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September 11, 2018

The Honorable Douglas S. Chin  
Lieutenant Governor  
State of Hawaii  
State Capitol, Executive Chambers  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Lieutenant Governor Chin:

Re: Availability of Unconcealed-Carry Licenses

This letter responds to your request for a formal legal opinion clarifying the authority of chiefs of police to issue licenses permitting the unconcealed carry of firearms.

Your inquiry arises from ongoing litigation challenging the constitutionality of a portion of section 134-9, Hawaii Revised Statutes (HRS), which provides that "[w]here the urgency or the need has been sufficiently indicated, the respective chief of police" may issue a license authorizing an otherwise-qualified applicant who "is engaged in the protection of life and property" to carry an unconcealed firearm within the county. In *Young v. Hawaii*, a divided panel of the Ninth Circuit construed this provision as "[r]estricting open carry to those whose job entails protecting life or property," such as "security guard[s]." 896 F.3d 1044, 1071 (9th Cir. 2018). The panel held that, so construed, the unconcealed-carry provision violates the Second Amendment. *Id.* Both the County of Hawaii and the State of Hawaii have announced that they intend to seek panel rehearing or rehearing en banc of that decision.

For the reasons set forth below, we advise that the *Young* panel's construction of section 134-9, HRS, is overly restrictive. By its plain text, section 134-9 does not limit unconcealed-carry

The Honorable Douglas S. Chin  
September 11, 2018  
Page 2

licenses to persons whose job entails the protection of life and property, but authorizes the issuance of such licenses to anyone "engaged in the protection of life and property" who demonstrates a sufficient "urgency" or "need" to carry a weapon. Furthermore, without attempting to set forth a comprehensive list of eligible recipients, we advise that a private individual would likely satisfy the statutory criteria for an unconcealed-carry license where he or she identifies a need for protection that significantly exceeds that held by an ordinary law-abiding citizen, and otherwise satisfies the statutory requirements for possessing and carrying a firearm.

#### **I. QUESTIONS PRESENTED AND SHORT ANSWERS.**

1. Does section 134-9, HRS, limit the issuance of unconcealed-carry licenses to private security officers and other individuals whose jobs entail protecting life and property?

**SHORT ANSWER:** No. Section 134-9, HRS, authorizes the issuance of unconcealed-carry licenses to any qualified individual who demonstrates a sufficient "urgency" or "need" to carry a firearm and is "engaged in the protection of life and property."

2. What standards should chiefs of police apply in adjudicating applications for unconcealed-carry licenses?

**SHORT ANSWER:** An applicant must satisfy four criteria to obtain an unconcealed-carry license: He or she must (1) meet the objective qualifications for possessing and carrying a firearm; (2) demonstrate a sufficient need to carry a firearm for the purpose of protecting life and property; (3) be of good moral character; and (4) present no other reason justifying the discretionary denial of a license. To satisfy these requirements, an applicant must demonstrate, among other things, that he or she has a need for protection that substantially exceeds that held by ordinary law-abiding citizens.

#### **II. BACKGROUND.**

Hawai'i has imposed limits on the public carry of firearms for over 150 years. In 1852, the Legislative Council enacted a statute making it a criminal offense for "[a]ny person not authorized by law" to "carry, or be found armed with, any . . . pistol . . . or other deadly weapon . . . unless good cause be shown for having such dangerous weapons." 1852 Haw. Sess. Laws Act of May 25, 1852, § 1 at 19; see *Republic of Hawaii v. Clark*, 10 Haw. 585, 587-88 (1897). In 1927, the territorial legislature enacted a statute, modeled on the Uniform Firearms Act, that required individuals to obtain a license in order to "carry a

The Honorable Douglas S. Chin  
September 11, 2018  
Page 3

pistol or revolver," and provided that individuals could obtain such a license upon showing "good reason to fear an injury to his person or property" or "other proper reason for carrying" a firearm. 1927 Haw. Sess. Laws Act 206, §§ 5, 7 at 209; see S. Stand. Comm. Rep. No. 322, in 1927 Senate Journal, at 1023. In 1934 and 1961, the Legislature amended the statute to substantially its present form. See 1933 (Special Sess.) Haw. Sess. Laws Act 26, § 8 at 39 (Jan. 9, 1934); 1961 Haw. Sess. Laws Act 163, § 1 at 215 (July 8, 1961).

