



Hawaii

Summary of State Firearms Law

Last updated October 6, 2011

Overview

In its publication [*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Hawaii ranked 4th out of 50 – having enacted some of the strongest gun violence prevention laws in the nation. Among other things, Hawaii:

- Requires any person who is in the business of selling or manufacturing firearms to obtain a [state dealer license](#), which must be renewed annually;
- Bans most [assault weapons](#) and [large capacity ammunition magazines](#);
- Requires all [firearm purchasers to obtain a license](#);
- Imposes [child access prevention](#) requirements upon gun owners;
- Requires the [registration of most firearms](#);
- Prohibits the sale of [“unsafe handguns:”](#)
- [Regulates the possession and sale of ammunition](#); and
- Restricts the [open carrying](#) of handguns and long guns.

Hawaii does not, however:

- Limit the [number of firearms](#) that may be purchased at one time;
- Regulate [50 caliber rifles](#);
- Require [unlicensed firearm sellers to conduct a background check](#) on a purchaser; or
- Require the permanent maintenance of [records of firearm sales](#).

Local governments in Hawaii retain [authority to regulate firearms and ammunition](#), and local licensing authorities in Hawaii have discretion in determining whether to issue a [license to carry a firearm](#).

Statistics

Gun Deaths in Hawaii

Hawaii ranks 50th among the states in number of gun deaths per capita. In 2007, 36 people died from firearm-related injuries in Hawaii.¹

Crime Guns in Hawaii

Mayors Against Illegal Guns has developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Hawaii](#) supplied the lowest number of crime guns to other states per capita. Nonetheless, Hawaii still exports more crime guns than it imports.²

Number of Federally Licensed Firearms Dealers in Hawaii

There are 108 federally licensed firearms dealers and pawnbrokers in Hawaii.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Aug. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

State “Right to Bear Arms”

The Hawaii Constitution provides for the keeping and bearing of arms, but permits firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms

Hawaii permits local jurisdictions some authority to regulate firearms. See the [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

To view the sections of the Hawaii Statutes provided in the summary below, search for the citation using the [Hawaii Code](#).

Persons Prohibited from Firearm Possession

Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness. Hawaii has adopted its own classes of prohibited persons, and incorporated some federal prohibitions as state offenses. In Hawaii, no person shall own, possess or control a firearm or ammunition if he or she:

- Is a fugitive from justice;
- Is a person prohibited from possessing firearms or ammunition under federal law;
- Is under indictment for, or has been convicted of, a felony or any crime of violence, or an illegal sale of any drug;
- Is or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous drug, intoxicating compound, or intoxicating liquor;
- Has been acquitted of a crime on the grounds of mental disease, disorder, or defect; or is or has been diagnosed as having a significant behavioral, emotional, or mental disorder, or for treatment for organic brain syndromes;
- Is less than 25 years old and has been adjudicated by the family court to have committed a felony, two or more crimes of violence, or an illegal sale of any drug;
- Is a minor who: 1) is or has been under treatment for addiction to any dangerous drug, intoxicating compound, or intoxicating liquor; 2) is a fugitive from justice; or 3) has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect; or

- Has been restrained pursuant to an order of any court from contacting, threatening, or physically abusing any person, as long as the order or any extension is in effect, unless the order specifically permits the possession of a firearm and ammunition.⁴

⁴ Haw. Rev. Stat. Ann. § 134-7.

Minimum Age to Purchase / Possess

Permits to acquire firearms will only be issued to persons 21 years of age or older.⁵ Subject to certain requirements, however, permits are not necessary for persons under age 21 when carrying and using any rifle or shotgun while "actually engaged" in hunting or target shooting.⁶

State law allows any person 16 years of age or older, or any person under 16 years of age if accompanied by an adult, to carry and use any lawfully acquired rifle or shotgun, and suitable ammunition, while actually engaged in hunting or target shooting, or while going to and from the place of hunting or target shooting.⁷ Those engaged in hunting must have procured a hunting license.⁸

A permit is not required for the loan of any lawfully acquired firearm to a minor (a person under age 18) at a target range or similar facility for target shooting purposes, provided that the period of the loan does not exceed the time in which the person actually engages in target shooting upon the premises.⁹

Under state law, any child who, while attending school, is found to be in possession of a firearm will be "excluded" from attending school for not less than one year.¹⁰ For additional information, see the [Hawaii Guns in Schools](#) section.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

⁵ Haw. Rev. Stat. Ann. § 134-2(d).

⁶ Haw. Rev. Stat. Ann. § 134-5(a).

⁷ *Id.*

⁸ *Id.*; see also Haw. Rev. Stat. Ann. § 183D-21.

