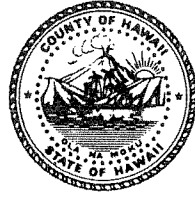


COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. 220
(DRAFT 4)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO LICENSES TO CARRY CONCEALED AND UNCONCEALED FIREARMS WITHIN THE COUNTY.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Purpose. The purpose of this ordinance is to define sensitive locations within the County of Hawai‘i where the carrying of firearms is prohibited, consistent with an individual’s United States Constitutional Second Amendment right to bear arms and the United States Supreme Court’s ruling in *New York State Rifle & Pistol Association, Inc., et. al. v. Bruen*, No. 20-843 142 S.Ct. 2111 (2022).

It is the further purpose of this ordinance to protect sensitive areas that have traditionally been subject to restrictions on carrying or possessing firearms therein; to protect health, life, and property; and to preserve order and security within the County. The Council finds that the public’s expectations have been shaped by legal restrictions on public carry that have been in place in Hawai‘i for 170 years, (see 1852 Haw. Sess. Laws Act of May 25, 1852, Section 1 at 19) and within the historical tradition of the United States. Setting restrictions consistent with these public expectations will ease public fear and confusion, avoid individual confrontations, and facilitate private decision-making by property owners.

It is the further purpose of this ordinance to create a duty on the part of persons legally carrying firearms, upon contact with law enforcement, to inform officers that they are duly licensed and carrying a firearm; this is to protect the health and safety of the officer(s), the individual, and the public.

It is the further purpose of this ordinance to bar the carrying of firearms by intoxicated persons. Intoxication can increase aggression, reduce mental clarity, and reduce hand-eye coordination, making an individual unsafe to handle a firearm or protect against the misuse of a firearm. For these reasons, the Council recognizes that an intoxicated person is rendered temporarily unsuitable to carry a firearm.

SECTION 2. Chapter 14, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by adding a new article to be appropriately designated and to read as follows:

“Article __. Licenses to Carry Concealed and Unconcealed Firearms.

Section 14-__. **Definitions.**

As used in this article, unless the context clearly requires otherwise:

“Chief of police” means the chief of police of the County or the chief’s authorized subordinate.

“Law enforcement officer” means any police officer, public safety officer, parole or probation officer, or any other officer of any county, state, federal, or military agency authorized to exercise law enforcement or police powers.

“Private security officer” means any person employed and duly licensed to engage in the private detective or guard business pursuant to chapter 463, Hawai‘i Revised Statutes.

“Under the influence” means the presence of any amount of alcohol, intoxicating or hallucinatory drug, or substance in the blood or breath.

Section 14-__. **Supremacy clause.**

Any federal or state statute that conflicts with this article shall prevail.

Section 14-__. **Licenses to carry concealed and unconcealed firearms.**

A person granted a license to carry a concealed or unconcealed firearm shall have the license card in their possession when carrying the firearm in public, concealed or unconcealed.

Section 14-__. **Sensitive places prohibition; exceptions.**

- (a) Any person granted a license to carry a concealed or unconcealed firearm shall not carry such licensed firearm in the following sensitive places:
- (1) Hospitals, medical facilities, medical offices, and/or medical clinics, except where permission is granted to such person by the administrator of the facility;
 - (2) Schools, colleges, universities, and/or places where persons are assembled for educational purposes, except where permission is granted to such person by the institution;
 - (3) Daycare centers, playgrounds, and parks, except where permission is granted to such person by the administrator of the facility;
 - (4) Churches or religious assemblies, except where permission is granted by the administrator of the church, facility, or congregation;
 - (5) Voter service centers or places of deposit, and any appurtenances thereto, as defined by section 11-1, Hawai‘i Revised Statutes;
 - (6) Government buildings and the accompanying parking lots attached to such buildings, except when the licensed firearm is kept in the vehicle unloaded with an affixed trigger lock or in a locked case;
 - (7) Private property open to the public where it is conspicuously posted that public carry of firearms is not allowed;
 - (8) Public transit facilities and any mode of transportation utilized for public transit;
 - (9) Bars, restaurants, and establishments that serve alcohol for consumption on its premises; and

- (10) Places where people are assembled for an event, social gathering, rally, demonstration, or public exhibition where it is conspicuously posted by the organizers that public carry of firearms is not allowed.
- (b) Subsection (a) shall not apply to:
 - (1) A private security officer when acting in the official capacity of the officer's scope of employment;
 - (2) A law enforcement officer; or
 - (3) Any person authorized to carry a firearm under the federal Law Enforcement Officers Safety Act of 2004, as amended.

Section 14-___. Carrying firearm while intoxicated or consuming an intoxicant prohibited.

Notwithstanding any provision to the contrary, no person granted a license to carry a concealed or unconcealed firearm shall carry a firearm while consuming or under the influence of alcohol or any intoxicating or hallucinatory drug or substance.

Section 14-___. Duty to inform law enforcement upon contact.

A person granted a license to carry a concealed or unconcealed firearm and who is in possession of and/or carrying their licensed firearm when contacted by a law enforcement officer, shall immediately inform the law enforcement officer the person is in possession and/or carrying their licensed firearm, and shall present the license to the law enforcement officer.

Section 14-___. Penalties.

- (a) Any person violating this article shall have their license to carry a concealed or unconcealed firearm revoked for one year, unless otherwise reinstated by the chief of police. This revocation shall apply to any and all licenses to carry a concealed or unconcealed firearm issued to the violator from the County of Hawai'i.
- (b) If a person objects to the revocation of their license to carry a concealed or unconcealed firearm, the person may request a hearing before the chief of police. A written request for a hearing shall be made no later than thirty days after receiving notice that the license to carry a concealed or unconcealed firearm has been revoked.
- (c) After the revocation period elapses, the person found to have been in violation of this article may reapply for a license to carry a concealed or unconcealed firearm.

Section 14-___. Administrative rules.

The chief of police shall establish rules and regulations necessary to administer this article, pursuant to chapter 91, Hawai'i Revised Statutes."

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 1022.133