

# Resolution

No. 23-184

APPROVING FOR INCLUSION IN THE 2024  
HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE A STATE BILL  
RELATING TO FIREARMS

WHEREAS, there has been an increase in the use of air and replica guns to commit felony crimes such as robberies, burglaries, and narcotics trafficking; and

WHEREAS, police officers, especially those responding to high-risk calls, cannot easily differentiate between a real firearm and an air or replica gun; and

WHEREAS, prohibiting convicted felons from purchasing or possessing air or replica guns, and making the penalty for the illegal purchase or possession a felony offense, will lower the overall incidence of crime and ensure safety for the public and law enforcement officers; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill attached as Exhibit "A," relating to firearms, is approved for inclusion in the 2024 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

INTRODUCED BY:

*Tamara A. M. Paltin*

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TAMARA PALTIN

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# A BILL FOR AN ACT

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RELATING TO FIREARMS.

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

1       SECTION 1. The legislature finds that there has been an  
2 increase in the use of air and replica guns to commit felony  
3 crimes such as robberies, burglaries, and narcotics trafficking.

4       The legislature further finds that police officers,  
5 especially those responding to high-risk calls, cannot easily  
6 differentiate between a real firearm and an air or replica gun.  
7 To ensure public and law enforcement officer safety, limits on  
8 who can purchase and possess air and replica guns are needed.

9       The purpose of this Act is to:

10       (a) prohibit felons from purchasing or possessing air or  
11       replica guns; and

12       (b) introduce a felony offense for a convicted felon who  
13       possesses or purchases an air or replica gun.

14       SECTION 2. Section 134-1, Hawaii Revised Statutes, is  
15 amended by adding new definitions to be appropriately inserted  
16 and to read as follows:

17       "Air gun" means any instrument, by whatever name known,  
18 that is designed to expel a pellet or BB shot by action of

1 compressed air or gas, or by the action of a spring or elastic,  
2 but does not include a firearm."

3 "Replica gun" means any toy or other object, except an air  
4 gun or actual firearm, that:

5 (1) Bears a resemblance to an actual firearm and that a  
6 reasonable person would have difficulty visually distinguishing  
7 from a pistol, revolver, shotgun, sawed-off shotgun, rifle,  
8 machine gun, assault weapon, starter pistol, inoperative  
9 firearm, or other firearm; and

10 (2) Lacks any feature or aspect that would allow a  
11 reasonable person to readily distinguish it by sight from an  
12 actual firearm."

13 SECTION 3. Chapter 134, Hawaii Revised Statutes, is amended  
14 by adding a new section to be appropriately designated and to  
15 read as follows:

16 "§134- . Air guns; purchase and possession. (a) It is  
17 unlawful for a person who has been convicted of a felony offense  
18 to purchase or possess an air gun.

19 (c) Any person violating this section is guilty of a class  
20 E felony."

1       SECTION 4. Chapter 134, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4       "**§134- . Replica guns; purchase and possession.** (a) It is  
5 unlawful for a person who has been convicted of a felony offense  
6 to purchase or possess a replica gun.

7       (d) Any person violating this section is guilty of a class  
8 E felony."

9       SECTION 5. New statutory material is underscored.

10       SECTION 6. This Act shall take effect upon its approval.

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12                                   INTRODUCED BY: \_\_\_\_\_

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