Today, Hawai'i law provides that, subject to a number of exceptions, "[a]ll firearms shall be confined to the possessor's place of business, residence, or sojourn." HRS §§ 134-23, 134-24, 134-25. It is generally unlawful "for any person on any public highway to carry on the person, or to have in the person's possession, or to carry in a vehicle any firearm loaded with ammunition." HRS § 134-26; see HRS § 134-9(c). Members of the armed forces, mail carriers, and persons employed by the State or its subdivisions are exempt from this limit "while in the performance of their respective duties." HRS § 134-11(a). Individuals may also carry lawfully acquired firearms "while actually engaged in hunting or target shooting." HRS § 134-5(a); see HRS § 134-5(c).

In addition, individuals may lawfully carry a pistol or revolver within a county if they obtain a license from the county's chief of police. HRS § 134-9. Section 134-9, HRS, authorizes police chiefs to issue two types of carry licenses. A chief of police may issue a *concealed*-carry license "[i]n an exceptional case, when an applicant shows reason to fear injury to the applicant's person or property" and satisfies certain age, citizenship, and other statutory requirements. HRS § 134-9(a)-(b). A chief of police may also grant a *unconcealed*-carry license to a qualified applicant "[w]here the urgency or the need has been sufficiently indicated," the applicant "is engaged in the protection of life and property," and the applicant is "of good moral character." HRS § 134-9(a).

### III. ANALYSIS.

#### A. **Section 134-9, HRS, Does Not Limit Unconcealed-Carry Licenses To Private Security Officers.**

We advise that section 134-9, HRS, does not limit the issuance of unconcealed-carry licenses to individuals whose jobs entail protecting life and property. The plain text of the statute, the legislative history, and the applicable case law all support this conclusion.

The Honorable Douglas S. Chin  
September 11, 2018  
Page 4

Our analysis begins with the statute's text. See *Del Monte Fresh Produce (Hawaii), Inc. v. Int'l Longshore & Warehouse Union, Local 142, AFL-CIO*, 112 Hawai'i 489, 499, 146 P.3d 1066, 1076 (2006). As relevant, section 134-9, HRS, imposes two requirements that an otherwise qualified applicant must satisfy in order to obtain an unconcealed-carry license: the applicant must (1) "sufficiently indicate[]" "the urgency or the need" to carry an unconcealed firearm, and (2) be "engaged in the protection of life and property." HRS § 134-9(a).

It is plain that the first of these requirements does not limit unconcealed-carry licenses to private security officers. A private individual, no less than a security guard, may identify an "urgen[t]" or compelling "need" to carry an unconcealed firearm. Indeed, the statute's use of the disjunctive phrase "the urgency or the need" indicates that the Legislature intended to permit the issuance of unconcealed-carry licenses for multiple reasons. Construing the statute to authorize such licenses for one reason only -- that the applicant's job duties require a firearm -- would contravene that textual choice.

Nor does the requirement that an applicant be "engaged in the protection of life and property" limit unconcealed-carry licenses to private security officers. The words "engage in" mean simply "to do or take part in something." Merriam Webster's Dictionary (2018). In ordinary usage, an individual may "take part in" an activity even though his job duties do not require it. See *Sierra Club v. Castle & Cooke Homes Hawai'i, Inc.*, 132 Hawai'i 184, 191-92, 320 P.3d 849, 856-57 (2013) ("Under general principles of statutory construction, courts give words their ordinary meaning unless something in the statute requires a different interpretation." (citation omitted)). And other provisions of the statute use the words "engaged in" to refer to non-professional activities in this way. Section 134-5(c), HRS, authorizes a person to "carry unconcealed and use a lawfully acquired pistol or revolver while actually engaged in hunting game mammals." HRS § 134-5(c) (emphasis added). Likewise, sections 134-3 and 134-5(a), HRS, authorize the use or carrying of firearms while "engage[d] in" hunting or target shooting. HRS §§ 134-3(a)(3), 134-5(a).

Furthermore, when the Legislature wished to limit firearms to individuals engaged in the performance of their professional duties, it expressly said so. Section 134-11(a), HRS, authorizes a variety of officers to carry firearms "while in the performance of their respective duties." HRS § 134-11(a)(2), (4)-(5). Similarly, section 134-31, HRS, requires individuals to obtain a license in order to "engage in the business to sell and manufacture firearms." HRS § 134-31 (emphasis added). The



The Honorable Douglas S. Chin  
September 11, 2018  
Page 5

Legislature notably did not include similar language in section 134-9, HRS, and it would be improper in our view to read such limits implicitly into the statute's text.

