



*The Judiciary, State of Hawai'i*

**Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S. C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Wednesday, March 1, 2017 9:15 AM

State Capitol, Conference Room 016

WRITTEN TESTIMONY ONLY

By

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**Bill No. and Title:** Senate Bill No. 1037, Senate Draft 1 Relating to Firearms.

**Purpose:** Requires that certain agencies be notified when a firearm permit application is denied because the applicant is prohibited from owning, possessing, receiving, or controlling a firearm under federal or state law. Requires the department of public safety to notify the probation or parole officer of an applicant, if applicable, upon notification of a permit denial. Takes effect 5/22/2050. (SD1)

**Judiciary's Position:**

The Judiciary supports the intent of this bill which is to identify firearms permit applicants whose applications are denied because of firearms prohibitions established under federal or state law. This Bill will not allow a person to acquire the ownership of a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person first procures from the chief of police of the county of the person's residence a permit of ownership.

When a permit application is denied because the applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the



Senate Bill No. 1037, Senate Draft 1 Relating to Firearms  
Senate Committee on Judiciary and Labor  
March 1, 2017 9:15 AM  
Page 2

respective county will send notice of the denial, including the identity of the applicant and reason for denial, to the prosecuting attorney where the permit was denied, Attorney General, U. S. Attorney for the District of Hawai'i, and the Director of Public Safety. The chief of police is also required to notify the court that issued the order. The time period for notifying the court is not specified in Senate Bill No. 1037, Senate Draft 1.

After receiving notice that an applicant has been denied a permit because of a prior criminal conviction and is currently serving a term of probation, the Director of Public Safety is required to notify the probation officer assigned supervision of the applicant. The probation branch will now be able to identify clients who should not have a firearm and may take appropriate measures.

Thank you for the opportunity to testify on this measure.