arms for defense.” *Id.* at 1071. The majority determined that such a limitation is therefore void. *Id.* The majority considered the possibility that the State and the county could accommodate the public right to bear arms through the

- **Restricts a Person's Possession of Another Person's Firearms**

Hawaii law generally prohibits a person from possessing the firearm of another person without a permit to acquire firearms.¹⁴² An exception applies if the firearm is a lawfully acquired rifle or shotgun, and the owner lends the firearm to an adult.¹⁴³ The time limit for the lending period is fifteen days if the firearm is to be used in the State, and seventy-five days if the firearm is to be used outside of the State.¹⁴⁴ Another exception applies if the person possesses a handgun while actively engaged in game hunting in accordance with applicable law, or transporting the handgun to or from the place of the hunt.¹⁴⁵ A third exception applies if a person who owns a lawful firearm temporarily lends the firearm to any person, including a minor, while at a target range.¹⁴⁶

Theft of a firearm is also an offense under Hawaii law,¹⁴⁷ as is conveying a dangerous instrument to an incarcerated person.¹⁴⁸

- **Includes Many Grounds for Seizure, Denial, or Surrender of Firearms and Ammunition**

Under Hawaii law, when a person is arrested, the arresting officer may take any weapons from the arrested individual's person.¹⁴⁹

Pursuant to Hawaii's forfeiture law, police may seize a firearm used in the commission or attempt to commit a covered offense, or if the firearm was found near contraband or instrumentalities of a covered offense.¹⁵⁰

Police may also seize a firearm and ammunition if an officer reasonably believes that a person has used a firearm or ammunition to threaten a family or household

issuance of *concealed* carry licenses. However, the majority also noted that based on a concession from counsel from the County of Hawaii, the county had never granted a concealed carry license. *Id.* at 1072. Further, based on available statistical reports, it appears that counties in the state have issued only four concealed carry licenses in the past eighteen years. *Id.* at 1071 n.21. In light of this, the *Young* majority believed that Hawaii law did not offer a realistic opportunity for a concealed carry license. *Id.* The *Young* majority remanded the case for further proceedings. *Id.* at 1074. We note that the majority did not address the constitutionality of Hawaii's requirement that a person wishing to carry a *concealed* firearm obtain a license because a previous en banc ruling by the United States Court of Appeals for the Ninth Circuit upheld a similar law. *See id.* at 1050 (citing *Peruta v. County of San Diego*, 824 F.3d 919 (2016) (en banc)).

¹⁴² HAW. REV. STAT. §134-4(b). A person who does so is guilty of a misdemeanor. *Id.* §134-17(c).

¹⁴³ *Id.* §134-4(c). The term "adult" is not defined in this chapter. "Adult" is variously defined elsewhere in the Hawaii Revised Statutes to mean a person eighteen years of age or older (*Id.* §§321-502; 327L-1; 551G-2; 554B-1; 560:5-601; 571-2) or twenty-one years of age or older (*Id.* §553A-1).

¹⁴⁴ *Id.* §134-4(c).

¹⁴⁵ *Id.* §§134-4(b) and 134-5(c).

¹⁴⁶ *Id.* §134-5(b).

¹⁴⁷ Class B felony. *Id.* §708-830.5.

¹⁴⁸ Class B felony. *Id.* §710-1022.

¹⁴⁹ *Id.* §803-8.

¹⁵⁰ *Id.* §§ 712A-5(1)(c) and 712A-6(3). The scope of covered offenses under forfeiture law is quite extensive. *See id.* §712A-4.

member and firearms and ammunition are in plain view or were found during a consensual search.¹⁵¹ If there are no pending charges and the firearms and ammunitions are not needed for evidence, then the firearms and ammunition are to be returned to the person within seven days, unless a return is otherwise prohibited by law or a restraining order.¹⁵² If the officer reasonably believes that the offender used or threatened to use the firearm or ammunition and that actual physical abuse occurred, then the officer is required to seize the firearms and ammunition.¹⁵³

A firearm or ammunition used in violation of Hawaii gun laws, the Hawaii Penal Code, or certain drug offenses, is subject to forfeiture.¹⁵⁴

Certain repeat violators of Hawaii's laws relating to hunting and wildlife may also be required to forfeit their firearms to the State if those firearms were used in the commission of the violation.¹⁵⁵

The courts may prohibit any individual serving a probation sentence from possessing firearms and ammunition.¹⁵⁶

During a state of emergency, if the Governor determines that state law does not adequately provide for the common defense, the Governor may authorize the seizure of firearms and ammunition, except those firearms lawfully held by a person other than a dealer.¹⁵⁷

- **Imposes Penalties for the Use of Firearms in the Commission of Crimes**

Certain crimes are considered more severe offenses, and thus subject to harsher penalties, if they are committed with firearms. This applies to:

- Extortion;¹⁵⁸
- Robbery;¹⁵⁹
- Burglary;¹⁶⁰
- Terroristic Threatening;¹⁶¹

¹⁵¹ *Id.* §134-7.5(a).

¹⁵² *Id.* §134-7.5(d).

¹⁵³ *Id.* §709-906(4)(f).

¹⁵⁴ *Id.* §§134-12.5 and 329-55(a)(8).

¹⁵⁵ *Id.* §183D-5.

¹⁵⁶ *Id.* §706-624(2)(i).

¹⁵⁷ *Id.* §§127A-13(a)(11), 134-7.2, 134-31.

¹⁵⁸ When the threat is made with a firearm, the crime is a class A felony. *Id.* §707-768.

¹⁵⁹ When the crime is committed with a dangerous instrument, it is a class A felony. *Id.* §708-840.

¹⁶⁰ When the offender is armed with a dangerous instrument, the crime is a class B felony. *Id.* §708-810.

¹⁶¹ When committed with a dangerous instrument, including a firearm, the crime is a class C felony. *Id.* §§707-700 and 707-716.

- Impersonation of a Law Enforcement Officer;¹⁶² and
- Trespass.¹⁶³

Other firearm-related crimes include:

- Commercial Promotion of Marijuana in the First Degree - When a person uses a firearm to guard any amount of marijuana;¹⁶⁴
- Reckless Endangering in the First Degree - When a person intentionally fires a firearm that recklessly places another person in danger of death or bodily injury;¹⁶⁵ and
- Riot - When a person engages in disorderly conduct in a group of six or more persons and at least one person of that group is using a firearm.¹⁶⁶

Hawaii law also prohibits any person from intentionally discharging a firearm in a populated or residential area (other than at a target range in compliance with law), or on or in the direction of a street.¹⁶⁷

- **Imposes Enhanced Penalties for Firearms-Related Crimes**

Generally, if a person possesses, controls, or intends to use or threatens to use a firearm while committing a separate felony, the person's actions will be subject to a higher fine and prison sentence.¹⁶⁸

If a person commits one of certain felonies relating to firearms ownership, prohibited weapons, or permitting, and was previously convicted of murder, a class A felony, a class B felony, or certain other felonies, the person is subject to a mandatory minimum term of imprisonment, the length of which is determined by the number of any prior felony convictions.¹⁶⁹

A criminal defendant is subject to career criminal prosecution if the individual was previously convicted or arrested for being a felon in possession of a firearm within the past five years.¹⁷⁰

¹⁶² When the offender is armed with a firearm, the crime is a class C felony. *Id.* §710-1016.6.

¹⁶³ When the offender trespasses upon a fenced-off or enclosed area while possessing a firearm, the crime is a misdemeanor. *Id.* §708-813.

¹⁶⁴ Class A felony. *Id.* §712-1249.4.

¹⁶⁵ Class C felony. *Id.* §707-713.

¹⁶⁶ Class C felony. *Id.* §711-1103.

¹⁶⁷ Misdemeanor. *Id.* §707-714(1)(b).

¹⁶⁸ More specifically, a class A felony. *Id.* §§134-21 and 134-22. The statutory text specifies some exceptions. *Id.* Further, the person will also be subject to a mandatory term of imprisonment, determined by the severity of the underlying felony. *Id.* §706-660.1.

¹⁶⁹ *Id.* §706-606.5.

¹⁷⁰ *Id.* §845-3.

Anyone convicted of a firearm-related felony is ineligible for probation.¹⁷¹

If a person holds a hunter education certificate issued by the Department of Land and Natural Resources, that person's certificate will be rescinded if the person is convicted of a violation relating to firearms.¹⁷²

- **Regulates Firearms Dealers**

Hawaii law requires that a person who wishes to sell or manufacture firearms must apply for and obtain a license, renewable annually, from the local county director of finance. A licensee must comply with all laws relating to firearms, including laws relating to the sale of firearms, the possible seizure of the licensee's firearms during a national emergency or crisis, and the inspection of the licensee's firearm by police.¹⁷³ A person who sells or manufactures firearms without a license, or who holds a license but violates any of the requirements relating to the license, is subject to criminal prosecution.¹⁷⁴ Dealers' licenses may also be suspended or revoked during any national emergency or crisis.¹⁷⁵

- **Excludes from School Students Who Possess Firearms**

Hawaii law provides that if a child, while attending school, is found to be in possession of a firearm, the child shall be excluded from attending school for at least one year.¹⁷⁶

HOW HAWAII COMPARES TO SOME STATES

S.C.R. No. 116 observed in part that “recent shootings have forced the State to evaluate existing statutes to ensure that they are as adequate and appropriate today as they were when originally enacted.” In light of this observation, we examined relevant firearms laws in some states that are more restrictive than both federal law and the laws of most other states.

For example, while Hawaii, most other states, and the District of Columbia have enacted laws to prohibit mentally ill persons from possessing firearms,¹⁷⁷ some states have gone even further. More specifically, the states of California, Illinois, Maryland, Massachusetts, New Jersey, Oregon, and Washington have enacted laws, commonly referred to as “red flag laws,”¹⁷⁸

¹⁷¹ *Id.* §706-620.

¹⁷² *Id.* §183D-28.

¹⁷³ *Id.* §134-31. A time of national emergency or crisis is determined by the governor and the senior United States military commander headquartered in the State. *Id.* §134-34.

¹⁷⁴ More specifically, the offender may be punished with a fine between \$100 and \$1,000 or imprisonment of a term of three months to one year. *Id.* §134-33.

¹⁷⁵ *Id.* §134-31. See note 173 for information on how a national emergency or crisis is determined.

¹⁷⁶ *Id.* §302A-1134(b).

¹⁷⁷ As of January 2018, only the states of Colorado, Indiana, Kentucky, and New Hampshire had no such laws in place. *Possession of Firearms by People with Mental Illness*, NAT'L CONF. ST. LEGISLATURES (Jan. 5, 2018), <http://www.ncsl.org/research/civil-and-criminal-justice/possession-of-a-firearm-by-the-mentally-ill.aspx>.

¹⁷⁸ Leslie Shapiro et al., *How Strictly Are Guns Regulated Where You Live?*, Wash. Post (Feb. 20, 2018),

that authorize courts to temporarily prohibit an individual from possessing firearms if law enforcement, family members, or certain health care workers can demonstrate that the individual poses a significant danger to himself or to others.¹⁷⁹

Further, California, Connecticut, Maryland, Massachusetts, New Jersey, New York, and the District of Columbia have enacted laws to ban or severely restrict the possession or sale of a wide range¹⁸⁰ of assault weapons.¹⁸¹

California, Maryland, and New Jersey have each enacted laws that explicitly prohibit individuals, with few exceptions, from purchasing more than one handgun within a thirty-day period.¹⁸² The City of New York has enacted a law to limit an individual's firearm purchases to one handgun and one rifle or shotgun within a ninety-day period.¹⁸³

California and the District of Columbia prohibit the possession¹⁸⁴ of .50 caliber rifles;¹⁸⁵ and the City and County of San Francisco, California, prohibits the sale or transfer of all .50 caliber firearms, including handguns.¹⁸⁶

We also found that some other states have far less restrictive firearm laws than Hawaii. For example, while Hawaii requires a person to obtain a dealer's license to sell firearms,¹⁸⁷ forty-three other states do not require similar licenses.¹⁸⁸ As another example, Hawaii has imposed a state background check requirement on all individuals attempting to acquire any type of firearm,¹⁸⁹ however, thirty-seven states have not.¹⁹⁰ Further, while Hawaii law explicitly

<https://www.washingtonpost.com/graphics/2017/national/assault-weapons-laws/>.

¹⁷⁹ See CAL. PENAL CODE §§18100–18205 (West); 2018 Ill. Legis. Serv. P.A. 100-607 (H.B. 2354) (West); MD. CODE ANN., PUB SAFETY §§5-601 to 5-610 (West); 2018 Mass. Legis. Serv. Ch. 123 (H.B. 4670) (West); 2018 N.J. Sess. Law Serv. Ch. 35 (West); 2018 Or. Legis. Serv. Ch. 737 (West); WASH. REV. CODE ANN. §§7.94.10 to 7.94.900 (West).

¹⁸⁰ See CAL. PENAL CODE §30605 (West); CONN. GEN. STAT. ANN. §53-202c (West); MD. CODE ANN., CRIM. LAW §4-303 (West); MASS. GEN. LAWS ANN. ch. 140, §131M (West); N.J. STAT. ANN. §2C:39-5 (West); N.Y. PENAL LAW §265.10 (McKinney); D.C. Code Ann. §7-2502.02 (West). As discussed in this chapter, Hawaii has enacted a law that prohibits only assault pistols. See this chapter at note 100 and accompanying text.

¹⁸¹ The term “assault weapon” can cover a wide array of semiautomatic weapons. For example, California law, rather than defining the term, simply lists various types of semiautomatic weapons that are too numerous to include here. CAL. PENAL CODE §§16200, 30510, 30515 (West).

¹⁸² CAL. PENAL CODE §27535 (West); MD. CODE ANN., PUB SAFETY §5-128 (West); N.J. STAT. ANN. §2C:58-3 (West). Maryland and New Jersey provide limited exemptions for certain individuals who submit special applications to respective governmental officials. MD. CODE ANN., PUB SAFETY §5-129 (West); N.J. STAT. ANN. §2C:58-3.4 (West).

¹⁸³ New York City, N.Y., Code §10-302.1.

¹⁸⁴ CAL. PENAL CODE §30610 (West); D.C. Code Ann. §7-2502.02 (West).

¹⁸⁵ These are firearms that can fire .50 caliber cartridges. CAL. PENAL CODE §30530 (West).

¹⁸⁶ San Francisco Police Code, Article 9, §613.10-1.

¹⁸⁷ See this chapter at notes 173-175 and accompanying text for further discussion.

¹⁸⁸ The states are Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Information is current as of 2017. See, e.g., *Resources*, STATE FIREARMS LAWS, <https://statefirearmlaws.org/resources> (last visited Oct. 22, 2018).

¹⁸⁹ See this chapter at notes 73-78 and accompanying text for further discussion.

¹⁹⁰ The states are Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire,

requires a person to obtain a permit in order to openly carry a handgun,¹⁹¹ the laws of thirty-one states do not require such a permit.¹⁹²

New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Information is current as of 2017. *See, e.g., Resources*, STATE FIREARMS LAWS, <https://statefirearmlaws.org/resources> (last visited Oct. 22, 2018).

¹⁹¹ See this chapter at notes 137-138 and accompanying text for further discussion.

¹⁹² The states are Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Information is current as of 2017. *See, e.g., Resources*, STATE FIREARMS LAWS, <https://statefirearmlaws.org/resources> (last visited Oct. 22, 2018).

Chapter 3

STATISTICAL DATA REGARDING FIREARMS AND RELATED CRIME IN HAWAII

S.C.R. No. 116 requested the Bureau to include in this report data relating to firearms registration, violent crimes related to firearms, and accidental deaths caused by firearms.¹

This report includes available data from sources specified in S.C.R. No. 116 and other pertinent entities. However, as will be explained, applicable data are limited or unavailable regarding some aspects of the requested subject matter.

APPLICABLE INFORMATION IS LIMITED

S.C.R. No. 116 requested information from the following agencies:

- The Honolulu Field Office of the United States Federal Bureau of Investigation;
- The Honolulu Satellite Office of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- The Judiciary of the State of Hawaii;
- The Department of the Attorney General, State of Hawaii; and
- The respective police departments of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui.²

As will be explained, the Bureau also submitted a separate inquiry to the Department of Health.

Most of the agencies responded and provided some—though not all—of the data the Bureau requested, to the extent that applicable data were available.³

FIREARMS REGISTRATION DATA

This section will address the request in S.C.R. No. 116 for “[a]ggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms.”⁴

¹ S.C.R. No. 116.

² *Id.*

³ The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) responded but provided no data.

⁴ S.C.R. No. 116.

STATISTICAL DATA REGARDING FIREARMS
AND RELATED CRIME IN HAWAII

As explained in chapter 2, we note that the registration of firearms in Hawaii does not involve the registration of *persons*, but instead involves the registration of each applicable firearm owned by a person at the time of registration.⁵

Also, according to the Criminal Prevention & Justice Assistance Division (CPJAD), Department of the Attorney General, State of Hawaii, and the police departments of the several counties, no reliable data are available regarding the total number of registered firearms that are presently in the State. As CPJAD noted, “there is no way to track the number of firearms that permanently leave the [State].”⁶ Further, CPJAD staff stated that “police departments’ firearm registration records date back to at least the 1920s, and it would be a monumental task of limited practical value to determine which persons and firearms still exist in Hawaii.”⁷

According to a published report from CPJAD, “[i]ndependent estimates made during the late-1990s by the Department of the Attorney General and the City and County of Honolulu Police Department conservatively placed the number of privately owned firearms in Hawaii at ‘at least one million.’”⁸ According to data from CPJAD, there were 449,411 new registrations of firearms in the State from the beginning of 2007 to the end of 2017.⁹ CPJAD staff cautiously estimated that “roughly” 2,000,000 privately-owned firearms are currently in the State.¹⁰

The county police departments echoed the same concerns as CPJAD with respect to data on the current number of registered firearms. The Honolulu Police Department (HPD) stated that it maintains records of firearms registrations dating back to 1932, and that since that time, a total of 728,177 firearms have been registered to 103,592 owners in the City and County of Honolulu.¹¹ HPD clarified that although this is the cumulative number of registrations made since 1932, the number does not take into account firearms that are no longer in the State, nor instances in which the registrant may have died.¹² The Kauai Police Department (KPD) estimated that a cumulative total of 20,034 firearms have been registered in the County of Kauai, but cautioned that the department was unable to provide the total number of individuals that have registered firearms because it was unable to extract that figure.¹³ The Hawaii (County) Police Department (HCPD) did not provide an estimate, stating that “[t]he information requested cannot be extracted as a ‘firearm owner’ may leave the country or pass away without notification and a

⁵ Applicable registration provisions are discussed in chapter 2 at notes 117-124 and accompanying text.

⁶ PAUL PERRONE, CRIME PREVENTION & JUSTICE ASSISTANCE DIVISION, DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, FIREARM REGISTRATIONS IN HAWAII, 2017, at 2 (2018), <https://ag.hawaii.gov/cpja/files/2018/05/Firearm-Registrations-in-Hawaii-2017.pdf>.

⁷ Letter from Criminal Prevention & Justice Assistance Division, Department of the Attorney General staff dated July 24, 2018, at 4 [hereinafter “CPJAD 7/24/18 Letter”] (see Appendix B).

⁸ PERRONE, *supra* note 6, at 2 (quoting uncited material).

⁹ CPJAD 7/24/18 Letter, *supra* note 7.

¹⁰ Telephone interview with Criminal Prevention & Justice Assistance Division, Department of the Attorney General staff on June 21, 2018.

¹¹ Letter from Honolulu Police Department staff dated July 24, 2018, at 4 [hereinafter “HPD 7/24/18 Letter”] (on file with the Bureau).

¹² Telephone interview with Honolulu Police Department staff on September 17, 2018.

¹³ E-mail from Kauai Police Department staff dated July 31, 2018 [hereinafter “KPD 7/31/18 E-mail”] (on file with the Bureau). When asked to specify the time period over which the 20,034 firearms were registered, KPD simply stated that the number was an “estimated total covering past to present.” E-mail from Kauai Police Department staff dated October 5, 2018 [hereinafter “KPD 10/5/18 E-mail”] (on file with the Bureau).

firearm may be registered numerous times as it is purchased and sold.”¹⁴ The Maui Police Department (MPD) stated that it was not able to provide an estimate, noting that its records management system is unable to retrieve aggregate data on gun owners, that registrations prior to the mid-1980s are not catalogued electronically, and that a manual count of owner registrations recorded on paper files is not feasible.¹⁵ MPD noted that a firearms registration is a “snapshot” that reflects who owned the firearm on the date of registration, and that state law does not require firearm owners to give notice or re-register a firearm if the person moves out of the State or to another county.¹⁶ Further, firearm registration information is not updated upon an owner’s death.¹⁷

VIOLENT CRIMES AND FIREARMS

This section will address the request in S.C.R. No. 116 for:

- Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm; and
- With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual’s mental health, conviction for a felony offense, or arrest or conviction for domestic violence.¹⁸

The Bureau sought relevant data on violent crime and firearms for years 2007 to 2017. As S.C.R. No. 116 did not define the term “violent crime,” or specify whether data should be based on numbers of reports, arrests, prosecutions, or convictions for those crimes, the Bureau asked the pertinent agencies to include data they considered applicable to violent crime, based on available data sources. Also, we interpreted S.C.R. No. 116 to request data regarding all deaths caused by an accident involving a firearm, regardless of whether or not a violent crime was involved in the same incident.

¹⁴ Letter from Hawaii (County) Police Department staff dated July 30, 2018, at 3 [hereinafter “HCPD 7/30/18 Letter”] (on file with the Bureau).

¹⁵ E-mail from Maui Police Department staff dated August 1, 2018 [hereinafter “MPD 8/1/18 E-mail”] (on file with the Bureau).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ S.C.R. No. 116.

Violent Crime Statistics from Agencies

Response from the Department of the Attorney General, State of Hawaii

CPJAD, pursuant to Uniform Crime Reports (UCR)¹⁹ standards, defined “violent crimes” for the purpose of this report to include murders, aggravated assaults and robberies.²⁰ The agency noted that although forcible rape is a violent crime under UCR standards, weapons data are not collected for that crime.²¹ Therefore, CPJAD’s data excluded instances of rape.

According to CPJAD’s data, which is summarized for years 2007 to 2017²² in Table 1, the statewide proportion of violent crimes involving firearms has ranged from a ten-year low of 8.2 percent in 2007 to a ten-year high of 12.7 percent in 2017. CPJAD noted that its statistics were compiled: (1) on the basis of offenses reported to police; and (2) pursuant to a hierarchy rule under which only the most serious offense is reported when an incident involves multiple offenses.²³ Accordingly, the statistics do not reflect violent crimes committed during an incident in which a more serious violent crime was also committed.

Responses from County Police Departments

HCPD defined assault, murder, sexual assault, robbery, and abuse of a family or household member as “violent crime” for the purposes of this report.²⁴ HCPD provided statistics on the number of violent crimes reported and the frequency of those violent crimes from 2007 to 2017, as depicted in Table 2. However, HCPD was unable to extract data showing which incidents involved firearms.²⁵

For the purposes of this report, HPD included reports²⁶ of murder, forcible rape, robbery, aggravated assault, terroristic threatening, and abuse of a family or household member from 2007 and 2017.²⁷ However, HPD indicated that it could only identify instances of firearm use in conjunction with reports of murder, robbery, aggravated assault, and terroristic threatening,²⁸ as depicted in Table 3.

¹⁹ The UCR Program is under the control of the Federal Bureau of Investigation. More information about the program appears later in this chapter. See *infra* notes 39-41 and accompanying text.

²⁰ CPJAD 7/24/18 Letter, *supra* note 7, at 3.

²¹ *Id.*

²² CPJAD’s correspondence included statistics from years 1994 to 2017. CPJAD included a wider range of years because its staff believed that the earlier data helped provide “a more complete and meaningful historical context in which to consider the various issues at hand.” *Id.* at 2. Significantly, CPJAD noted that from 1994 to 2017, violent crimes committed with firearms decreased by 31.5 percent, while murders committed with firearms decreased by 85 percent. *Id.* We have excluded these statistics from this report because the expanded time frame exceeds the scope of S.C.R. No. 116. However, the original correspondence from CPJAD is available as Appendix B.

²³ *Id.* at 3.

²⁴ HCPD 7/30/18 Letter, *supra* note 14, at 2.

²⁵ *Id.*

²⁶ Telephone interview with Honolulu Police Department staff, *supra* note 12.

²⁷ HPD 7/24/18 Letter, *supra* note 11, at 3.

²⁸ *Id.*

KPD provided statistics for murder, robbery, terroristic threatening, and numerous other crimes that were far wider in scope²⁹ than the crimes reported by CPJAD and the other police departments.³⁰ KPD noted, however, that its records management system could only compile data beginning from 2013.³¹ For firearm crimes, there was inconsistency in the data from 2013 to part of 2016, and then from 2016 to 2018, because the data were contained in two databases.³² Data from KPD's statistical response are depicted in Table 4.

MPD provided data regarding reported incidents of murder/attempted murder (combined into one category), rape, robbery, and aggravated assault for years 2007 to 2017 and those incidents that involved firearms for years 2009 to 2017.³³ (Data regarding incidents that involved firearms were unavailable for those offenses for years 2007 and 2008, and for all offenses except murder in 2009). Data from MPD's statistical response are depicted in Table 5.

Response from the Judiciary

In response to the Bureau's inquiry, the Judiciary asked us to define "violent crime" and to reference statutes pertaining to applicable crimes.³⁴ We noted the manner in which CPJAD and HPD had defined "violent crime" for purposes of this report, and we cited statutes that were the closest to CPJAD and HPD classifications, as follows:

- Sexual Assault, sections 707-730; 707-731; 707-732; and 707-733, HRS
- Robbery, sections 708-840 and 708-841, HRS
- Assault, sections 707-710; 707-711; 707-712.5; and 707-712.7, HRS
- Terroristic Threatening, sections 707-716 and 707-717, HRS
- Abuse of Family or Household Member, section 709-906, HRS

The Judiciary then provided statewide statistical data on the number of court cases filed for those crimes from 2007 to 2017.³⁵ Judiciary staff noted that due to changes in the databases in which its cases are stored, older statistics were "reported with less confidence" than more recent statistics.³⁶ The Judiciary also noted that due to the limitations of its database, the information did not specify whether the cited cases involved firearms.³⁷ Data from the Judiciary statistical response appears in Table 6.

²⁹ The full scope of these crimes appears in Table 4.

³⁰ KPD 7/31/18 E-mail, *supra* note 13; E-mail from Kauai Police Department staff dated October 23, 2018 (on file with the Bureau).

³¹ KPD 7/31/18 E-mail, *supra* note 13.

³² KPD 10/5/18 E-mail, *supra* note 13.

³³ E-mail from Maui Police Department staff dated July 11, 2018 [hereinafter "MPD 7/11/18 E-mail"] (on file with the Bureau); Telephone interview with Maui Police Department staff on October 1, 2018.

³⁴ Telephone interview with Judiciary staff on July 26, 2018.

³⁵ E-mail correspondence from Judiciary staff dated July 31, 2018 (on file with the Bureau).

³⁶ *Id.*

³⁷ Telephone interview with Judiciary staff, *supra* note 34.

Response from the Federal Bureau of Investigation

The Honolulu Field Office, Federal Bureau of Investigation (FBI) informed us that it did not have statistics relevant to our report, and suggested that we seek data from the Criminal Justice Information Services (CJIS) section of the FBI.³⁸ CJIS stated that under the UCR program, violent crime is composed of four offenses: murder and nonnegligent manslaughter (grouped together), rape, robbery, and aggravated assault.³⁹ Relevant data from annual reports, entitled “Crime in the United States,” from the UCR Publications website,⁴⁰ is depicted in Table 7. Due to the limitations of the data, we were unable to obtain reliable firearm statistics for violent crimes for years before 2016, and firearm data for rape offenses were not available at all.⁴¹

Deaths from Firearms, Including Accidents and Suicides

Staff from the Crime Prevention & Justice Assistance Division of the Department of the Attorney General informed us that the agency did not have statistics on accidental firearm deaths, and suggested that we submit an inquiry regarding that subject to the Department of Health.⁴² We therefore submitted a request for information to the Department of Health’s Emergency Medical Services & Injury Prevention System Branch (EMSIPSB), which responded with information for years 2007 to 2017, based on the Department of Health’s death certificate database.⁴³ Relevant data are depicted in Table 8. According to these statistics, very few firearm-related deaths in any given year were accidental. Three accidental firearm-related deaths occurred in each of the years of 2015 and 2016, and no such deaths occurred in 2017.⁴⁴ EMSIPSB also noted that the number of intentional firearm-related deaths in any of these given years fluctuated from year to year, with a low of thirty-five in 2007 to a high of sixty in 2016, with a decrease to a ten-year near-low of thirty-six in 2017.⁴⁵

KPD⁴⁶ and MPD⁴⁷ provided some data on accidental firearm deaths and suicidal firearm deaths, as depicted in Tables 9 and 10, respectively. KPD’s data included firearms-related deaths from both suicides and accidents from 2007 to 2018,⁴⁸ but not firearms-related deaths from crimes other than suicide. MPD’s data on the number of deaths attributed to violent crimes

³⁸ Telephone interview with Honolulu Field Office, Federal of Investigation staff on June 29, 2018.

³⁹ E-mail from Uniform Crime Reporting staff dated July 19, 2018 (on file with the Bureau).

⁴⁰ *UCR Publications*, FEDERAL BUREAU OF INVESTIGATION, <https://www.fbi.gov/services/cjis/ucr/publications> (last visited August 30, 2018).

⁴¹ *See id.*

⁴² Telephone interview with Criminal Prevention & Justice Assistance Division, Department of the Attorney General staff, *supra* note 10.

⁴³ E-mail from Emergency Medical Services & Injury Prevention System Branch staff on August 26, 2016 (on file with the Bureau).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ KPD 7/31/18 E-mail, *supra* note 13; KPD 10/5/18 E-mail, *supra* note 13.

⁴⁷ MPD 7/11/18 E-mail, *supra* note 33.

⁴⁸ Data for year 2018 ran up to July 27, 2018. Telephone interview with Kauai Police Department staff on September 28, 2018.

only included years 2009 to 2017, and its data on the number of individuals who committed suicide with firearms only included years 2010 to 2017.⁴⁹ The other county police departments were unable to provide applicable data.⁵⁰

How Often Persons Who Were Prohibited from Owning or Possessing Firearms Subsequently Committed Firearm Crimes

Response from the Department of the Attorney General, State of Hawaii

There is a lack of data regarding the numbers of alleged perpetrators of violent crimes who had previously applied for but were denied authorization to own or possess a firearm in Hawaii. CPJAD's correspondence noted that its only available relevant data were statistics of firearms permit denials, as reported in "Firearm Registrations in Hawaii," which CPJAD publishes annually.⁵¹ These annual reports record reasons for permit denials but do not include statistics regarding any firearm crimes subsequently committed by unsuccessful permit applicants.⁵²

Responses from the Police Departments and the Judiciary

HCPD was unable to provide information regarding firearm permit denials based on the commission of violent crimes.⁵³ HPD noted that once a permit application is denied, HPD does not continue to monitor or track the denied applicant's future criminal history or health status.⁵⁴ KPD, however, reported that out of one hundred thirty-two individuals in Kauai County who were denied permits, six were subsequently convicted of violent crimes.⁵⁵ Two of those subsequent violent crimes involved firearms.⁵⁶ More details on these instances appear in Table 11. MPD, which has maintained its firearms denial notifications electronically since 2015, reported that from January 1, 2015, to July 1, 2018, nine individuals who were denied firearm permits were subsequently arrested for violent crimes.⁵⁷ MPD's research determined that only one of these individuals was subsequently arrested for a crime involving a firearm.⁵⁸ More details on these instances appear in Table 12.

The Judiciary did not have statistics available on this subject, due to the limitations of its database.⁵⁹

⁴⁹ MPD 7/11/18 E-mail, *supra* note 33; Telephone interview with Maui Police Department staff, *supra* note 33.

⁵⁰ HPD 7/24/18 Letter, *supra* note 11, at 3; HCPD 7/30/18 Letter, *supra* note 14, at 2.

⁵¹ CPJAD 7/24/18 Letter, *supra* note 7, at 2-3.

⁵² See, e.g., PERRONE, *supra* note 6, at 7-8.

⁵³ HCPD 7/30/18 Letter, *supra* note 14, at 2.

⁵⁴ HPD 7/24/18 Letter, *supra* note 11, at 4.

⁵⁵ KPD 7/31/18 E-mail, *supra* note 13.

⁵⁶ E-mail correspondence from Kauai Police Department staff on October 10, 2018 (on file with the Bureau).

⁵⁷ MPD 8/1/18 E-mail, *supra* note 15.

⁵⁸ *Id.*

⁵⁹ Telephone interview with Judiciary staff, *supra* note 34.

Chapter 4

IN CONCLUSION: ONE RECOMMENDATION, AND RELATED ISSUES AND INFORMATION

S.C.R. No. 116 requested the Legislative Reference Bureau to compile and submit a report to the Legislature regarding gun laws and data related to firearms and crime in Hawaii.

This closing chapter includes one recommendation with respect to an apparent inconsistency in Hawaii law, as well as a brief discussion regarding data collection and other information that the Legislature may wish to consider.

RECOMMENDATION REGARDING AGE LIMIT CONSISTENCY IN HAWAII FIREARM LAWS

As noted in chapter 2, a person who arrives in the State and who brings or by any other manner causes to be brought into the State a firearm must register the firearm with the applicable county police department.¹ As also noted, Hawaii law *does not explicitly require* that the arriving person be of a certain age in order to bring the firearm into the State or subsequently register the firearm, even though Hawaii law requires that a person who is already in Hawaii and who wishes to *acquire ownership of* a firearm be at least twenty-one years old.² Therefore, for clarity, the Legislature may wish to consider amending state law to impose the same age requirement on all of the foregoing individuals. Appendix C contains a proposed bill draft to accomplish this.

OTHER ISSUES AND INFORMATION TO CONSIDER

Due to the limitations of available data, it was not possible to provide information regarding all subject areas described in S.C.R. No. 116, especially with respect to determining whether individuals who had unsuccessfully applied for firearm permits subsequently committed crimes involving firearms.³ Most agencies faced serious challenges collecting relevant data because applicable records were not readily available due to limitations of electronic databases or the extensive work that would be required to manually extract data from their paper records.⁴ It appears these agencies will need additional resources if the Legislature determines that additional data are desirable.

¹ For further discussion, see chapter 2, notes 120-124 and accompanying text.

² For further discussion, see chapter 2, note 125 and accompanying text.

³ For further discussion, see chapter 3, notes 51-59 and accompanying text.

⁴ See *infra* chapter 3.

*STRAIGHT SHOOTING: AN OBJECTIVE REVIEW OF
HAWAII FIREARM LAWS AND RELATED STATISTICS*

As discussed in chapter 2, some states have enacted firearm laws that appear to be more restrictive than Hawaii's laws, especially with regard to mental health concerns and types of prohibited firearms.⁵ As also noted in chapter 2, a number of states are far less restrictive than Hawaii regarding firearm purchases, possession, and use.⁶ The Legislature may wish to consider the laws of other states in determining whether Hawaii firearm laws should be more, or less, restrictive.

We also note that in responding to the Bureau's request for information, the Criminal Prevention & Justice Assistance Division (CPJAD), Department of the Attorney General, provided extensive statistics on firearm-related crime in Hawaii since 1994 as well as additional statistics comparing the rate of crimes committed with firearms with (1) the number of firearms registered per year and (2) the number of permit applications processed per year, in an attempt to present a broader picture of violent crime in Hawaii.⁷ Due to the more narrow scope of this report, we did not provide details on the entirety of CPJAD's response. However, the Legislature may wish to review the extensive response from CPJAD, which is available as Appendix B. Legislators seeking more comprehensive information and analysis pertaining to firearm laws may wish to consult with CPJAD in the future.

⁵ For further discussion, see chapter 2, notes 177-186 and accompanying text.

⁶ For further discussion, see chapter 2, notes 187-192 and accompanying text.

⁷ Letter from Criminal Prevention & Justice Assistance Division, Department of the Attorney General staff dated July 24, 2018, at 2 (see Appendix B).

APPENDIX A

THE SENATE
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

S.C.R. NO. 116
S.D. 1

SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO SUBMIT A REPORT
TO THE LEGISLATURE ON ALL CURRENT STATE GUN CONTROL LAWS,
HOW THEY COMPARE WITH CURRENT FEDERAL REGULATIONS, DATA ON
FIREARM DISCHARGES, AND DATA ON GUN CRIME IN HAWAII.

1 WHEREAS, the country has seen numerous high profile
2 shootings over many decades; and
3

4 WHEREAS, the State of Hawaii has some of the most
5 comprehensive gun control laws, as well as geography that
6 affords the State the unique opportunity to effectively enforce
7 gun control laws within state boundaries; and
8

9 WHEREAS, recent shootings have forced the State to evaluate
10 existing statutes to ensure that they are as adequate and
11 appropriate today as they were when originally enacted; now,
12 therefore,
13

14 BE IT RESOLVED by the Senate of the Twenty-ninth
15 Legislature of the State of Hawaii, Regular Session of 2018, the
16 House of Representatives concurring, that the Legislative
17 Reference Bureau is requested to compile and submit a report to
18 the Legislature regarding existing gun laws and firearm data for
19 Hawaii; and
20

21 BE IT FURTHER RESOLVED that, as part of its report, the
22 Legislative Reference Bureau is requested to include the
23 following:
24

25 (1) All statutes involving restrictions on:

26 (A) The ownership and use of certain types of
27 firearms;
28
29



(B) Modifications to firearms; and

(C) Accessories or ammunition for firearms,

including statutes that address the caliber or rate of fire of a firearm or prohibited attachments or accessories for a firearm;

(2) Statutory penalties for the illegal use or possession of a firearm;

(3) The various processes that citizens of the State must complete with respect to obtaining different types of firearms, including pistols and rifles, and obtaining a license to carry a concealed weapon;

(4) Circumstances in which an individual may be dispossessed of a firearm or lose the right to possess a firearm, including circumstances involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;

(5) Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm;

(6) With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;



(7) Aggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms; and

(8) A comparison of state statutes, rules, and regulations to existing federal statutes, rules, and regulations where parallel comparisons are available; and

BE IT FURTHER RESOLVED that the following entities are each requested to submit to the Bureau, no later than August 1, 2018, any firearms-related information relevant to the substance of the report in order to assist the Bureau in its timely completion of the report:

(1) The Honolulu Field Office of the United States Federal Bureau of Investigation;

(2) The Honolulu Satellite Office of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) The Judiciary of the State of Hawaii;

(4) The Department of the Attorney General; and

(5) The respective police departments of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2019; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Special Agent-in-Charge of the Honolulu Field Office of the United States Federal Bureau of Investigation; the Resident Agent-in-Charge of the Honolulu Satellite Office of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives; Governor; the Chief Justice of the Supreme Court of Hawaii; the Attorney General; the mayors of the respective counties; the police chiefs of the



- 1 respective counties; and the Director of the Legislative
- 2 Reference Bureau.



APPENDIX B

DAVID Y. IGE
GOVERNOR



RUSSELL A. SUZUKI
ATTORNEY GENERAL

DANA O. VIOLA
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
CRIME PREVENTION & JUSTICE ASSISTANCE DIVISION
235 SOUTH BERETANIA STREET, SUITE 401
HONOLULU, HAWAII 96813
(808) 586-1150
ag.hawaii.gov/cpja

July 24, 2018

Paul Kanoho, Research Attorney
Legislative Reference Bureau
State Capitol, Room 446
415 S. Beretania Street
Honolulu, HI 96813

Dear Mr. Kanoho:

Per your written request and our subsequent conversation, this letter and the accompanying electronic files referenced herein provide data and other information relating to firearms and violent crimes, pursuant to Hawaii Senate Concurrent Resolution No. 116, S.D. 1 (2018). As noted earlier, the Department of the Attorney General has some, but not all, of the requested information. We are also providing additional information that may be helpful.