The legislative history of section 134-9, HRS, reinforces this interpretation. For several decades prior to 1961, section 134-9 only authorized chiefs of police to issue *concealed*-carry licenses. See 1933 (Special Sess.) Haw. Sess. Laws Act 26, §8 at 39. In 1961, the Legislature amended the statute to authorize the issuance of *unconcealed*-carry licenses, as well. 1961 Haw. Sess. Laws Act 163, § 1 at 215. In the committee report accompanying that amendment, the Senate Judiciary Committee explained that this change was "designed to extend the permit provisions to those employed as guards or watchman *and/or to persons engaged in the protection of life and property* and to further authorize such licensees to carry the described firearms unconcealed on their persons." S. Stand. Comm. Rep. No. 558, in 1961 Senate Journal, at 874 (emphasis added). This report thus makes clear that the drafters intended to reach not only "those employed as guards or watchman" but, more broadly, any "persons engaged in the protection of life and property." Although "guards" and "watchm[e]n" may have been the principal persons the legislature had in mind, legislation is not limited to the principal mischief it is designed to address, and that is particularly so where the drafters expressly contemplated it would extend more broadly.

The limited case law discussing section 134-9, HRS, and analogous statutes is also consistent with our understanding. To our knowledge, prior to the Ninth Circuit panel decision in *Young*, no court suggested that section 134-9 limits open-carry licenses to private security officers. To the contrary, in *Baker v. Kealoha*, the District Court for the District of Hawai'i observed that section 134-9 "provides for exceptions in cases where an individual demonstrates an urgency or need for protection in public places." 2012 WL 12886818, at \*18 (D. Haw. Apr. 30, 2012), *vacated and remanded on other grounds*, 679 F. App'x 625 (9th Cir. 2017). Moreover, courts and agencies in other states have construed comparable statutes -- which likewise permit issuance of carry licenses upon a showing of adequate "need" or "cause" -- to authorize licenses for private individuals, and not just professional security guards and the like. See, e.g., *Woollard v. Gallagher*, 712 F.3d 865, 870 (4th Cir. 2013) (Maryland); *Drake v. Filko*, 724 F.3d 426, 428 (3d Cir. 2013) (New Jersey); *Kachalsky v. County of Westchester*, 701 F.3d 81, 86-87 (2d Cir. 2012) (New York).

Nor does past practice justify a different conclusion. The *Young* panel placed substantial weight on the premise that, to its knowledge, "no one other than a security guard -- or someone

The Honorable Douglas S. Chin  
September 11, 2018  
Page 6

similarly employed -- ha[s] ever been issued an open carry license." 896 F.3d at 1070. But even if that premise were correct, a practice of that kind would not justify adopting a reading that the statute's text cannot bear. Moreover, there is little evidence in the court record to back up the panel's assertion. Although the Department of the Attorney General has published statistics on firearm license applications, those reports date back only to the year 2000 -- 39 years after the statute was enacted, and nearly 150 years after the first restriction on public carry was imposed. See Dep't of Attorney Gen., Crime Prevention & Justice Assistance Div., *Research & Statistics Branch*, <http://ag.hawaii.gov/cpja/rs/> (last visited Sept. 10, 2018) (collecting reports). And those reports, starting in 2004, state only the number of private individuals who applied for (and were granted or denied) a *concealed*-carry license; they do not state the number of private individuals who applied for (and were granted or denied) an *unconcealed*-carry license. What is more, out of the handful of instances before 2004 in which the reports state simply that private individuals applied for "carry license[s]," without specifying that the license was for *concealed*- or *unconcealed*-carry, individuals were granted such licenses in two cases. See Dep't of Attorney Gen., *Firearm Registrations in Hawaii, 2001*, at 7, <http://ag.hawaii.gov/cpja/files/2013/01/Firearms-Registration-2001.pdf> (last visited Sept. 10, 2018).

In short, the plain text of the statute does not limit unconcealed-carry licenses to individuals employed as private security officers. And other indicia of statutory meaning support that straightforward reading. Accordingly, we advise that private individuals as well as security officers are eligible to obtain licenses to carry unconcealed firearms under section 134-9, HRS.