⁹ Haw. Rev. Stat. Ann. § 134-5(b).

¹⁰ Haw. Rev. Ann. § 302A-1134(b).

Domestic Violence and Firearms

Firearm Prohibitions for Domestic Violence Misdemeanants

There is no law in Hawaii prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition. Federal law, however, prohibits the purchase and possession of firearms and ammunition by persons who have been convicted of a “misdemeanor crime of domestic violence.”¹¹ Federal law defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element, if the offender:

- Was a current or former spouse, parent, or guardian of the victim;
- Shares a child in common with the victim;
- Was a current or former cohabitant with the victim as a spouse, parent or guardian; or
- Was similarly situated to a spouse, parent or guardian of the victim.¹²

Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

Hawaii prohibits the possession, control or transfer of ownership of firearms or ammunition by any person restrained by an order of any court (including ex parte orders) from contacting, threatening, or physically abusing any person as long as the order, or any extension of an order, is in effect.¹³ The order must specifically include a statement that the possession, control or transfer of ownership of a firearm or ammunition by the person subject to the order is prohibited.¹⁴

Hawaii authorizes judges issuing protective orders to grant appropriate injunctive relief, but the law does not specify whether a firearm prohibition is permissible.¹⁵

Protective orders shield former and current dating partners, cohabitants and family members.¹⁶

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Hawaii Background Checks](#) and [Hawaii Prohibited Purchasers Generally](#) sections.

¹¹ 18 U.S.C. § 922(g)(9).

¹² 18 U.S.C. § 921(a)(33).

¹³ Haw. Rev. Stat. Ann. § 134-7(f).

¹⁴ *Id.*

¹⁵ See Haw. Rev. Stat. Ann. §§ 586-5(b), 586-5.5(b).

¹⁶ Haw. Rev. Stat. Ann. §§ 586-1, 586-3.

Removal or Surrender of Firearms When Domestic Violence Restraining / Protective Orders Are Issued

In Hawaii, any person subject to a protective or restraining order must relinquish possession of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension of an order.¹⁷

Any person disqualified from ownership, possession, control, or the right to transfer ownership of firearms and ammunition by a restraining or protective order must surrender his or her firearms to law enforcement or “dispose” of all firearms and ammunition by selling them to a licensed gun dealer.¹⁸

Hawaii authorizes, but does not require, removal of firearms and/or ammunition by law enforcement officers from abusers subject to domestic violence protective orders, including ex parte protective orders.¹⁹ In Hawaii, upon service of a domestic violence restraining order involving firearms or ammunition, the police officer may take custody of any firearms or ammunition in plain sight, discovered pursuant to a consensual search, or surrendered by the person subject to the order.²⁰ If the police officer is unable to locate firearms or ammunition registered to that person or known to the person granted protection by the court, the police officer must apply to the court for a search warrant for the purpose of seizing these firearms and ammunition.²¹

If the person restrained by the order is the registered owner of a firearm and knows its location but refuses to surrender the firearm or refuses to disclose its location, the person restrained shall be criminally liable for a misdemeanor.²²

Removal or Surrender of Firearms from the Scene of a Domestic Violence Incident

A police officer who has reasonable grounds to believe that a person recently assaulted or threatened to assault a family or household member may seize all firearms and ammunition the officer believes were used or threatened to be used in the commission of the offense.²³ The officer may seize any firearms or ammunition in plain view or discovered pursuant to a consensual search for the protection of the officer or any family or household member.²⁴

Any guns or ammunition seized will be held by law enforcement.²⁵ The officer at the scene must provide the owner or lawful possessor of seized firearms or ammunition with a receipt.²⁶ The

¹⁷ Haw. Rev. Stat. Ann. § 134-7(f).

¹⁸ Haw. Rev. Stat. Ann. §§ 134-7(g), 134-7.3(b).

¹⁹ Haw. Rev. Stat. Ann. § 134-7(f).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Haw. Rev. Stat. Ann. §§ 134-7.5(a), 709-906(4)(f).

²⁴ *Id.*

²⁵ *Id.*

²⁶ Haw. Rev. Stat. Ann. § 134-7.5(b).

firearm or ammunition will be made available to the owner or lawful possessor within seven working days after the seizure unless it is retained for use as evidence or the abuser is ineligible to possess it.²⁷

See [*Regulating Guns in America: Domestic Violence and Firearms*](#) for a comprehensive discussion of this issue.

²⁷ Haw. Rev. Stat. Ann. § 134-7.5(d).