You requested information pertaining to paragraphs (5), (6), and (7) on pages 2 and 3 of the concurrent resolution, and we appreciate the clarifications that you added for our consideration. The specified paragraphs from the concurrent resolution and your clarifications appear below, with our responses added.

- (5) **Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm;**

LRB Adds: *We have interpreted page 2, paragraph (5) to request, for each year from 2007 to the most recent year for which applicable data are available, the numbers of instances of violent crime in the State of Hawaii; of those numbers, the numbers of instances that involved a firearm and the numbers of deaths attributed to a firearm; and the numbers of deaths attributed to the accidental discharge of a firearm or other accident involving a firearm. If possible, please provide this data for the State as a whole and separately for each county.*

AG Response: The MS Excel workbook (and accompanying PDF print file) that we prepared for you includes a table of contents, a data spreadsheet, and 64 charts providing annual and aggregate tallies, proportions, and rates of reported violent crimes, including those involving firearms, in the State of Hawaii and in each county (and in some cases the United States as a whole) for the Calendar Years

1994-2017 period. We previously prepared a smaller, though similar, data set that covered the 1994-2013 period and was used for special analyses published in our *Firearm Registrations in Hawaii, 2013* annual statistical report, and we updated this file through 2017 and added several new data elements for the current project. We believe that the inclusion of data from earlier years provides a more complete and meaningful historical context in which to consider the various issues at hand. For overarching statistics, we note that, between 1994 and 2017, the State of Hawaii's rate of violent crimes committed with firearms decreased 31.5 percent, and the rate of murders committed with firearms fell 85.0 percent. Over the course of the same time period, Hawaii's rate of murders committed with firearms was on average 76.5 percent below the comparable rate for the United States as a whole, while Hawaii's proportion of murders committed with firearms relative to other weapon types was 45.8 percent below the U.S. figure. Please note that we do not have data on deaths attributed to the accidental discharge of a firearm; you may wish to check with the Department of Health's Injury and Violence Prevention Program.

- (6) **With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;**

LRB Adds: We have interpreted page 2, paragraph (6) to request the numbers of alleged perpetrators of violent crimes who had applied for but were denied authorization to own or possess a firearm in Hawaii prior to the commission of a violent crime, differentiated by the reasons each person was prohibited from owning or possessing a firearm in Hawaii, as specified in the concurrent resolution, to the extent that information is available. If possible, please provide this data for the State as a whole and separately for each county. For clarity, please also inform us how your department defines "violent crime" for purposes of the requested information; the types of violent crimes that are included in the data you provide; whether the numbers of incidents of violent crimes reflect the numbers of reports, arrests, prosecutions, or convictions for those crimes, and whether the numbers reflect numbers of persons or numbers of events; and whether the numbers exclude arrests made for nonviolent crimes allegedly committed in connection with a report of violent crime.

AG Response: The only data we possess that are responsive to paragraph (6) include tallies of firearm permit application denials, and broadly and narrowly categorized reasons for those denials, for the 2000 through 2017 period, for the State of Hawaii as a whole. These data are published in our *Firearm Registrations in Hawaii* reports; a copy of the report for 2017 (see pages 1-3 and 7-8) is included as part of our response, and all prior editions are available from our web

site at <<http://ag.hawaii.gov/cpja/rs>>. The denial data that we receive from the police are not identifiable to individual persons. In addition, these data are recategorized and edited manually within the *MS Word* versions of our annual reports, and are reported only at the statewide level, thus it would be impracticable to provide county-level breakdowns. Uniform Crime Reporting Program (UCR) violent crimes data that include weapons breakdowns, and which are included in the *MS Excel* workbook and were utilized for our response to paragraph (5) of the concurrent resolution, are compiled on the basis of offenses reported to the police, and a hierarchy rule is used whereby only the most serious offense is reported in incidents that involve multiple offenses. For our purposes herein, and per federal UCR definitions and rules, “violent crimes” include murders, aggravated assaults, and robberies (weapons data are not collected for the remaining UCR violent crime type, forcible rape). These offenses as defined as follows:

Murder: The willful (nonnegligent) killing of one human being by another.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury; attempted murder. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Attacks by personal weapons, such as hands, fists, feet, etc., which result in serious or aggravated injury.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim(s) in fear. While robbery has the attributes of a property crime, it is grouped with violent crimes due to the additional attribute of force or the threat of force.

(7) Aggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms;

LRB Adds: *With respect to page 3, paragraph (7), please specify the number of registered firearm owners in the State and in each county and the number of legally permitted firearms in the State and in each county.*

AG Response: As noted on page 2 of *Firearm Registration in Hawaii, 2017*, “Independent estimates made during the late-1990s by the Department of the Attorney General and the City and County of Honolulu Police Department conservatively placed the number of privately owned firearms in Hawaii at ‘at least one million.’ Adding to that rough tally during the 2000 through 2017

period, a total of 561,257 firearms were registered (including some more than once, by different owners) and 276,977 were imported, but there is no way to track the number of firearms that permanently leave the state.” The police departments’ firearm registration records date back to at least the 1920s, and it would be a monumental task of limited practical value to determine which persons and firearms still exist in Hawaii. We are providing within the *MS Excel* workbook a variety of State- and county-level data and charts relating to trends in firearm registration and permitting activity throughout the period in which these data have been tracked by our Department. Also included is a series of charts that directly compare, for the State and for each county, firearm registration and permit trends against trends in violent crimes committed with firearms. Finally, we offer these overarching statistics, as excerpted from page 4 of *Firearm Registrations in Hawaii, 2017*: “From 2000 through 2017, the number of statewide permit applications annually processed increased by 153.4%, the number of firearms annually registered leaped 198.4%, and the number of firearms annually imported rose 192.5%.” Please see pages 5-6 of that report for statistics pertaining to each county.

We hope that this response is informative and useful. Please let me know if you have any questions or require additional information or assistance. I can be reached by telephone at 586-1420 or via e-mail to paul.a.perrone@hawaii.gov.

Aloha,

A handwritten signature in black ink, appearing to read 'P. Perrone' with a stylized flourish.

Paul Perrone
Chief of Research & Statistics

Electronic Files:

- (1) Firearm-Related Violent Crimes and Registration Activity, State of Hawaii and Counties, 1994-2017.xls
- (2) Firearm-Related Violent Crimes and Registration Activity, State of Hawaii and Counties, 1994-2017.pdf
- (3) Firearm Registrations in Hawaii 2017.pdf

Firearm-Related Violent Crimes and Registration Activity, State of Hawaii and Counties, 1994-2017

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DATA:

[Spreadsheet containing all data utilized for the charts, plus additional data](#)

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[Violent Crimes Committed with Firearms and Other Weapons, City & County of Honolulu, 1994-2017](#)
[Violent Crimes Committed with Firearms and Other Weapons, County of Hawaii, 1994-2017](#)
[Violent Crimes Committed with Firearms and Other Weapons, County of Maui, 1994-2017](#)
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Rate of Firearms Registered, State of Hawaii and Counties, 2000-2017

COMPARISON OF VIOLENT CRIMES vs. REGISTRATIONS & PERMITS:

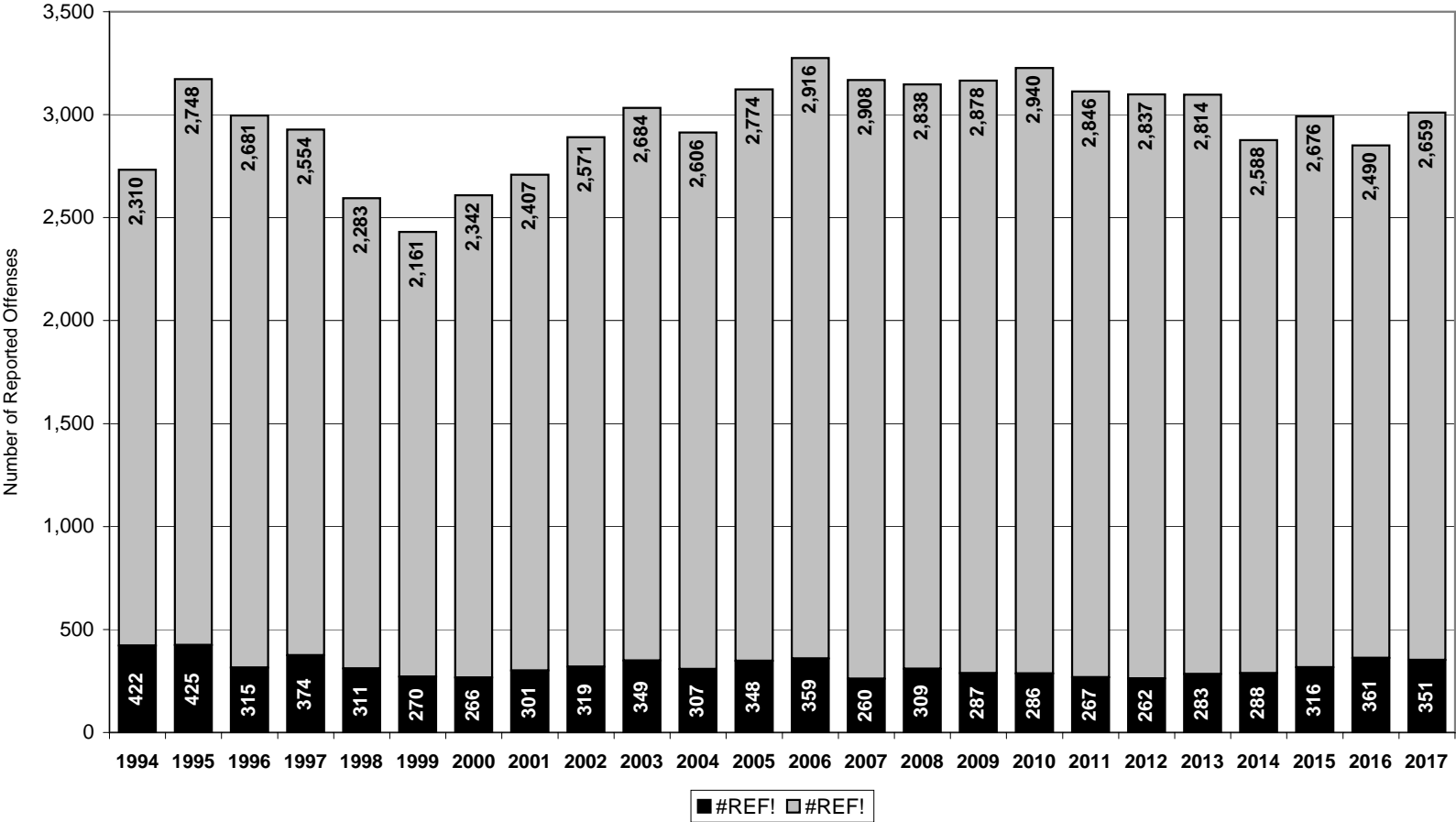
Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, State of Hawaii, 1994-2017
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Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, County of Hawaii, 1994-2017
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Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, County of Kauai, 1994-2017

						429	416	547	343	429	433	681	547	605	731	652	982	1,252	1,680	1,802	1,507	1,812	1,352	16,200
55,686	56,055	56,463	56,254	56,208	56,539	58,463	59,223	59,946	60,558	61,000	62,535	63,004	62,828	63,689	63,164	67,976	67,807	68,563	68,952	70,361	71,203	71,822	72,253	1,510,552
1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
23,326	21,606	19,645	18,208	16,974	15,522	15,586	16,037	16,229	16,528	16,148	16,740	17,309	17,128	16,465	15,399	14,722	14,661	14,856	14,319	14,164	15,883	17,250		384,705
15,463	13,790	10,744	10,729	9,257	8,480	8,661	8,719	9,528	9,659	9,385	10,158	10,177	10,129	9,528	9,199	8,674	8,583	8,897	8,454	8,312	9,778	11,004		227,508
66.3%	63.8%	54.7%	58.9%	54.5%	54.6%	55.6%	54.4%	58.7%	58.4%	58.1%	60.7%	58.8%	59.1%	57.9%	59.7%	60.3%	58.5%	59.9%	59.0%	58.7%	61.6%	63.8%	#DIV/0!	59.1%
5.9	5.2	4.1	4.0	3.4	3.1	3.1	3.1	3.3	3.3	3.2	3.4	3.4	3.4	3.1	3.0	2.9	2.8	2.8	2.7	2.6	3.0	3.4	#DIV/0!	3.4
#####	262,803,276	265,228,572	267,783,607	270,248,003	272,690,813	281,421,906	285,317,559	287,973,924	290,788,976	293,656,842	296,507,061	299,398,484	301,621,157	304,059,724	307,006,550	309,330,219	311,587,816	313,873,685	316,497,531	318,907,401	320,896,618	323,127,513		6,761,054,258

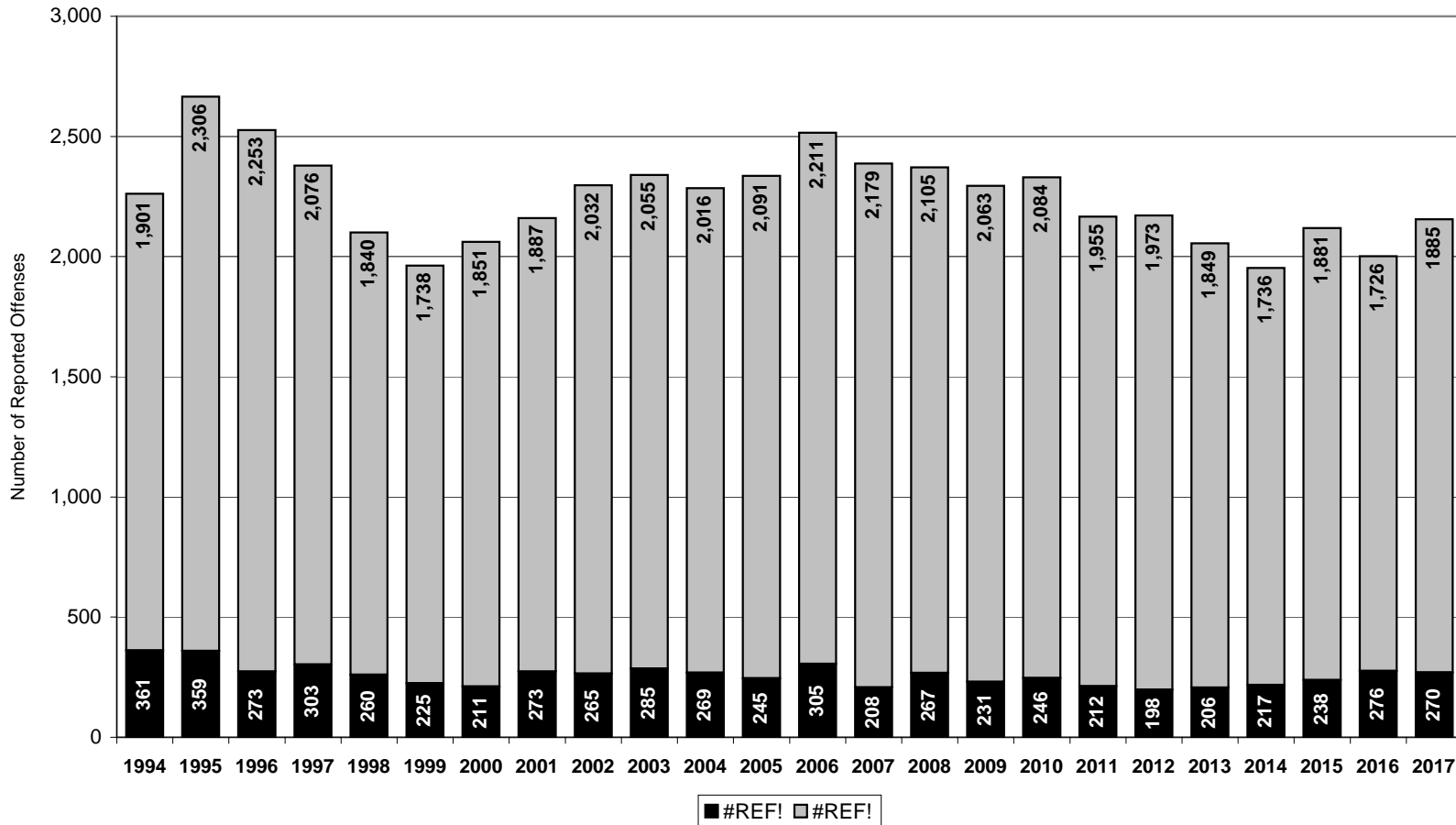
Violent Crimes Committed with Firearms and Other Weapons, State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



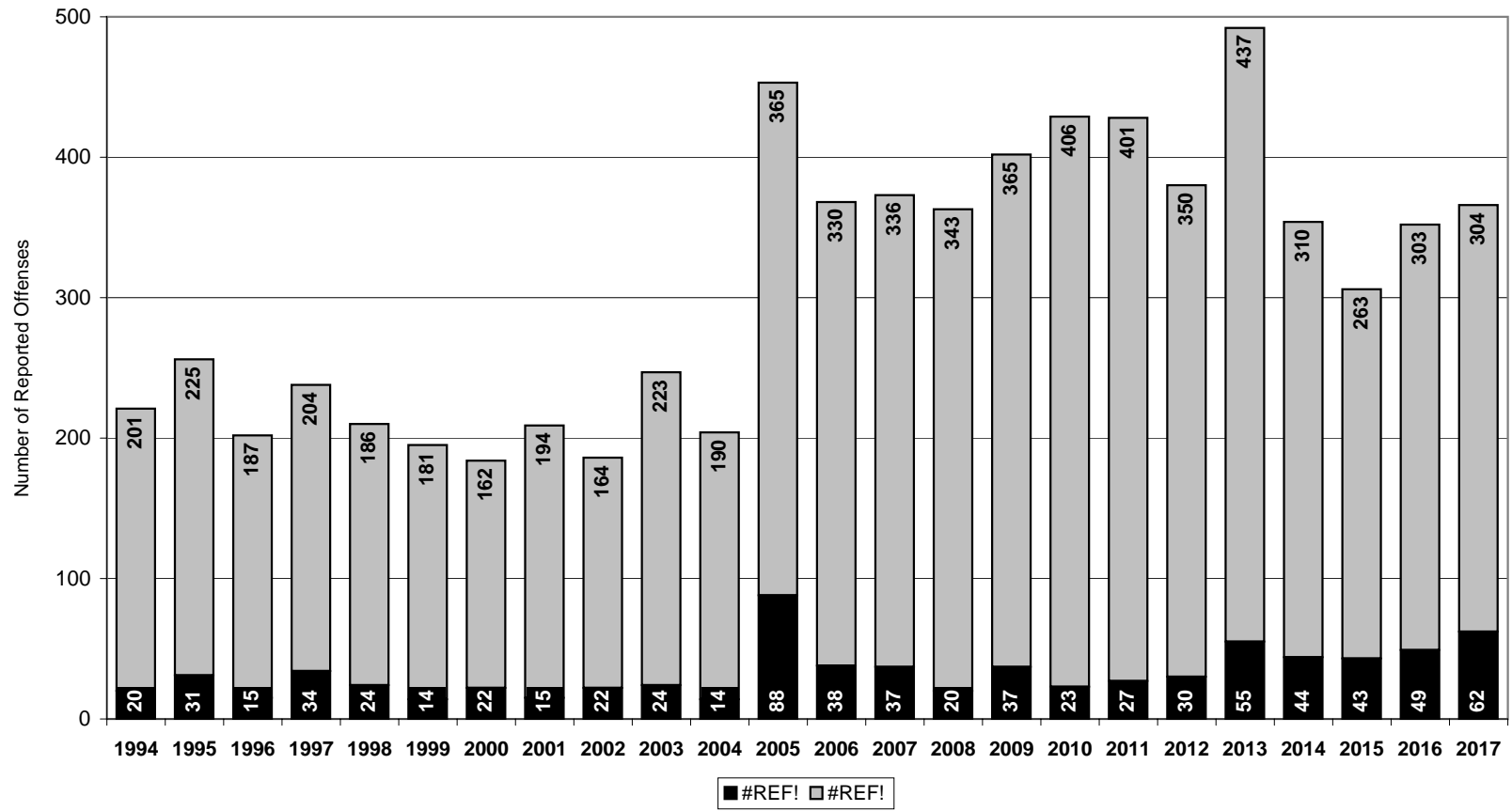
Violent Crimes Committed with Firearms and Other Weapons, City & County of Honolulu, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



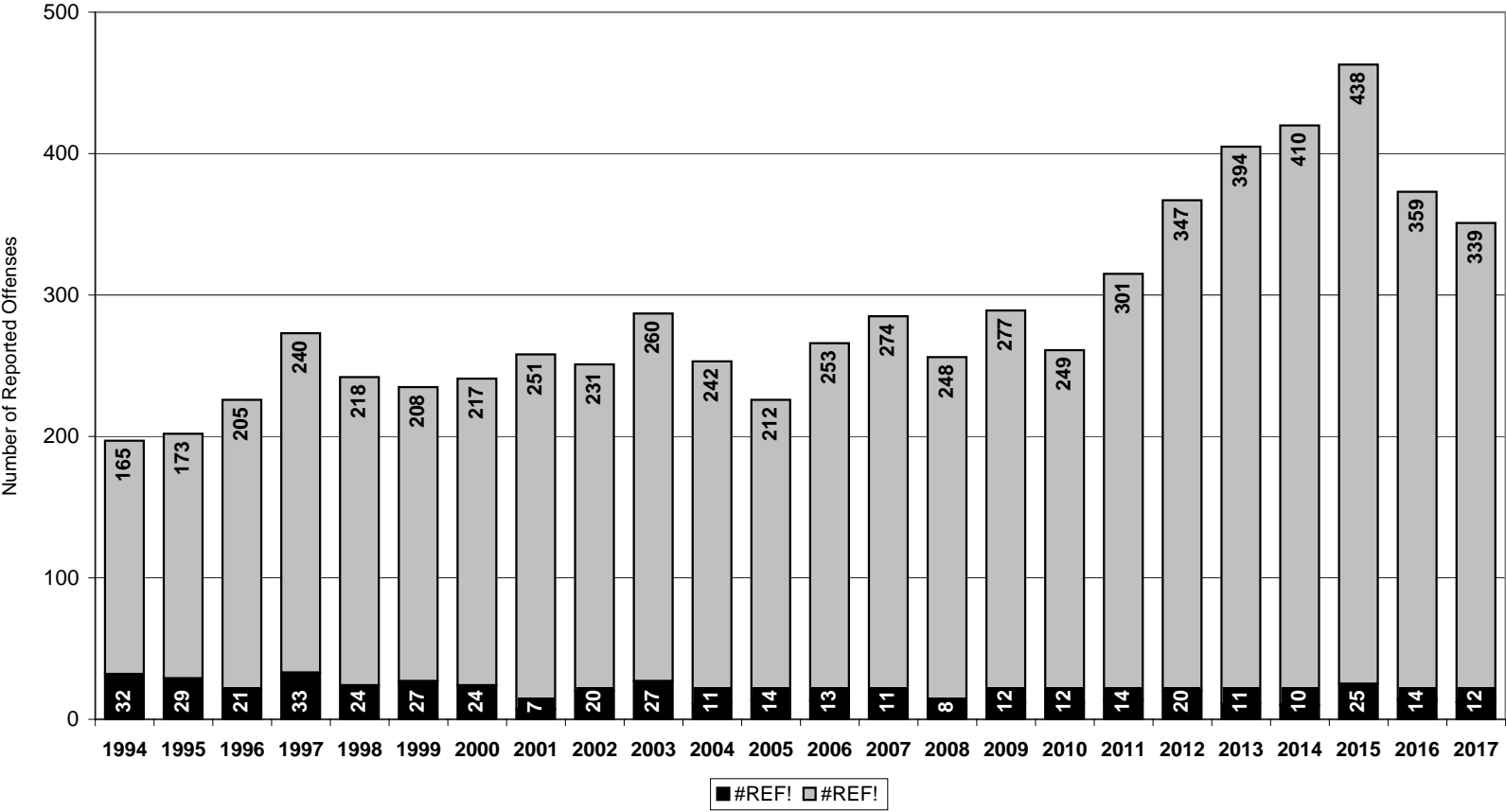
Violent Crimes Committed with Firearms and Other Weapons, County of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



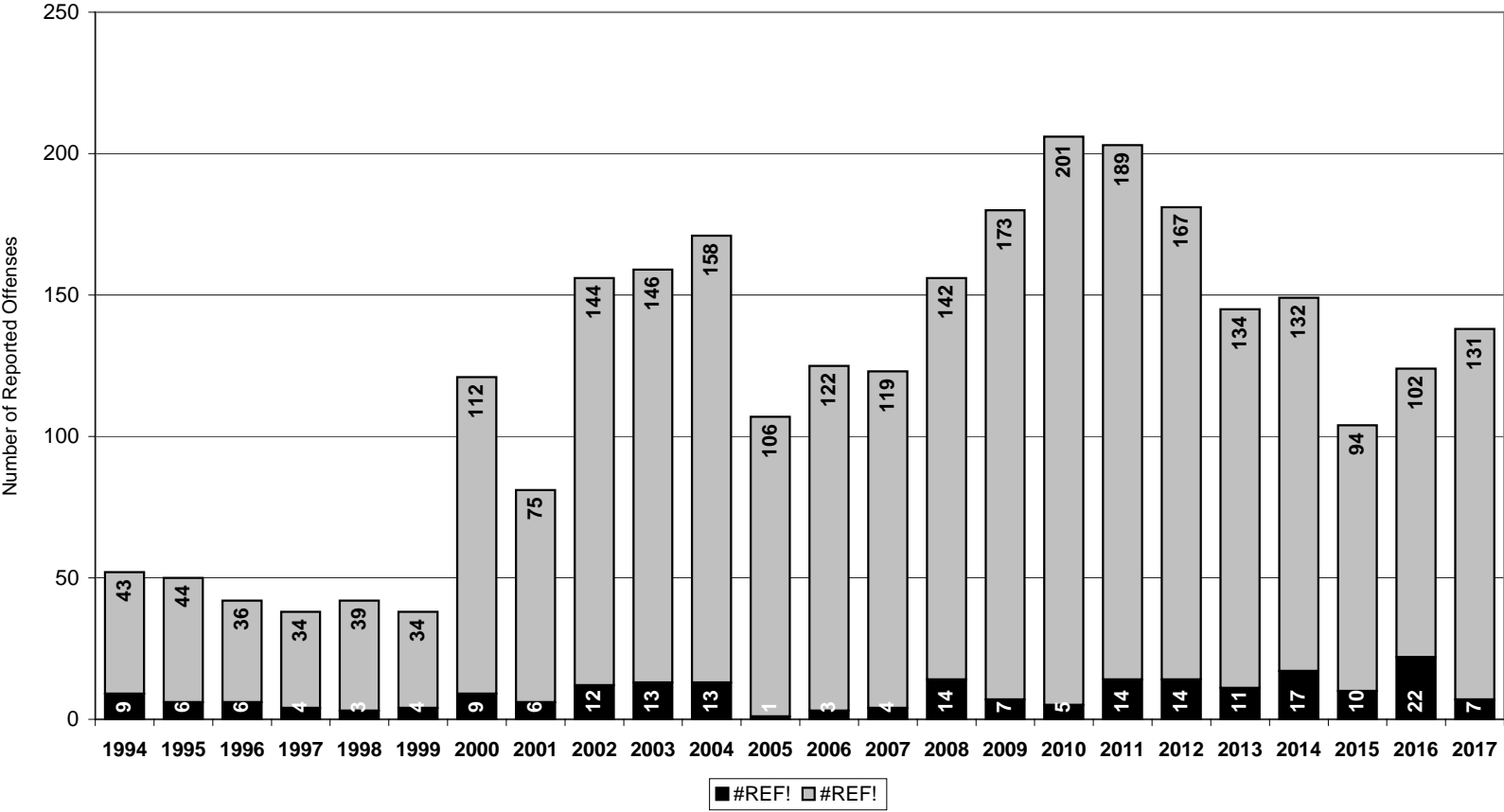
Violent Crimes Committed with Firearms and Other Weapons, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



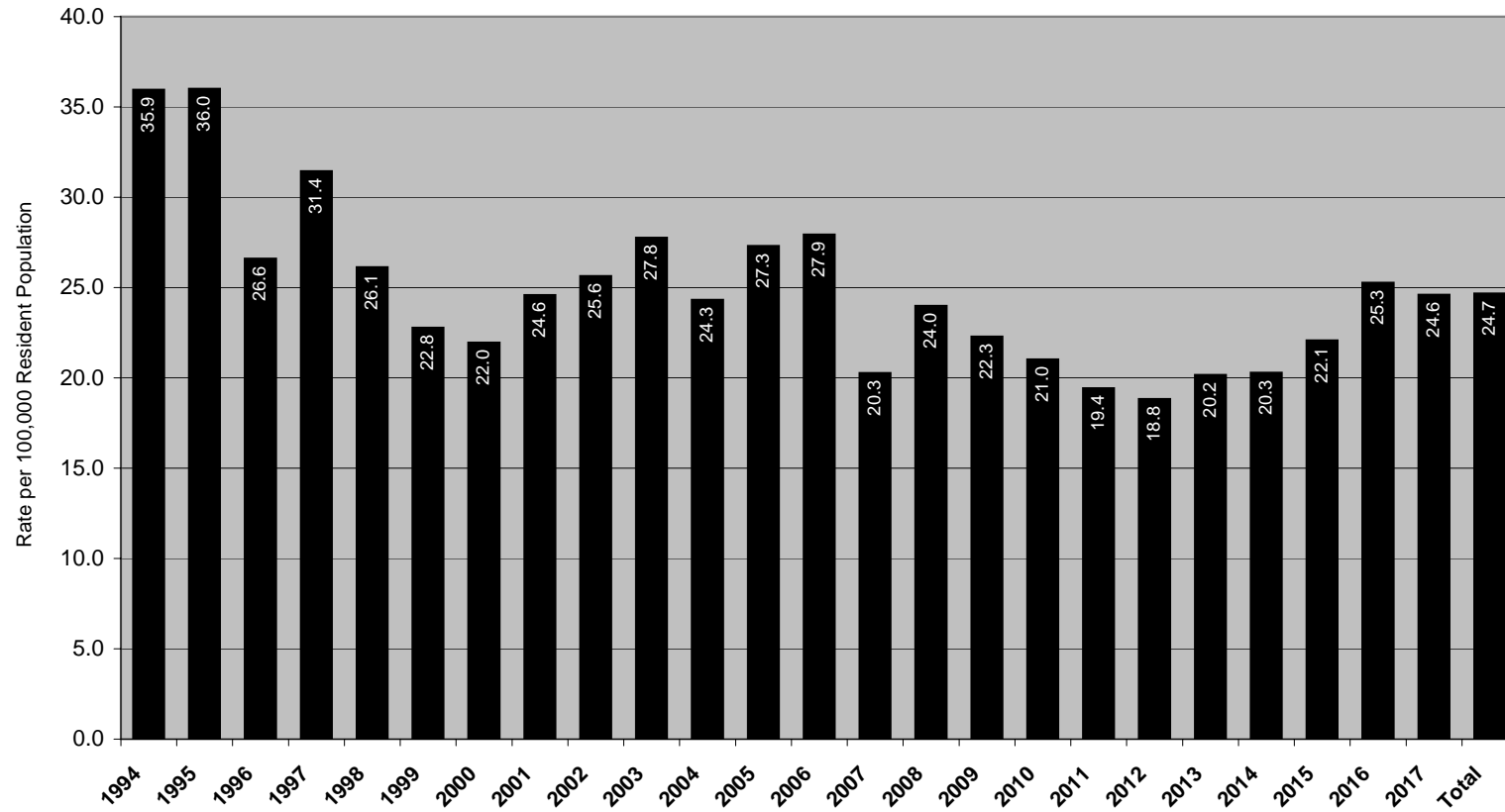
Violent Crimes Committed with Firearms and Other Weapons, County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



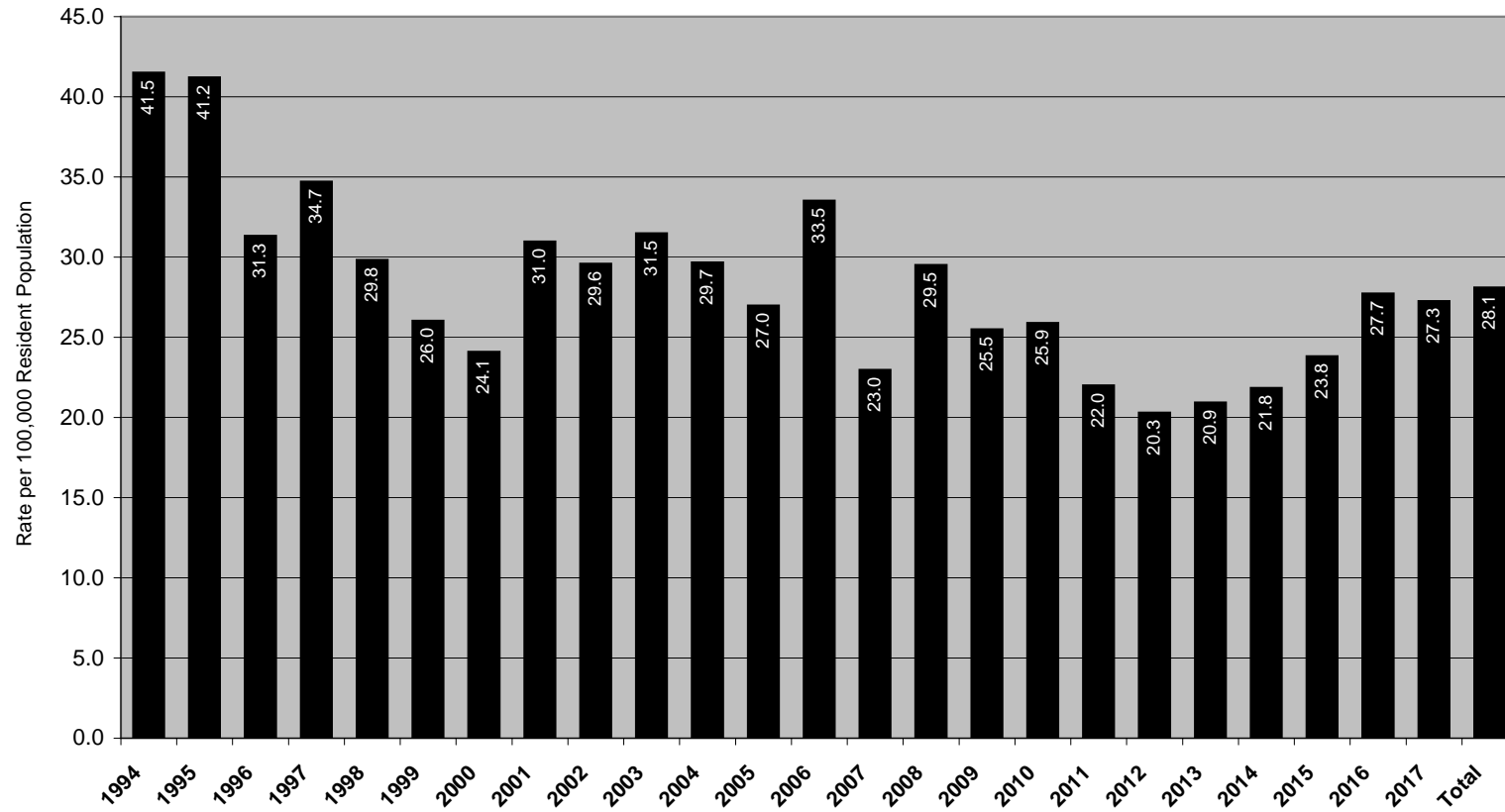
Rate of Violent Crimes Committed with Firearms, State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



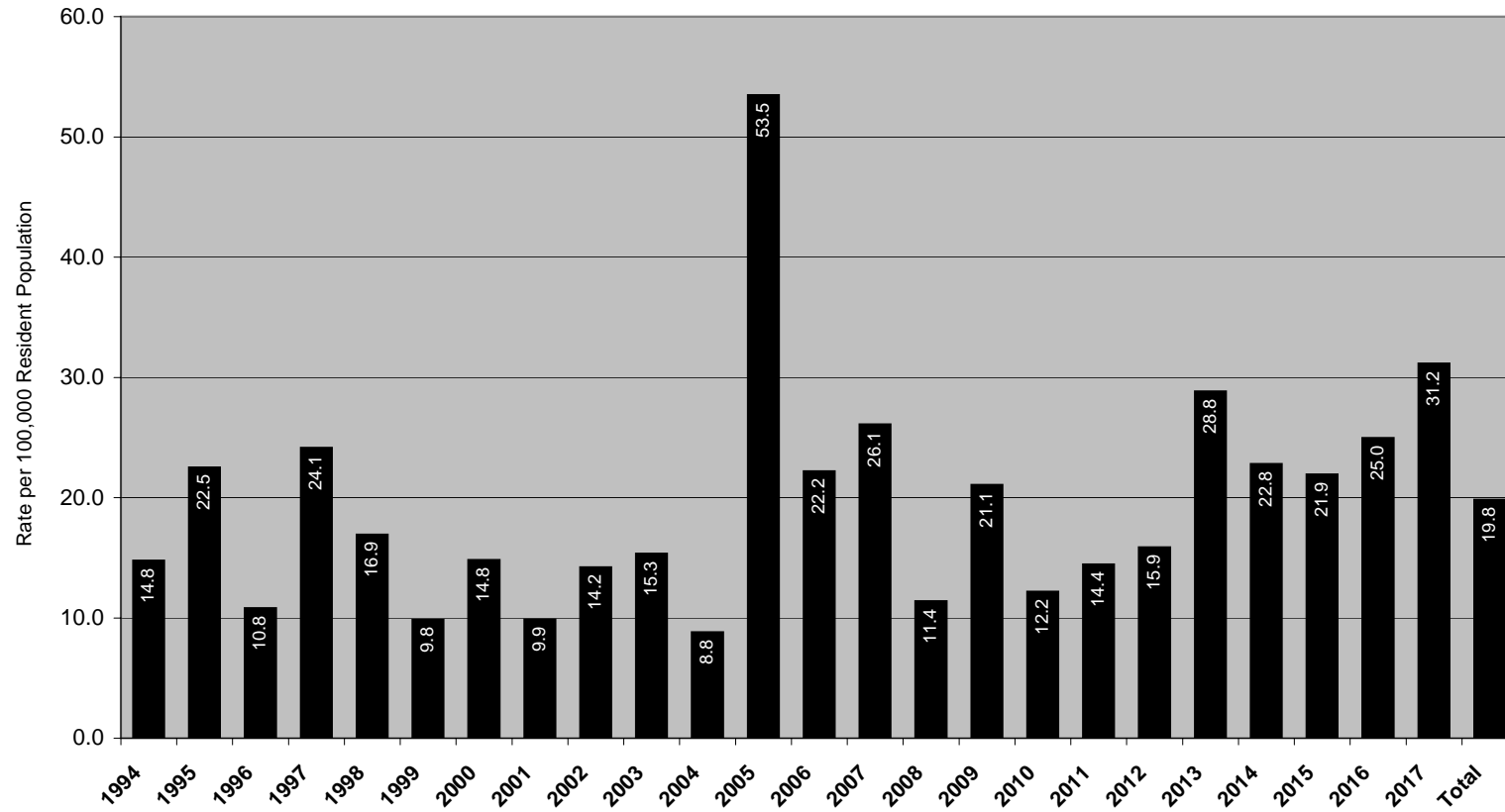
**Rate of Violent Crimes Committed with Firearms,
City & County of Honolulu, 1994-2017**