**B. Standards For Adjudicating Unconcealed-Carry Applications.**

You have also asked us to clarify the standards that police chiefs should apply in adjudicating applications for unconcealed-carry licenses. By its text, section 134-9, HRS, establishes four basic criteria that an applicant must satisfy to obtain an unconcealed-carry license: An applicant must (1) meet the objective qualifications for possessing and carrying a firearm; (2) demonstrate a sufficient need to carry a firearm in order to protect life and property; (3) be of good moral character; and

The Honorable Douglas S. Chin  
September 11, 2018  
Page 7

(4) present no other reason that justifies the exercise of discretion to deny a license. We consider each of these criteria in turn below.

### 1. Objective Qualifications.

As an initial matter, section 134-9, HRS, requires every applicant for an unconcealed-carry license to meet three objective qualifications. Every applicant must (1) be "a citizen of the United States," (2) be "of the age of twenty-one years or more," and (3) not be "prohibited under section 134-7 from the ownership or possession of a firearm." HRS § 134-9(a). Section 134-7, HRS, further provides that an individual may not own, possess, or control a firearm if he is barred from possessing a firearm by federal law, is a fugitive from justice, or fails to satisfy the statute's other prerequisites. HRS § 134-7; see 18 U.S.C. § 922(g)(1)-(9), (n) (listing federal requirements).

An application for an unconcealed-carry license must therefore be denied if the applicant fails to satisfy any of these objective criteria. And the statute specifies, in part, the procedures a police chief or his designated representative must follow prior to making that determination. It states that such officials "shall perform an inquiry on [the] applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases where the applicant is not a citizen of the United States, before any determination to grant a license is made." HRS § 134-9(a).

### 2. Sufficient Need To Carry A Firearm.

Section 134-9, HRS, further requires that each applicant must "sufficiently indicate[]" that he or she has an "urgency" or "need" to carry a firearm and is "engaged in the protection of life and property." *Id.* As we have explained, this language does not limit carry licenses to private security officers. See *supra* section III.A. Case law from other states is instructive, however, in discerning what it does require. Courts interpreting virtually identical laws have held that "a simple desire to carry a weapon is not enough" to satisfy their substantive requirements. *Kachalsky*, 701 F.3d at 86-87. "Nor is living or being employed in a 'high crime area[.]'" *Id.* at 87. Rather, an applicant typically must demonstrate that he or she has a need to carry a firearm for protection that substantially exceeds the need possessed by ordinary law-abiding citizens. See *Drake*, 724 F.3d at 428 & n.2; *Woollard*, 712 F.3d at 870; *Kachalsky*, 701 F.3d at 86-87.

The Honorable Douglas S. Chin  
September 11, 2018  
Page 8

In our view, a similar standard is appropriate in interpreting section 134-9, HRS. Section 134-9 requires that an applicant "sufficiently" demonstrate an "urgency" or "need" to carry a firearm -- all words that connote an immediate, pressing, and heightened interest in carrying a firearm. Furthermore, the applicant must be "*engaged in the protection of life and property,*" language that requires that the individual be actively "tak[ing] part in" such protection, not merely exhibit a generalized concern for safety. Particularly given that Hawaii's modern firearm laws were designed to mirror the uniform firearm laws adopted by many other states, see S. Stand. Comm. Rep. No. 322, in 1927 Senate Journal, at 1023, we therefore believe that much the same standard adopted by those states is appropriate in interpreting section 134-9. This provision, we conclude, requires applicants for an unconcealed-carry license to demonstrate that they have a need to carry a firearm for protection that substantially exceeds the need possessed by ordinary law-abiding citizens.

Without attempting to offer an exhaustive list of applicants who could satisfy this standard, we believe that the following illustrative examples could present a sufficient urgency or need for protection under the statute:

- (a) A person who has suffered serious domestic abuse from a former partner who has violated previous protective orders;
- (b) A victim of stalking who has received credible threats of death or serious bodily harm from his or her stalker;
- (c) A political activist who has received credible threats of death or serious bodily harm due to his or her political activity;
- (d) A witness to a crime who has received credible threats, or is testifying against an organization known to use violence to intimidate witnesses;
- (e) A person who faces heightened risk of attack or violence due to his or her profession, such as a private security officer, a psychiatrist or physician with an obsessive or threatening patient, an attorney with a former client or opposing party who has made credible threats of death or serious bodily harm, a business owner with a violent former employee who has made credible threats of death or serious bodily harm,



The Honorable Douglas S. Chin  
September 11, 2018  
Page 9

an entertainer with an obsessive fan who has made credible threats of death or serious bodily harm and engaged in stalking; or a person who faces a high risk of armed robbery because his or her job requires stocking ATMs or otherwise transporting large quantities of cash.