Disarming Prohibited Persons

Any person denied a permit to acquire a firearm may be required by the chief of police to voluntarily surrender all firearms and ammunition to the chief of police or “dispose” of the firearms or ammunition by selling them to a licensed gun dealer.²⁸ If the applicant fails to surrender or dispose of the guns and ammunition within 30 days of the date the person received notice, the chief may seize the guns and ammunition.²⁹

Furthermore, any person who is disqualified from the ownership, possession or control of firearms or ammunition because he or she falls into a prohibited class under state or federal law must voluntarily surrender all firearms and ammunition to the chief of police where the person resides or “dispose” of the guns and ammunition by selling them to a licensed gun dealer.³⁰ If the person does not voluntarily surrender or dispose of the firearms or ammunition within 30 days from the date of disqualification, the chief of police may seize the guns and ammunition.³¹

For information on laws authorizing the disarmament of individuals involved in domestic violence in Hawaii, see the [Hawaii Domestic Violence and Firearms](#) section.

²⁸ Haw. Rev. Stat. Ann. § 134-7.3(a).

²⁹ *Id.*

³⁰ Haw. Rev. Stat. Ann. § 134-7.3(b).

³¹ *Id.*

Sales & Transfers

Background Checks

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Hawaii is a point of contact state for NICS. In Hawaii, permits to acquire firearms are processed by local law enforcement.³²

In Hawaii, anyone wishing to acquire a firearm in Hawaii must first obtain a permit.³³ A permit to acquire a handgun must be obtained for each handgun purchase; the permit is void if not used within ten days of issuance.³⁴ A permit to acquire a long gun entitles the permittee to purchase long guns for a period of one year from the date of issue.³⁵ Permit applications are processed directly through the county police chief, who enforces the federal purchaser prohibitions referenced above.

Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.³⁶ Holders of concealed weapons licenses and permits to acquire firearms in Hawaii are exempt from background checks when purchasing a firearm, according to the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) that outlines those permits that qualify as alternatives to the federal [Brady Act](#). Please note that ATF’s exempt status determination is subject to change without notice. For further information, see the [Hawaii Concealed Weapons Permitting](#) section.

Firearm transfers by private sellers (non-firearms dealers) are not subject to background checks in Hawaii, although federal and state purchaser prohibitions still apply. See the [Hawaii Private Sales](#) section.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

³² Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct. 4, 2011).

³³ Haw. Rev. Stat. Ann. § 134-2(a).

³⁴ Haw. Rev. Stat. Ann. § 134-2(e).

³⁵ *Id.*

³⁶ 18 U.S.C. § 922(t)(3), 27 C.F.R. § 478.102(d).

Mental Health Reporting

Federal law prohibits any person from selling or otherwise transferring a firearm or ammunition to any person who has been “adjudicated as a mental defective” or “committed to any mental institution.”³⁷ No federal law requires states to report the identities of these individuals to the National Instant Criminal Background Check System (NICS) database, which the FBI uses to perform background checks prior to firearm transfers.

Health care providers and public health authorities in Hawaii must disclose mental health information of persons seeking to purchase or own a firearm to county chiefs of police in response to requests for such information.³⁸ This information is to be used solely for evaluating a person’s fitness to acquire or own a firearm.³⁹ Hawaii requires applicants for permits to purchase or acquire firearms to authorize disclosure of mental health information. Applicants must sign a waiver when completing the application that allows the Chief of Police of the county issuing a permit access to any records that have a bearing on the mental health of the applicant.⁴⁰

Hawaii collects some of its own state mental health records and searches these records prior to approving a firearm transfer, even though the state has no statute or formal regulation explicitly authorizing submission of this mental health information to NICS.⁴¹

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Hawaii Background Checks](#) and [Hawaii Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

³⁷ 18 U.S.C. § 922(d)(4).

³⁸ Haw. Rev. Stat. Ann. § 134-3.5.

³⁹ *Id.*

⁴⁰ Haw. Rev. Stat. Ann. §§ 134-2(c), 134-3.5(2).

⁴¹ Haw. Rev. Stat. Ann. §§ 334-2.5(c)(4), 704-406(1), 704-411(1).

Multiple Purchases / Sales of Firearms

Hawaii has no law limiting the number of firearms that may be purchased or sold.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records

Hawaii does not have any laws requiring the retention of firearm sales records or background check records.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

Waiting Periods

No permit to acquire a firearm shall be issued earlier than 14 calendar days after the date of the application, except for sales to state or federally licensed dealers, law enforcement officers, persons with a license to carry a handgun, or where a firearm is registered pursuant to state law.⁴² See also the [Hawaii Registration of Guns](#) section. All permits must be issued or the application denied before the 20th day from the date of application.⁴³

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

⁴² Haw. Rev. Stat. Ann. §§ 134-3(a), 134-2(e).