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



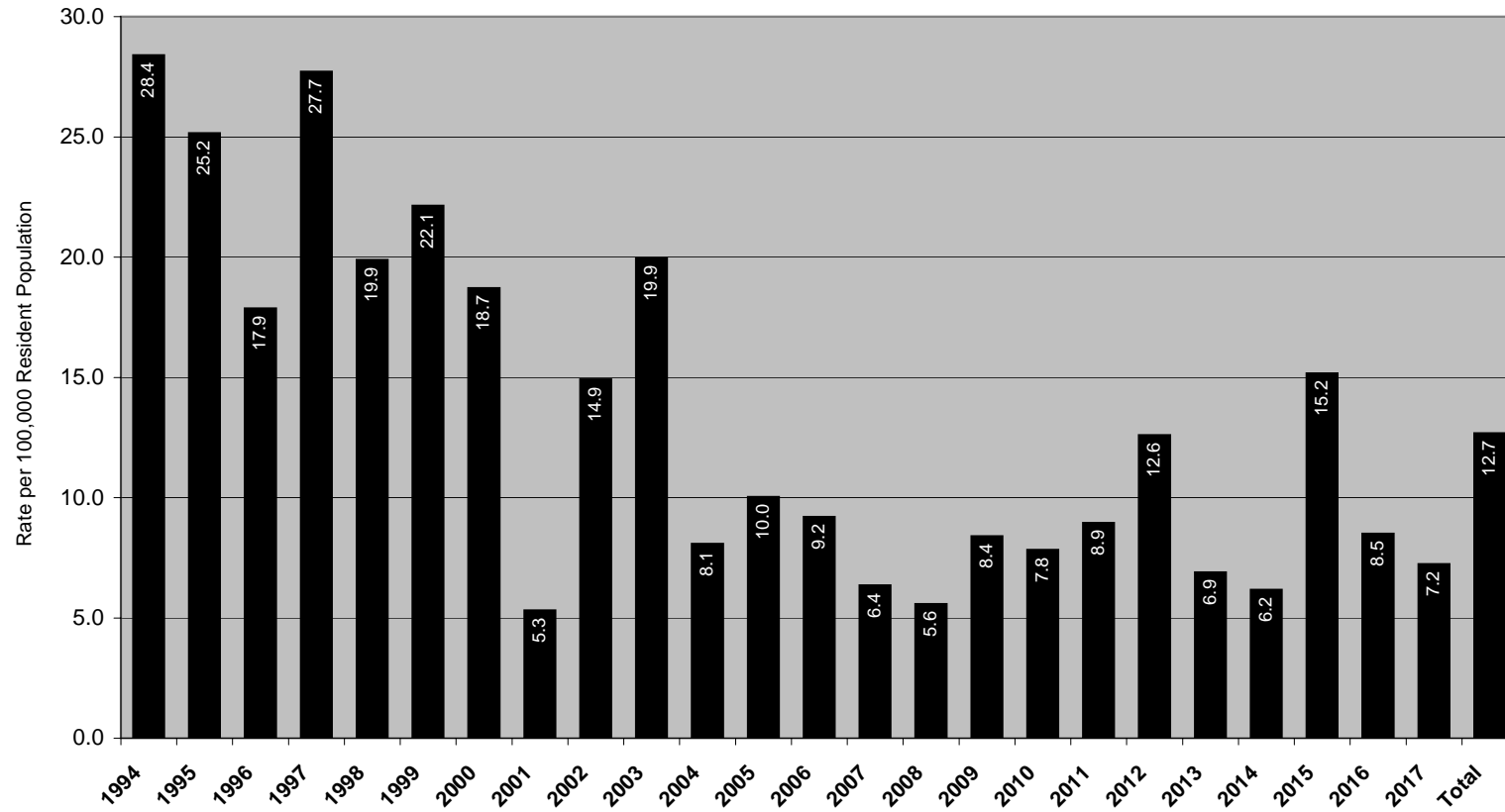
Rate of Violent Crimes Committed with Firearms, County of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



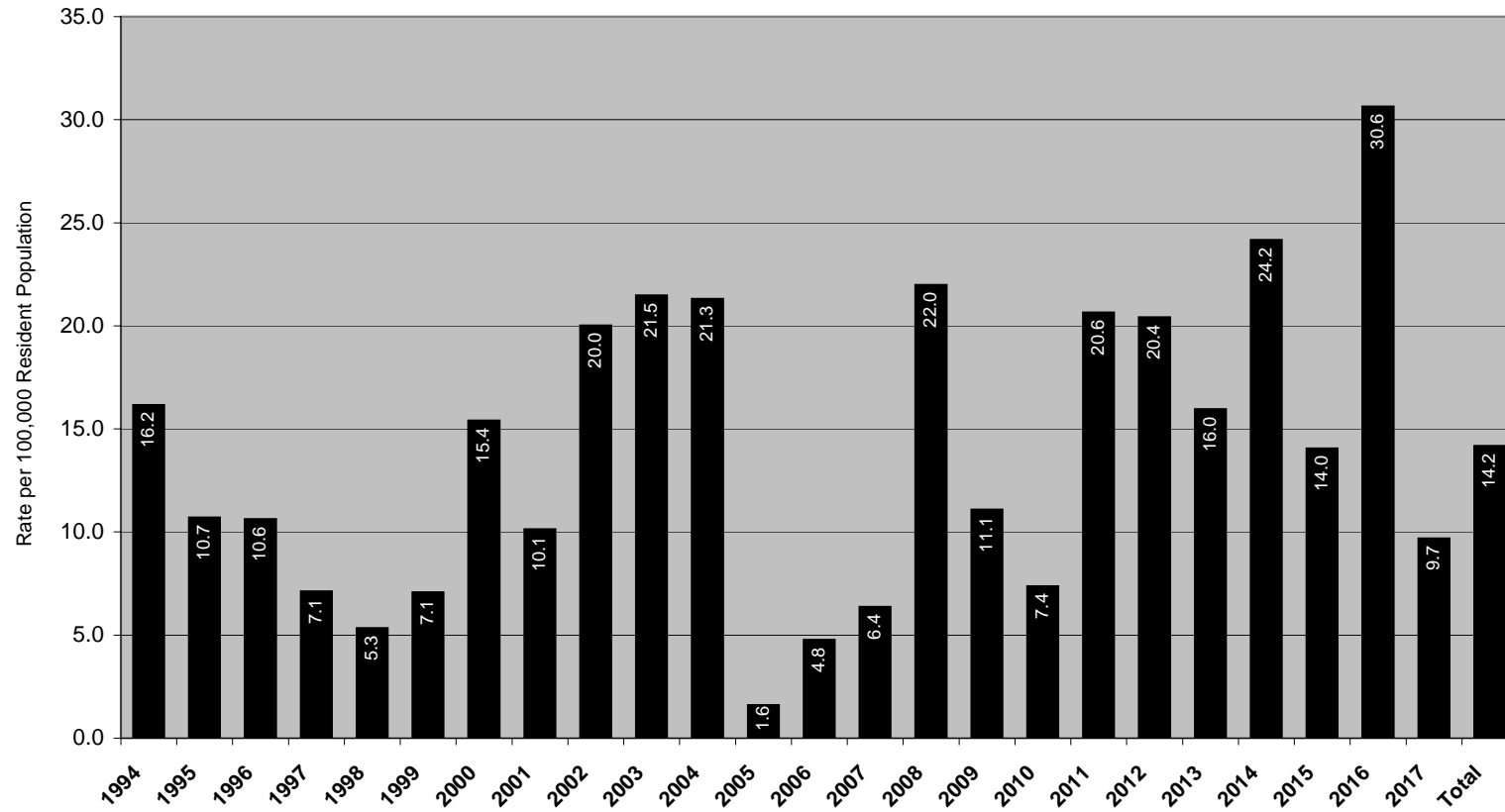
Rate of Violent Crimes Committed with Firearms, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



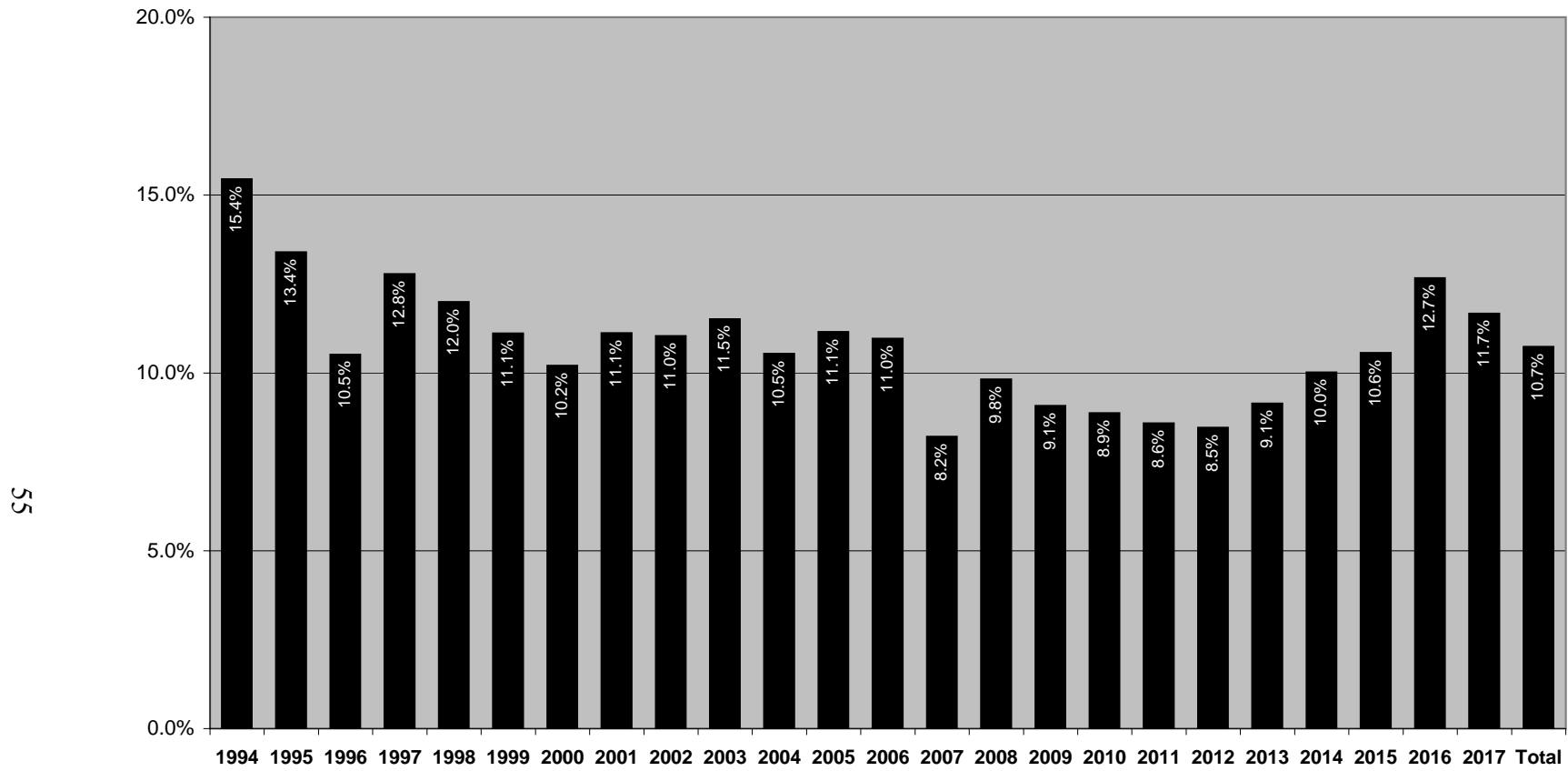
Rate of Violent Crimes Committed with Firearms, County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



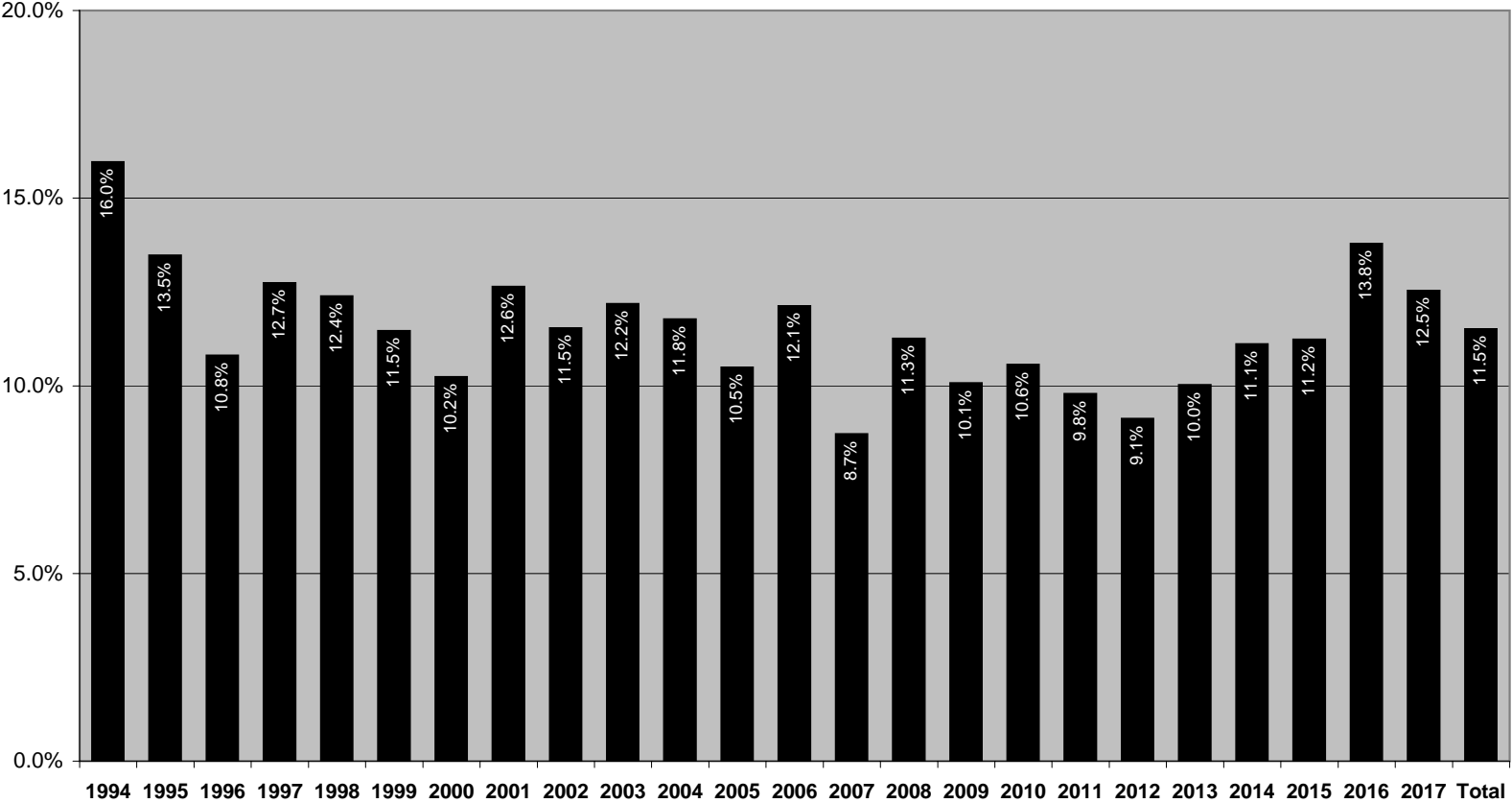
Proportion of Total Violent Crimes Committed with Firearms, State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Proportion of Total Violent Crimes Committed with Firearms, City & County of Honolulu, 1994-2017

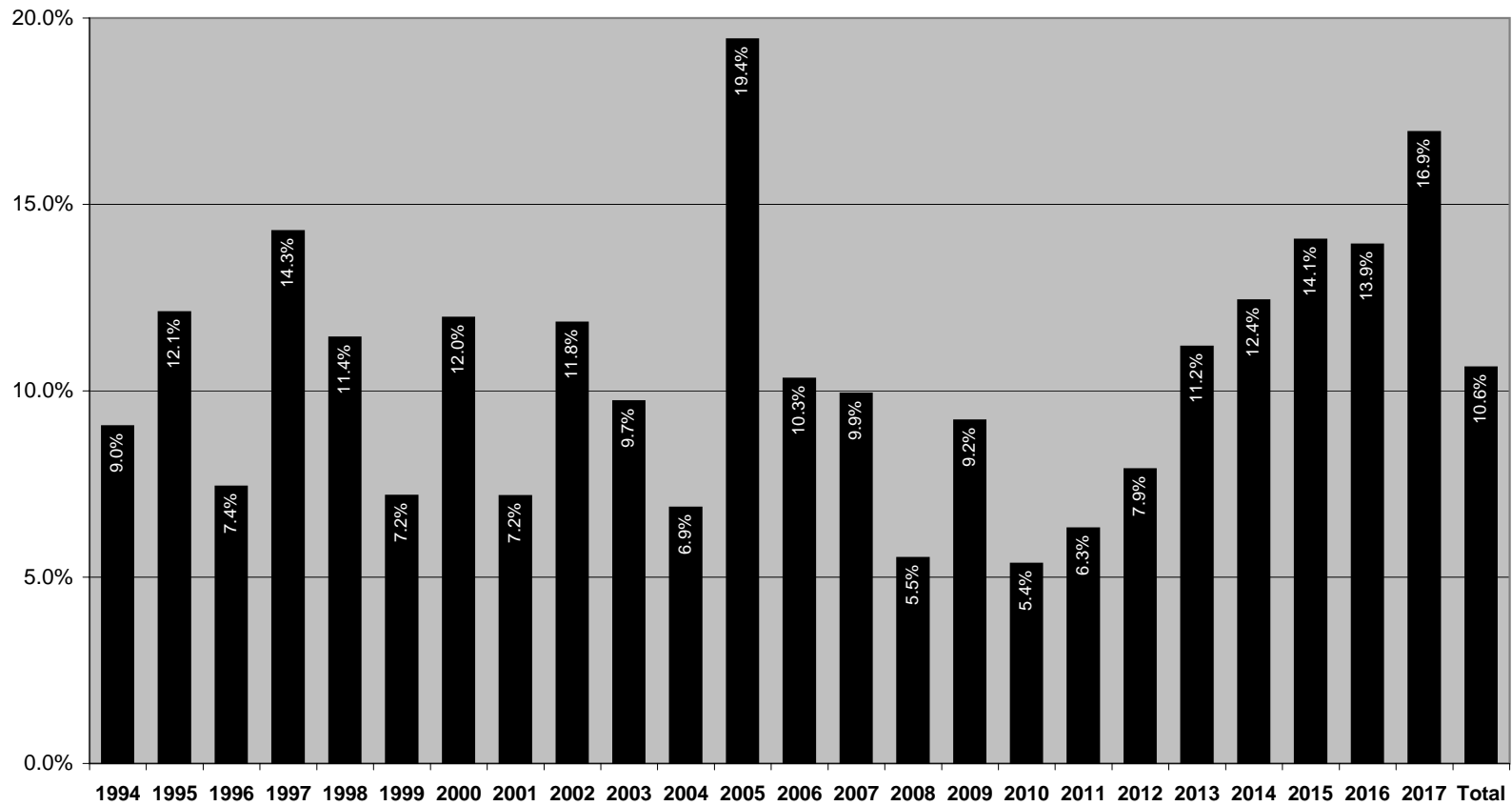
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Proportions of Total Violent Crimes Committed with Firearms, County of Hawaii, 1994-2017

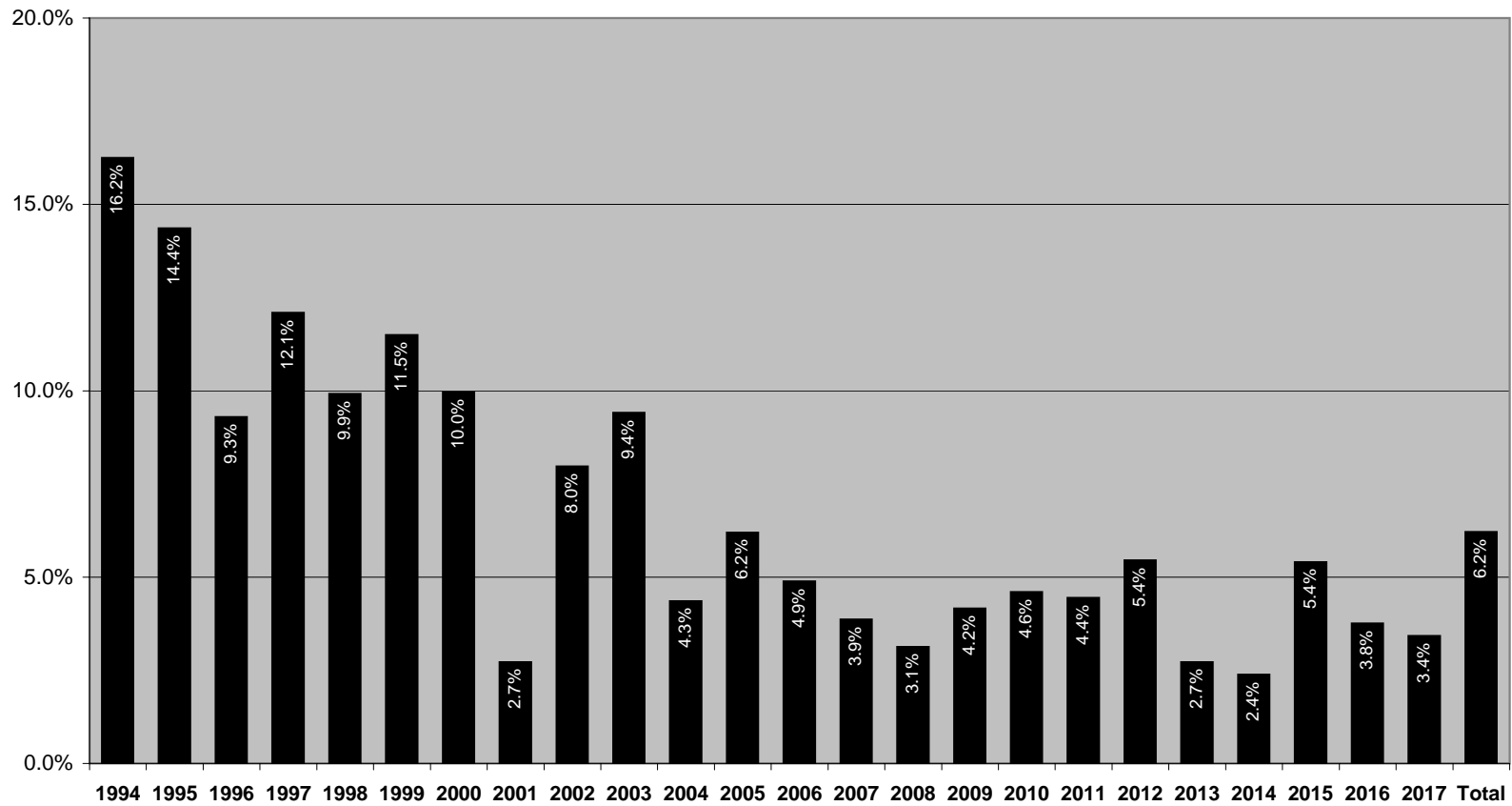
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

LS



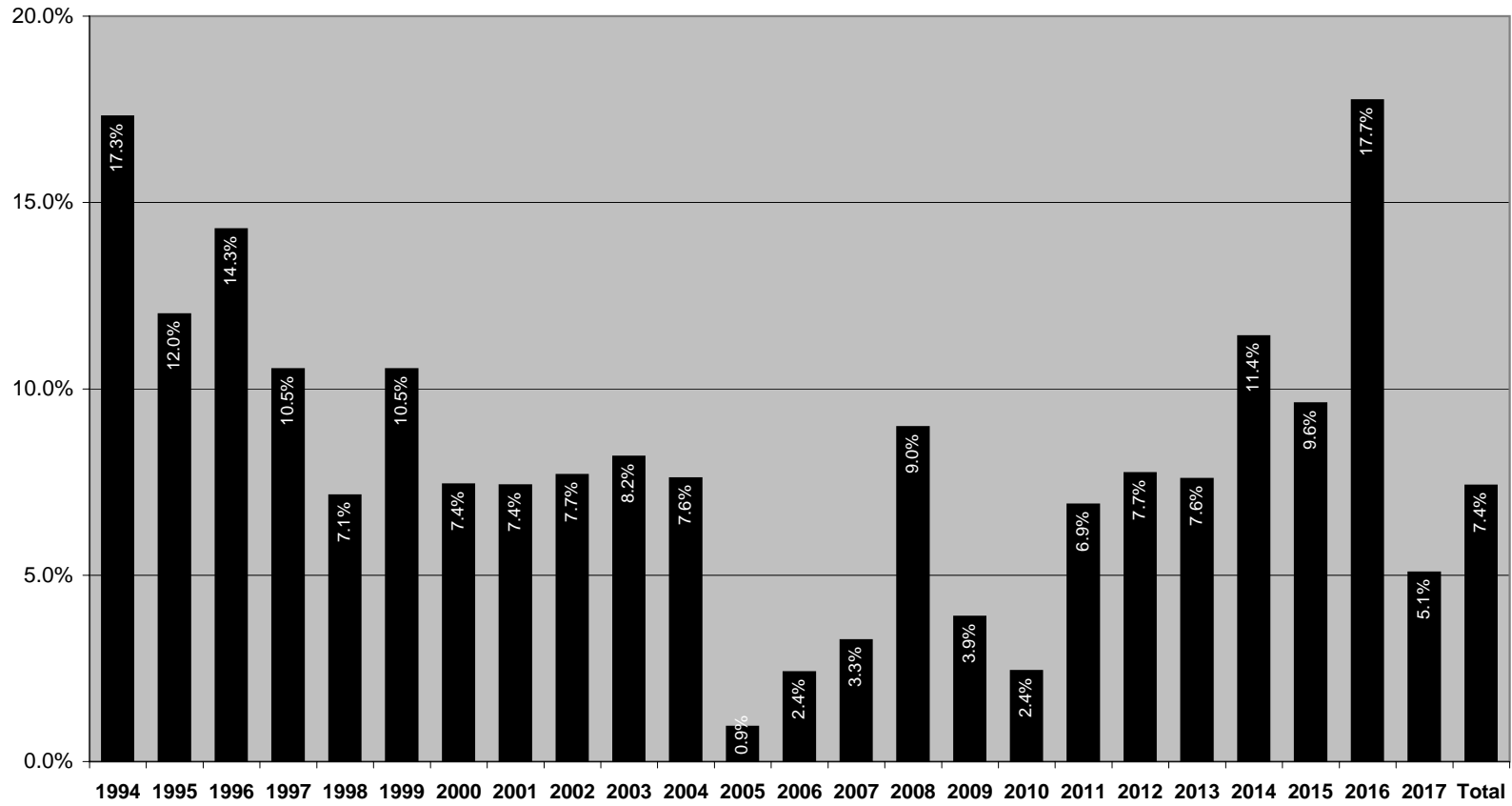
Proportion of Total Violent Crimes Committed with Firearms, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



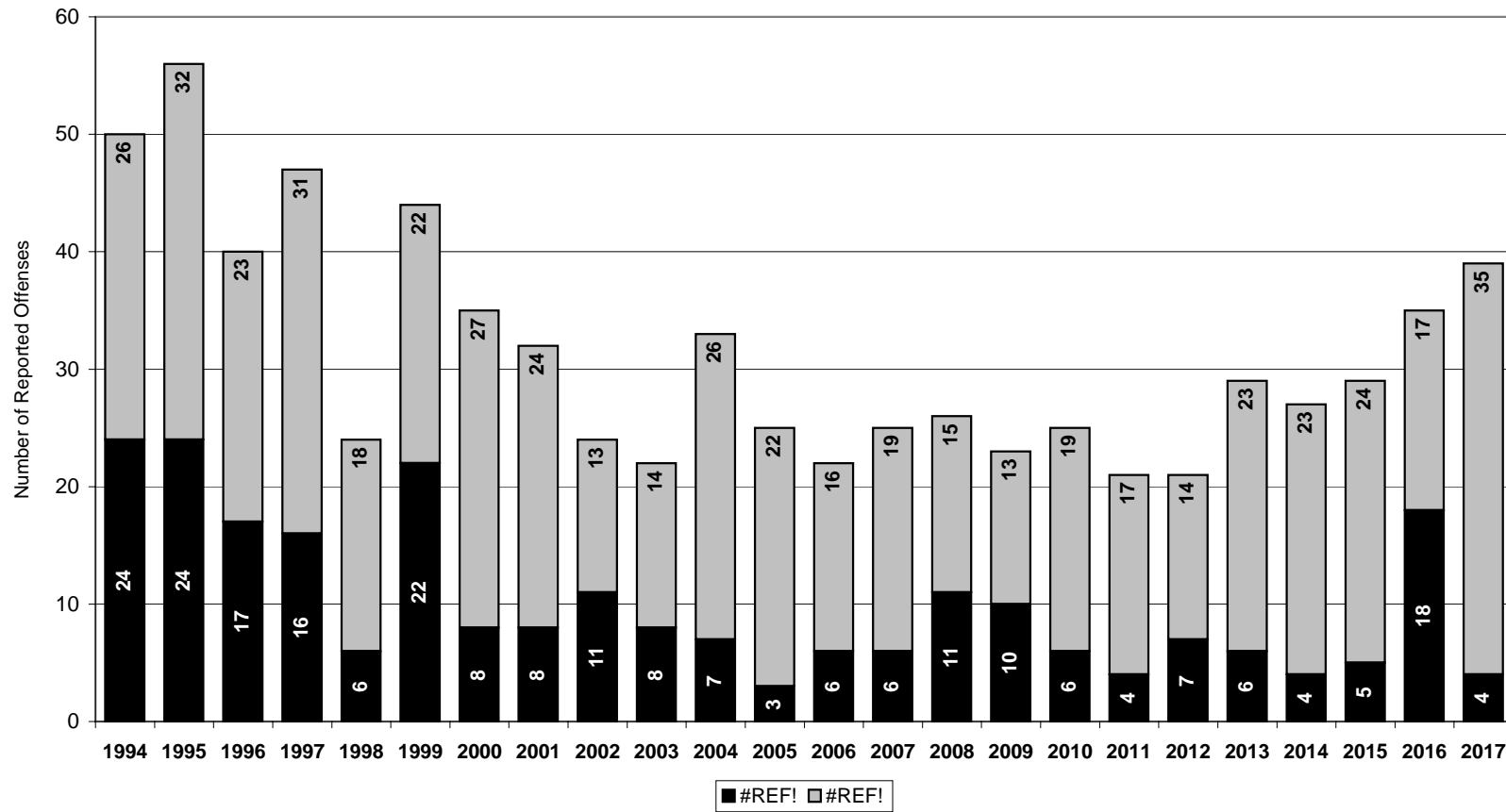
Proportion of Total Violent Crimes Committed with Firearms, County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



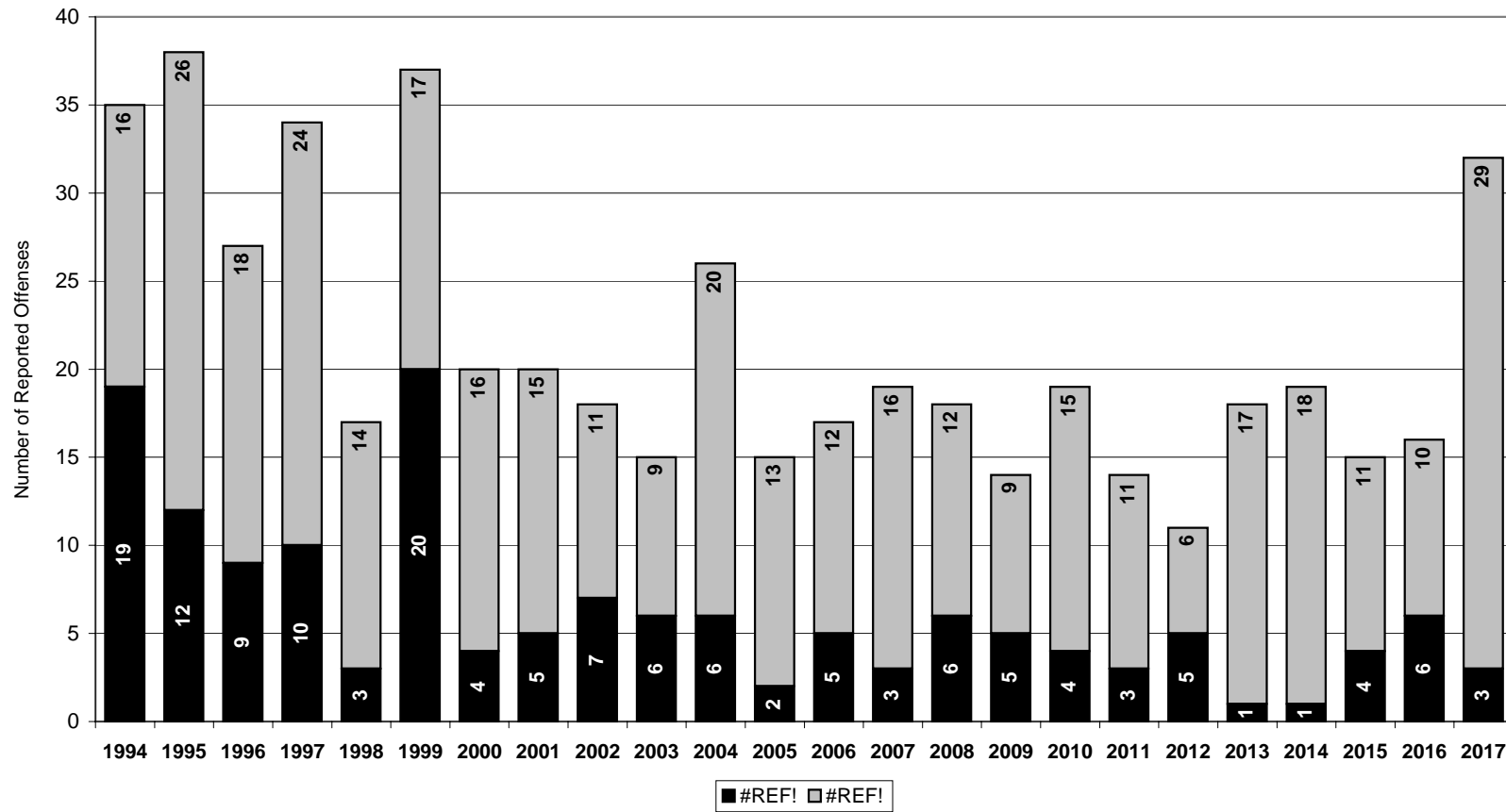
Murders Committed with Firearms and Other Weapons, State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



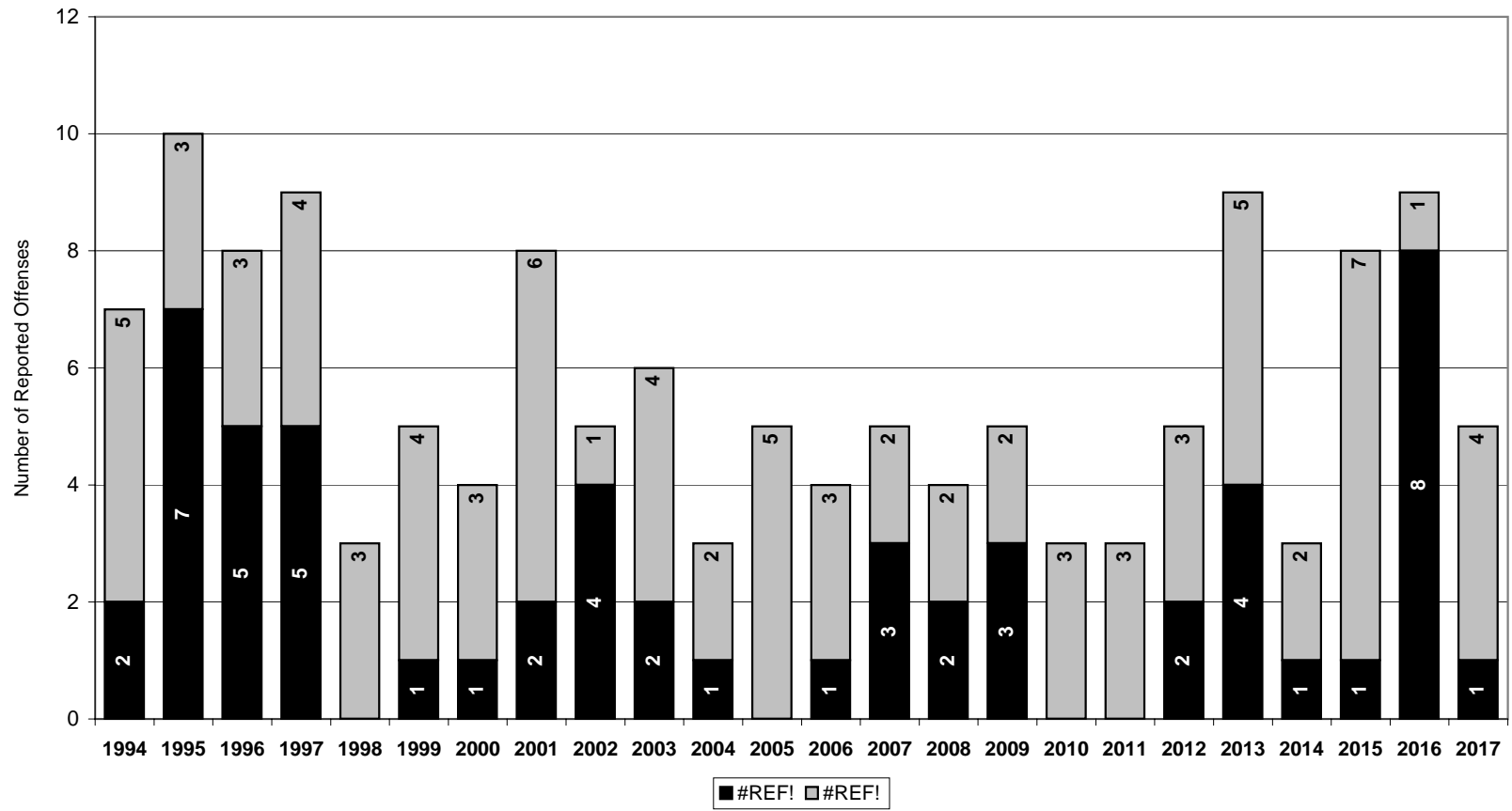
Murders Committed with Firearms and Other Weapons, City & County of Honolulu, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