### 3. Good Moral Character.

An applicant for an unconcealed-carry license must also be a person "of good moral character." HRS § 134-9. As courts in other jurisdictions have concluded, we think it plain that a person does not demonstrate "good moral character" where there is reliable and credible evidence that, if issued a license, the applicant may create a risk to public safety. See *Caputo v. Kelly*, 117 A.D.3d 644, 644 (N.Y. App. Div. 2014); *Hider v. Chief of Police, City of Portland*, 628 A.2d 158, 161 (Maine 1993). That is, we advise that a chief of police should deny an application when the applicant exhibits specific and articulable indicia that the applicant poses a heightened risk to public safety. Such indicia could include, but are not limited to:

- (a) Recent incidents of alleged domestic violence, even if not leading to charges or the issuance of a protective order;
- (b) Recent incidents of careless handling or storage of a firearm, especially if involving children;
- (c) Recent incidents of alcohol or drug abuse, especially involving violence, even when not leading to criminal charges or mental health treatment;
- (d) Other recent violent conduct, even if not resulting in criminal charges or serious injury.

### 4. No Other Reasons That Justify The Exercise Of Discretion To Deny A License.

Finally, section 134-9, HRS, provides that where an applicant satisfies the statute's express requirements, "the respective chief of police may grant" an unconcealed-carry license. HRS § 134-9(a) (emphasis added). Accordingly, we advise that chiefs of police may exercise reasonable discretion to deny licenses to otherwise-qualified applicants, but that discretion may not be exercised in an arbitrary or capricious manner. Chiefs of police should exercise their discretion to

The Honorable Douglas S. Chin  
September 11, 2018  
Page 10

deny unconcealed-carry licenses to qualified applicants only where an applicant's characteristics or circumstances render the applicant unsuitable to carry an unconcealed firearm for reasons not captured by the express statutory requirements. Discretion may not be used to effectively nullify the authorization for unconcealed-carry licenses contained in section 134-9. Nor may discretion be used to impose categorical restrictions on unconcealed-carry licenses -- such as limiting them to private security officers -- that the Legislature did not enact. When a chief of police denies a firearm for discretionary reasons, he or she should document the reasons and report them to the Attorney General as provided in section 134-14, HRS.

**IV. CONCLUSION.**

We advise that section 134-9, HRS, does not limit unconcealed-carry licenses to private security officers. Furthermore, we advise police chiefs to administer the statute's requirements in accordance with the standards set forth in this Opinion.

Very truly yours,

*cited in Young v. State of Hawaii  
No. 12-17808 archived on March 16, 2021*

  
Russell A. Suzuki  
Attorney General

# Firearm Registrations in Hawaii, 2019

Department of the Attorney General

• Crime Prevention & Justice Assistance Division

• [ag.hawaii.gov/cuja](http://ag.hawaii.gov/cuja)