⁴³ *Id.*

Gun Dealers & Other Sellers

Dealer Regulations

Persons engaged in the business of selling or manufacturing firearms, either at wholesale or retail, must be licensed by the state annually.⁴⁴ A dealer license expires on the next June 30 following the date of issuance.⁴⁵

All firearms in the possession and control of a firearms dealer, or registered by the dealer pursuant to state law,⁴⁶ are subject to physical inspection by the chief of police of each county during normal business hours.⁴⁷ During a national emergency, a dealer license may be revoked or suspended and all firearms in the licensee's possession may be seized and held in possession by the state.⁴⁸ A dealer license may be revoked for a dealer's:

- Failure to comply with all laws relating to the sale of firearms;
- Failure to comply with the seizure of the dealer's firearms by the Governor during a time of national emergency;
- Failure to comply with physical inspection of the dealer's firearms by the Chief of Police during normal business hours.⁴⁹

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. See the [Hawaii Background Checks](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

⁴⁴ Haw. Rev. Stat. Ann. § 134-31.

⁴⁵ *Id.*

⁴⁶ Haw. Rev. Stat. Ann § 134-3(c).

⁴⁷ Haw. Stat. Ann. § 134-32(4).

⁴⁸ Haw. Rev. Stat. Ann. § 134-32(2), (3).

⁴⁹ Haw. Rev. Stat. Ann. § 134-32.

Private Sales

Anyone wishing to purchase a firearm must obtain a permit to acquire a handgun or long gun, requiring a background check of the applicant.⁵⁰ See the [Hawaii Background Checks](#) section.

No person may knowingly lend a firearm to any person prohibited from owning or possessing a firearm under Hawaii law.⁵¹

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

⁵⁰ Haw. Rev. Stat. Ann. § 134-2(a).

⁵¹ Haw. Rev. Stat. Ann. § 134-4(d).

Gun Shows

Hawaii does not regulate gun shows. See the [Hawaii Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

Immunity Statutes

Hawaii has no laws providing immunity for the firearm industry.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers

Generally, anyone wishing to acquire a firearm must obtain a permit.⁵² The criteria for obtaining firearms are outlined in the [Hawaii Background Checks](#) section.

“The permit application form shall include the applicant’s name, address, sex, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number, and information regarding the applicant’s mental health history and shall require the fingerprinting and photographing of the applicant by the police department of the county of registration.”⁵³

An applicant for a permit must sign a waiver at the time of the application allowing the chief of police of the county issuing the permit access to any records that have a bearing on the mental health of the applicant.⁵⁴

Permits to acquire a handgun require a separate application and permit for each transaction, and are void if not used within ten days after the date of issue.⁵⁵ Permits to acquire a rifle or shotgun entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under state law.⁵⁶

One copy of the permit must be retained by the issuing authority as a permanent official record.⁵⁷

Under state law, no person may obtain a permit to acquire a handgun unless he or she has completed:

- An approved hunter education course as authorized under state law;⁵⁸
- A firearms safety or training course or class available to the general public offered by a law enforcement agency of the state or of any county;
- A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or
- A firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor or a certified military firearms instructor

⁵² Haw. Rev. Stat. Ann. § 134-2(a).

⁵³ Haw. Rev. Stat. Ann. § 134-2(b).

⁵⁴ Haw. Rev. Stat. Ann. § 134-2(c).

⁵⁵ Haw. Rev. Stat. Ann. § 134-2(e).

⁵⁶ Haw. Rev. Stat. Ann. § 134-2(e); *See also*, Haw. Rev. Stat. Ann. § 134-7.

⁵⁷ Haw. Rev. Stat. Ann. § 134-2(e).

⁵⁸ Haw. Rev. Stat. Ann. § 183D-28.

that provides, at a minimum, a total of at least two hours of firing training at a firing range and a total of at least four hours of classroom instruction, which may include a video, that focuses on:

- The safe use, handling, and storage of firearms and firearm safety in the home; and
- Education on the firearm-related laws of Hawaii.⁵⁹

No permit to acquire a firearm shall be issued earlier than 14 calendar days after the date of the application, except for sales to state or federally licensed dealers, law enforcement officers, persons with a license to carry a handgun, or where a firearm is registered pursuant to state law.⁶⁰ See the [Hawaii Registration of Firearms](#) section for additional information. All permits must be issued or the application denied before the 20th day from the date of application.⁶¹

State law provides that:

- In all cases where a handgun is acquired from another person within the state, the buyer's permit to acquire a handgun must be signed in ink by the buyer and delivered to the seller. The seller must verify that the buyer is the person named in the permit and enter on the permit: 1) the name of the person to whom the title to the handgun was transferred; 2) names of the manufacturer and importer; 3) the model; 4) the type of action; 5) the caliber or gauge; and 6) the serial number as applicable. The seller must then sign the permit in ink and send it by registered mail to the issuing authority within 48 hours after transferring the firearm.
- In all cases where receipt of a firearm comes by mail, express, freight, or otherwise from sources outside Hawaii, the buyer shall make the prescribed entries on the permit, sign the permit in ink, and send it by registered mail to the issuing authority within 48 hours after taking possession of the firearm.
- In all cases where a rifle or shotgun is acquired from another person within the state, the seller must submit, within 48 hours after transferring the firearm, to the authority which issued the permit to acquire: 1) the seller's name; 2) the buyer's name; 3) names of the manufacturer and importer; 4) the model; 5) the type of action; 6) the caliber or gauge; and 7) serial number.⁶² Permits to acquire may be revoked for good cause by the issuing authority or by the judge of any court.⁶³

Permits to acquire are exempt from the requirements of the [Brady Act](#). Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in

⁵⁹ Haw. Rev. Stat. Ann. § 134-2(g).

⁶⁰ Haw. Rev. Stat. Ann. §§ 134-3(a), 134-2(e).

⁶¹ *Id.*

⁶² Haw. Rev. Stat. Ann. § 134-2(f).

⁶³ Haw. Rev. Stat. Ann. § 134-13.

which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.⁶⁴ Consult the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) outlining those permits that qualify as alternatives to the Brady Act. Please note that ATF's exempt status determination is subject to change without notice.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

⁶⁴ 18 U.S.C. § 922(t)(3), 27 C.F.R. § 478.102(d).

Registration of Firearms

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

With very few exceptions, all firearms in Hawaii must be registered. To acquire a firearm, either through purchase, gift, inheritance, or any other manner, all persons must first obtain a permit (see the [Hawaii Licensing of Gun Owners or Purchasers](#) section) and then must register the firearm with the county police chief within five days of acquiring it.⁶⁵ The registration must include the name of the manufacturer and importer, model, type of action, caliber or gauge, serial number, and source from which the firearm was obtained, including the name and address of the prior registrant. If the firearm has no serial number, the permit number shall be entered in the space provided for the serial number, and the permit number shall be engraved upon the receiver portion of the firearm prior to registration.⁶⁶

All registration data that would identify the individual registering the firearm by name or address are confidential and shall not be disclosed to anyone, except if required by a law enforcement agency for the lawful performance of its duties or as may be required by order of a court.⁶⁷

State or federally licensed dealers shall register their firearms, but are not required to have the firearms physically inspected by the chief of police at the time of registration.⁶⁸

Under state law, every person arriving in Hawaii who brings or causes to be brought into Hawaii a firearm must register the firearm within three days of the person's or the firearm's arrival, whichever arrives later.⁶⁹ State law also provides that a nonresident alien may bring into the state up to ten firearms not otherwise prohibited by law for a continuous period not to exceed 90 days for firing range or target shooting activities.⁷⁰

State law exempts the following firearms from the registration requirement:

- (1) Any device that is designed to fire loose black powder or that is a firearm manufactured before 1899;
- (2) Any device not designed to fire or made incapable of being readily restored to fire; or
- (3) All unserviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice pursuant to Title 27, Code of Federal Regulations.⁷¹

No fee shall be charged for registration.⁷²

⁶⁵ Haw. Rev. Stat. Ann. § 134-3(b).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Haw. Rev. Stat. Ann. § 134-3(c).

⁶⁹ Haw. Rev. Stat. Ann. § 134-3(a).

⁷⁰ Haw. Rev. Stat. Ann. § 134-3(a).

⁷¹ Haw. Rev. Stat. Ann. § 134-3(d).

Reporting Lost or Stolen Firearms

Hawaii does not require firearm owners to report the loss or theft of a firearm.

See [*Regulating Guns in America: Reporting Lost or Stolen Firearms*](#) for a comprehensive discussion of this issue.

⁷² Haw. Rev. Stat. Ann. § 134-3(e).

Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Hawaii is a “may-issue” state, meaning that the chief of police of a county has discretion in determining whether or not to issue a concealed weapons license to an applicant. The chief of police may grant a license to carry a concealed weapon and ammunition “[i]n an exceptional case, when an applicant shows reason to fear injury to the applicant’s person or property,” if the applicant is a United States citizen or a duly accredited official representative of a foreign nation and over 21 years of age.⁷³

Pursuant to state law, a chief of police must adopt procedures to require that any person granted a license to carry a concealed weapon on the person shall:

- (1) Be qualified to use the firearm in a safe manner;
- (2) Appear to be a suitable person to be so licensed;
- (3) Not be prohibited under state law *from* the ownership or possession of a firearm [see the [Hawaii Background Checks](#) and [Hawaii Prohibited Purchasers Generally](#) sections];⁷⁴ and
- (4) Not have been adjudged insane or not appear to be mentally deranged.⁷⁵

A fee of \$10 shall be charged for each license.⁷⁶ Any person carrying a concealed handgun without a license is criminally liable for a misdemeanor and “may be immediately arrested without warrant by any sheriff, police officer, or other officer or person.”⁷⁷

All licenses to carry a handgun may be revoked for good cause by the issuing authority or by the judge of any court.⁷⁸

Firearm Safety Training

Although Hawaii does not specifically require applicants for licenses to carry firearms to complete firearms safety training, firearms safety training is a pre-requisite to obtaining a permit to purchase or possess a pistol or revolver under state law.⁷⁹ For additional information, see the [Hawaii Licensing of Gun Owners or Purchasers](#) section.

⁷³ Haw. Rev. Stat. Ann. § 134-9(a).

⁷⁴ See, Haw. Rev. Stat. Ann. § 134-7.

⁷⁵ Haw. Rev. Stat. Ann. § 134-9(b).

⁷⁶ Haw. Rev. Stat. Ann. § 134-9(d).

⁷⁷ *Id.*; Haw. Rev. Stat. Ann. § 134-51(a).

⁷⁸ Haw. Rev. Stat. Ann. § 134-13.

⁷⁹ Haw. Rev. Stat. Ann. § 134-2(g).

Duration & Renewal

A concealed weapons license is valid for one year from the date of issue.⁸⁰ The renewal fee is \$10.⁸¹

Disclosure or Use of Information

Within ten days after the last day of each month, all issuing authorities must report to the Department of the Attorney General all permits and licenses issued or revoked by the authority as of the last day of the preceding month.⁸²

Reciprocity

Hawaii has no provisions allowing concealed weapons license holders from other states to carry their concealed firearms in Hawaii.

⁸⁰ Haw. Rev. Stat. Ann. § 134-9(a).

⁸¹ Haw. Rev. Stat. Ann. § 134-9(d).

⁸² Haw. Rev. Stat. Ann. § 134-14.

Open Carrying

Hawaii permits the open carrying of handguns on the person with a permit or license.⁸³

Hawaii allows for the open carrying of long guns in public, but only for target shooting purposes or while hunting with a license.⁸⁴

⁸³ Haw. Rev. Stat. Ann. § 134-9(c). *See also* Haw. Rev. Stat. Ann § 134-9 (licensing provisions for the possession of concealed handguns); Haw. Rev. Stat. Ann. §134-5(c) (licensing of hunters) and Haw. Rev. Stat. Ann. § 134-25 (possession restrictions for handguns). The chief of police may grant a license to carry an unconcealed weapon and ammunition “[w]here the urgency or the need has been sufficiently indicated,” and the applicant is of good moral character, a citizen of the United States, at least 21 years of age, and engaged in the protection of life and property. Haw. Rev. Stat. Ann. § 134-9(a).

⁸⁴ Haw. Rev. Stat. Ann. § 134-5(a).

Location Restrictions

Guns in Vehicles

Hawaii generally prohibits any person from carrying or possessing a loaded firearm on any public highway.⁸⁵ This prohibition does not apply to any person who has in his or her possession a handgun while licensed per state law.⁸⁶

Hawaii permits the open carrying of a long gun in a motor vehicle, but only if traveling to and from hunting or target shooting locations with a valid hunting license.⁸⁷

Hawaii permits the open carrying of a handgun in a motor vehicle with a license or permit.⁸⁸

⁸⁵ Haw. Rev. Stat. Ann. § 134-26(a).

⁸⁶ Haw. Rev. Stat. Ann. §§ 134-9, 134-26(a).

⁸⁷ Haw. Rev. Stat. Ann. § 134-5(a).

⁸⁸ Haw. Rev. Stat. Ann. § 134-26(a).

Guns in Schools

Hawaii generally does not prohibit the carrying of guns in schools.

Any student who possesses a firearm at an elementary or secondary school shall be “excluded” for not less than one year.⁸⁹ The Superintendent, on a case-by-case basis, may modify this exclusion. If a child is excluded from attending school, the Superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided.⁹⁰

See [LCAV's policy page on Guns in Schools](#) for further information.

⁸⁹ Haw. Rev. Stat. § 302A-1134(b).