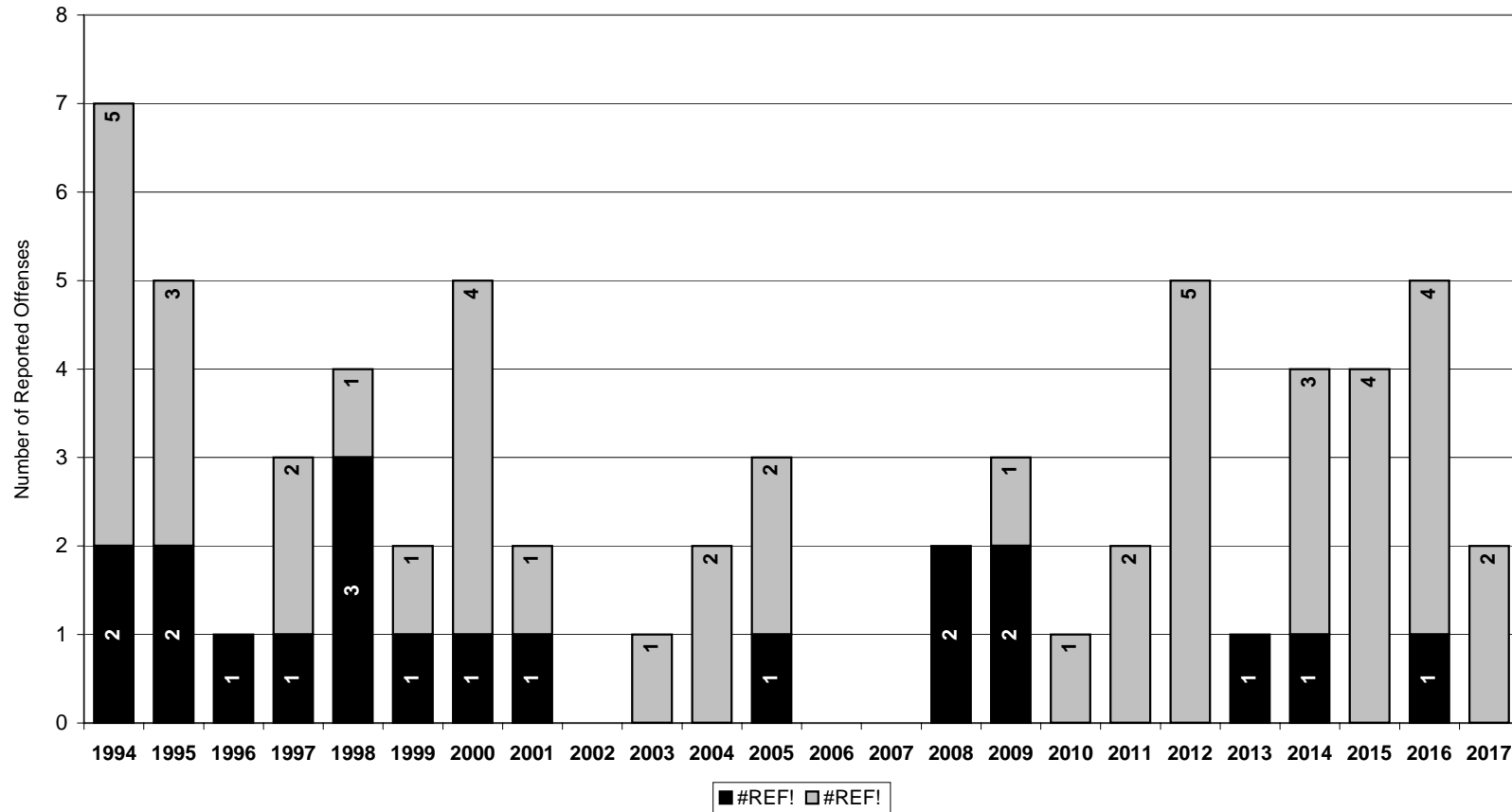
Murders Committed with Firearms and Other Weapons, County of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



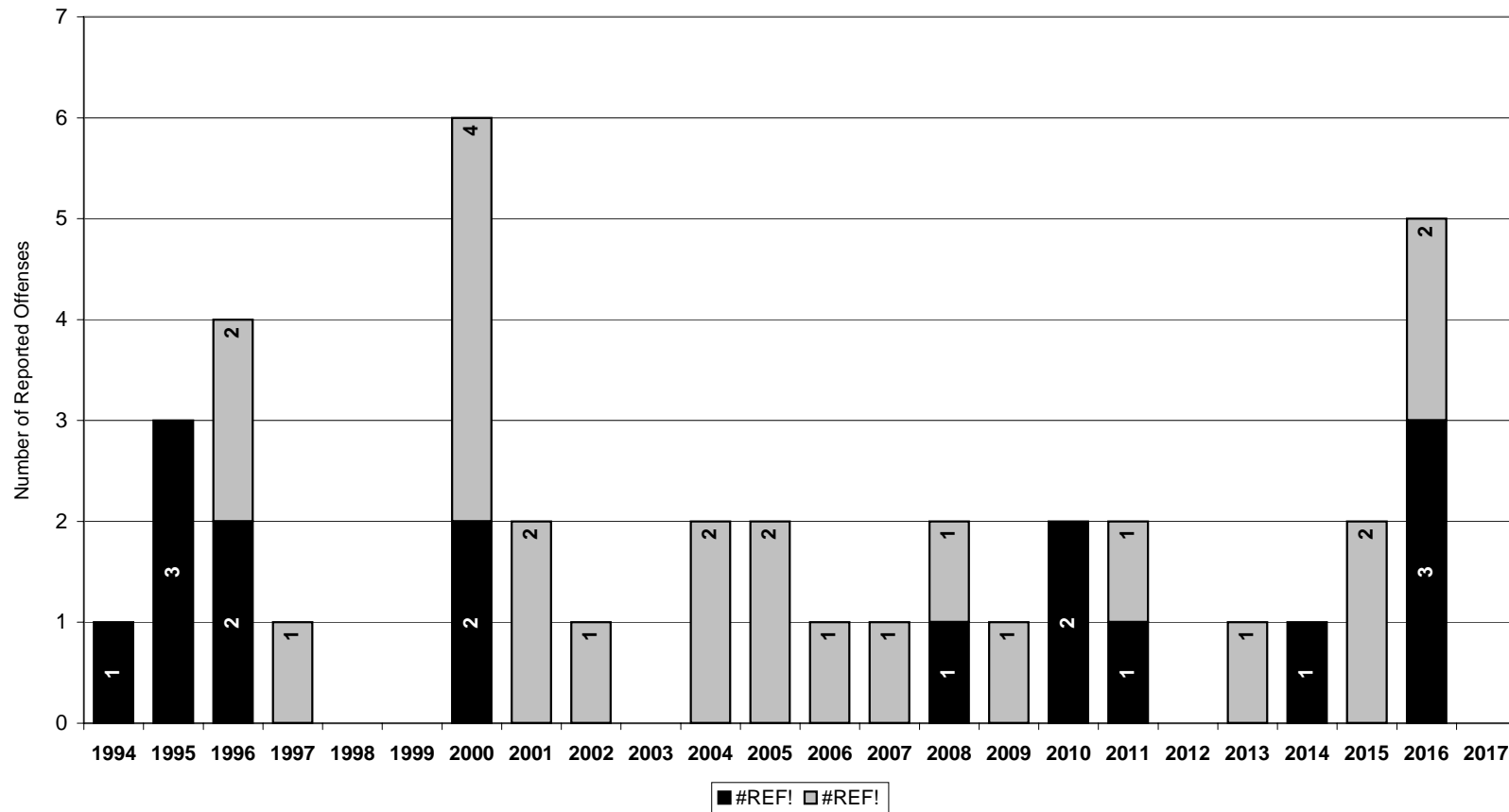
Murders Committed with Firearms and Other Weapons, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



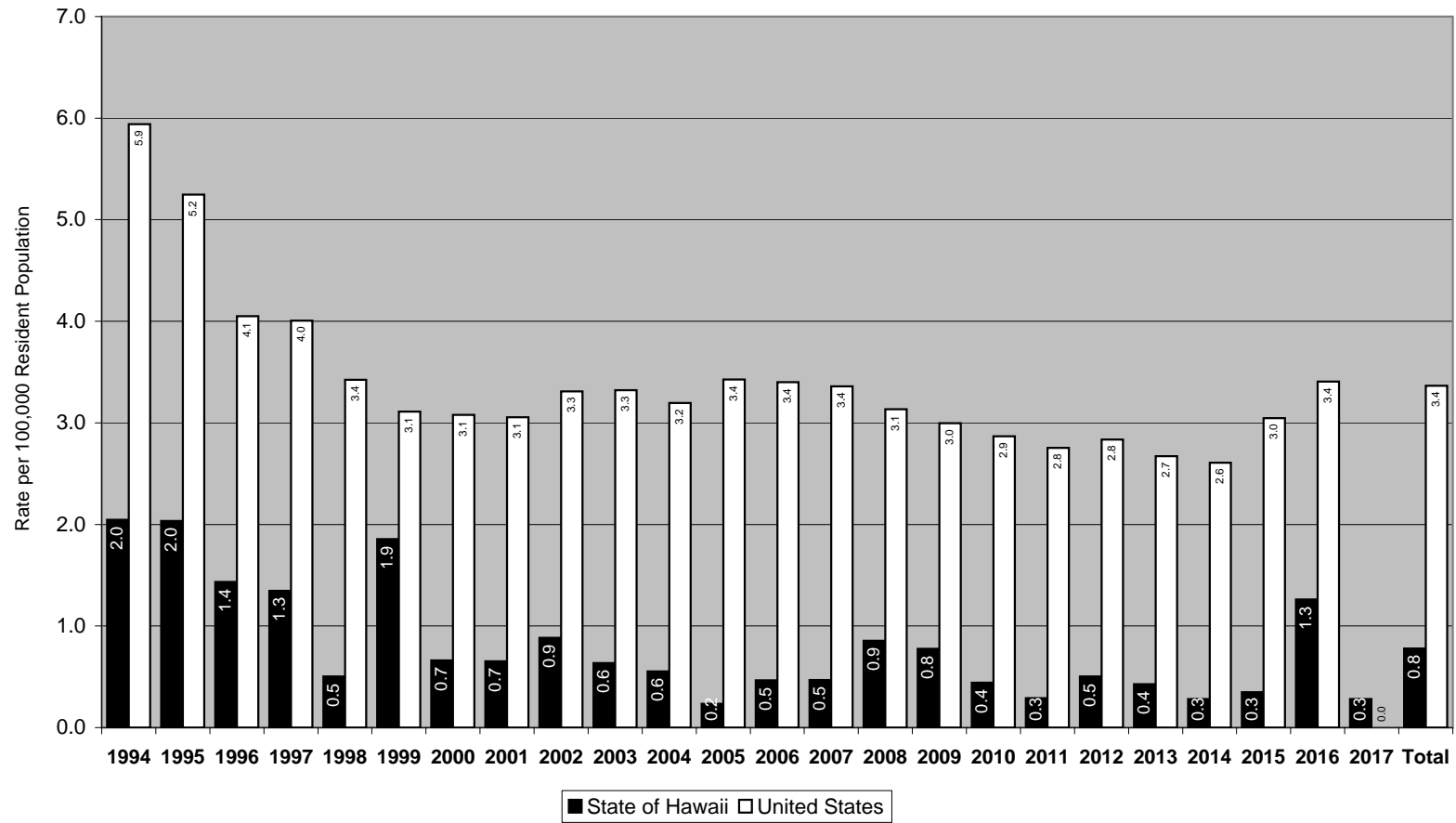
Murders Committed with Firearms and Other Weapons, City & County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



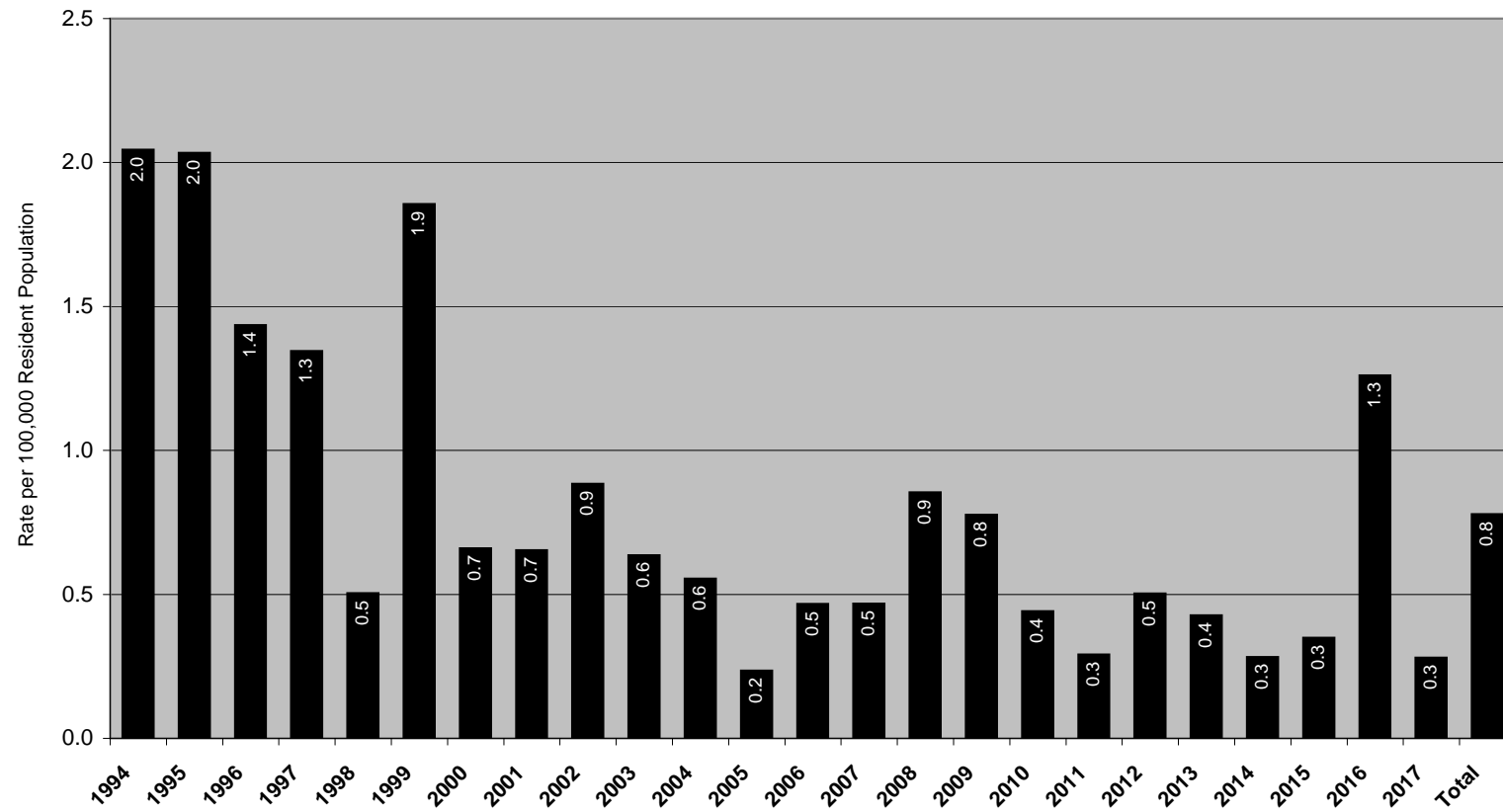
Rate of Murders Committed with Firearms, United States and State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



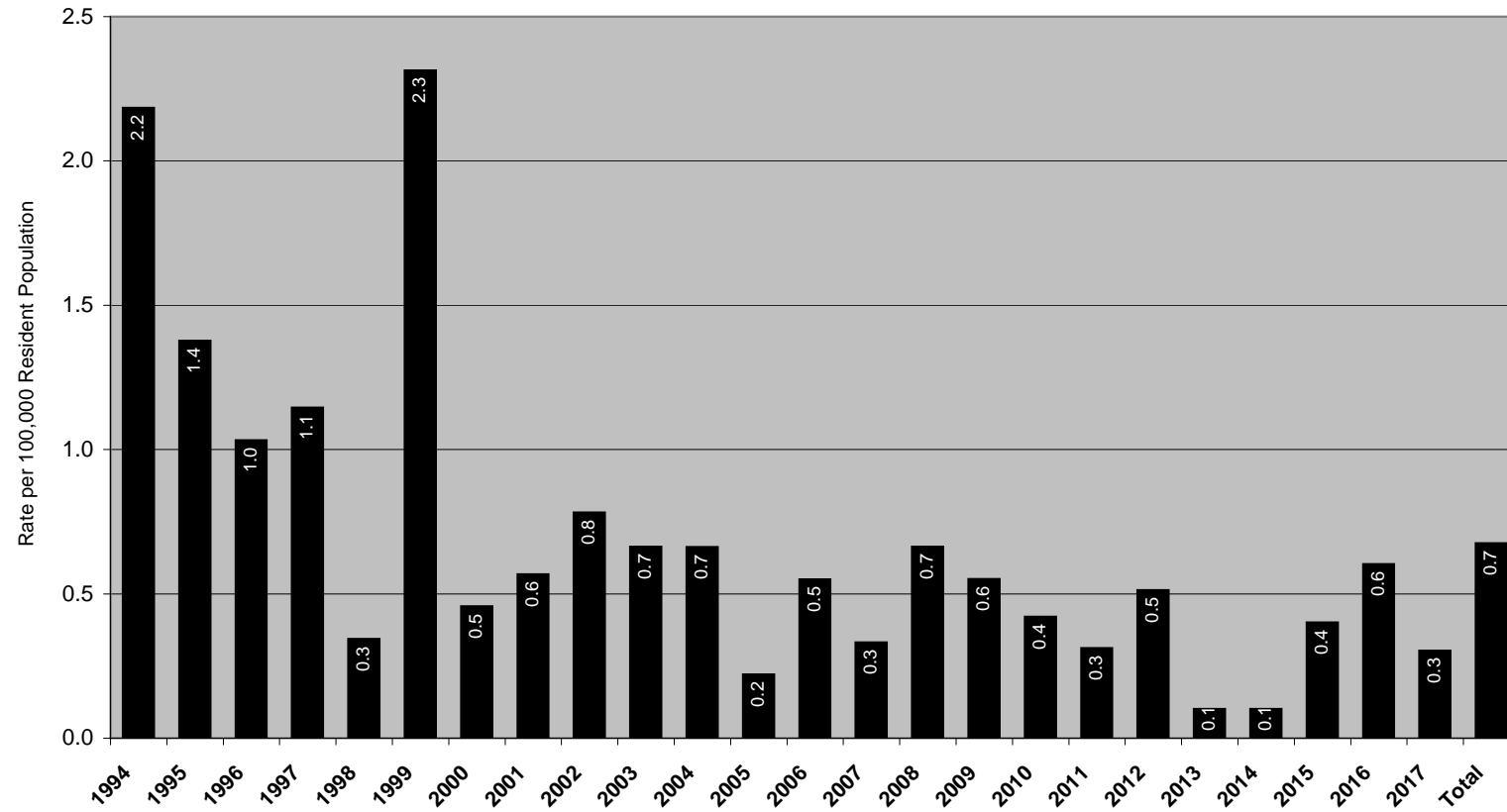
Rate of Murders Committed with Firearms, State of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



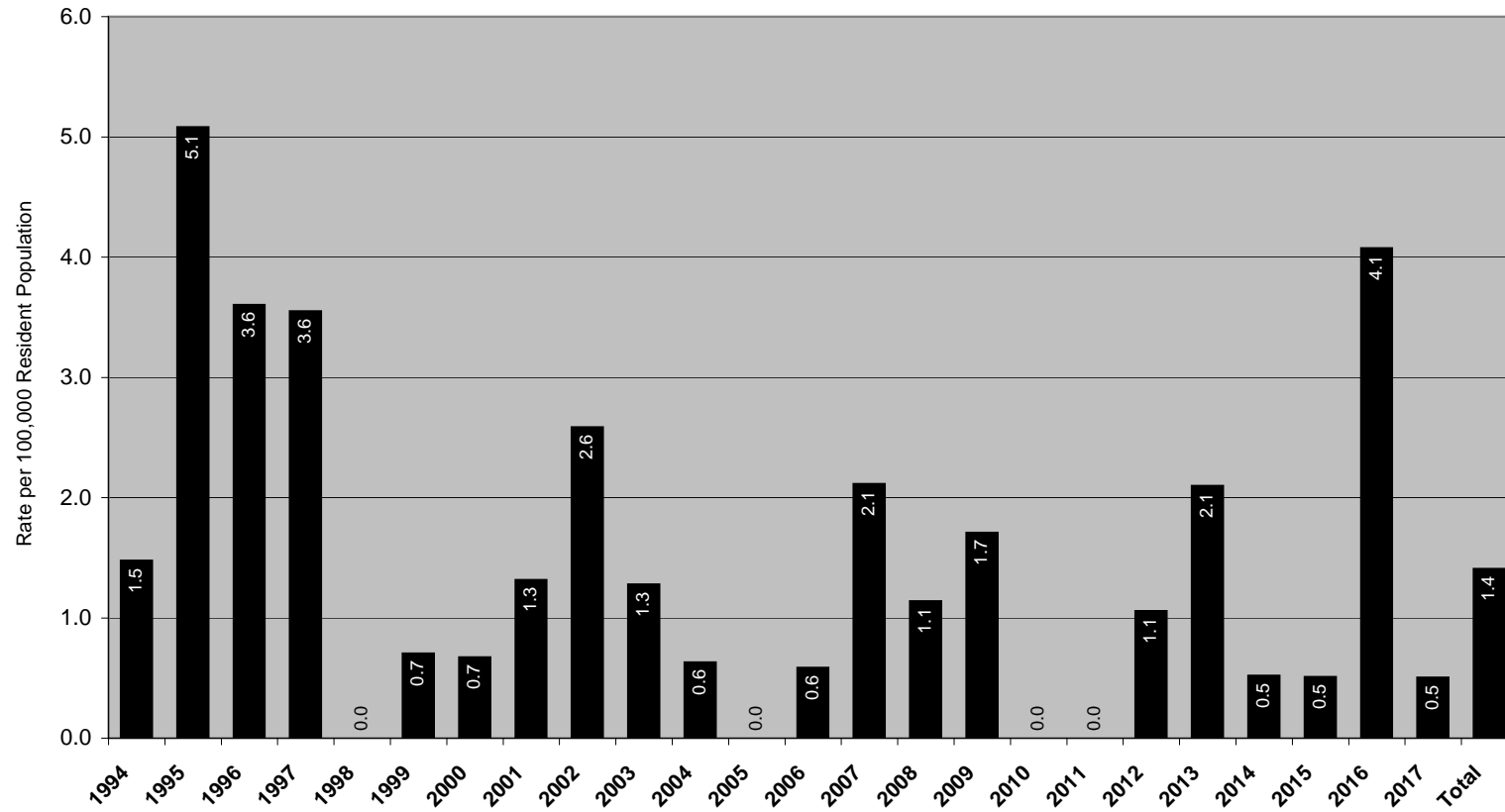
Rate of Murders Committed with Firearms, City & County of Honolulu, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



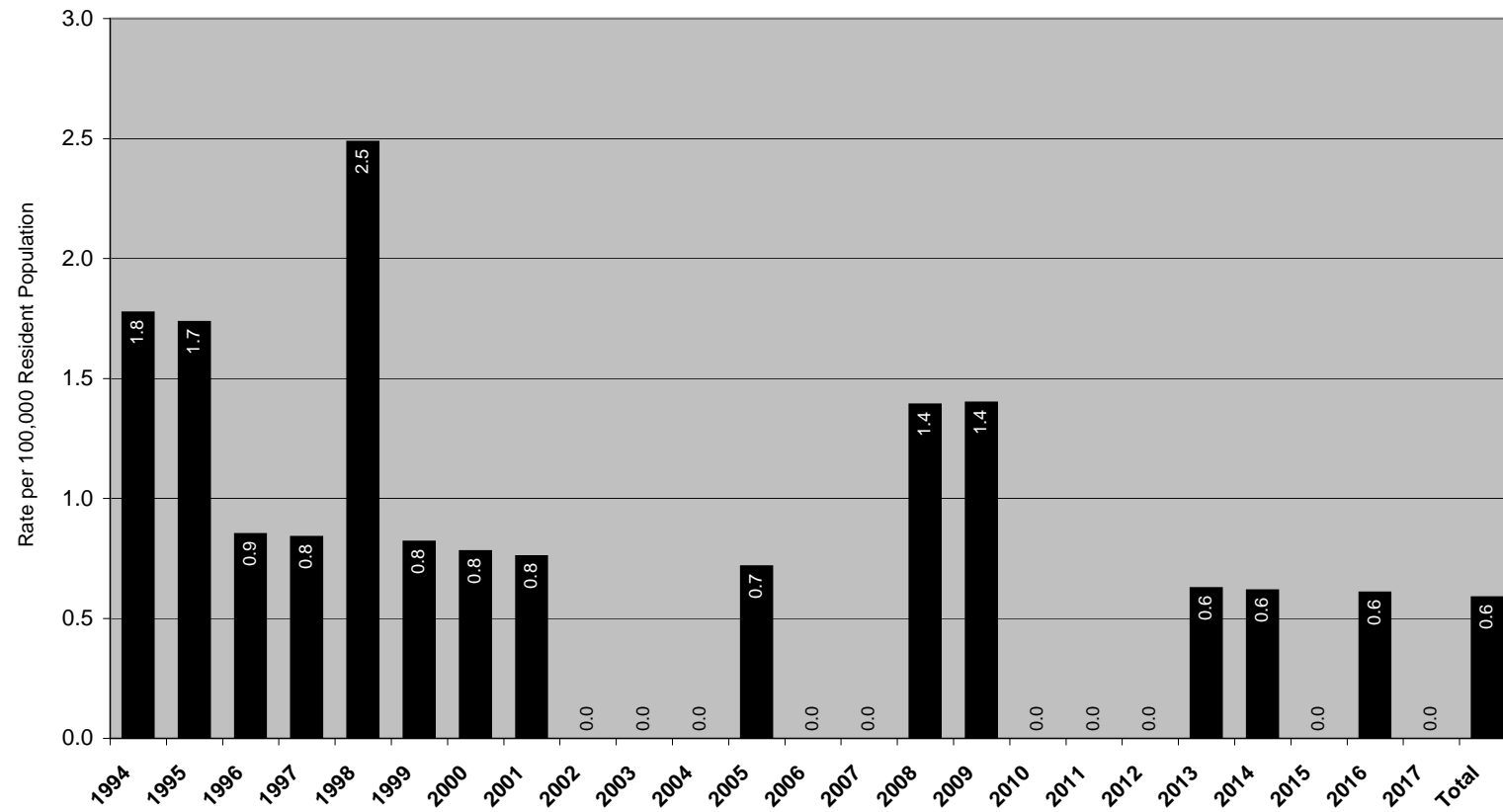
Rate of Murders Committed with Firearms, County of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



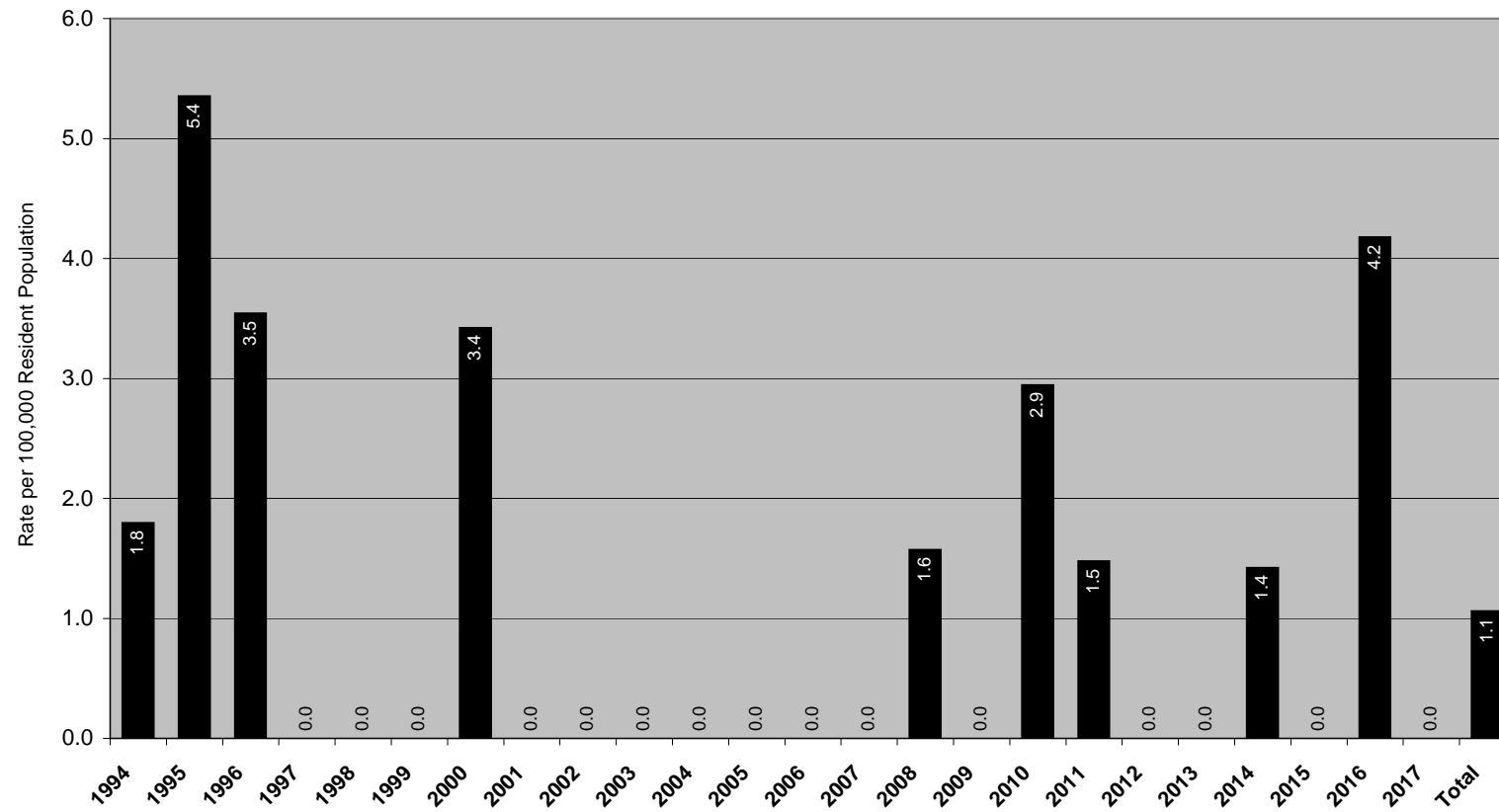
Rate of Murders Committed with Firearms, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Murders Committed with Firearms, County of Kauai, 1994-2017

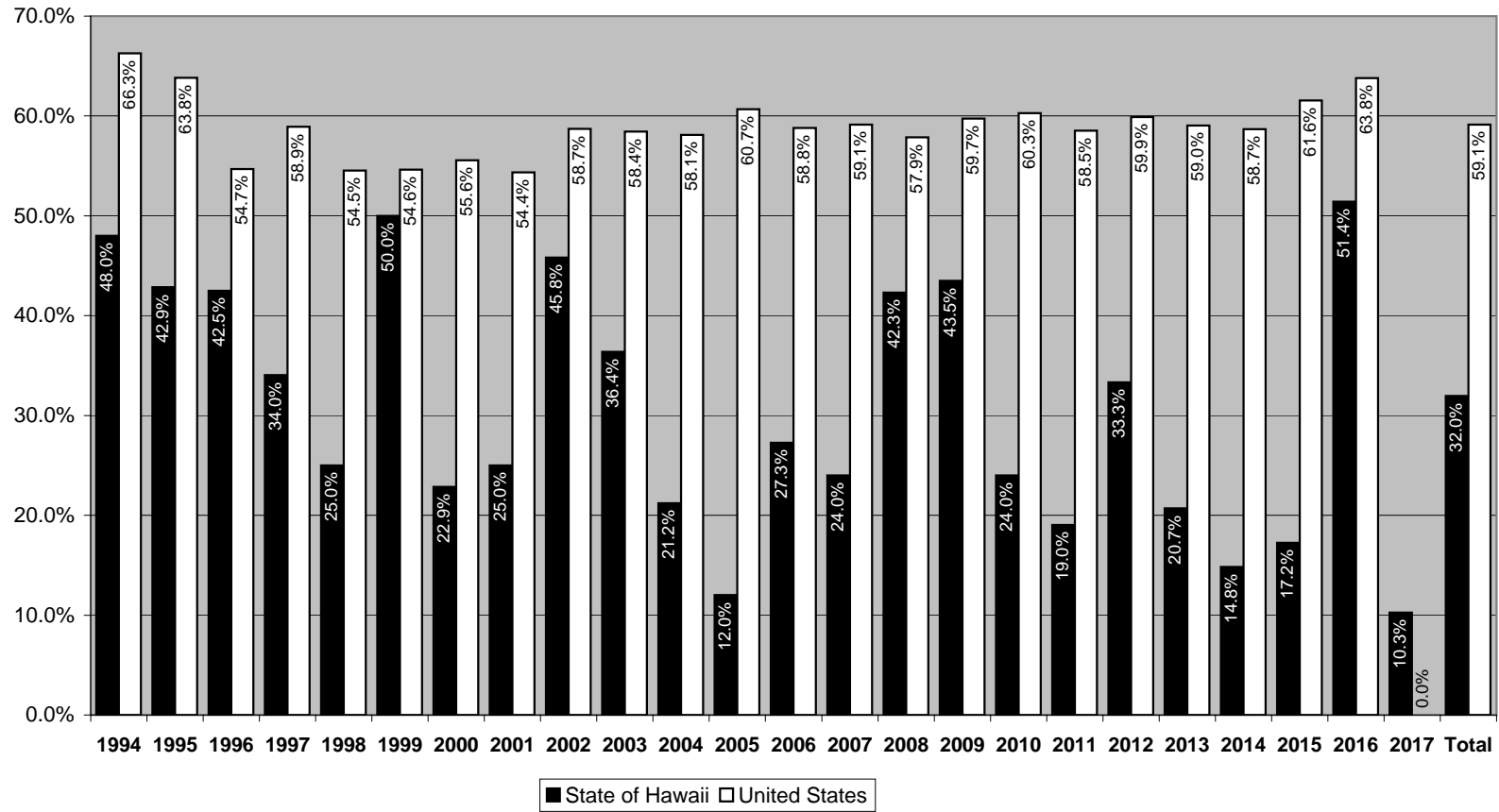
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Proportion of Total Murders Committed with Firearms, United States and State of Hawaii, 1994-2017

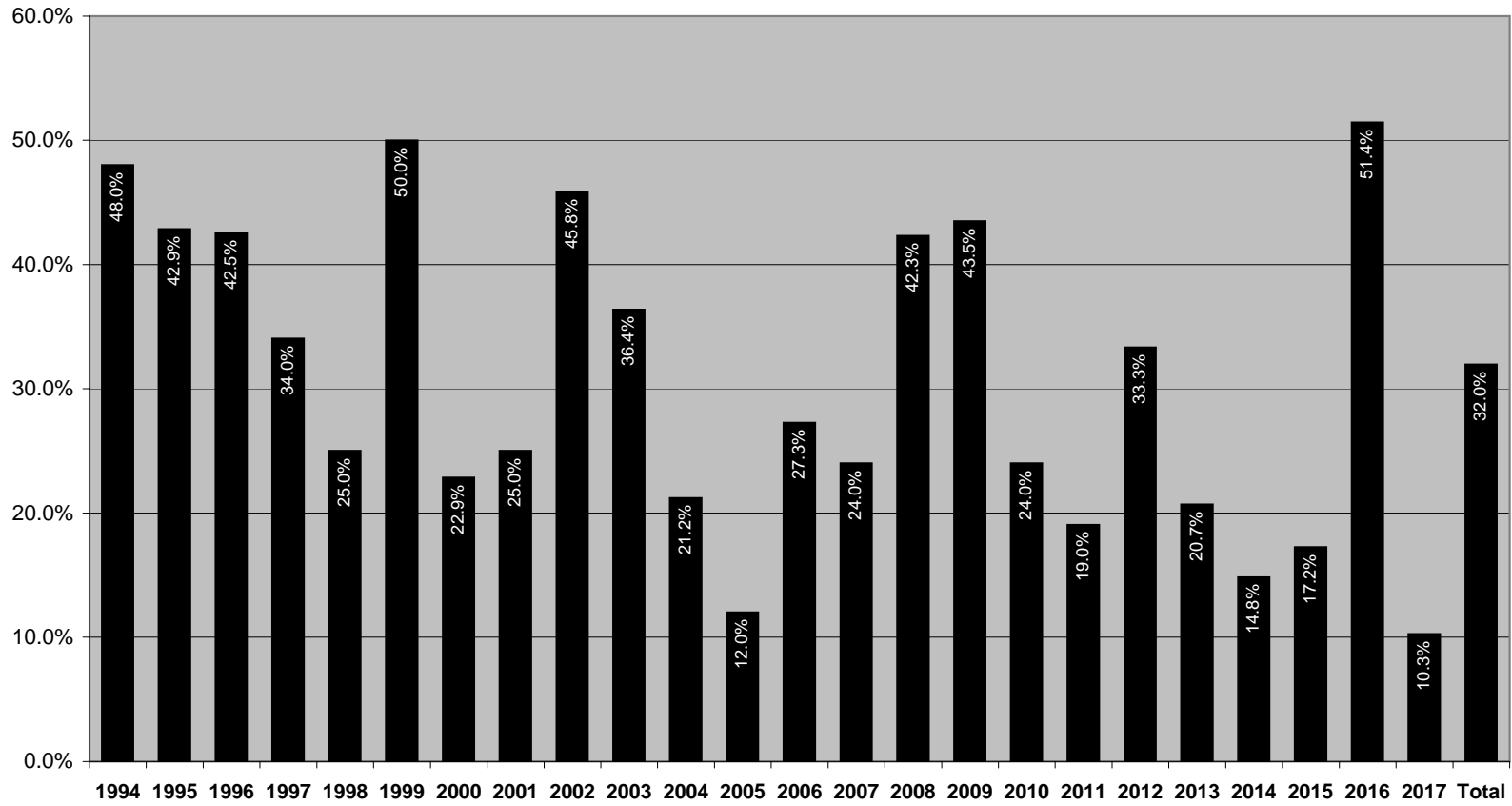
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