Clare E. Connors, Attorney General

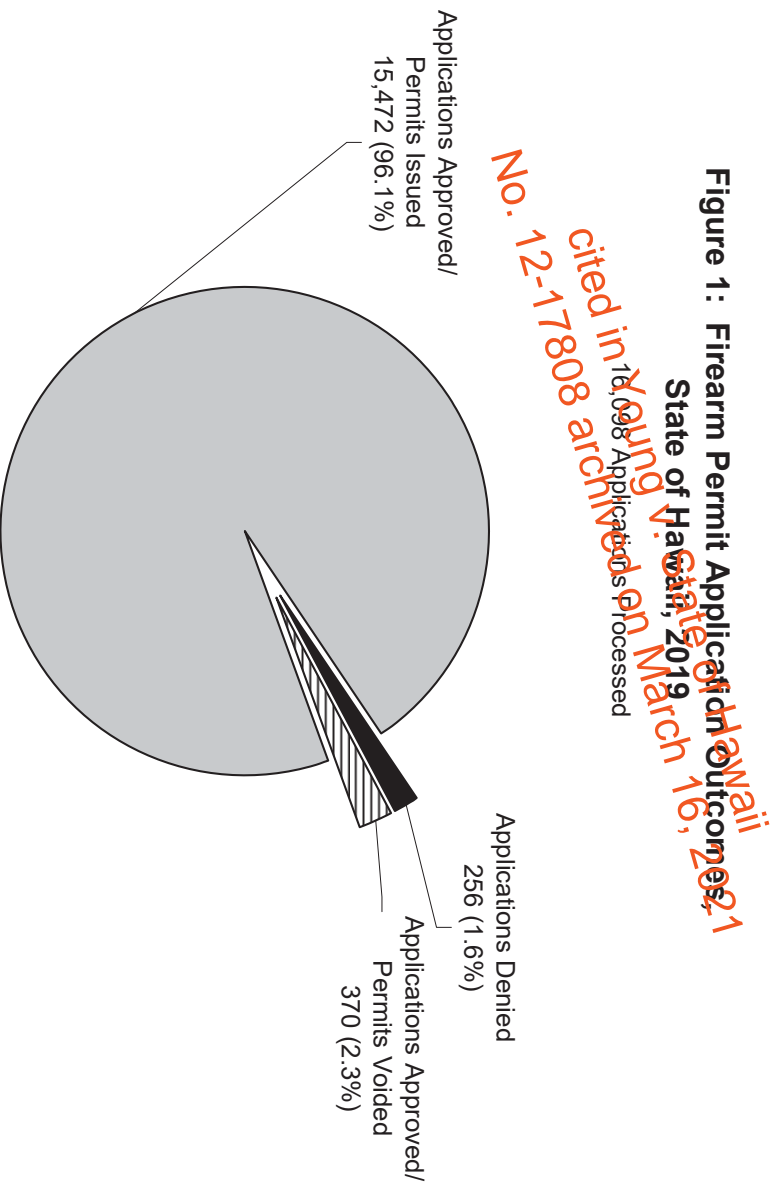
Julie Ebato, Administrator  
March 2020

*Prepared by  
Paul Perrone, Chief of Research and Statistics*

Hawaii Revised Statutes (HRS) § 134-14 requires the county police departments to provide to the Department of the Attorney General a monthly report of firearm registration activity. The data from these reports were compiled in order to provide the statistics presented herein for Calendar Year 2019. This is the twentieth annual publication of *Firearm Registrations in Hawaii*.

## Permit Applications Processed, Issued, Voided, and Denied

A total of 16,098 personal/private firearm permit applications were processed statewide during 2019, marking a 10.9% decrease from 18,070 applications processed in 2018. Of the applications processed in 2019, 96.1% were approved and resulted in issued permits; 2.3% were approved but subsequently voided after the applicants failed to return for their permits within the specified time period; and 1.6% were denied due to one or more disqualifying factors. Figure 1 provides additional information. Denials are described in greater detail throughout this report.



### Registrations and Importations

The 15,472 permits issued statewide in 2019 cover a total of 39,467 firearms registered throughout the year, resulting in an 8.3% decrease from the 43,033 firearms registered during 2018. Just over half (20,037, or 50.8%) of the firearms registered during 2019 were imported from out-of-state, with the balance accounted for by transfers of firearms that were previously registered in Hawaii. 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 2019 period, a total of 643,757 firearms were registered (including some more than once, by different owners) and 338,404 were imported, while an unknown number of firearms permanently left the state.

### Permits and Registrations, by Firearm Type

In the State of Hawaii, annual permits are issued in order to acquire an unlimited number of longarms (rifles and shotguns), while single-use permits are issued to acquire specific handguns. By firearm type, 50.3% (7,789) of the permits issued during 2019 were to acquire handguns, while 49.7% (7,683) were longarm permits. The tally of handgun permits is perennially confounded, however, as some of the county police departments issue a single permit listing all handguns that will be acquired simultaneously from the same source (i.e., one permit per transaction, per HRS § 134-2(e)), while the other departments issue one permit per handgun even if they are acquired in the same transaction.

Longarms accounted for 55.6% (21,947) of all firearms registered during 2019 (39,467). Broken out further, rifles and shotguns comprised 45.5% (17,969) and 10.1% (3,978) of total registrations, respectively. The remaining 44.4% (17,520) of firearms registered throughout 2019 were handguns.