⁹⁰ *Id.*

Other Location Restrictions

Firearms and ammunition generally must be confined to the possessor's place of business, residence or sojourn, but the possessor may carry unloaded firearms or ammunition in an enclosed container from the place of purchase to the person's place of business, residence or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and a:

- Place of repair;
- Target range;
- Licensed dealer's place of business;
- Organized, scheduled firearms show or exhibit;
- Place of formal hunter or firearm use training or instruction; or
- Police station.⁹¹

Generally, no person may enter a sterile area, or board or attempt to board an air carrier aircraft while possessing on or about his or her person (including in carry-on baggage) any firearm, explosive or incendiary device.⁹² This provision makes no exception for concealed weapons license holders.

There are no additional location limits for concealed weapons license holders.

Hawaii has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Parks;
- Hospitals;
- Sports arenas;
- Gambling facilities;
- Polling places; or
- Establishments that serve alcohol.

⁹¹ Haw. Rev. Stat. Ann. §§ 134-23(a), 134-24(a), 134-25(a), 134-27(a).

⁹² Haw. Code r. § 19-14-3(e).

Consumer & Child Safety

Design Safety Standards for Handguns

Hawaii prohibits any person, including a licensed manufacturer, licensed importer, or licensed dealer, from possessing, selling, or delivering any handgun if the frame or receiver “is a die casting of zinc alloy which has a melting temperature of less than 800 degrees Fahrenheit.”⁹³ This section does not apply to any handgun registered prior to July 1, 1975, or to any antique handgun.⁹⁴

See [*Regulating Guns in America: Design Safety Standards for Handguns*](#) for a comprehensive discussion of this issue.

⁹³ Haw. Rev. Stat. Ann. § 134-15(a).

⁹⁴ Haw. Rev. Stat. Ann. § 134-15(b).

Locking Devices

Hawaii law does not require a locking device to accompany the sale of a firearm (although [Federal Law](#) applies). Hawaii also does not require firearm owners to lock their weapons.

For measures related to safe storage of firearms, see the [Hawaii Child Access Prevention](#) section.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms

Hawaii does not require firearms to be personalized.

See [*Regulating Guns in America: Personalized Firearms*](#) for a comprehensive discussion of this issue.

Child Access Prevention

Hawaii prohibits persons from storing firearms on property they control when they know or reasonably should know that a minor (a person under the age of 16) is likely to gain access to the firearm without the permission of the parent or guardian of the minor, unless:

- The firearm is kept in a securely locked box or container or in a location that a reasonable person would believe to be secure; or
- The firearm is carried on the person or within such close proximity thereto that the person readily can retrieve and use it as if it were carried on the person.⁹⁵

Under state law, a person commits the offense of “criminally negligent storage of a firearm” when a minor obtains a firearm as a result of the person’s violation of state law.⁹⁶ Criminally negligent storage of a firearm is a misdemeanor.⁹⁷ If the minor obtains the firearm as a result of unlawful entry to any premises by any person, the owner of the firearm is not criminally liable.⁹⁸

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁹⁵ Haw. Rev. Stat. Ann. § 134-10.5

⁹⁶ Haw. Rev. Stat. Ann. § 707-714.5; *see also*, Haw. Rev. Stat. Ann. § 134-10.5.

⁹⁷ Haw. Rev. Stat. Ann. § 707-714.5(3).

⁹⁸ Haw. Rev. Stat. Ann. § 707-714.5(2).

Classes of Weapons / Ammunition

Assault Weapons

Hawaii criminalizes the manufacture, possession, sale or other transfer, barter, trade, gift or acquisition of an assault pistol.⁹⁹ Under state law, “assault pistol” is defined as a semiautomatic handgun which accepts a detachable magazine and which has two or more of the following characteristics:

- (1) An ammunition magazine which 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 which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;
- (4) A manufactured weight of 50 ounces or more when the pistol is unloaded;
- (5) A centerfire pistol with an overall length of 12 inches or more; or
- (6) A semiautomatic version of an automatic firearm.¹⁰⁰

An assault pistol does not include a firearm with a barrel 16 or more inches in length, or an antique, curio or relic.¹⁰¹

As of July 1, 1992, no person shall bring or cause to be brought into Hawaii an assault pistol.¹⁰² Furthermore, as of July 1, 1992, no previously-owned assault pistol may be sold or transferred to anyone within Hawaii other than a state-licensed dealer or the chief of police of any county.¹⁰³ A person that inherits an assault pistol registered within the state on or after July 1, 1992, has 90 days to render the weapon permanently inoperable, transfer the weapon to a licensed dealer or chief of police of any county, or remove the weapon from the state.¹⁰⁴

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

⁹⁹ Haw. Rev. Stat. Ann. § 134-8(a).

¹⁰⁰ Haw. Rev. Stat. Ann. § 134-1.

¹⁰¹ *Id.*

¹⁰² Haw. Rev. Stat. Ann. § 134-4(e).