17



Proportion of Total Murders Committed with Firearms, State of Hawaii, 1994-2017

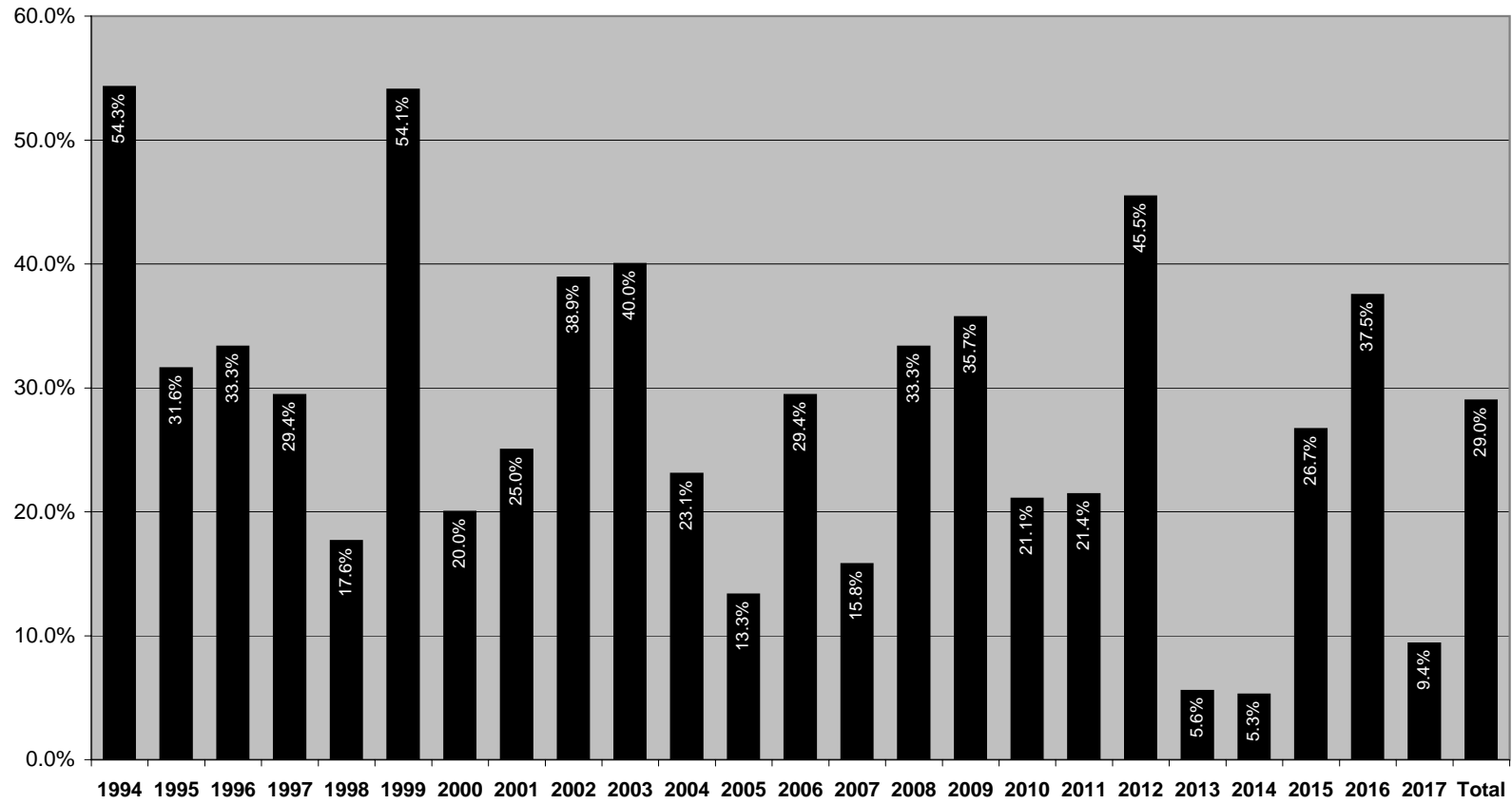
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Proportion of Total Murders Committed with Firearms, City & County of Honolulu, 1994-2017

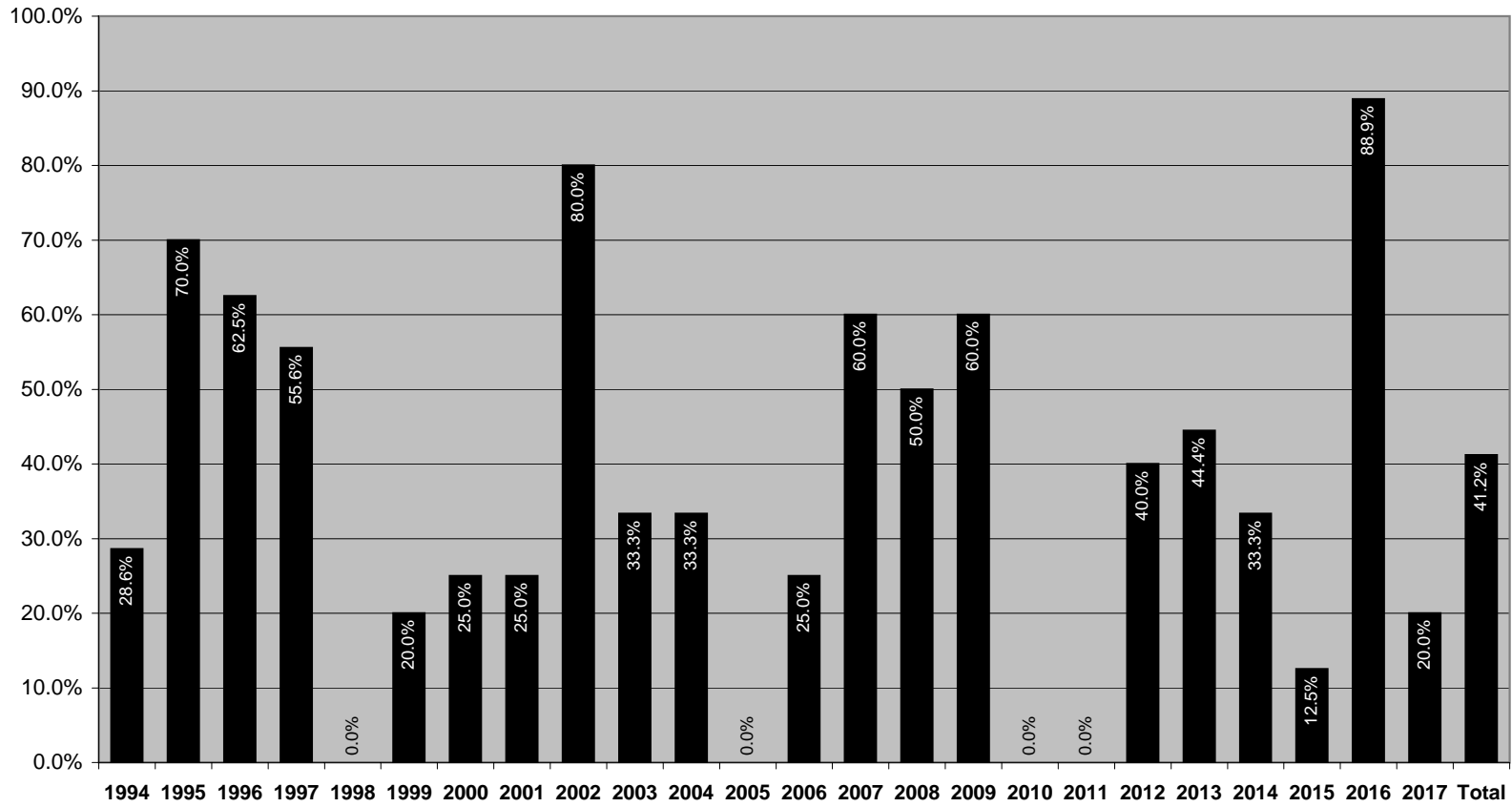
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

73



Proportion of Total Murders Committed with Firearms, County of Hawaii, 1994-2017

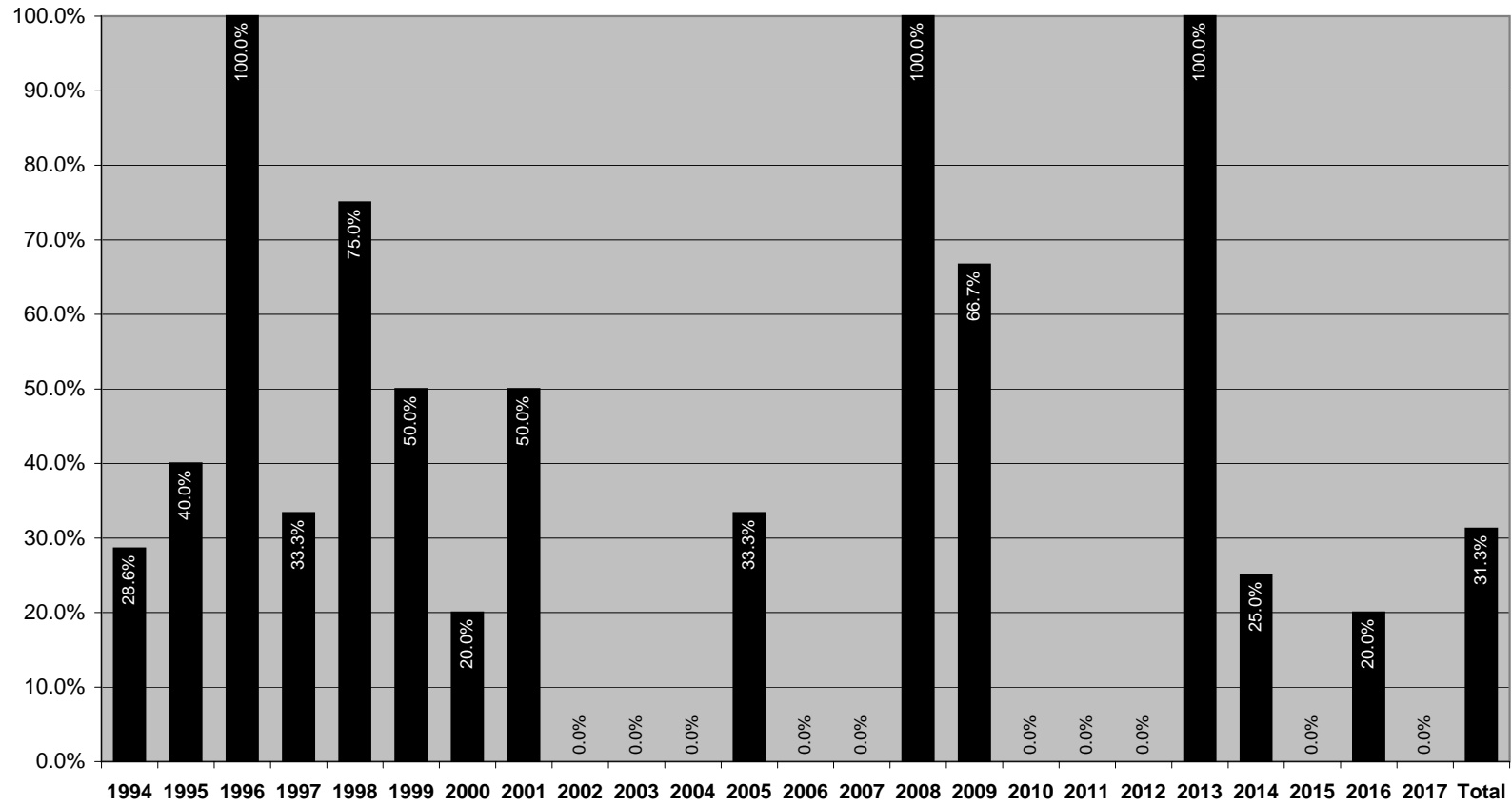
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Proportion of Total Murders Committed with Firearms, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

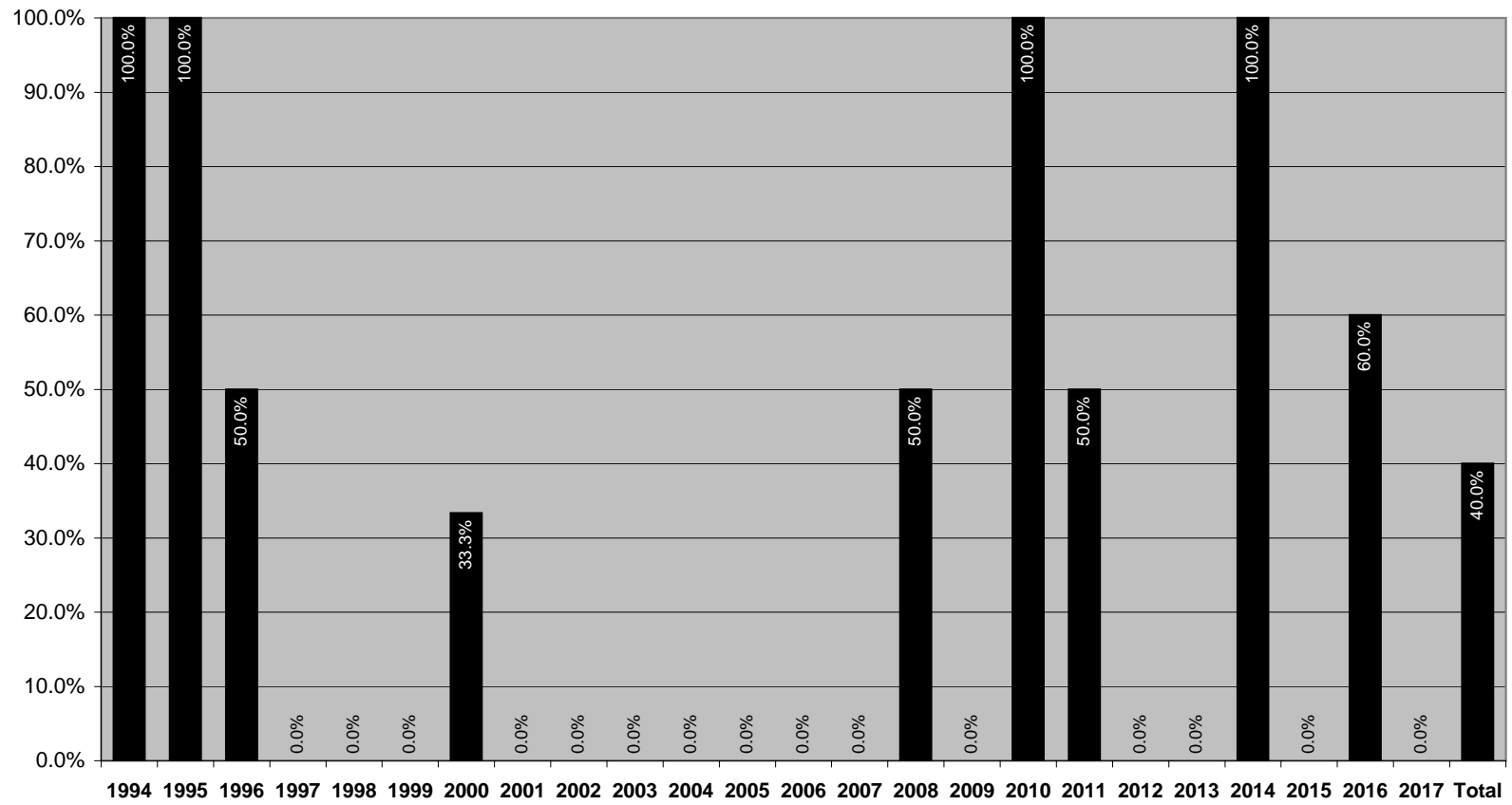
SL



Proportion of Total Murders Committed with Firearms, County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

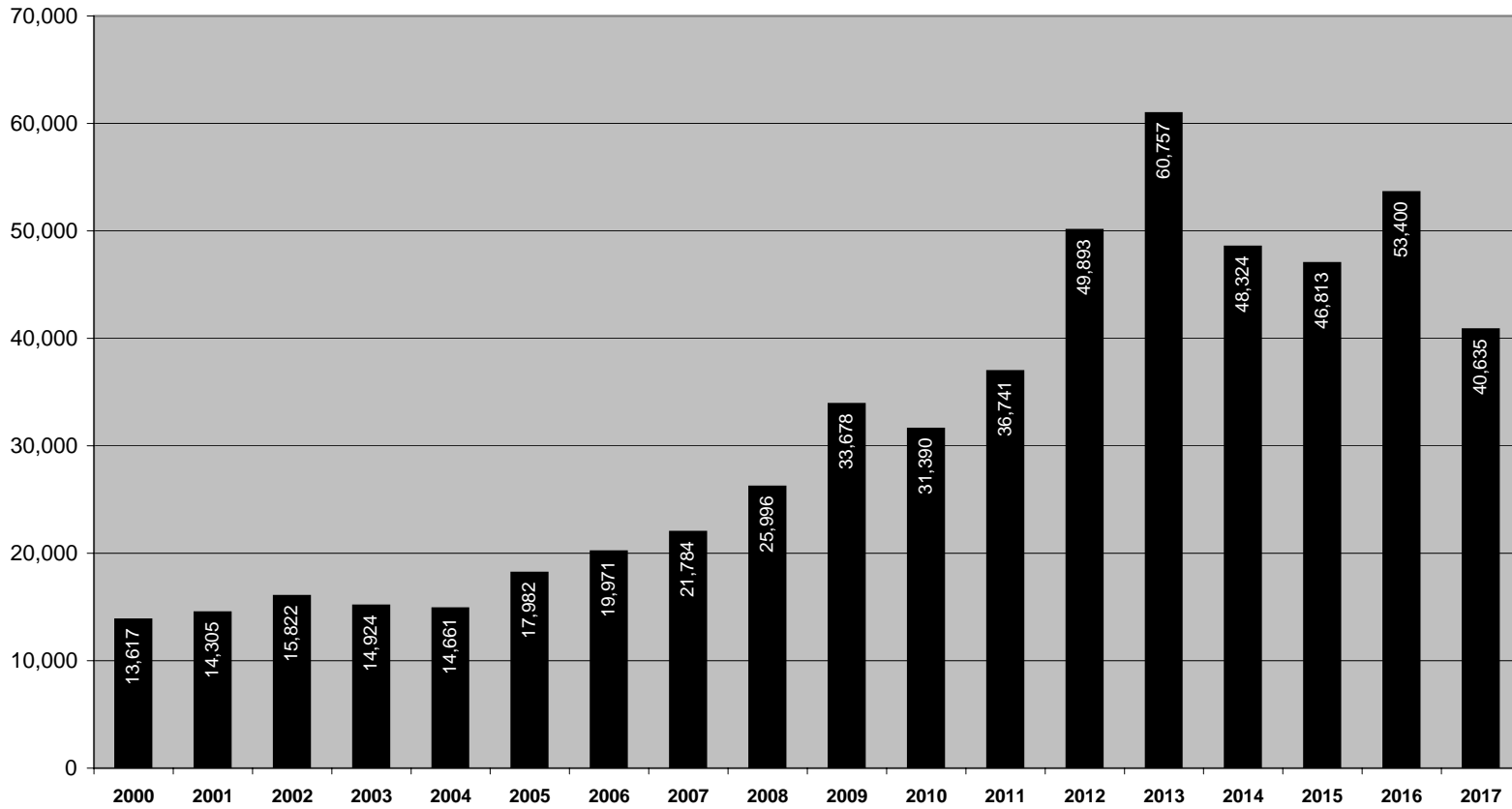
97



Firearms Registered, State of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

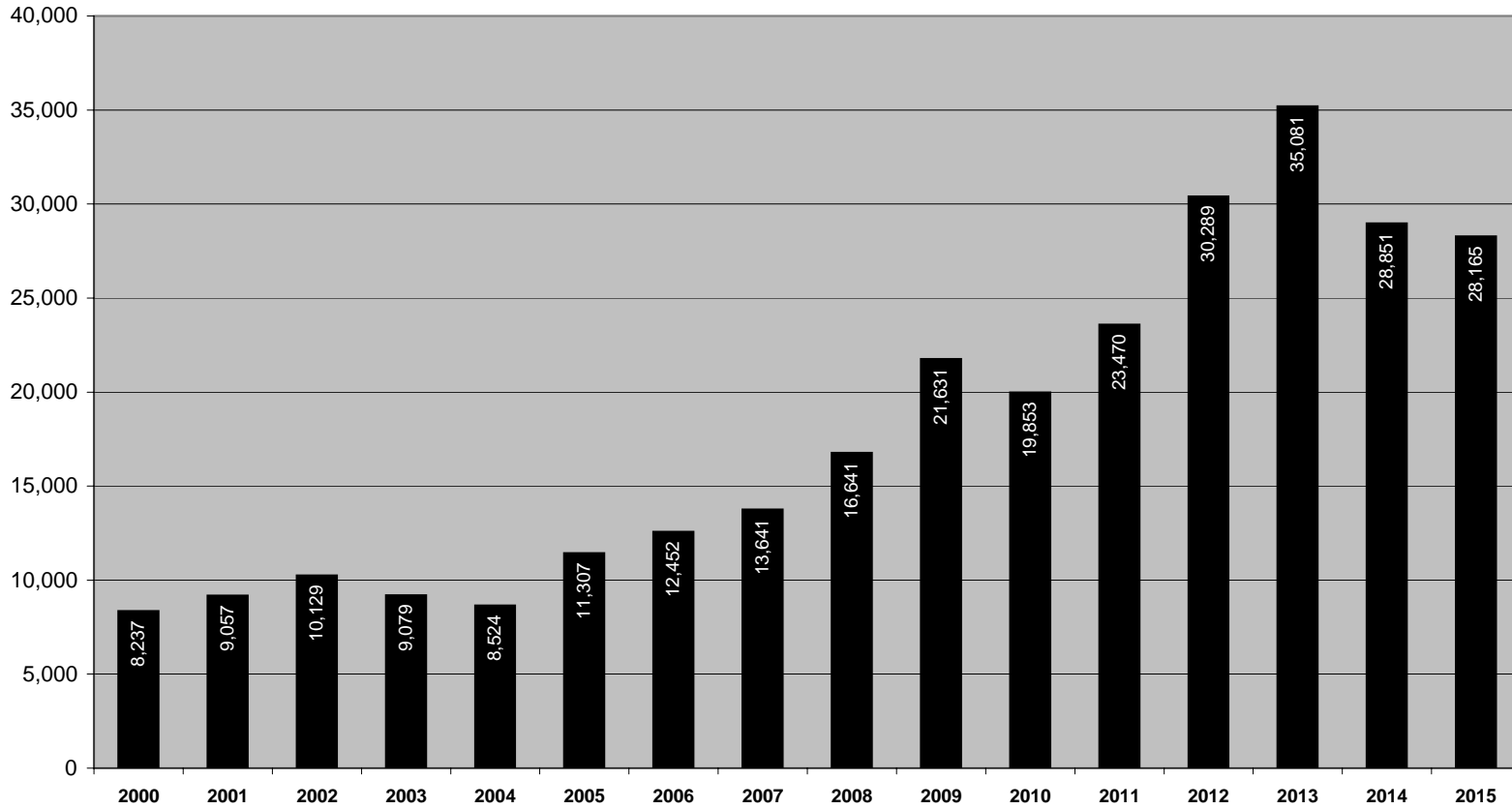
LL



Firearms Registered, City & County of Honolulu, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

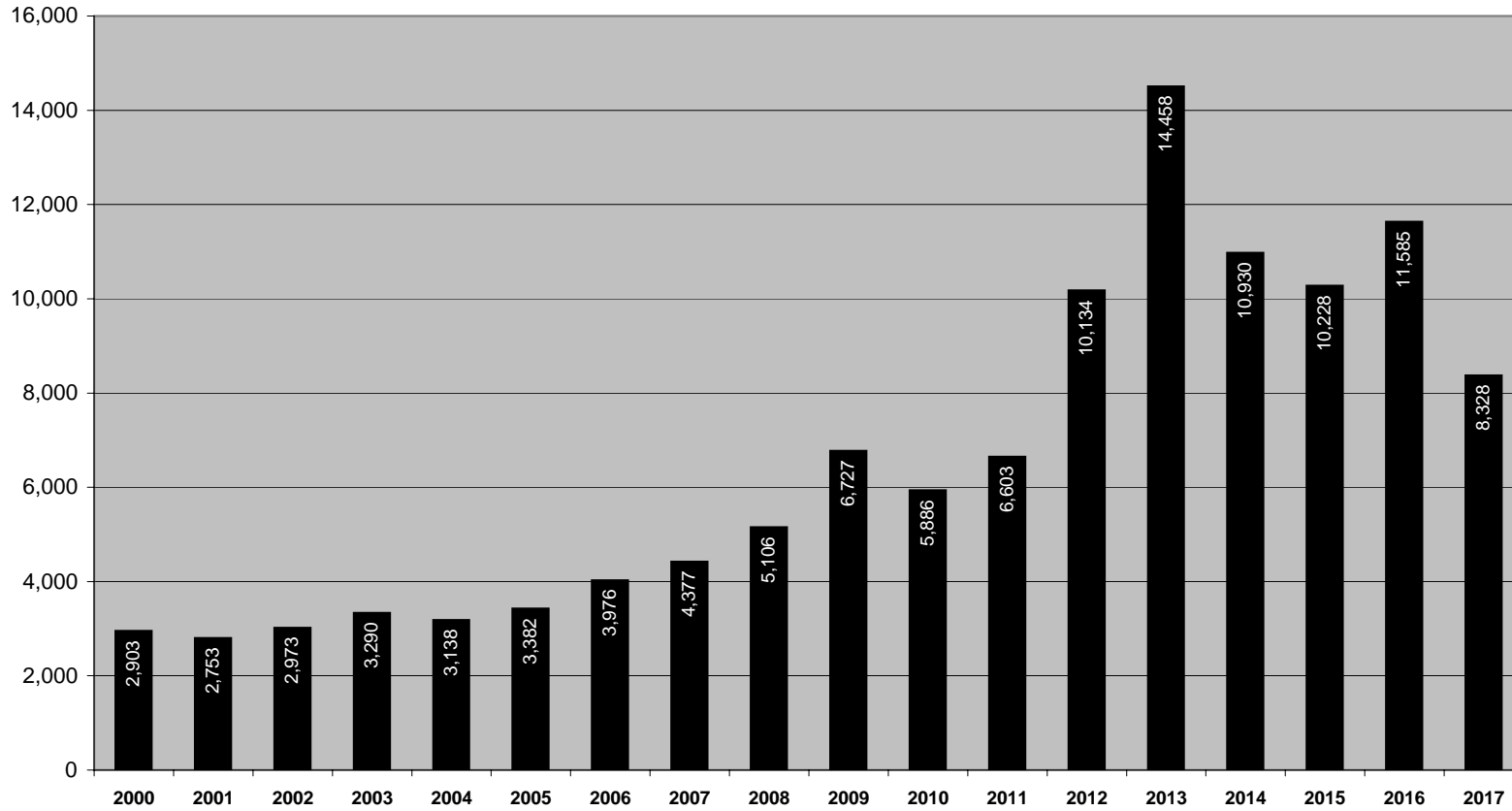
87



Firearms Registered, County of Hawaii, 2000-2017

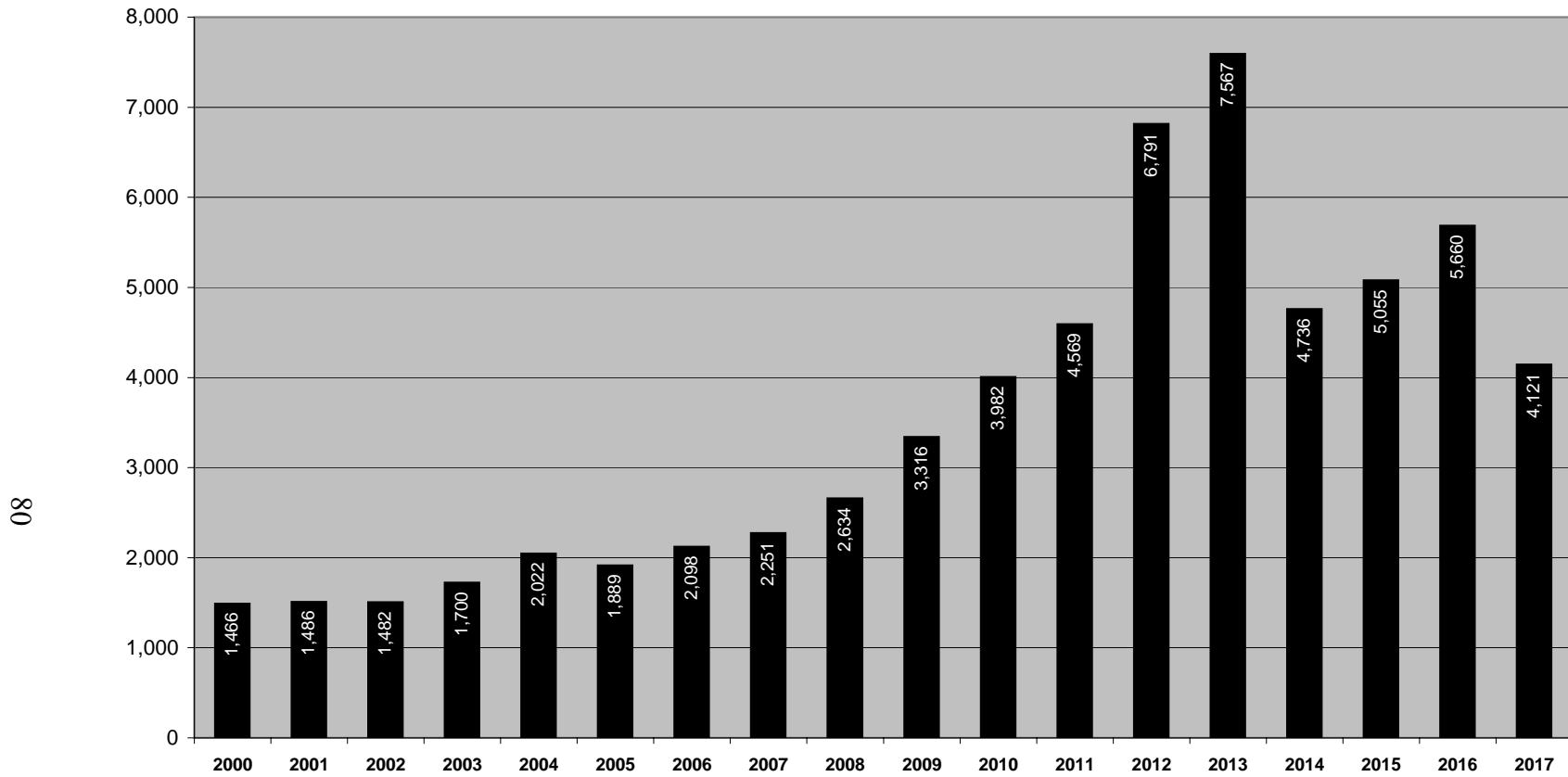
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

67



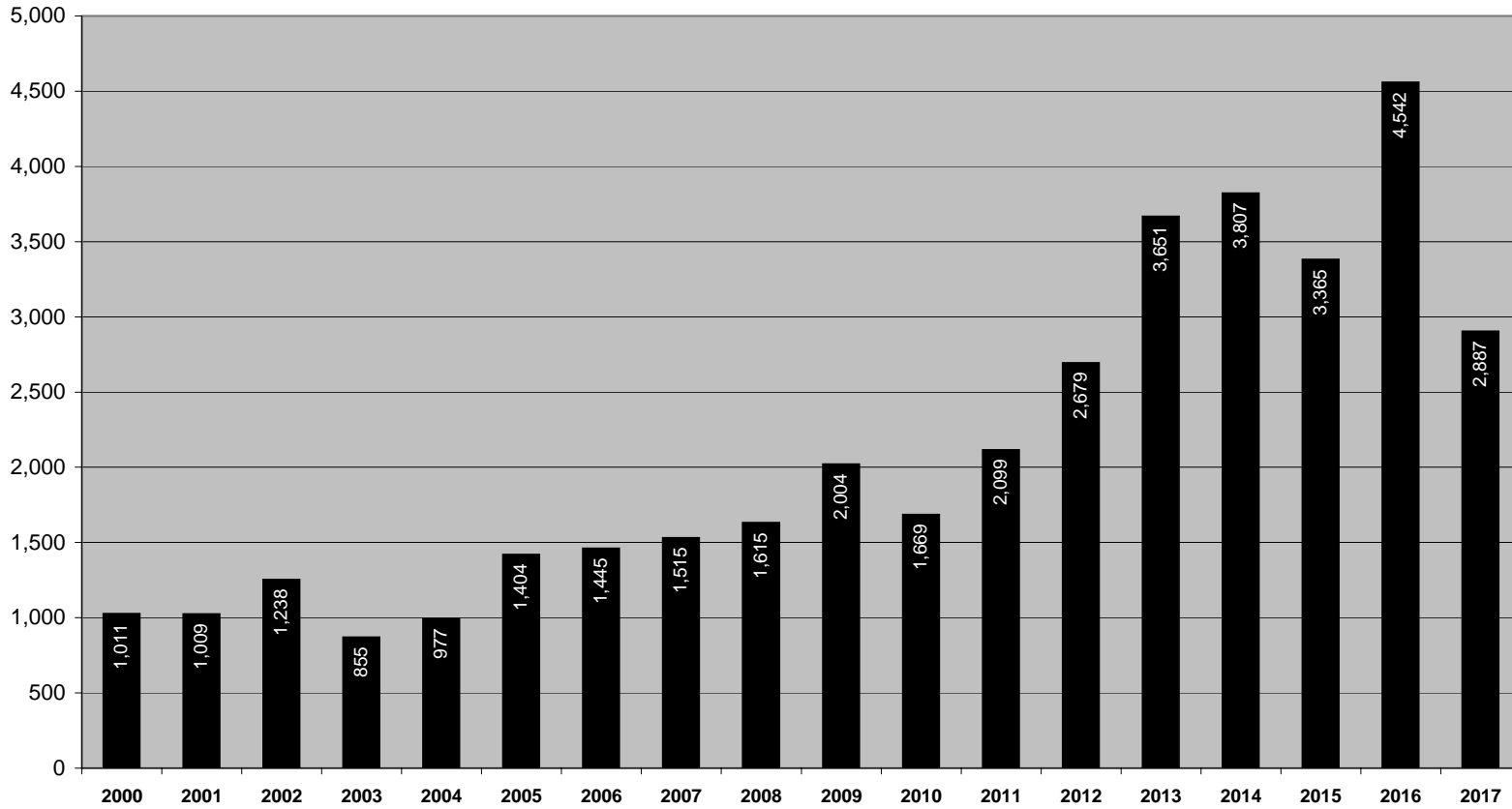
Firearms Registered, County of Maui, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



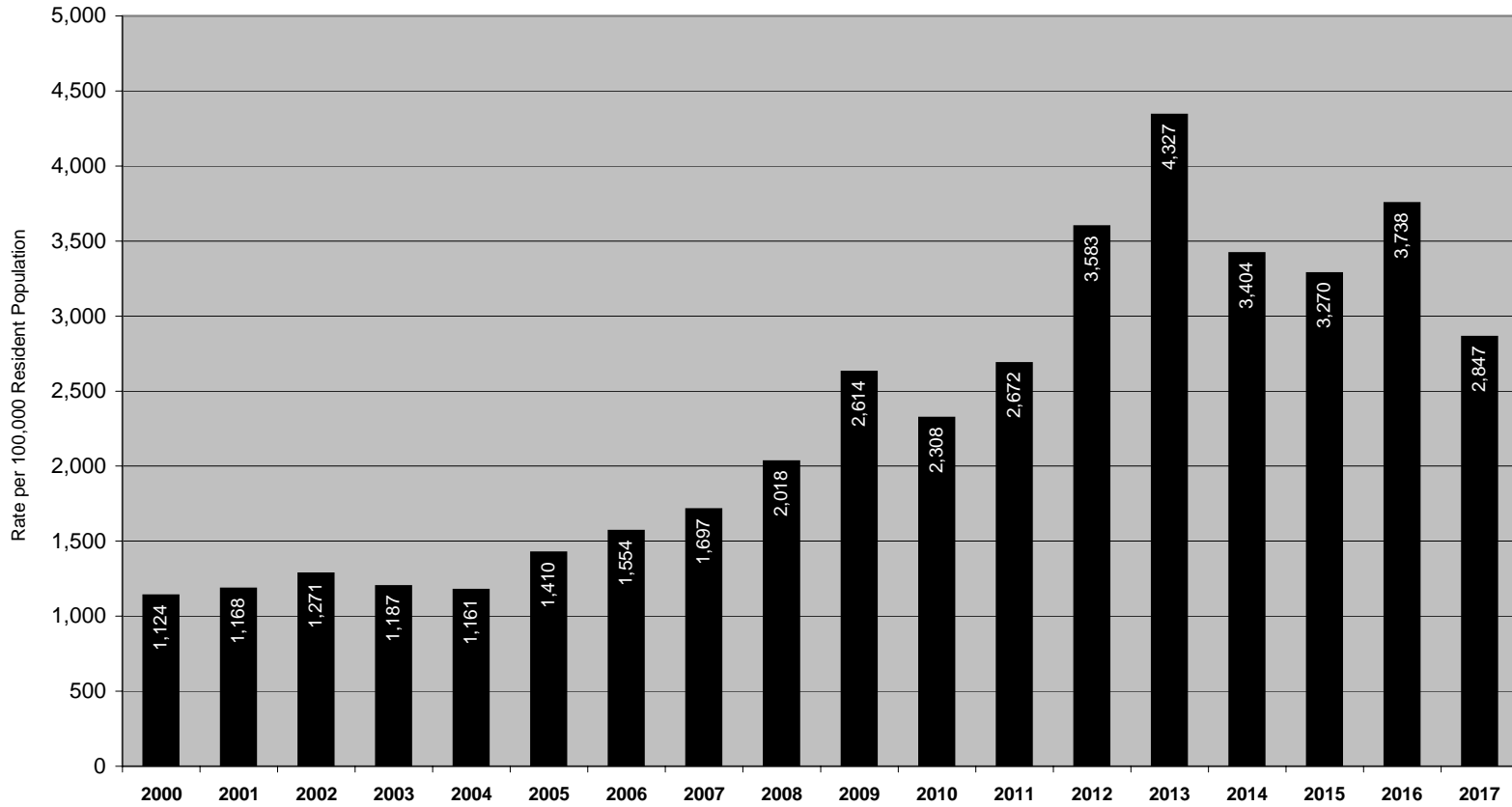
Firearms Registered, County of Kauai, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



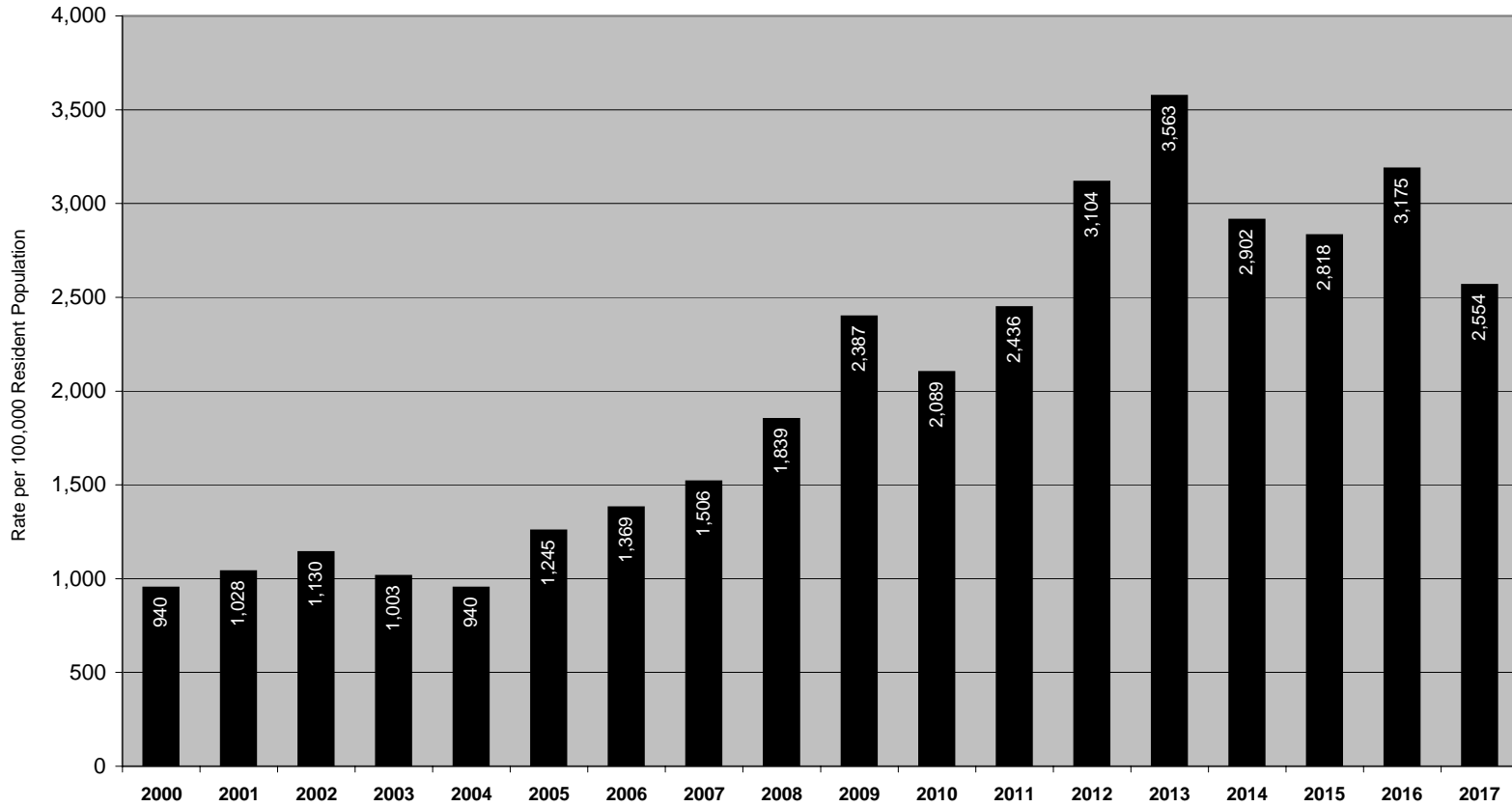
Rate of Firearms Registered, State of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



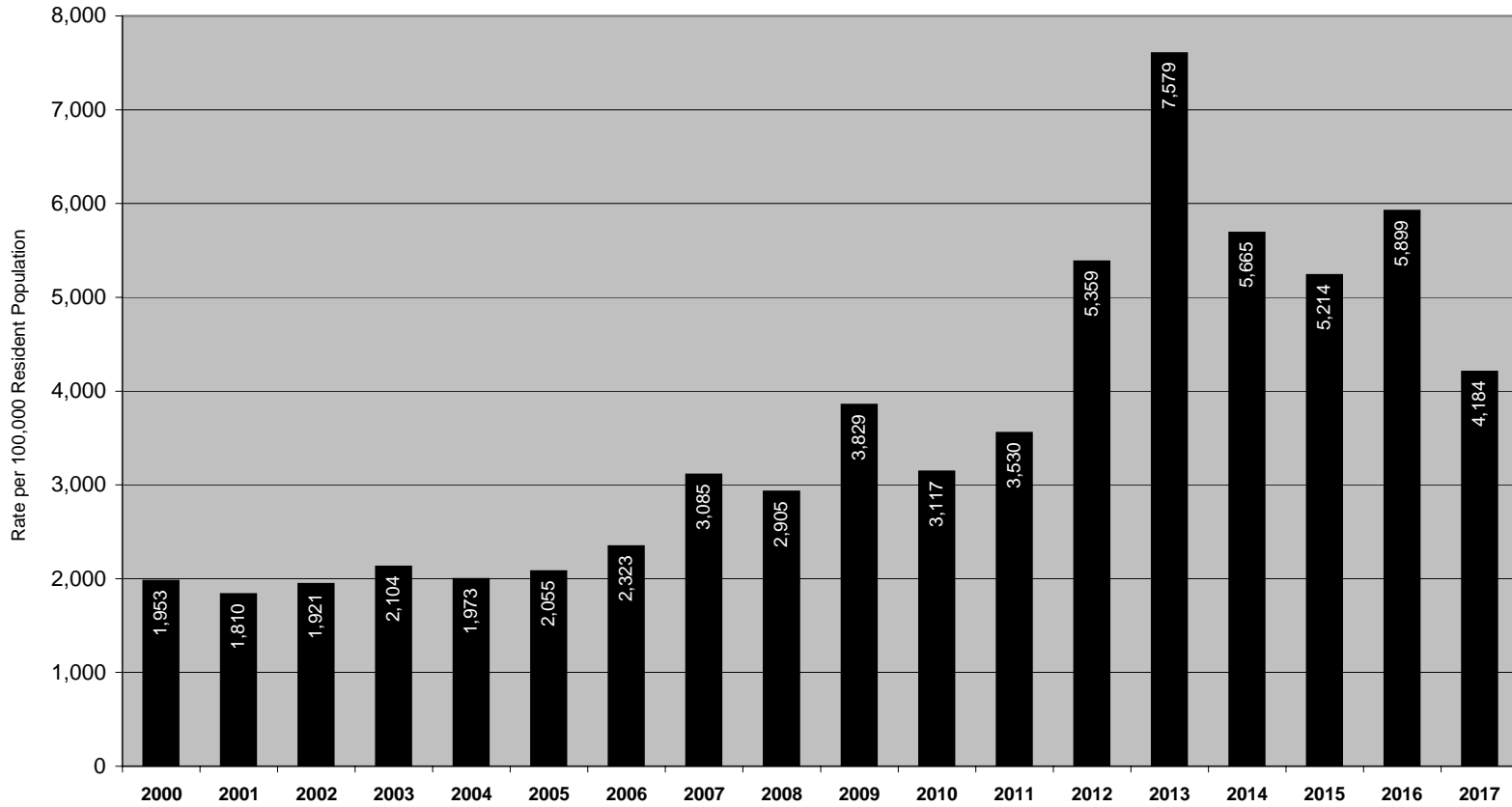
Rate of Firearms Registered, City & County of Honolulu, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



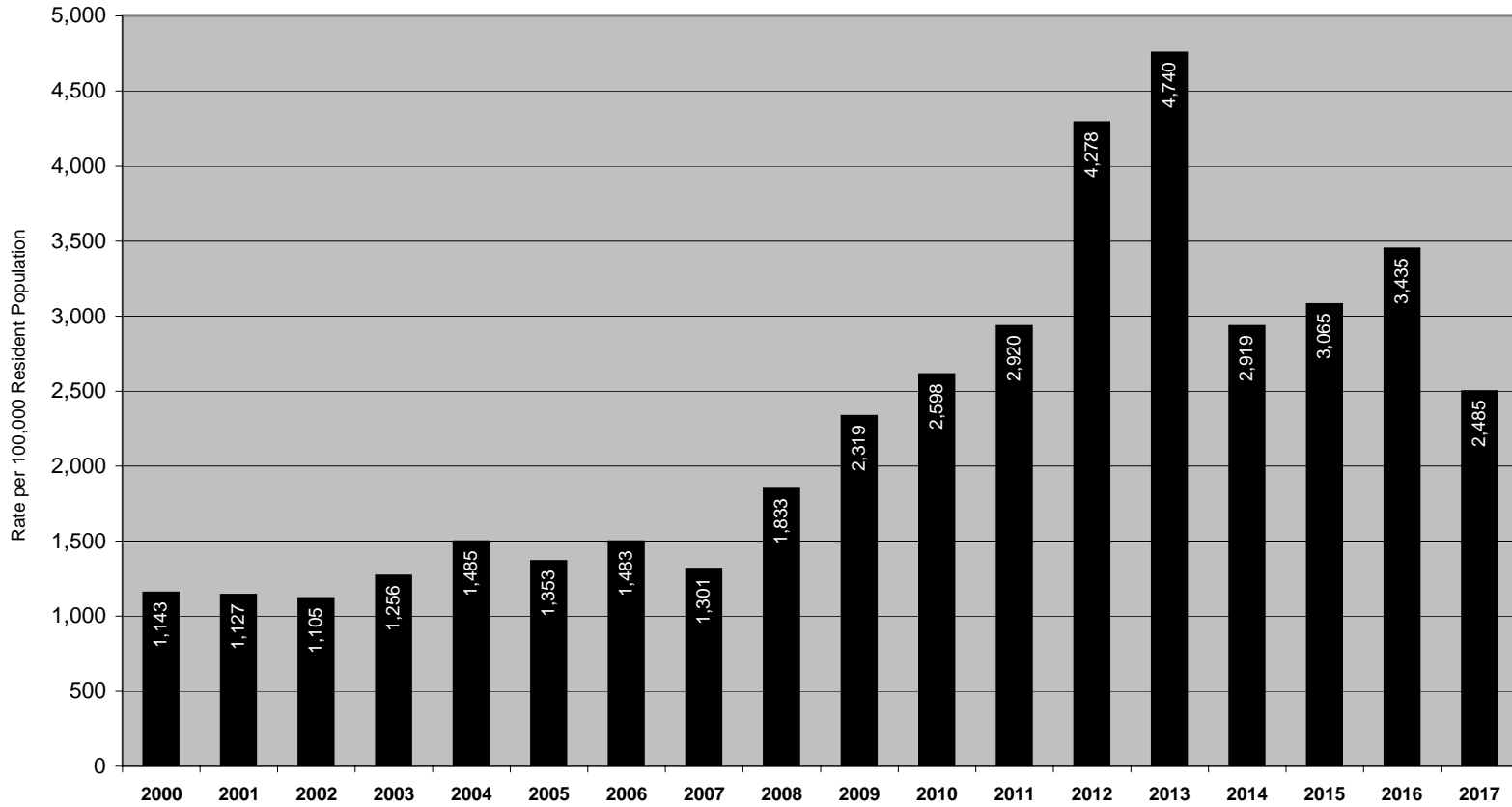
Rate of Firearms Registered, County of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



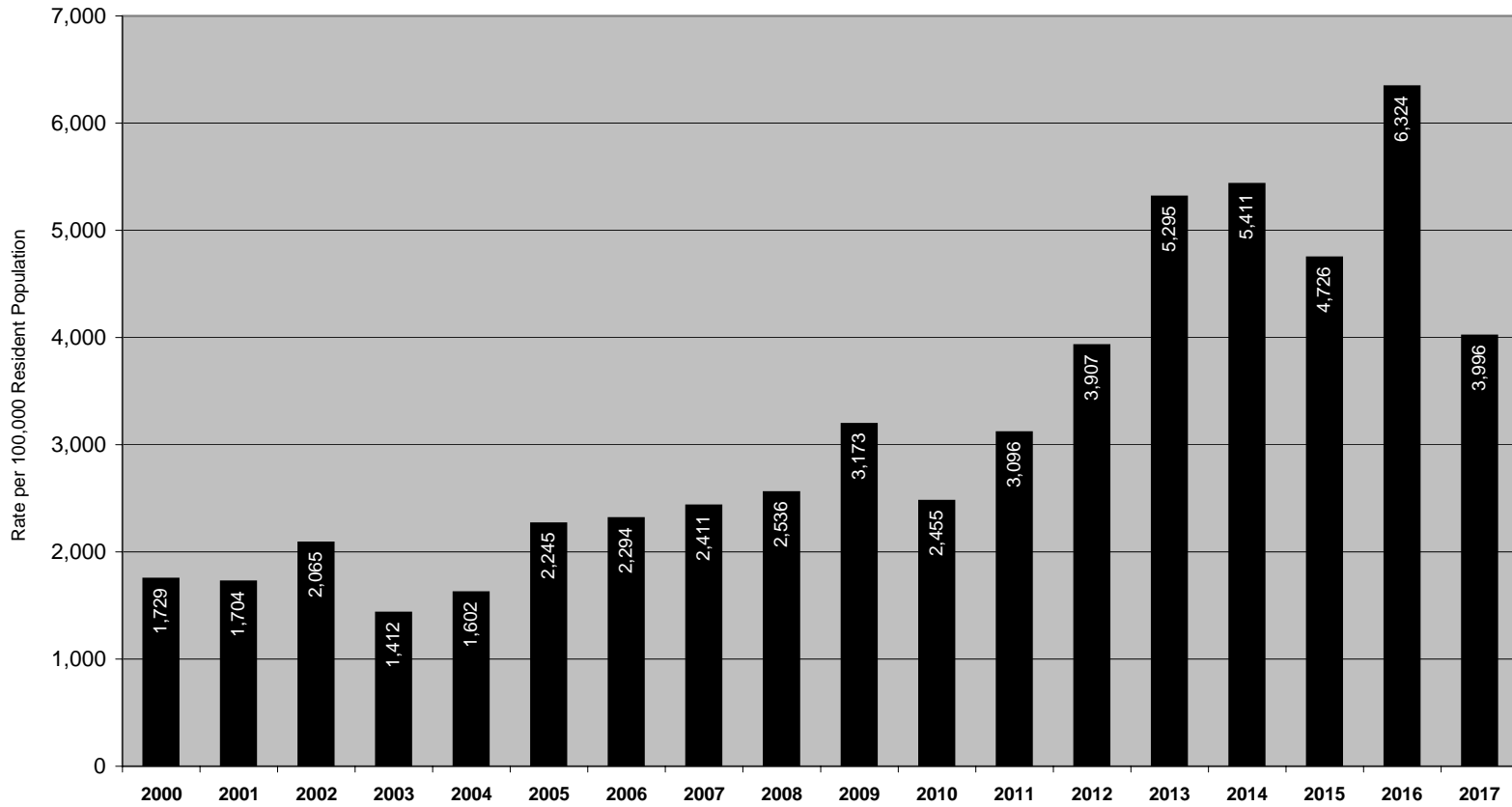
Rate of Firearms Registered, County of Maui, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



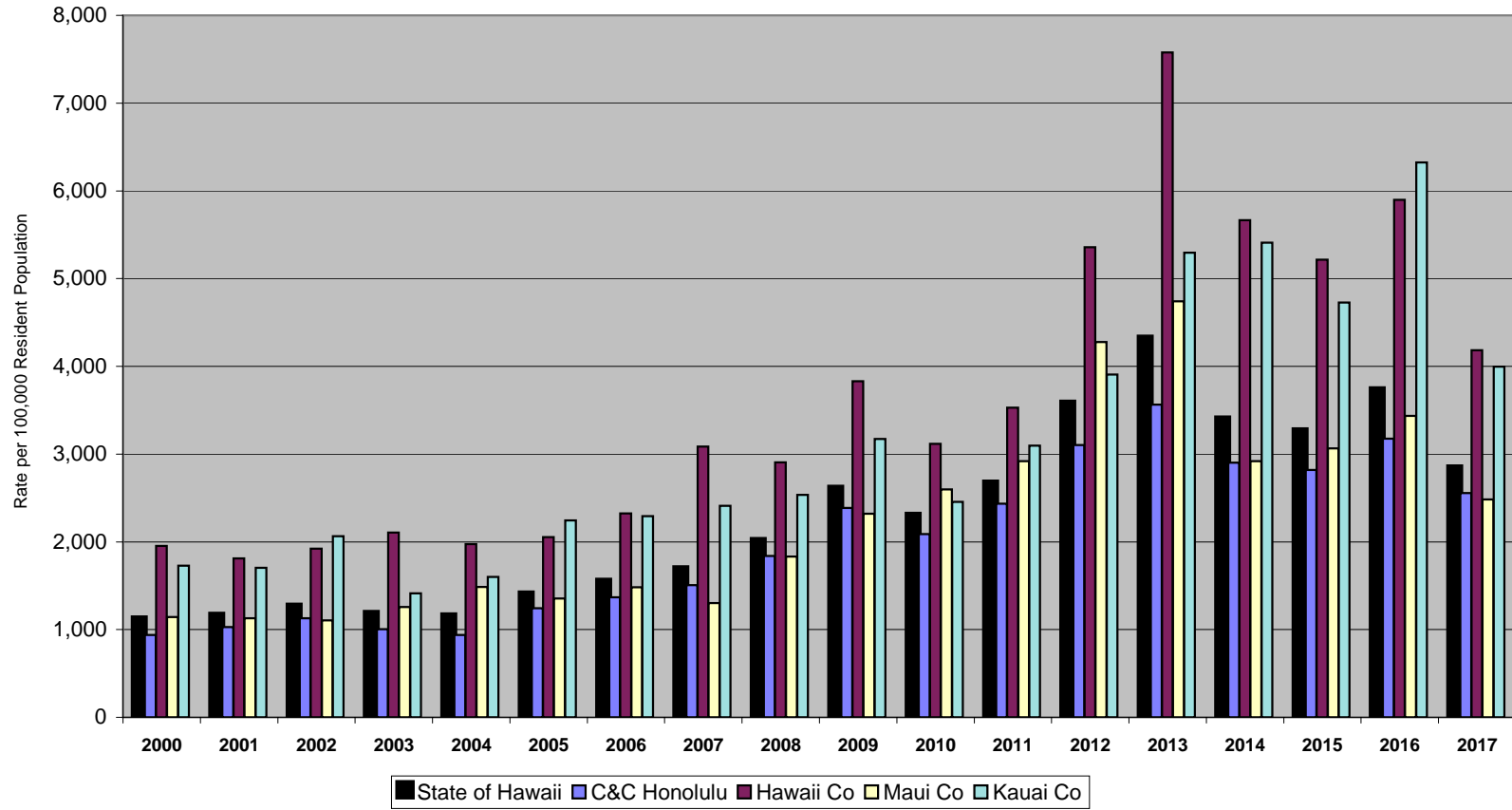
Rate of Firearms Registered, County of Kauai, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



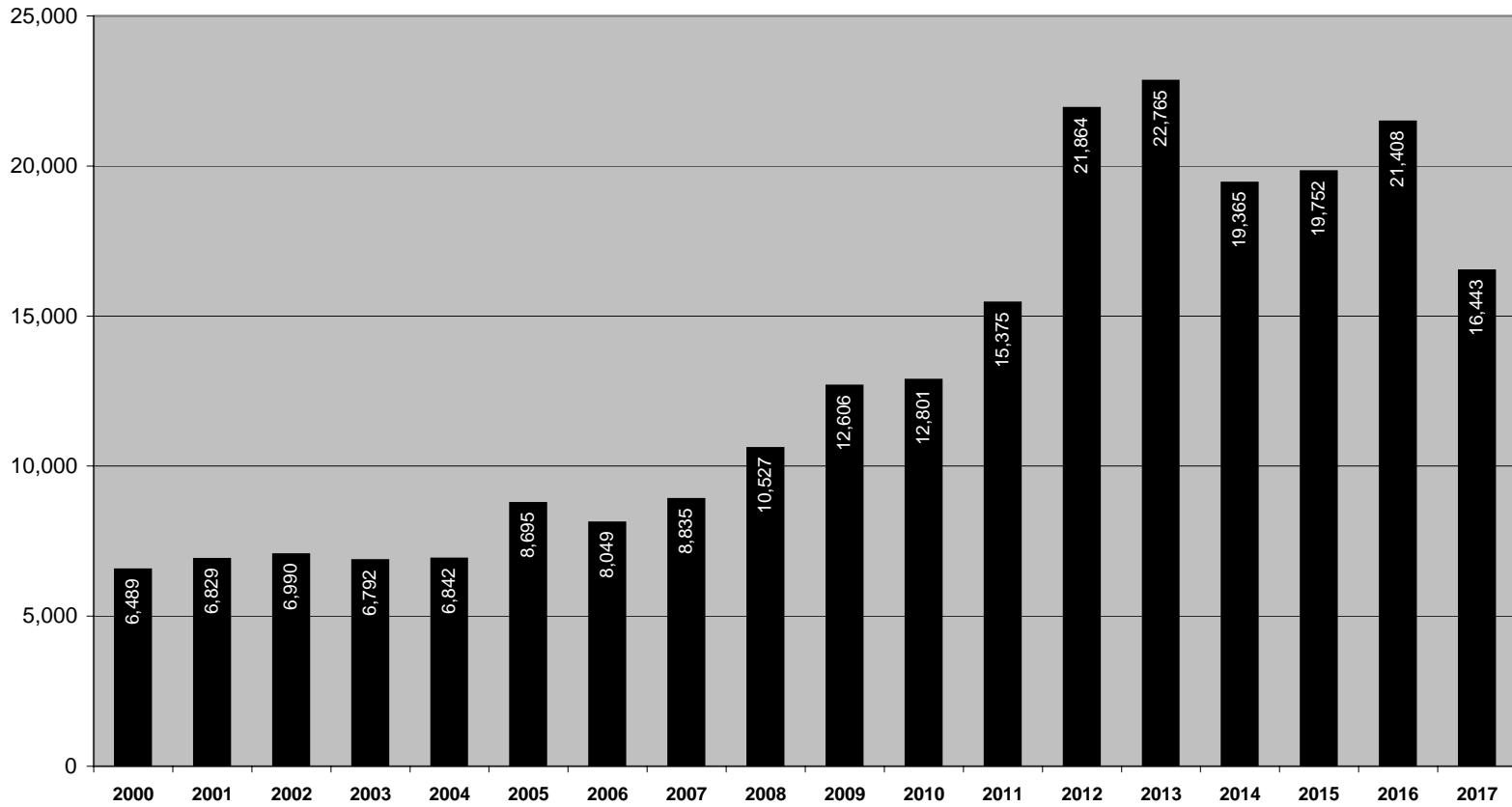
Rate of Firearms Registered, State of Hawaii and Counties, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



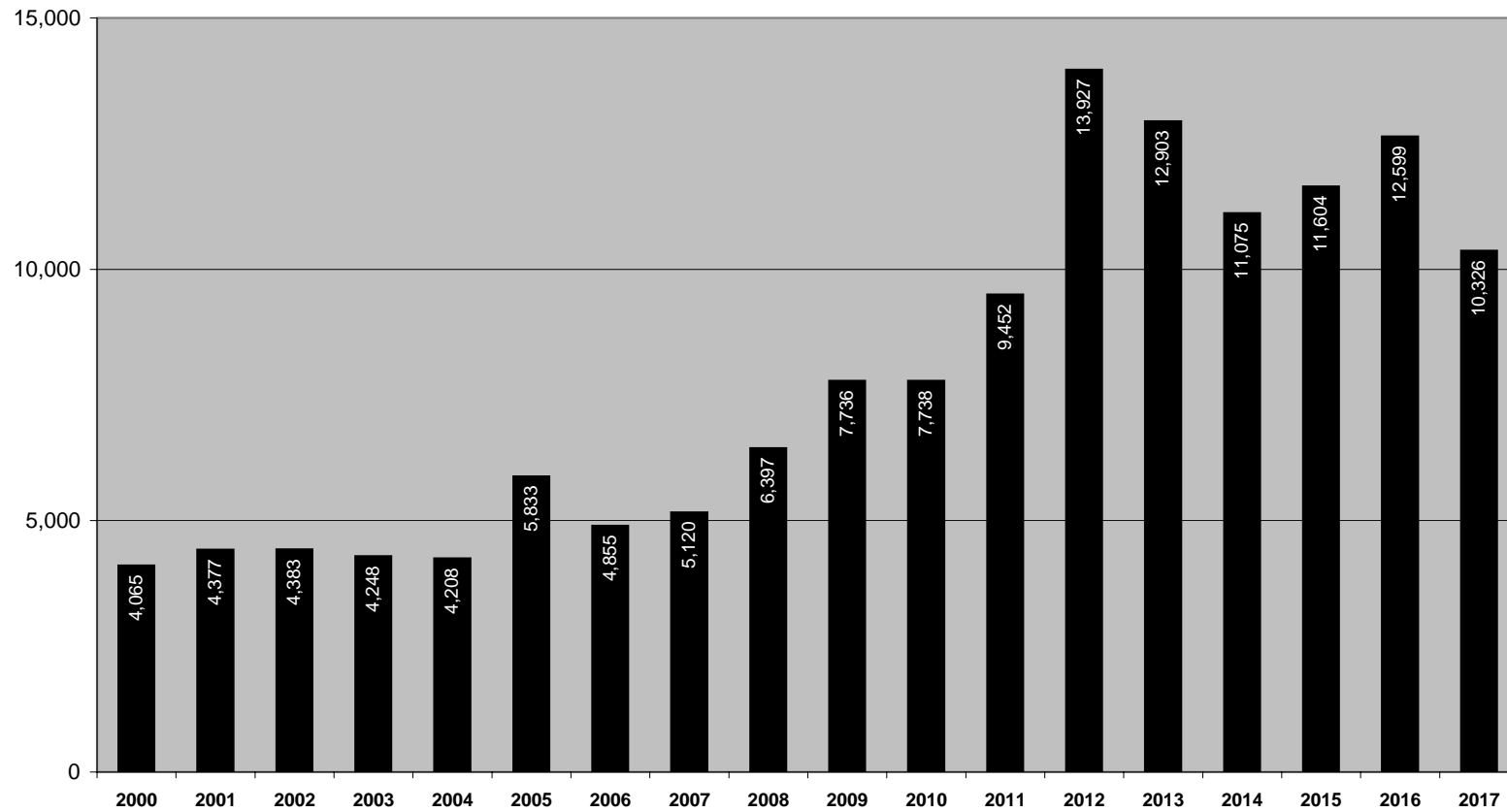
Firearm Permit Applications Processed, State of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



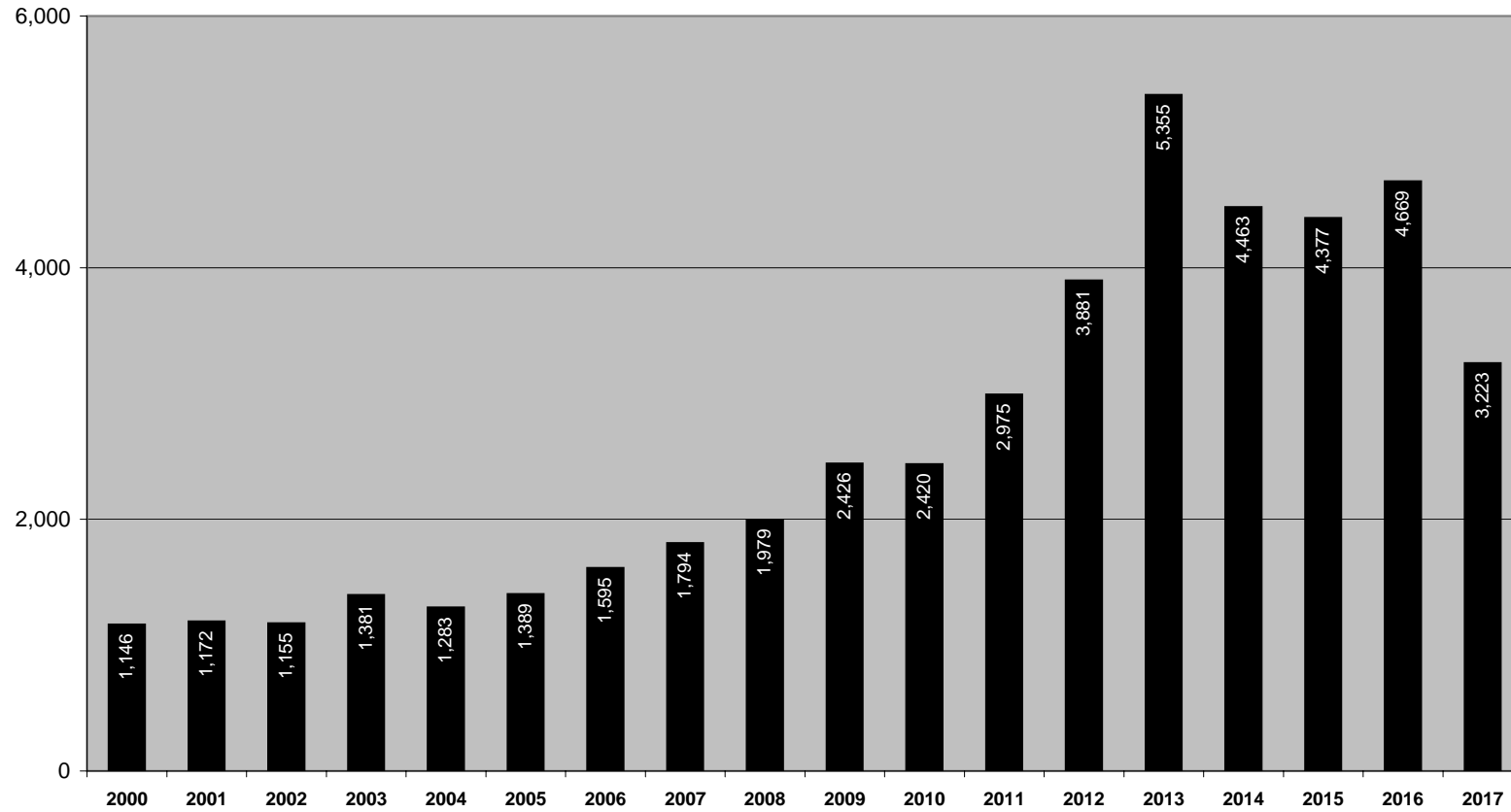
Firearm Permit Applications Processed, City & County of Honolulu, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



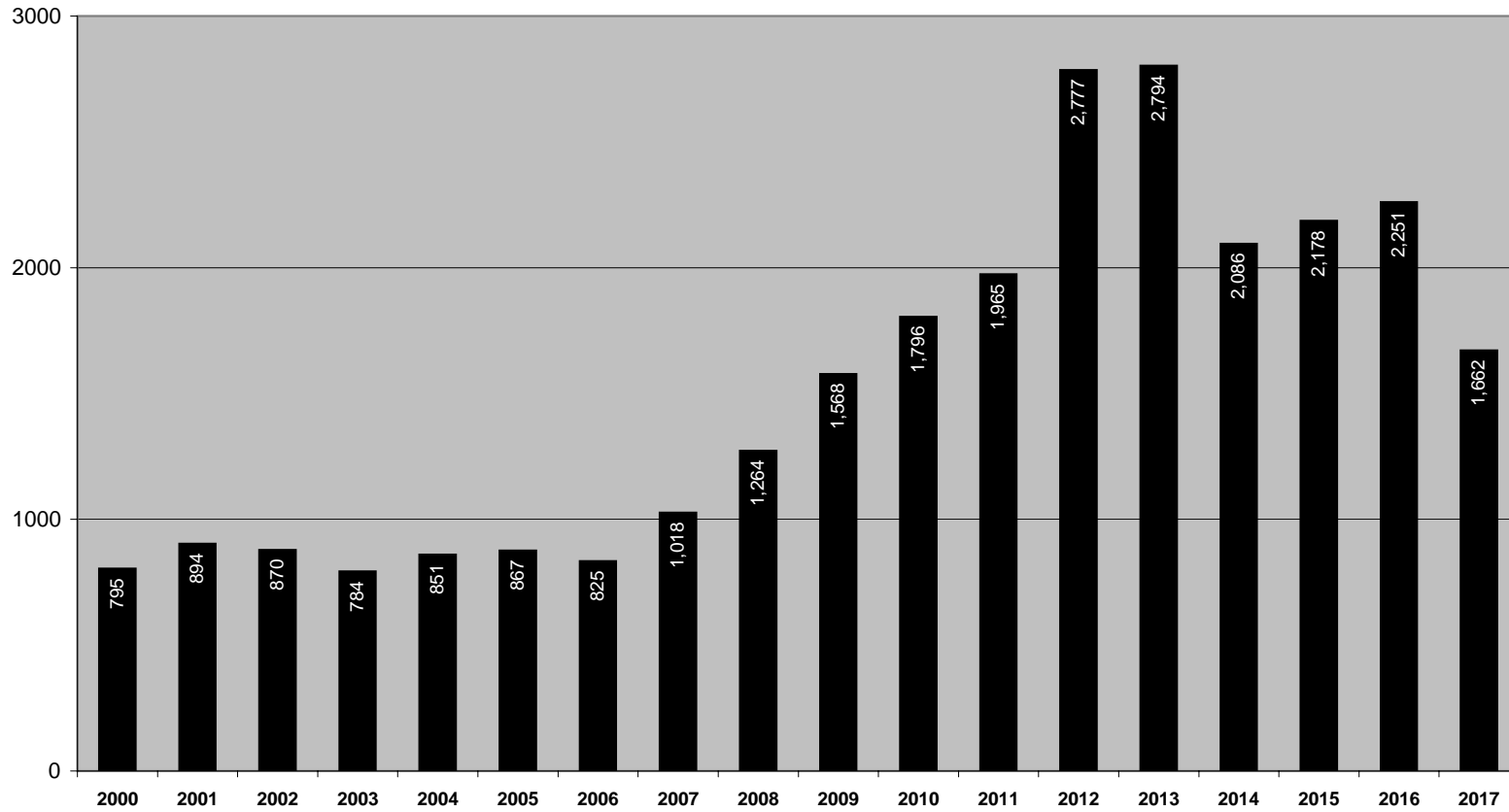
Firearm Permit Applications Processed, County of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



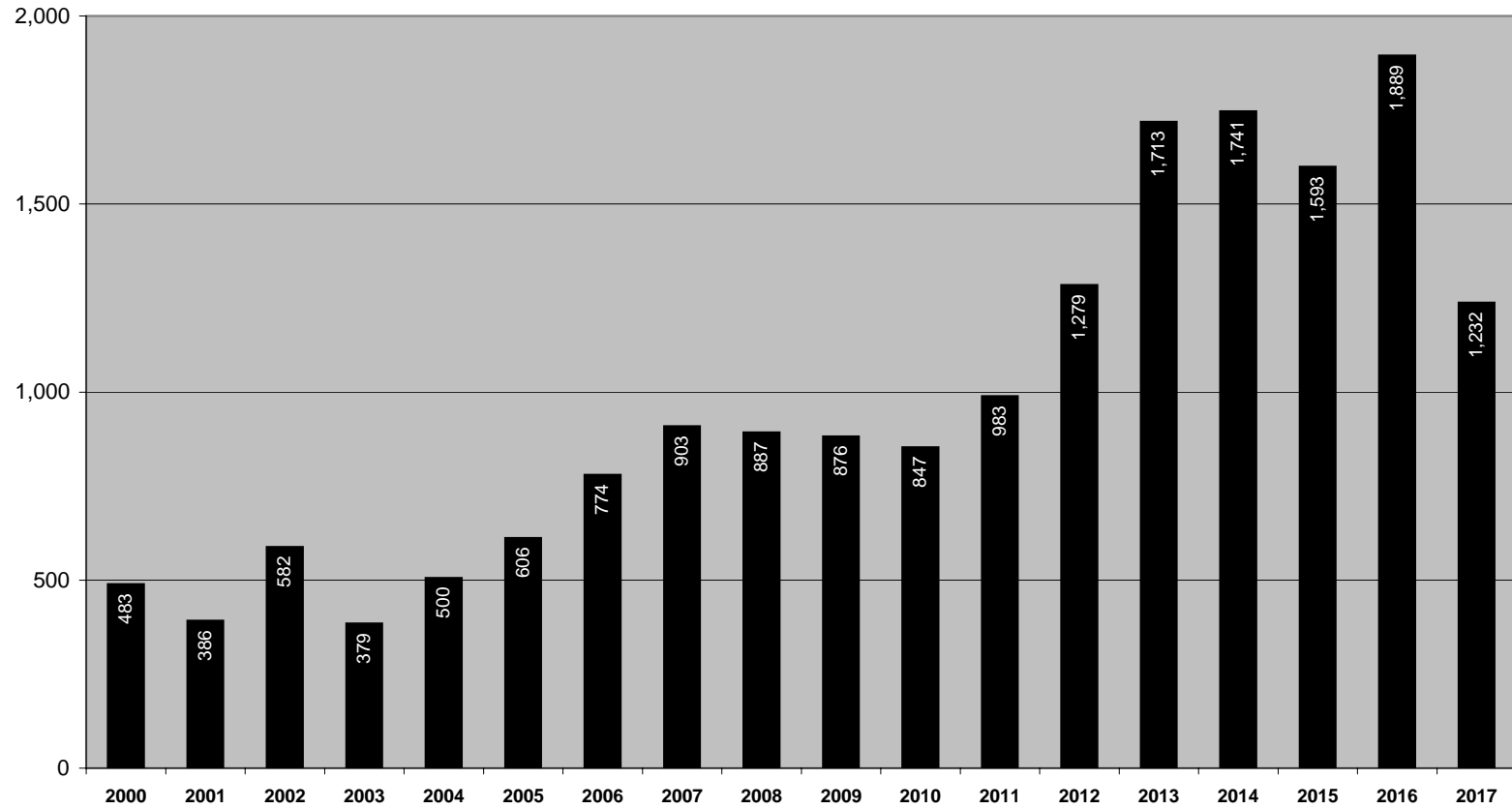
Firearm Permit Applications Processed, County of Maui, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



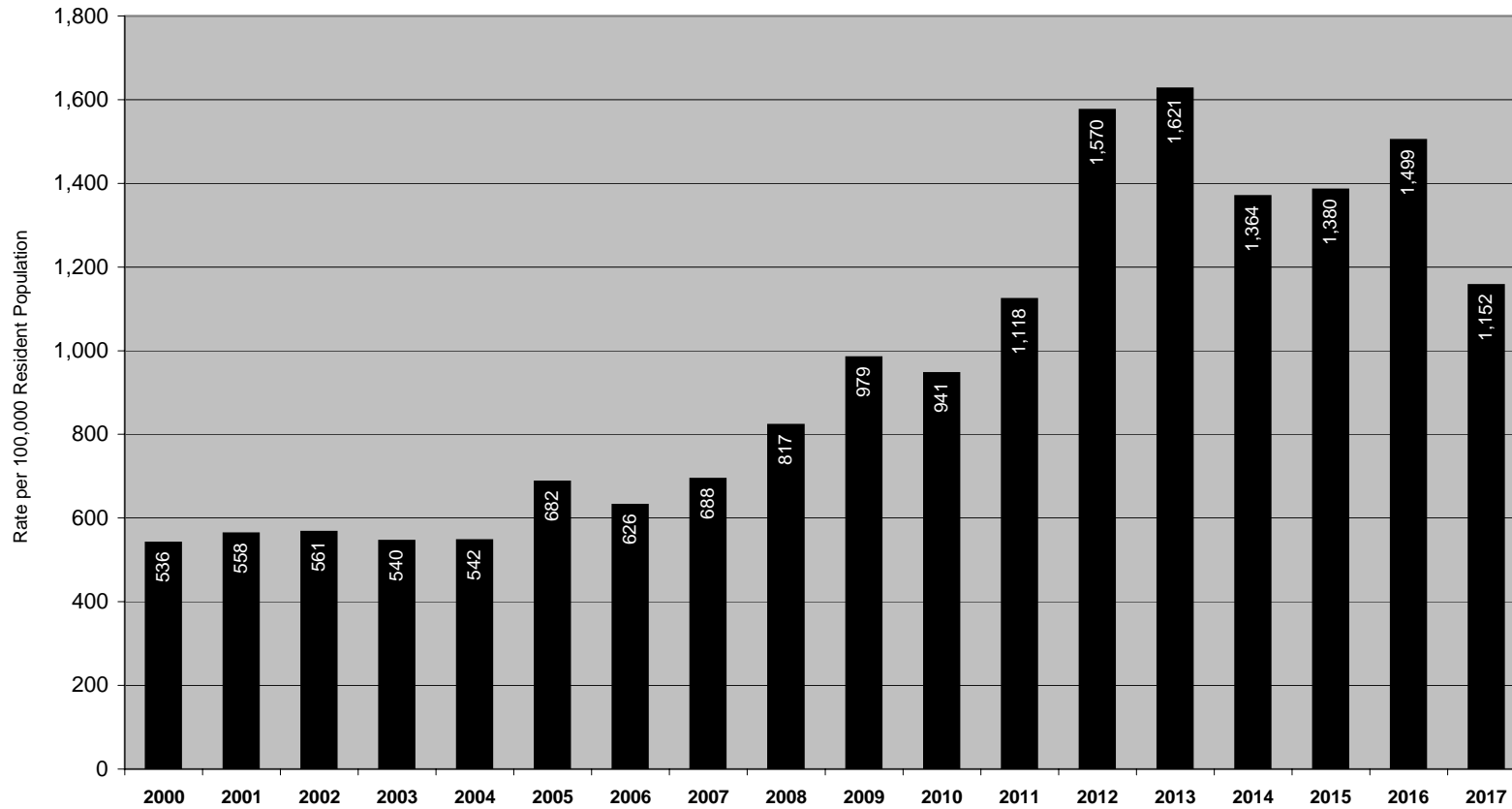
Firearm Permit Applications Processed, County of Kauai, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