¹⁰³ *Id.*

¹⁰⁴ *Id.*

Large Capacity Ammunition Magazines

Hawaii prohibits “[t]he manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol.”¹⁰⁵

See [*Regulating Guns in America: Large Capacity Ammunition Magazines*](#) for a comprehensive discussion of this issue.

¹⁰⁵ Haw. Rev. Stat. Ann. § 134-8(c).

Fifty Caliber Rifles

Hawaii has no law regulating fifty caliber rifles.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms

Hawaii has no law regulating machine guns or automatic weapons.

Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986, so long as they are registered.

See [*LCAV's policy page on Machine Guns*](#) for further information.

Non-Powder Guns

Hawaii prohibits any person, including licensed manufacturers, licensed importers, and licensed dealers, from possessing, selling, gifting, or delivering electric guns.¹⁰⁶ “Electric gun” is defined under state law to mean “any portable device that is electrically operated to project a missile or electromotive force.”¹⁰⁷ The following persons are not prohibited from carrying electric guns:

- Law enforcement officers;
- Conservation and resource management officers;
- Members of the Army or Air National Guard; or
- Vendors to any of these listed individuals, provided certain conditions are met.¹⁰⁸

Electric guns possessed in violation of the law shall be confiscated.¹⁰⁹

Hawaii law does not prohibit other types of non-powder guns.

See [*Regulating Guns in America: Non-Powder Guns*](#) for a comprehensive discussion of this issue.

¹⁰⁶ Haw. Rev. Stat. Ann. § 134-16(a).

¹⁰⁷ Haw. Rev. Stat. Ann. § 134-1. Electric livestock prods used in animal husbandry and any automatic external defibrillator used in emergency medical situations are specifically excluded from the definition of “electric gun.”

¹⁰⁸ Haw. Rev. Stat. Ann. § 134-16(c).

¹⁰⁹ Haw. Rev. Stat. Ann. § 134-16(b).

Ammunition Regulation

Purchase and Possession of Ammunition

Hawaii prohibits the ownership, control or possession of ammunition by any person who:

- Is a fugitive from justice;
- Is a person prohibited from possessing firearms or ammunition under federal law;
- Is under indictment for, or has been convicted of, a felony or any crime of violence, or an illegal sale of any drug;
- Is or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous drug, intoxicating compound, or intoxicating liquor;
- Has been acquitted of a crime on the grounds of mental disease, disorder, or defect, or is or has been diagnosed as having a significant behavioral, emotional, or mental disorder, or for treatment for organic brain syndromes;
- Is less than 25 years old and has been adjudicated by the family court to have committed a felony, two or more crimes of violence, or an illegal sale of any drug;
- Is a minor who: 1) Is or has been under treatment for addiction to any dangerous drug, intoxicating compound, or intoxicating liquor; 2) is a fugitive from justice; or 3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect; or
- Has been restrained pursuant to an order of any court from contacting, threatening, or physically abusing any person, as long as the order or any extension is in effect, unless the order specifically permits the possession of ammunition.¹¹⁰

Safe Storage of Ammunition

Hawaii requires all ammunition to be confined to the possessor's business or residence and only allows for the limited transport of ammunition in an enclosed container away from these locations.¹¹¹ Hawaii law does not specify any ammunition storage practices, however.

Regulation of Unreasonably Dangerous Ammunition

Hawaii prohibits the manufacture, possession, sale or other transfer, barter, trade, gift or acquisition of any ammunition or projectile component coated with Teflon or a similar coating designed primarily to enhance its capacity to penetrate metal or pierce protective armor.¹¹²

¹¹⁰ Haw. Rev. Stat. Ann. § 134-7.

¹¹¹ Haw. Rev. Stat. Ann. § 134-27.

Hawaii also prohibits the manufacture, possession, sale or other transfer, barter, trade, gift or acquisition of ammunition or projectile components designed or intended to explode or segment upon impact with a target.¹¹³ In addition, the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies.

Hawaii does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers; or
- Require a license to purchase or possess ammunition.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

¹¹² Haw. Rev. Stat. Ann. § 134-8(a).

¹¹³ *Id.*

Crime Gun Investigation

Microstamping/Ballistic Identification

Hawaii has no laws regarding firearm microstamping or ballistic identification.

See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

Trafficking

No person may knowingly lend a firearm to any person prohibited from owning or possessing a firearm under Hawaii law.¹¹⁴

See [LCAV's policy page on Firearms Trafficking](#) for further information.

¹¹⁴ Haw. Rev. Stat. Ann. § 134-4(d).

State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Hawaii Field Office](#)

[Domestic Violence Action Center](#)

[State of Hawaii Department of the Attorney General](#)