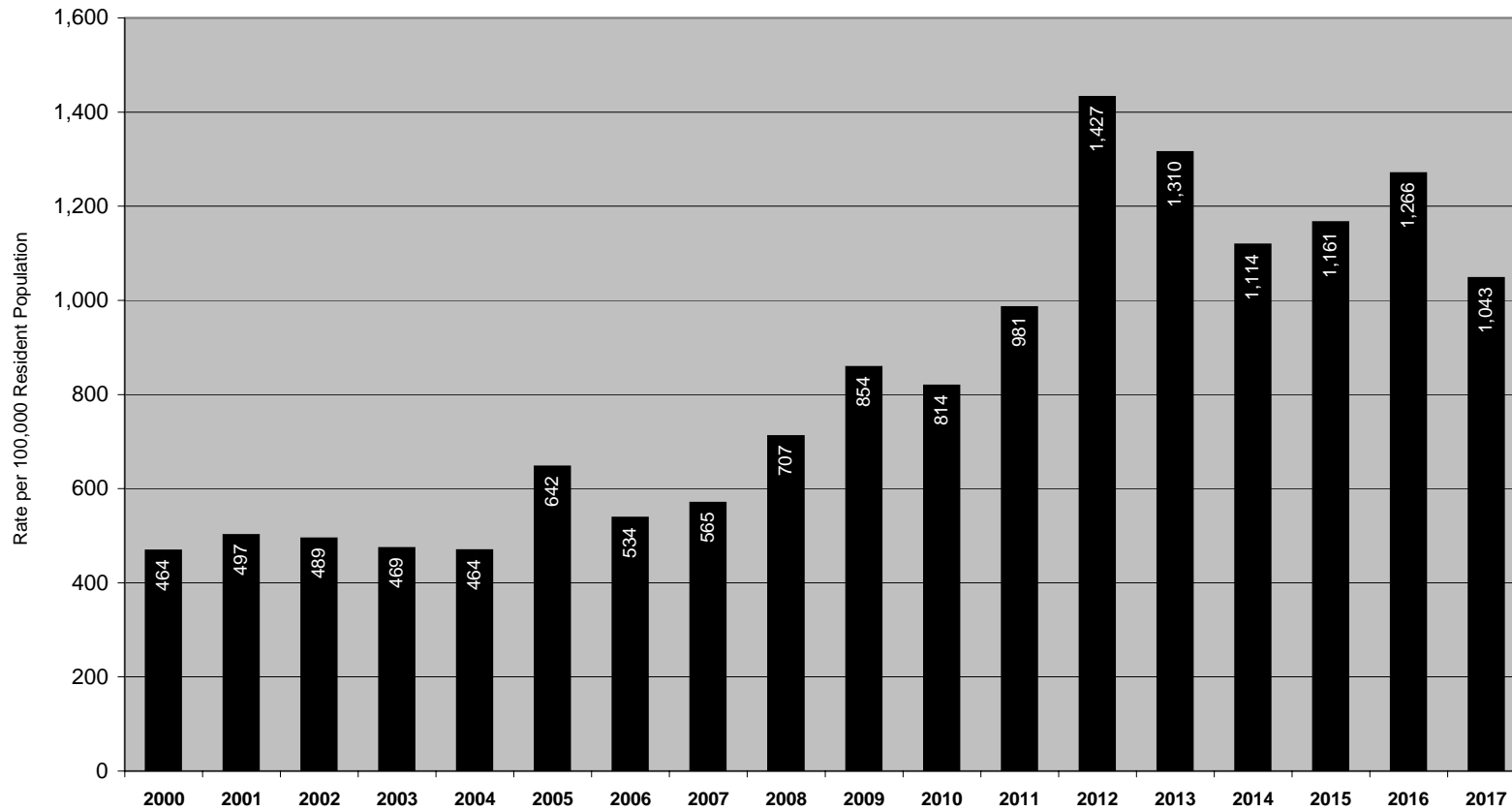
Rate of Firearm Permit Applications Processed, State of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



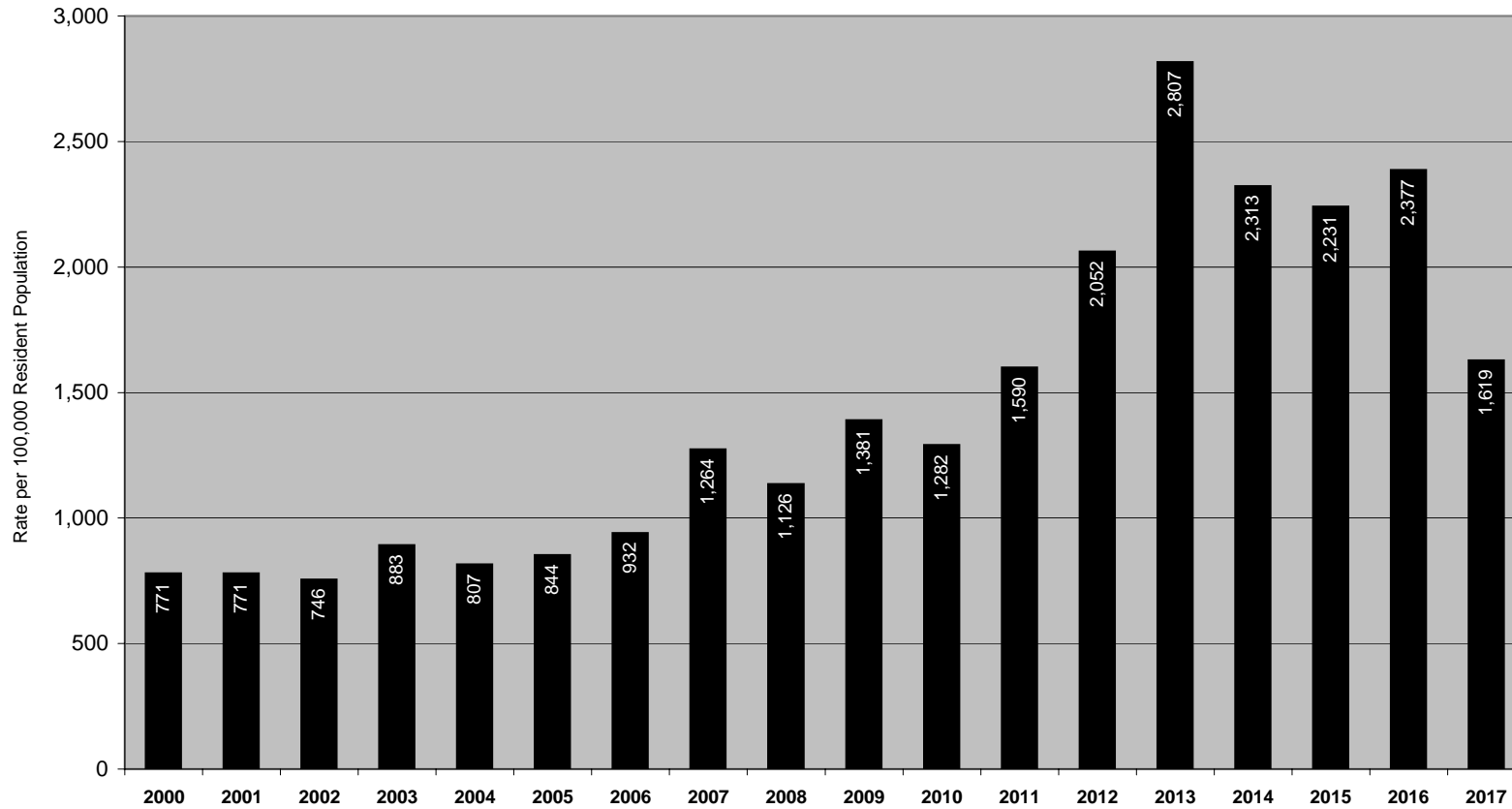
Rate of Firearm Permit Applications Processed, City & County of Honolulu, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



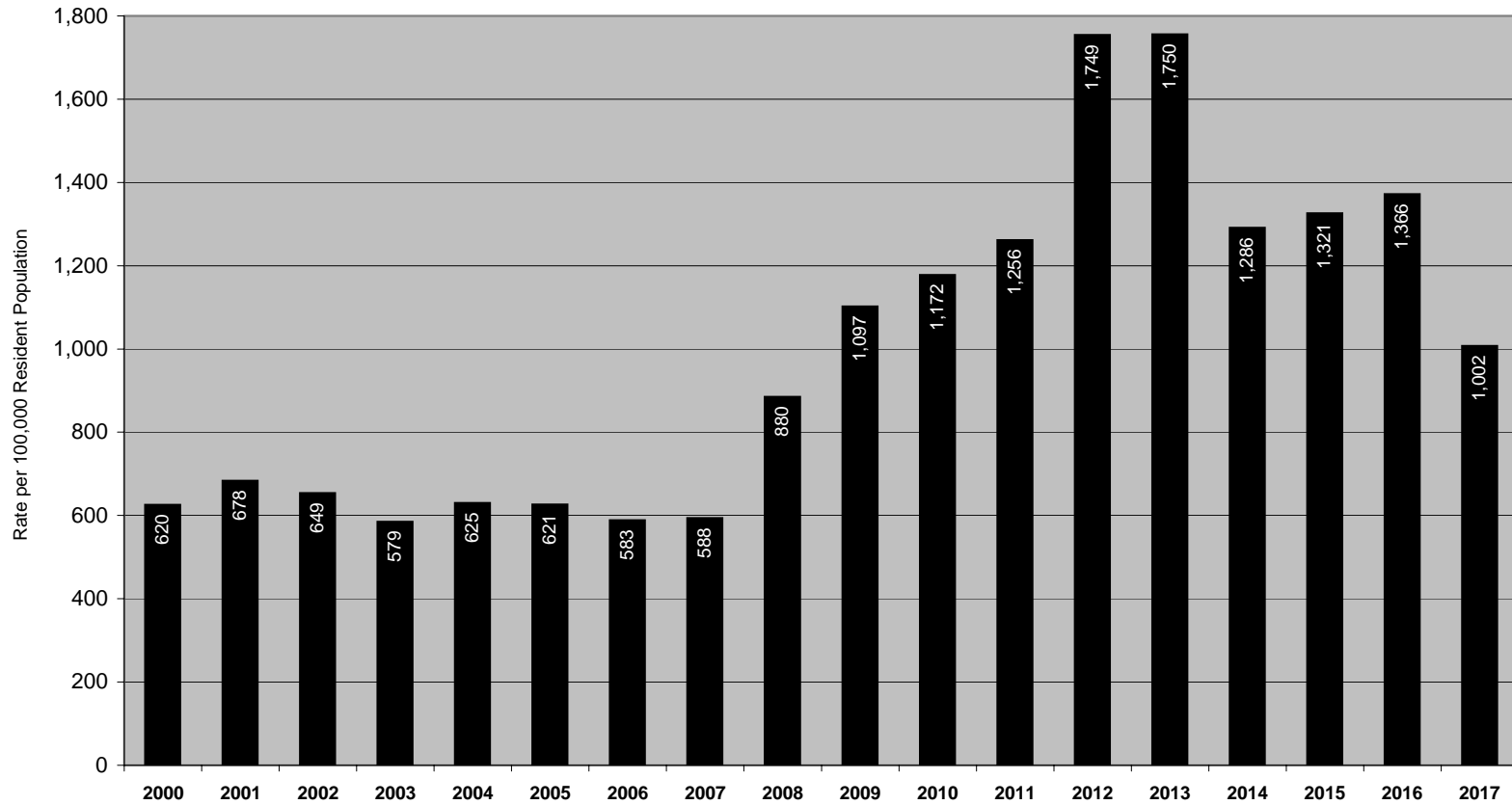
Rate of Firearm Permit Applications Processed, County of Hawaii, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



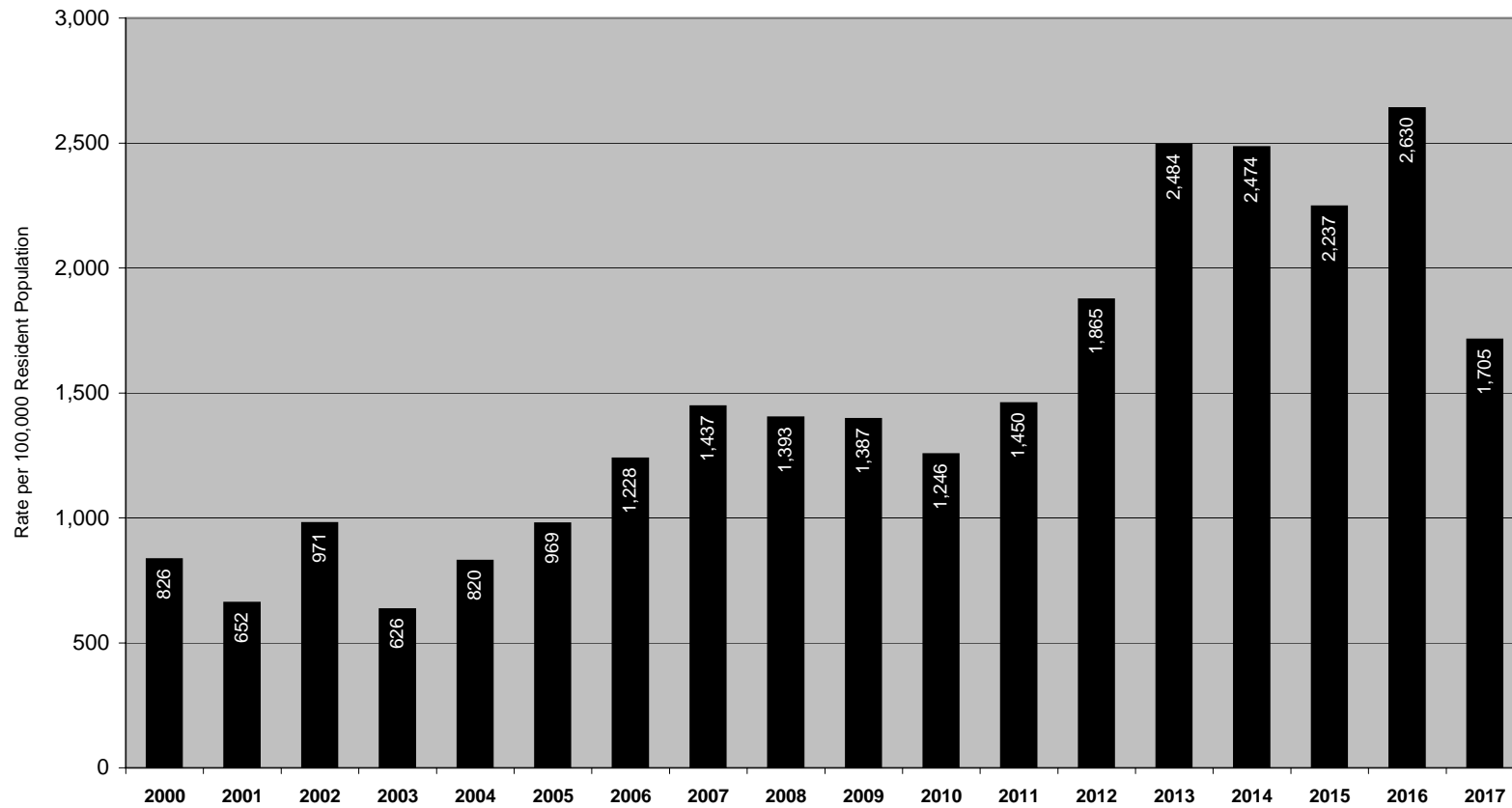
Rate of Firearm Permit Applications Processed, County of Maui, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



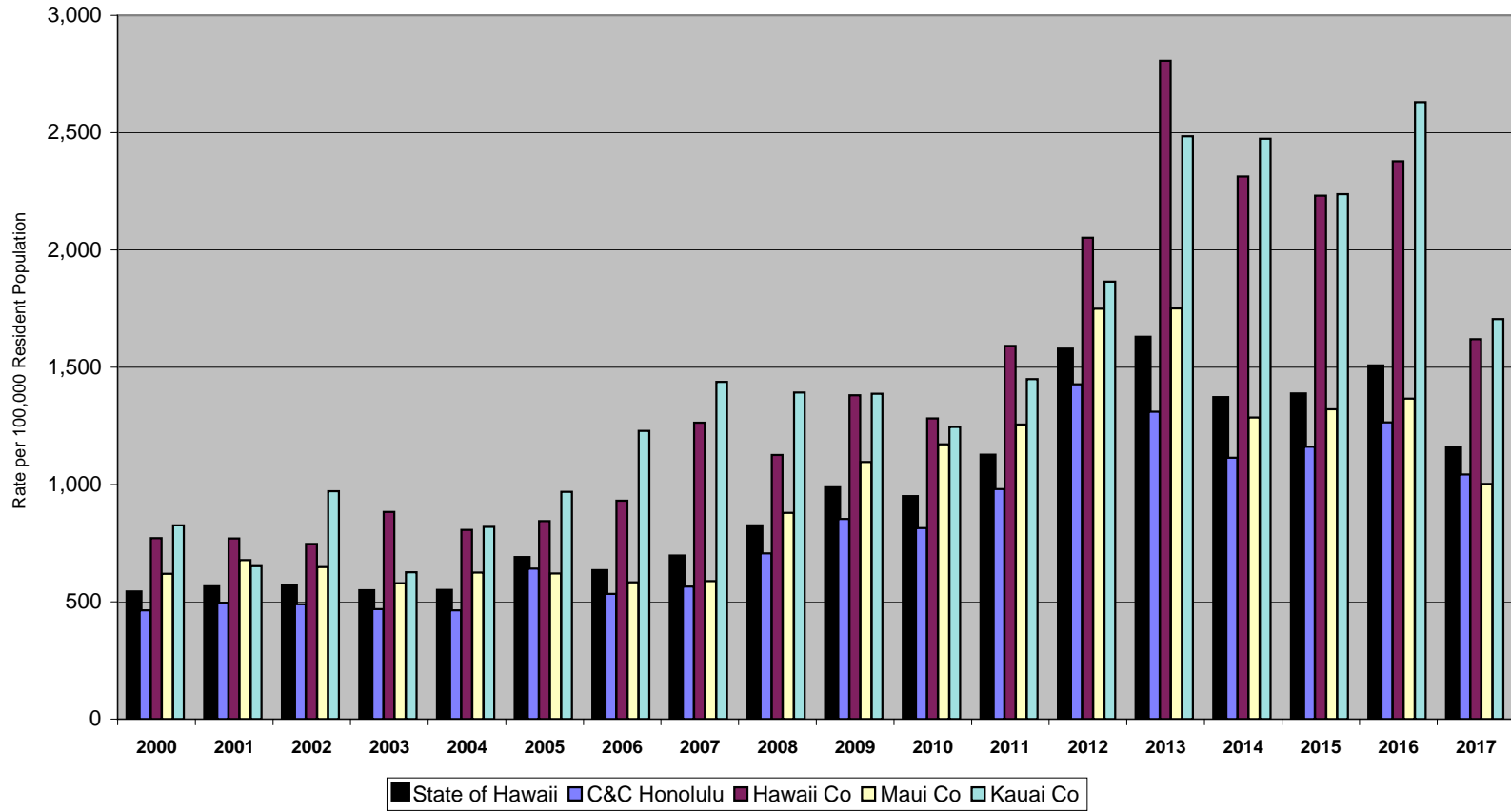
Rate of Firearm Permit Applications Processed, County of Kauai, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



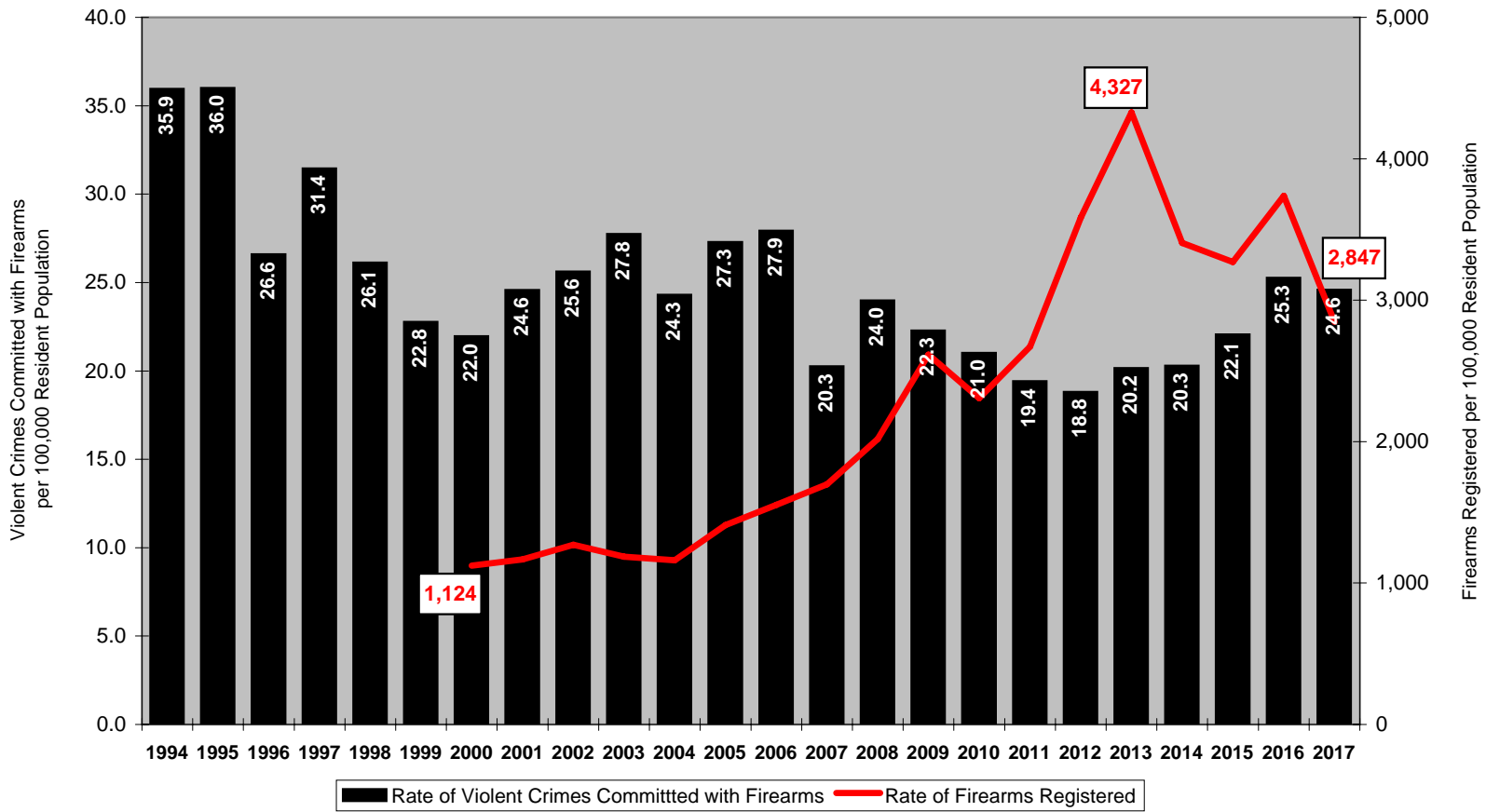
Rate of Firearms Registered, State of Hawaii and Counties, 2000-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, State of Hawaii, 1994-2017

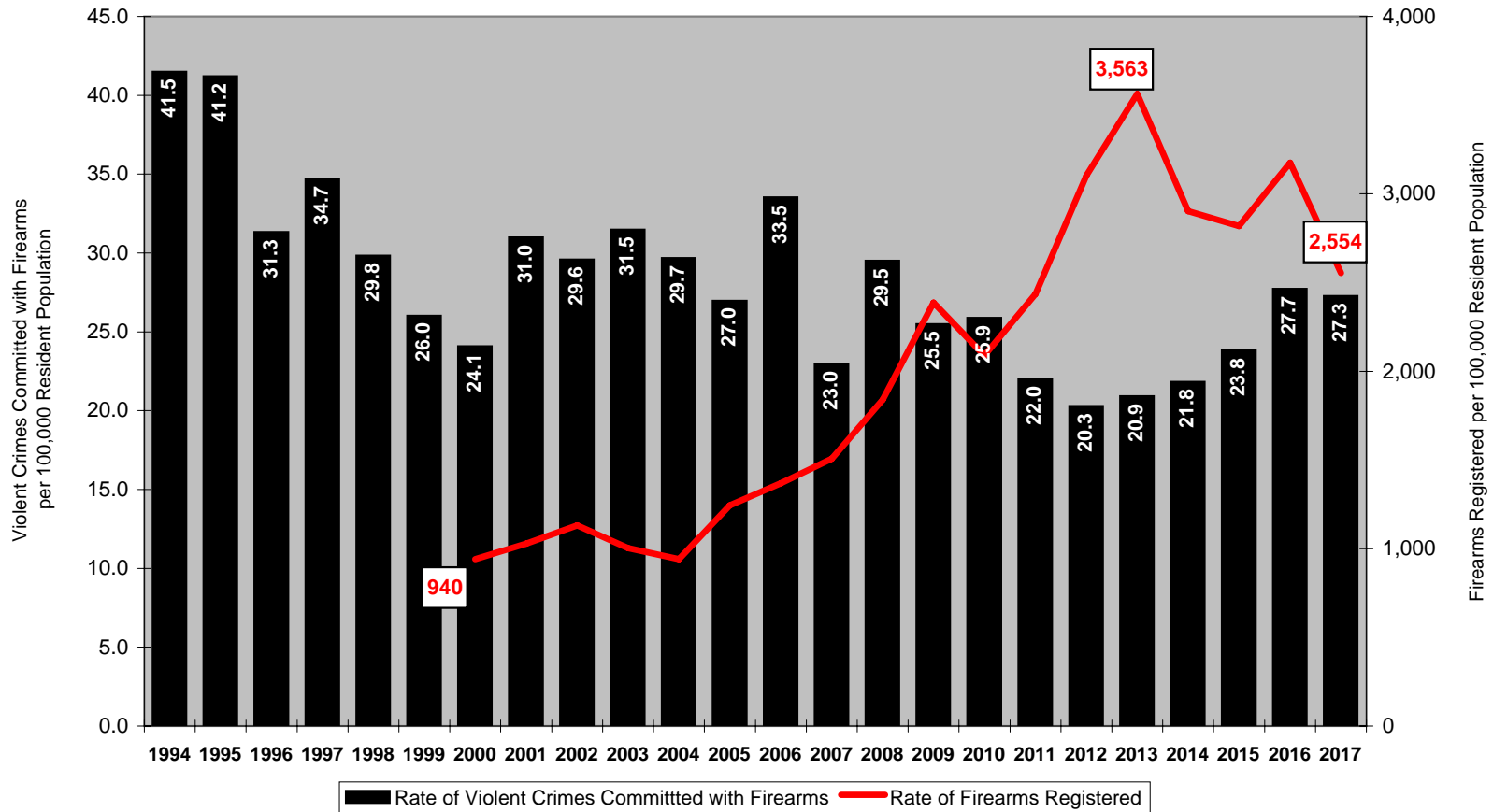
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, City & County of Honolulu, 1994-2017

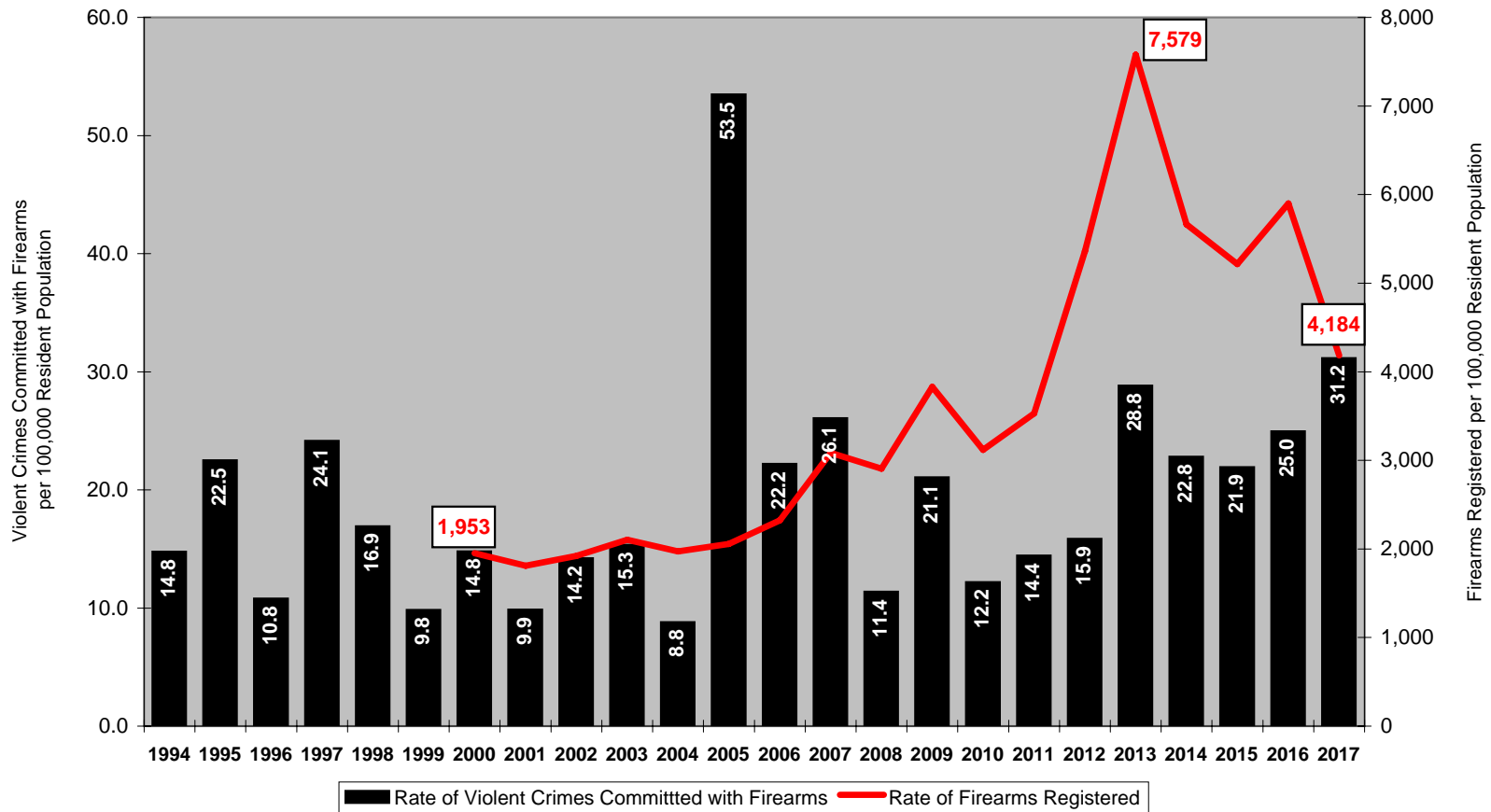
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

001



Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, County of Hawaii, 1994-2017

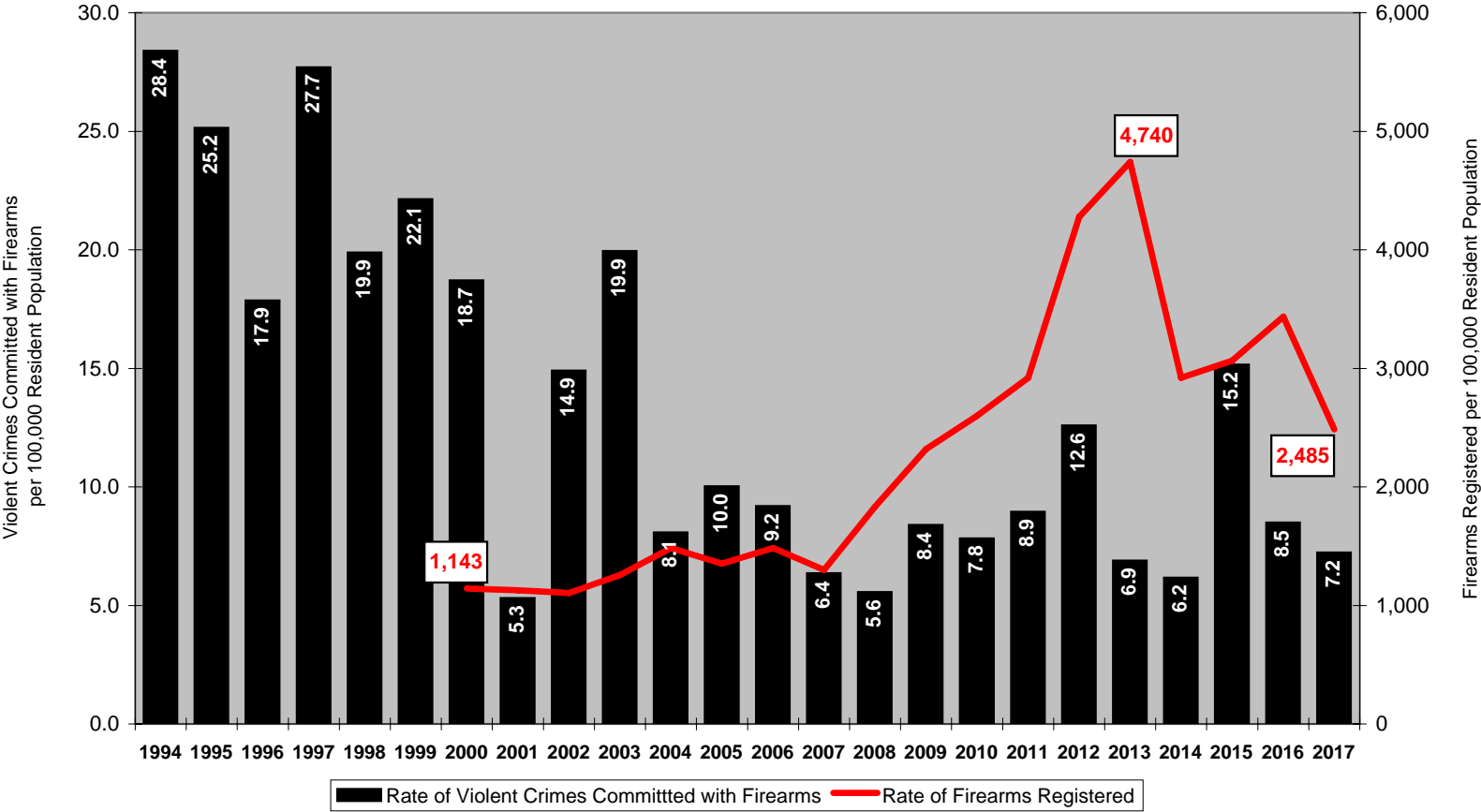
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

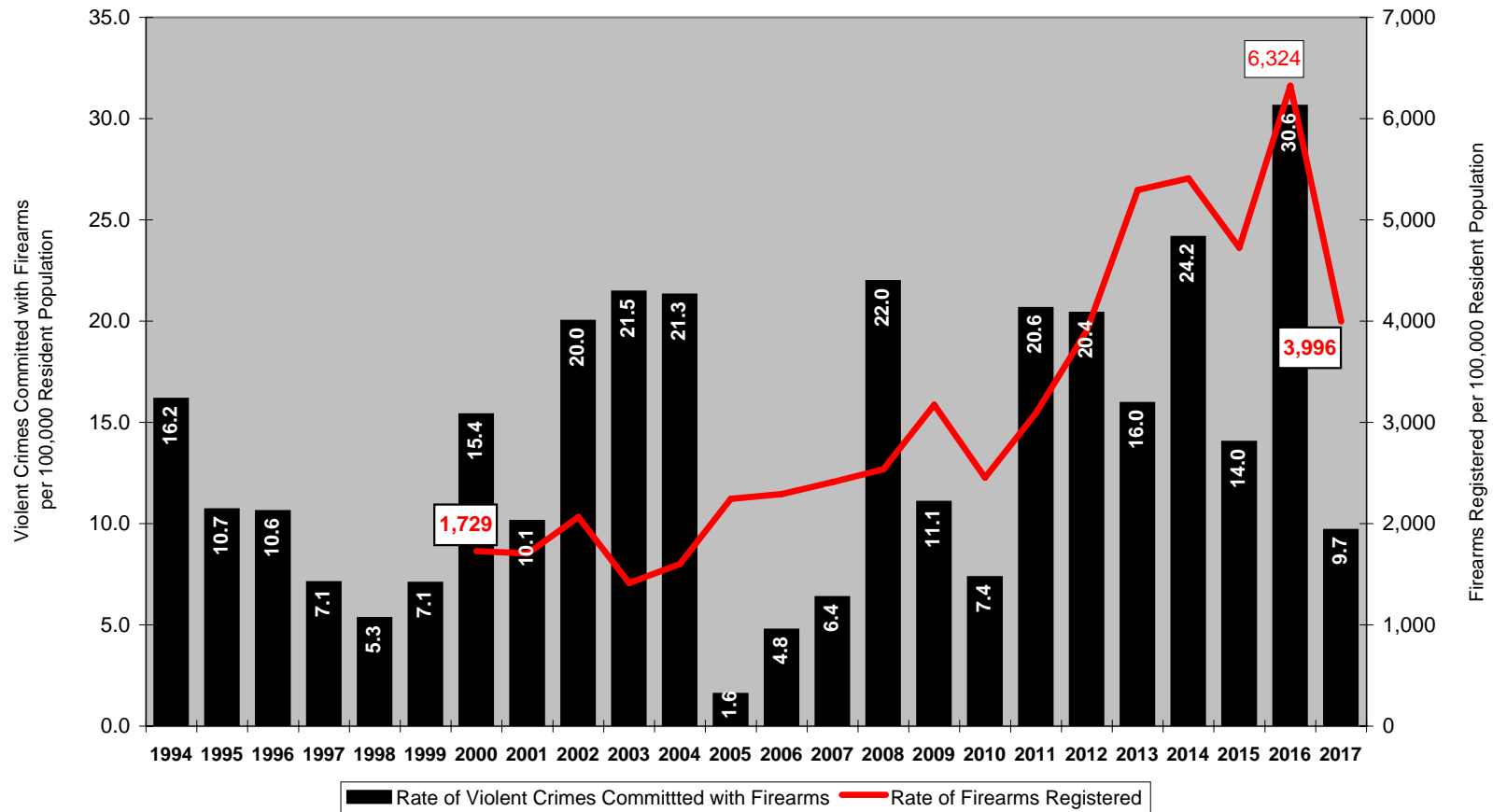
201



Rate of Violent Crimes Committed with Firearms and Rate of Firearms Registered, County of Kauai, 1994-2017

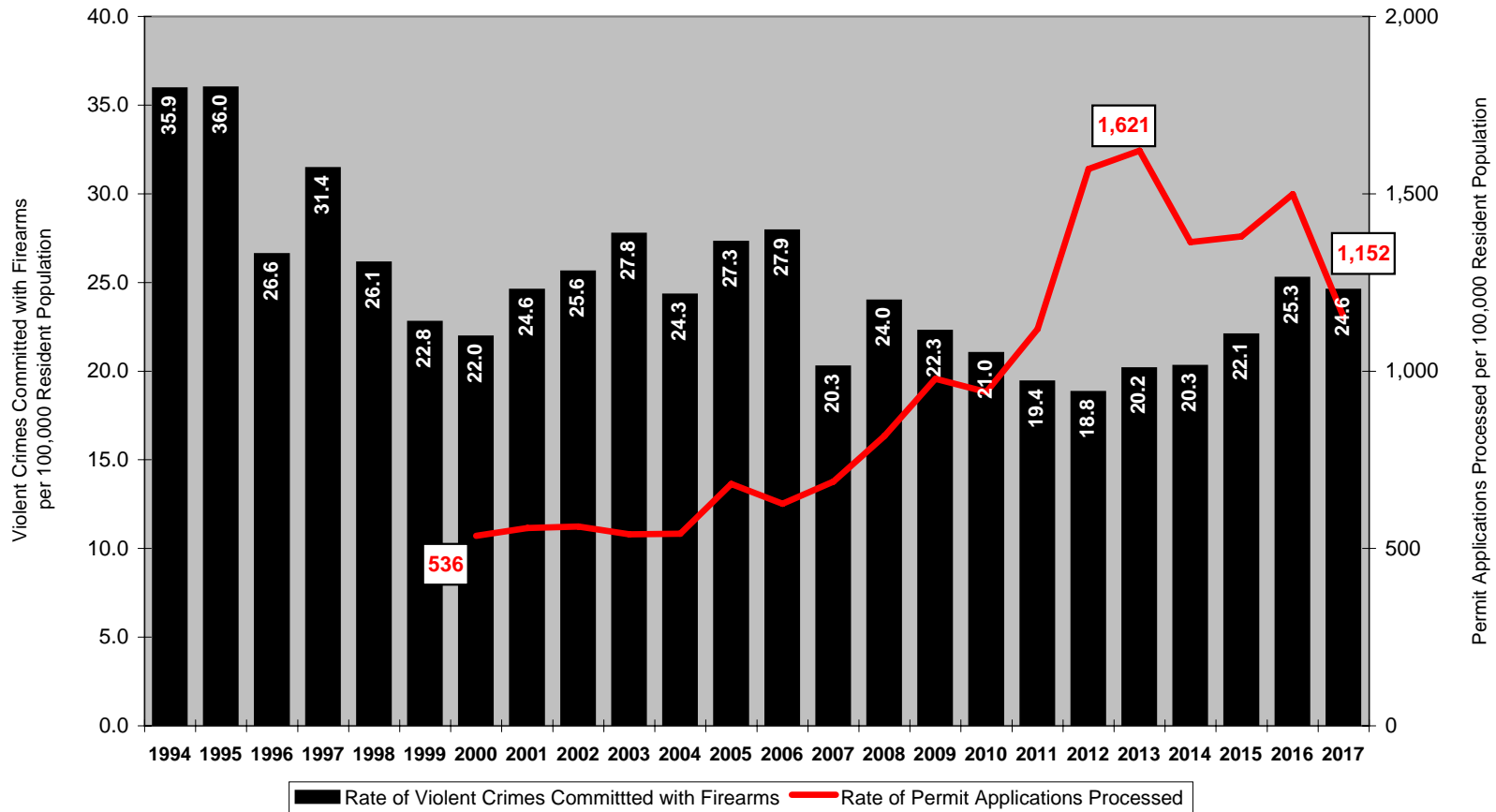
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

103



Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, State of Hawaii, 1994-2017

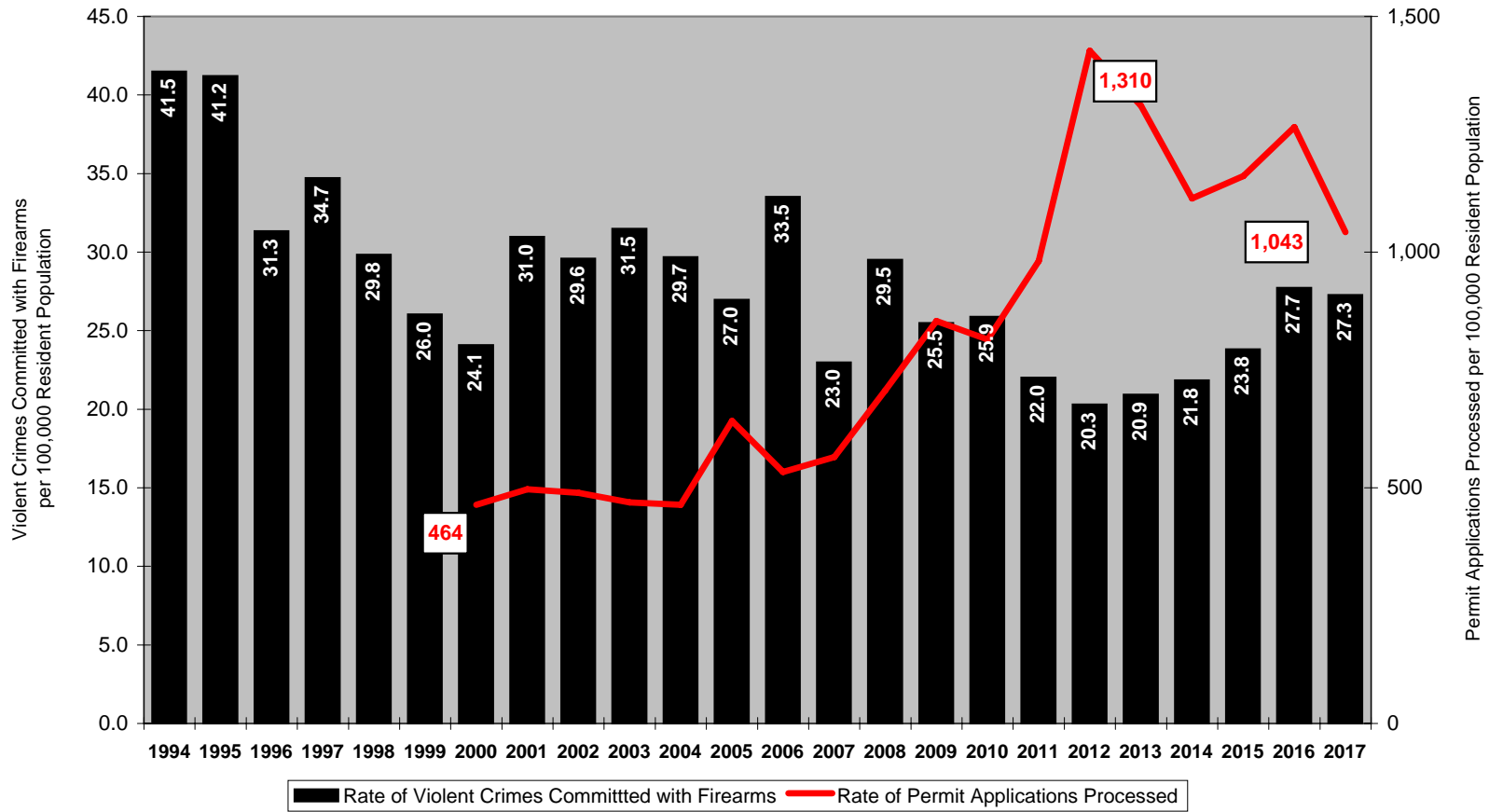
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, City & County of Honolulu, 1994-2017

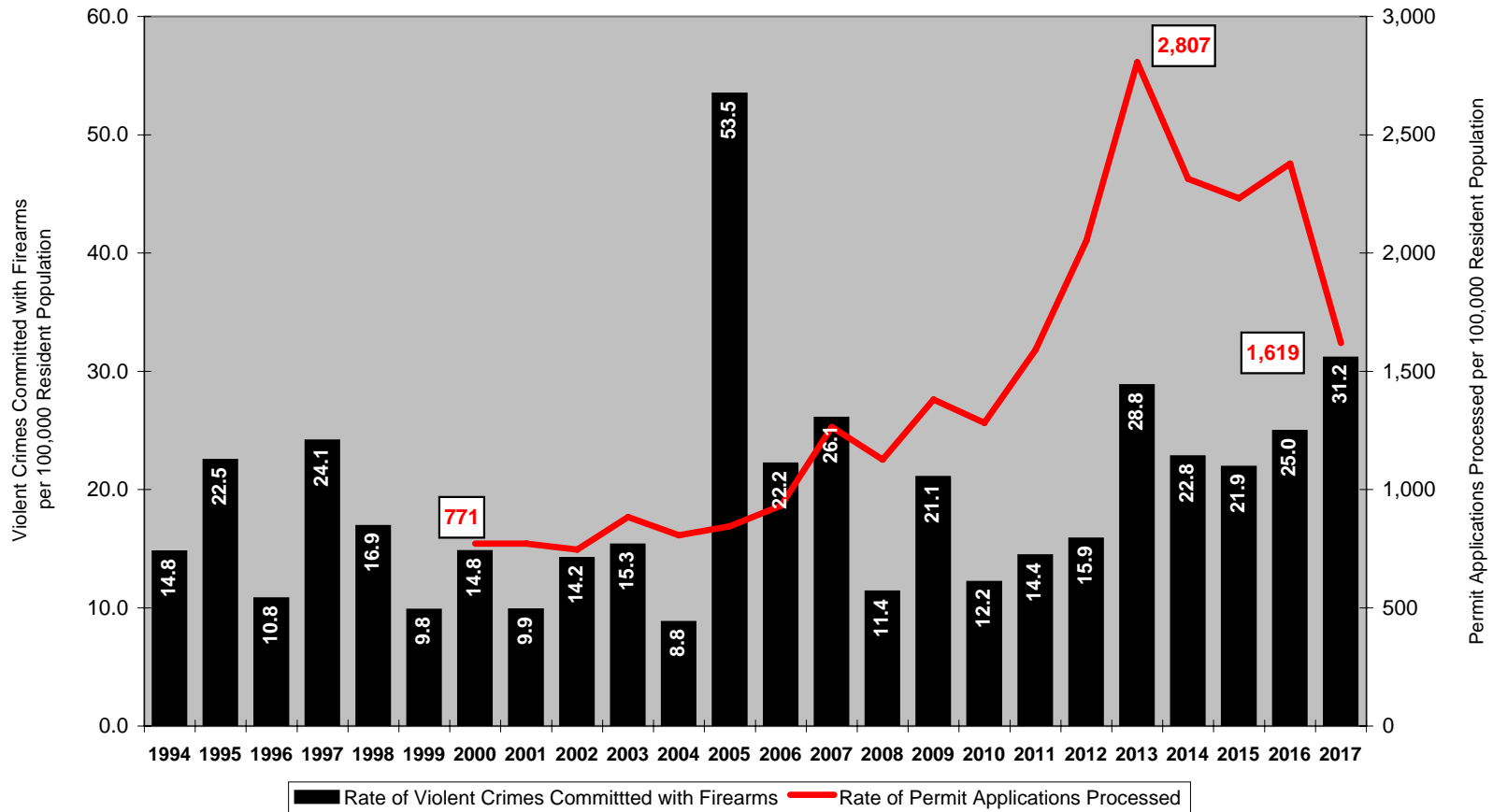
Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)

501



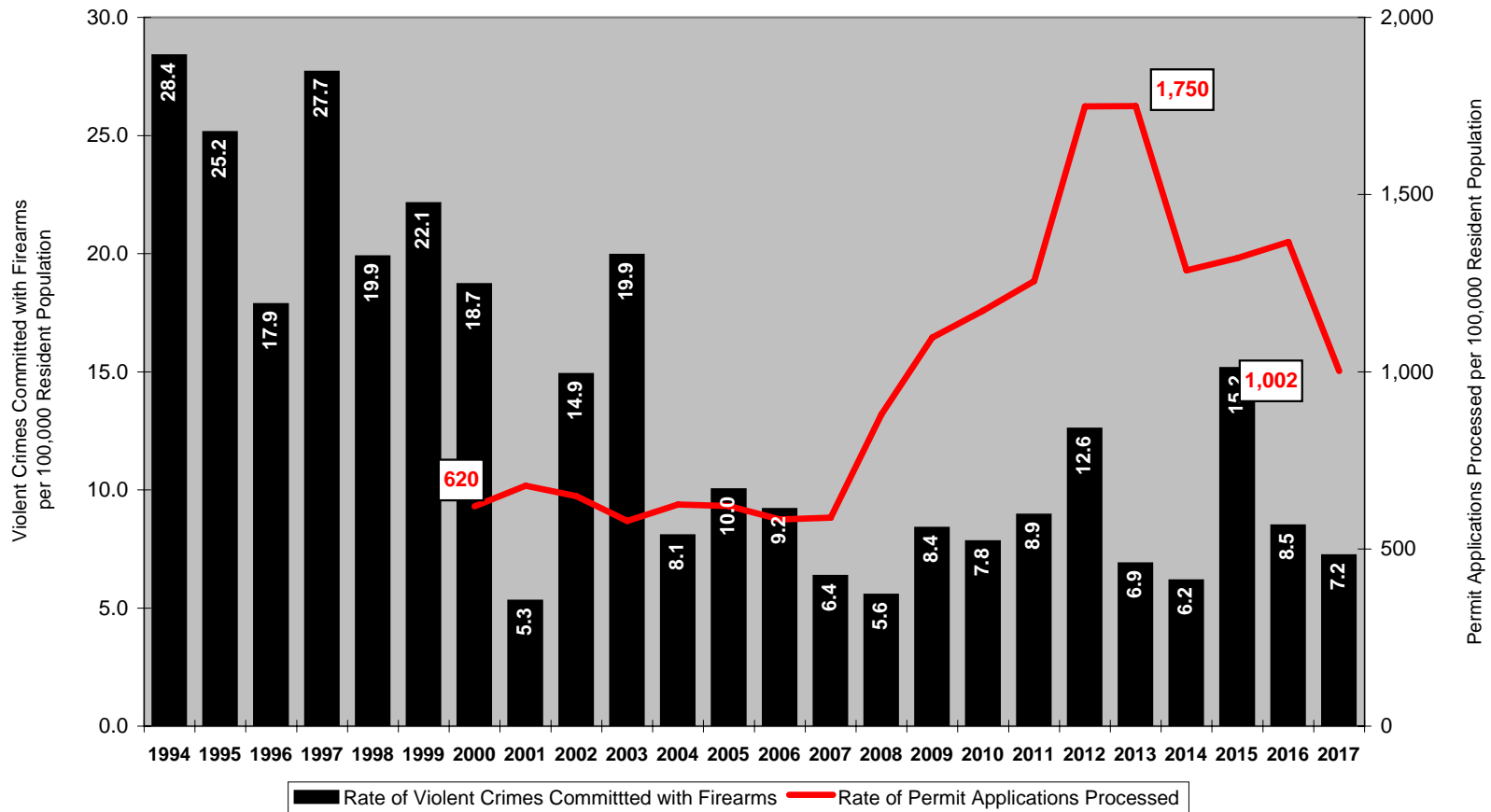
Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, County of Hawaii, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



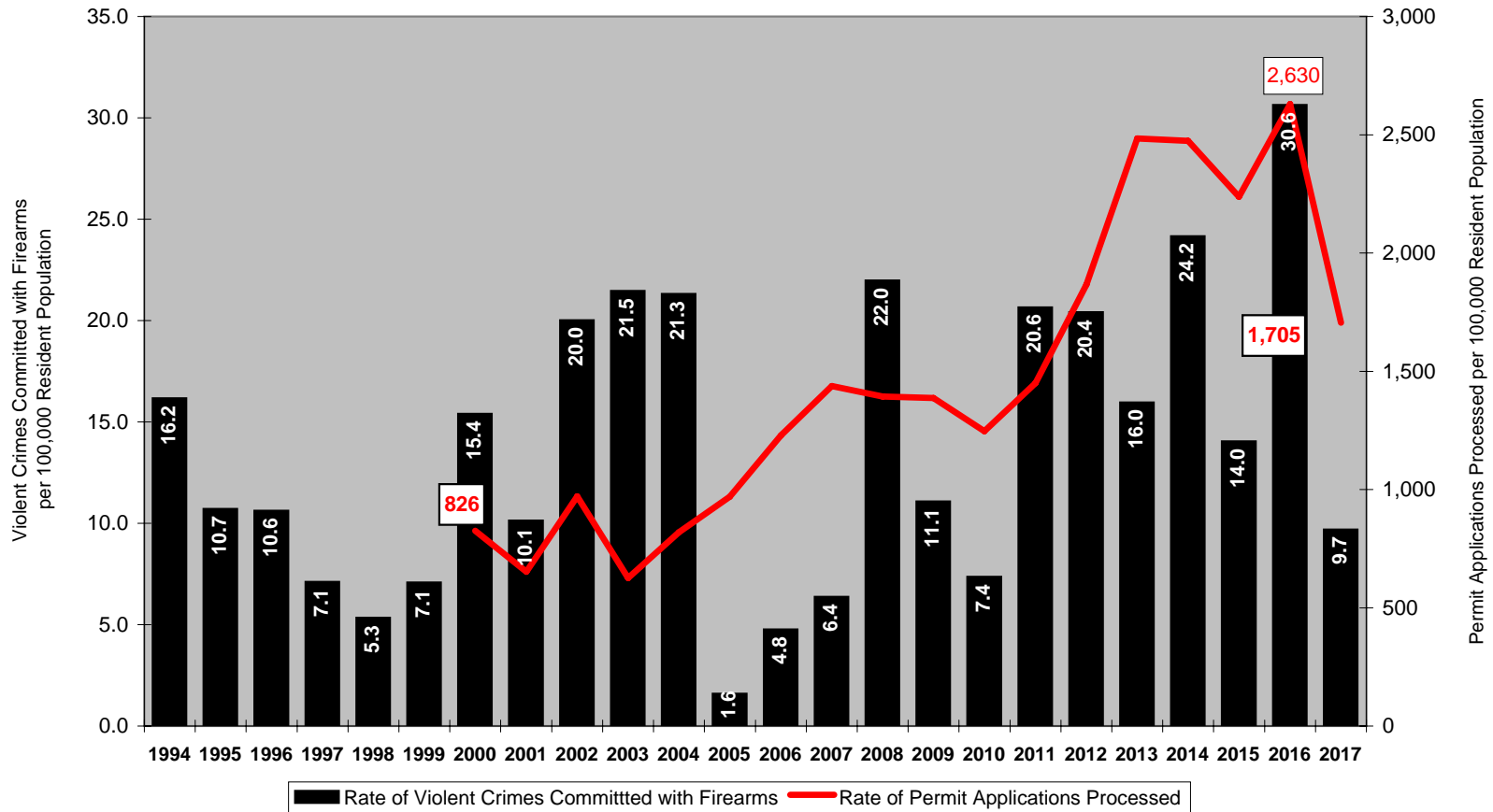
Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, County of Maui, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



Rate of Violent Crimes Committed with Firearms and Rate of Permit Applications Processed, County of Kauai, 1994-2017

Source: Hawaii Department of the Attorney General (Uniform Crime Reporting Program)



A BILL FOR AN ACT

RELATING TO FIREARMS.

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

SECTION 1. Section 134-3, Hawaii Revised Statutes, is amended to read as follows:

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

S.B. NO.

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

S.B. NO.

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 prior
15 to registration. All registration data that would identify the
16 individual registering the firearm by name or address shall be
17 confidential and shall not be disclosed to anyone, except as may
18 be required:

19 (1) For processing the registration;

20 (2) For database management by the Hawaii criminal justice
21 data center;

S.B. NO.

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

S.B. NO.

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) No person less than twenty-one years of age shall
6 bring or cause to be brought into the State any firearm."

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

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: _____

S.B. NO.

Report Title:

Firearms; Registration; Age

Description:

Provides that no person less than twenty-one years of age shall bring any firearm into the State.

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

Table 1 - Violent Crime in the State of Hawaii - Data Reported by the Criminal Prevention & Justice Assistance Division, Department of the Attorney General, State of Hawaii (CPJAD)

		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
All Violent Crime*	Honolulu	2387	2372	2294	2330	2167	2171	2055	1953	2119	2002	2155
	Hawaii County	373	363	402	429	428	380	492	354	306	352	366
	Kauai	123	156	180	206	203	181	145	149	104	124	138
	Maui	285	256	289	261	315	367	405	420	463	373	351
	Statewide	3168	3147	3165	3226	3113	3099	3097	2876	2992	2851	3010
Violent Crime Committed with Firearms	Honolulu	208	267	231	246	212	198	206	217	238	276	270
	Hawaii County	37	20	37	23	27	30	55	44	43	49	62
	Kauai	4	14	7	5	14	14	11	17	10	22	7
	Maui	11	8	12	12	14	20	11	10	25	14	12
	Statewide	260	309	287	286	267	262	283	288	316	361	351
% of Violent Crime Committed with Firearms	Honolulu	8.7%	11.3%	10.1%	10.6%	9.8%	9.1%	10.0%	11.1%	11.2%	13.8%	12.5%
	Hawaii County	9.9%	5.5%	9.2%	5.4%	6.3%	7.9%	11.2%	12.4%	14.1%	13.9%	16.9%
	Kauai	3.3%	9.0%	3.9%	2.4%	6.9%	7.7%	7.6%	11.4%	9.6%	17.7%	5.1%
	Maui	3.9%	3.1%	4.2%	4.6%	4.4%	5.4%	2.7%	2.4%	5.4%	3.8%	3.4%
	Statewide	8.2%	9.8%	9.1%	8.9%	8.6%	8.5%	9.1%	10.0%	10.6%	12.7%	11.7%
Murder**	Honolulu	19	18	14	19	14	11	18	19	15	16	32
	Hawaii County	5	4	5	3	3	5	9	3	8	9	5
	Kauai	1	2	1	2	2	0	1	1	2	5	0
	Maui	0	2	3	1	2	5	1	4	4	5	2
	Statewide	25	26	23	25	21	21	29	27	29	35	39
Murder** Committed with Firearms	Honolulu	3	6	5	4	3	5	1	1	4	6	3
	Hawaii County	3	2	3	0	0	2	4	1	1	8	1
	Kauai	0	1	0	2	1	0	0	1	0	3	0
	Maui	0	2	2	0	0	0	1	1	0	1	0
	Statewide	6	11	10	6	4	7	6	4	5	18	4
% of Murder** Committed with Firearms	Honolulu	15.8%	33.3%	35.7%	21.1%	21.4%	45.5%	5.6%	5.3%	26.7%	37.5%	9.4%
	Hawaii County	60.0%	50.0%	60.0%	0.0%	0.0%	40.0%	44.4%	33.3%	12.5%	88.9%	20.0%
	Kauai	0.0%	50.0%	0.0%	100.0%	50.0%	0.0%	0.0%	100.0%	0.0%	60.0%	0.0%
	Maui	0.0%	100.0%	66.7%	0.0%	0.0%	0.0%	100.0%	25.0%	0.0%	20.0%	0.0%
	Statewide	24.0%	42.3%	43.5%	24.0%	19.0%	33.3%	20.7%	14.8%	17.2%	51.4%	10.3%

*Includes reports of murder, aggravated Assault, and robbery.

**CPJAD's correspondence included distinct data for murder but not for aggravated assault or robbery.

Table 2 - Violent Crime in the County of Hawaii - Data Reported by Hawaii Police Department (HCPD)											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Violent Crime*	3265	3288	3075	3374	3056	2700	2913	2969	3283	3290	3108
Assault	1609	1724	1419	1385	1353	1167	1233	1203	1182	1149	1235
Murder	22	11	12	9	23	15	18	23	24	20	26
Sexual Assault	373	402	391	446	363	344	353	341	390	597	433
Robbery	96	71	71	69	52	69	87	80	50	50	78
Abuse of Family/Household Members	1165	1080	1182	1465	1265	1105	1222	1322	1637	1474	1336

*Includes reports of murder, assault, sexual assault, and robbery.

Note: HCPD could not extract data regarding the number of instances in which firearms were involved in the reported crimes reflected in this table.

Table 3 - Violent Crime in the City and County of Honolulu - Data Reported by Honolulu Police Department (HPD)

Violent Crimes											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Violent Crime*	6686	6575	6575	6566	6504	6023	5889	6148	6168	5841	6214
Murder	19	18	14	19	14	11	18	19	15	16	32
Forcible Rape	226	203	243	218	203	165	221	320	318	382	285
Robbery	943	928	869	891	821	914	743	768	896	836	908
Aggravated Assault	1425	1426	1411	1420	1332	1246	1294	1165	1208	1164	1214
Terroristic Threatening	2095	2004	1861	1947	1864	1666	1550	1499	1415	1379	1592
Abuse of Family/Household Members	1978	1996	2177	2071	2270	2021	2063	2377	2316	2064	2183
Certain Violent Crimes Committed with Firearms**											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Murder	3	8	5	5	3	5	1	1	4	8	3
Robbery	91	104	100	93	83	99	95	112	131	141	145
Aggravated Assault	114	156	125	148	126	94	110	104	103	132	122
Terroristic Threatening	96	126	90	122	91	92	86	90	92	98	114
% of Certain Violent Crimes Committed with Firearms**											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Murder	15.8%	44.4%	35.7%	26.3%	21.4%	45.5%	5.6%	5.3%	26.7%	50.0%	9.4%
Robbery	9.7%	11.2%	11.5%	10.4%	10.1%	10.8%	12.8%	14.6%	14.6%	16.9%	16.0%
Aggravated Assault	8.0%	10.9%	8.9%	10.4%	9.5%	7.5%	8.5%	8.9%	8.5%	11.3%	10.0%
Terroristic Threatening	4.6%	6.3%	4.8%	6.3%	4.9%	5.5%	5.5%	6.0%	6.5%	7.1%	7.2%

*Includes reports of murder, forcible rape, robbery, aggravated assault, terroristic threatening, and abuse of family or household member.

**HPD's data included firearms statistics only regarding reports of murder, robbery, aggravated assault, and terroristic threatening. Percentages were calculated by the Legislative Reference Bureau.

Table 4 - Violent Crime in the County of Kauai - Data Reported by Kauai Police Department (KPD)

Violent Crimes						
	2013	2014	2015	2016	2017	2018*
All Violent Crime**	30971	2314	2141	2037	2331	2164
Abuse of Family/Household Member	2814	442	385	357	376	344
Aggravated Harassment by Stalking	0	0	0	1	0	0
Arson in the 1st Degree	23	2	4	1	8	2
Arson in the 2nd Degree	28	1	8	3	4	2
Arson in the 3rd Degree	16	0	5	4	3	5
Arson in the 4th Degree	36	6	57	41	71	36
Assault in the 1st Degree	48	2	15	8	3	2
Assault in the 2nd Degree	879	66	68	60	62	28
Assault in the 3rd Degree	5622	319	295	316	431	400
Burglary in the 1st Degree	5210	355	260	275	259	227
Burglary in the 2nd Degree	2533	291	169	197	154	110
Harassment	8159	411	436	394	531	534
Harassment by Impersonation	4	0	2	0	1	0
Harassment by Stalking	0	0	2	4	5	6
Manslaughter	11	2	3	0	0	0
Murder in the 1st Degree	13	1	1	1	3	4
Murder in the 2nd Degree	45	2	2	6	1	4
Negligent Homicide in the 1st Degree	15	1	2	3	3	0
Negligent Homicide in the 2nd Degree	14	4	1	1	1	0
Negligent Homicide in the 3rd Degree	5	0	1	0	0	0
Reckless Endangering in the 1st Degree	328	16	17	11	22	14
Reckless Endangering in the 2nd Degree	503	27	23	39	62	78
Robbery in the 1st Degree	74	9	8	10	5	3
Robbery in the 2nd Degree	144	19	10	11	11	9
Robbery/Theft (Unspecified Degree)	2	0	0	0	0	1
Sexual Assault in the 1st Degree	485	62	55	58	35	44
Sexual Assault in the 2nd Degree	38	5	14	15	6	9
Sexual Assault in the 3rd Degree	267	38	29	36	25	10
Sexual Assault in the 4th Degree	164	25	37	20	20	32
Terroristic Threatening in the 1st Degree	1141	73	90	53	75	89
Terroristic Threatening in the 2nd Degree	2350	135	142	112	154	171

*Includes reports of crimes up to October 19, 2018.

**Includes reports of the crimes listed immediately thereunder.

Table 4 (Cont'd) - Violent Crime in the County of Kauai - Data Reported by Kauai Police Department (KPD)

Violent Crimes Committed with Firearms***						
	2013	2014	2015	2016	2017	2018+
All Violent Crime**	24	14	11	20	10	1
Abuse of Family/Household Member	0	0	0	1	1	0
Assault in the 2nd Degree	5	1	0	0	0	0
Assault with a Firearm (Unspecified Degree)	1	0	0	0	0	0
Burglary (Residence, Unspecified Degree)	1	0	0	0	0	0
Harassment	0	1	0	0	0	0
Murder in the 1st Degree	2	0	1	0	0	0
Murder in the 2nd Degree	0	0	0	2	0	1
Murder/Non-Negligent Manslaughter	0	1	0	0	0	0
Reckless Endangering in the 1st Degree	0	0	0	2	0	0
Reckless Endangering (Unspecified Degree)	0	0	0	0	2	0
Robbery in the 1st Degree (Firearm)	12	2	5	8	0	0
Robbery of a Bank (Firearm, Unspecified Degree)	0	0	0	0	1	0
Robbery of a Business (Firearm, Unspecified Degree)	0	0	0	1	0	0
Robbery (Miscellaneous, Firearm, Unspecified Degree)	0	0	0	0	2	0
Terroristic Threatening in the 1st Degree	3	9	5	6	4	0
% of Violent Crimes Committed with Firearms^						
	2013	2014	2015	2016	2017	2018
All Violent Crime**	0.2%	1.3%	1.1%	2.1%	0.5%	N/A
Abuse of Family/Household Member	0.0%	0.0%	0.0%	0.3%	0.3%	N/A
Assault in the 2nd Degree	0.6%	1.5%	0.0%	0.0%	0.0%	N/A
Harassment	0.0%	0.2%	0.0%	0.0%	0.0%	N/A
Murder in the 1st Degree	15.4%	0.0%	100.0%	0.0%	0.0%	N/A
Murder in the 2nd Degree	0.0%	0.0%	0.0%	33.3%	0.0%	N/A
Reckless Endangering in the 1st Degree	0.0%	0.0%	0.0%	18.2%	0.0%	N/A
Robbery in the 1st Degree (Firearm)	16.2%	22.2%	62.5%	80.0%	0.0%	N/A
Terroristic Threatening in the 1st Degree	0.3%	12.3%	5.6%	11.3%	5.3%	N/A

**Includes reports of the crimes listed immediately thereunder.

***There was inconsistency in the data from 2013 to part of 2016, and then from 2016 to 2018, because the data was contained in two databases.

+Includes reports of crimes up to July 27, 2018.

^Percentages were calculated by the Legislative Reference Bureau. Percentages could not be calculated for 2018 because data for that year for firearms-related and non-firearms-related crimes did not cover the same period.

Table 5 - Violent Crime in the County of Maui - Data Reported by Maui Police Department (MPD)

Violent Crimes											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
All Violent Crime*	295	292	336	273	384	420	459	516	572	465	463
Murder/Attempted Murder	0	2	3	1	2	5	1	4	5	5	2
Rape	29	36	47	26	67	50	50	91	104	91	107
Robbery	57	64	71	64	87	116	100	80	114	69	68
Aggravated Assault	209	190	215	182	228	249	308	341	349	300	286
Violent Crimes Committed with Firearms											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
All Violent Crime*	N/A	N/A	N/A	8	18	21	14	10	20	13	12
Murder/Attempted Murder	N/A	N/A	1	1	2	0	1	1	0	1	0
Rape	N/A	N/A	N/A	0	1	0	1	0	0	0	0
Robbery	N/A	N/A	N/A	3	14	20	10	9	12	11	9
Aggravated Assault	N/A	N/A	N/A	4	1	1	2	0	8	1	3
% of Violent Crimes Committed with Firearms											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
All Violent Crime*	N/A	N/A	N/A	2.9%	4.7%	5.0%	3.1%	1.9%	3.5%	2.8%	2.6%
Murder/Attempted Murder	N/A	N/A	33.3%	100.0%	100.0%	0.0%	100.0%	25.0%	0.0%	20.0%	0.0%
Rape	N/A	N/A	N/A	0.0%	1.5%	0.0%	2.0%	0.0%	0.0%	0.0%	0.0%
Robbery	N/A	N/A	N/A	4.7%	16.1%	17.2%	10.0%	11.3%	10.5%	15.9%	13.2%
Aggravated Assault	N/A	N/A	N/A	2.2%	0.4%	0.4%	0.6%	0.0%	2.3%	0.3%	1.0%

*Includes reports of murder/attempted murder, rape, robbery, and aggravated assault. Percentages were calculated by the Legislative Reference Bureau.

Table 6 - Violent Crime in the State of Hawaii - Data Reported by the Judiciary

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Violent Crime*	4592	4556	4646	4610	4944	4860	4653	5097	4455	4485	4386
Murder	55	43	31	48	50	47	71	96	77	84	83
Sexual Assault	567	476	441	404	436	385	272	271	235	256	313
Robbery	292	293	295	321	294	339	351	336	312	269	305
Assault	753	852	881	894	910	895	909	920	875	951	712
Terroristic Threatening	1095	1076	1030	1162	1073	1054	994	1042	906	878	922
Abuse of Family/Household Members	1830	1816	1968	1781	2181	2140	2056	2432	2050	2047	2051

*Includes court cases that alleged murder, sexual assault, robbery, assault, terroristic threatening, and abuse of family or household members.

Note: The Judiciary could not extract data on the number of cases reflected in this table that involved firearms.

Table 7 - Violent Crime in the State of Hawaii - Data from the Uniform Crime Reporting (UCR) website of the Federal Bureau of Investigation (FBI)

		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Violent Crime*	Honolulu	2613	2575	2537	2548	**	**	**	**	2437	3331	2440
	Hawaii County	**	441	468	514	**	**	**	**	**	467	508
	Kauai	**	208	212	246	**	**	**	**	**	169	183
	Maui	**	**	**	**	**	411	450	508	557	450	446
	Statewide	3501	3512	3559	3574	3949	3330	3544	3680	4201	4417	3577
Rape	Honolulu	226	203	243	218	**	**	**	**	318	382	285
	Hawaii County	**	78	66	85	**	**	**	**	**	115	142
	Kauai	**	52	32	40	**	**	**	**	**	45	45
	Maui	**	**	**	**	**	44	45	88	94	77	95
	Statewide	326	365	392	365	434	285	385	445	561	619	567
Violent Crime* Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	361	351
% of Violent Crime* Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	58.3%	61.9%
Murder/Non-Negligent Manslaughter	Honolulu	19	18	14	19	**	**	**	**	15	16	32
	Hawaii County	**	4	5	3	**	**	**	**	**	9	5
	Kauai	**	2	1	2	**	**	**	**	**	5	0
	Maui	**	**	**	**	**	5	1	4	4	5	2
	Statewide	22	25	22	24	17	29	21	26	19	35	39
Murder/Non-Negligent Manslaughter Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	19	4
% of Murder/Non-Negligent Manslaughter Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	54.3%	10.3%

*Includes reports of murder, aggravated assault, and robbery. Rape is excluded because firearms data for rape offenses were not available.

**County-level data were not available. Percentages were calculated by the Legislative Reference Bureau.

***Reliable statewide number unavailable due to lack of some county-level data.

Table 7 (Cont'd) - Violent Crime in the State of Hawaii - Data from the Uniform Crime Reporting (UCR) website of the Federal Bureau of Investigation (FBI)

		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Robbery	Honolulu	943	928	869	891	**	**	**	**	896	836	908
	Hawaii County	**	73	67	79	**	**	**	**	**	69	77
	Kauai	**	20	23	18	**	**	**	**	**	21	25
	Maui	**	**	**	**	**	115	97	80	113	68	67
	Statewide	1105	1086	1034	1054	1042	1040	1131	1107	1203	994	1077
Robbery Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	162	167
% of Robbery Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	16.3%	15.5%
Aggravated Assault	Honolulu	1425	1426	1411	1420	**	**	**	**	1208	2097	1215
	Hawaii County	**	286	330	347	**	**	**	**	**	274	284
	Kauai	**	134	156	186	**	**	**	**	**	98	113
	Maui	**	**	**	**	**	247	307	336	346	300	282
	Statewide	2048	2036	2111	2131	2456	1976	1996	2102	2418	2769	1894
Aggravated Assault Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	180	180
% of Aggravated Assault Committed with Firearms**	Statewide	***	***	***	***	***	***	***	***	***	6.5%	9.5%

**County-level data were not available. Percentages were calculated by the Legislative Reference Bureau.

***Reliable statewide number unavailable due to lack of some county-level data.

Table 8 - Firearms-Related Deaths in the State of Hawaii - Data Reported by the Emergency Medical Services & Injury Prevention System Branch, Department of Health, State of Hawaii (EMSIPSB)												
Data		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Firearms-Related Deaths, All Intents	Honolulu	16	17	19	25	29	19	17	12	30	29	*
	Hawaii County	8	11	14	6	10	17	10	18	10	18	*
	Kauai	3	3	1	7	1	7	1	5	6	6	*
	Maui	8	10	10	4	8	8	7	7	7	7	*
	Statewide	35	41	44	42	48	51	35	42	53	60	36
Firearms-Related Deaths, Unintentional	Honolulu	1	0	0	1	1	0	0	1	0	1	*
	Hawaii County	0	0	0	0	0	0	0	0	1	1	*
	Kauai	0	0	0	0	0	0	0	0	1	0	*
	Maui	0	0	0	0	0	0	1	0	1	1	*
	Statewide	1	0	0	1	1	0	1	1	3	3	0

*County-level data were not available.

Table 9 - Deaths from Firearms in the County of Kauai - Data Reported by the Kauai Police Department (KPD)												
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Firearms-Related Deaths, Suicides	3	2	0	4	0	6	0	3	5	1	7	1
Firearms-Related Deaths, Accidents	0	0	0	0	0	0	0	0	1	0	0	0

Table 10 - Deaths from Firearms-Related Crimes in the County of Maui - Data Reported by the Maui Police Department (MPD)											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Firearms-Related Deaths, Suicides	N/A	N/A	N/A	1	6	2	0	1	0	1	0
Firearms-Related Deaths, Other	N/A	N/A	1	0	0	0	1	1	0	0	0

Table 11 - Data Regarding Persons Denied Permits to Acquire Firearms Who Subsequently Committed Violent Crimes - Reported by Kauai Police Department (KPD)

Denial Reason	Subsquent Violent Crime(s)	Subsquent Violent Crime(s) Involved a Firearm?
Conviction for Assault in the Third Degree	Convicted of Abuse of Household/Family Member	No
Pending Abuse of Household/Family Member case	Convicted of Abuse of Household/Family Member	No
Conviction for Assault in the Third Degree	Convicted of Abuse of Household/Family Member; Terroristic Threatening in the 1st Degree	Yes, on Terroristic Threatening in the 1st Degree (Pistol)
Conviction for Abuse of Household/Family Member	Convicted of Terror Terroristic Threatening in the 1st Degree	Yes, on Terroristic Threatening in the 1st Degree (Long Gun)
Authorized to use Medical Cannabis	Convicted of Negligent Homicide; Assault in the Second Degree	No
Conviction for Terroristic Threatening in the Second Degree	Harassment	No

Table 12 - Data Regarding Persons Denied Permits to Acquire Firearms Who Subsequently Committed Violent Crimes - Reported by Maui Police Department (MPD)		
Denial Reason(s)	Subsequent Violent Crime(s)	Subsequent Violent Crime(s) Involved a Firearm?
Crime of Violence	Arrested for Abuse of Household/Family Member (Case Dismissed)	No
Drug Conviction	Arrested for Abuse of Household/Family Member (Prosecution Declined)	No
Drug Conviction	Arrested for Abuse of Household/Family Member, Assaulted in the Third Degree (Court Case Ongoing)	No
Arrested for Abuse of Household/Family Member, Assaulted in the Third Degree (Court Case Ongoing)	Arrested for Harassment (Convicted)	No
Domesctic Violence, Temporary Restraining Order, and Mental Health	Arrested for Terroristic Threatening in the 1st Degree (Case Dismissed); Arrested for Reckless Endangerment with a Firearm (Court Case Ongoing)	Yes
Felony Conviction	Arrested for Abuse of Household/Family Member, Resisting Arrest, and Harassment (Cases Dismissed)	No
Felony Conviction	Arrested for Harassment (Convicted)	No
Felony Conviction	Arrested for Abuse of Household/Family Member (Prosecution Declined)	No
Authorized to use Medical Cannabis	Arrested for Abuse of Household/Family Member (Prosecution Declined)	No

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