### County Comparisons and Registration Trends

Table 1 shows the distribution of firearm registration activity during 2019 across the four counties and for the State of Hawaii overall.

No. 12-17808 cited in Young Trends State of Hawaii on March 16, 2021

**Table 1: Firearm Registration Activity, State of Hawaii and Counties, 2019**

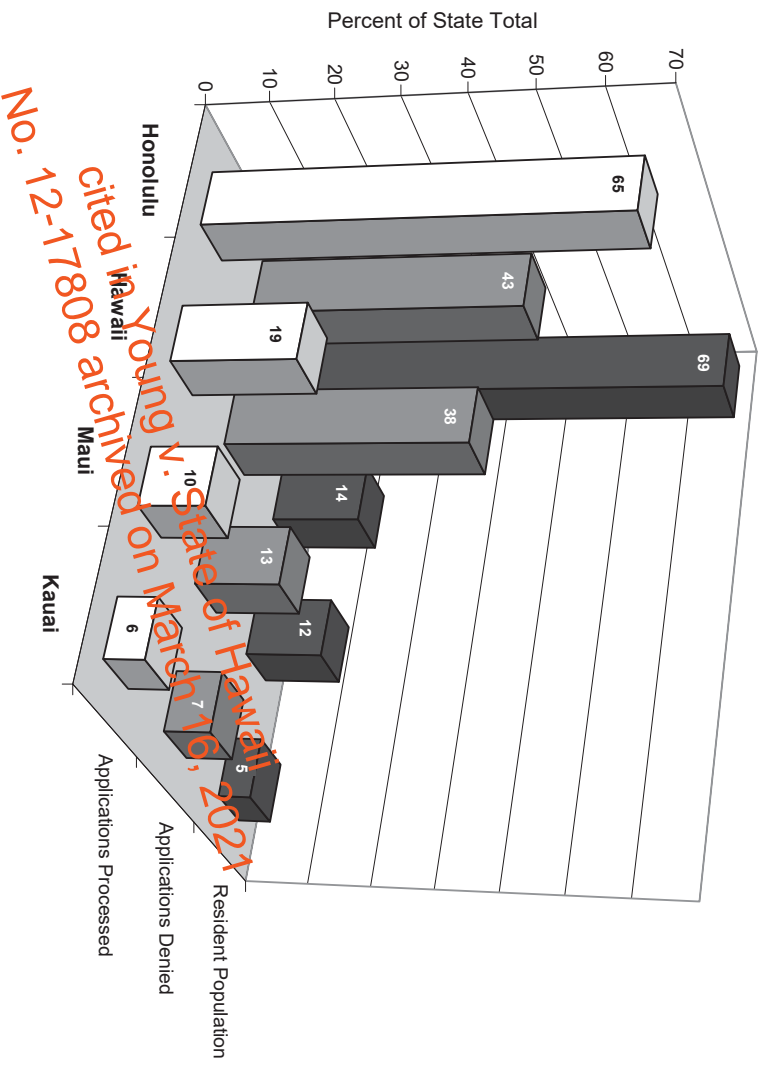
	C&C of Honolulu	Hawaii County	Maui County	Kauai County	State Total
Applications Processed	10,474	3,013	1,600	1,011	<b>16,098</b>
Applications Approved/ Permits Issued	10,079	2,899	1,530	964	<b>15,472</b>
Applications Approved/ Permits Voided	284	18	38	30	<b>370</b>
Applications Denied	111	96	32	17	<b>256</b>
Denial Rate*	1.1%	3.2%	2.0%	1.7%	<b>1.6%</b>
Firearms Registered	24,879	7,003	4,667	2,918	<b>39,467</b>
Firearms Imported	13,087	3,506	1,849	1,595	<b>20,037</b>

\* The most comparable national figure is a 4.2% estimated average denial rate in 2015 for jurisdictions that require a buyer to obtain, after a local agency-conducted background check, a government-issued document that must be presented to a seller before the buyer can receive a firearm (Bureau of Justice Statistics, 2017).



As compared to Hawaii's resident population distribution, firearm registration activity occurred disproportionately across the four counties during 2019 (see Figure 2). (If the counties' registration activity occurred in equal proportion to their respective population sizes, then the three bars depicted for each county in Figure 2 would be of equal value.)

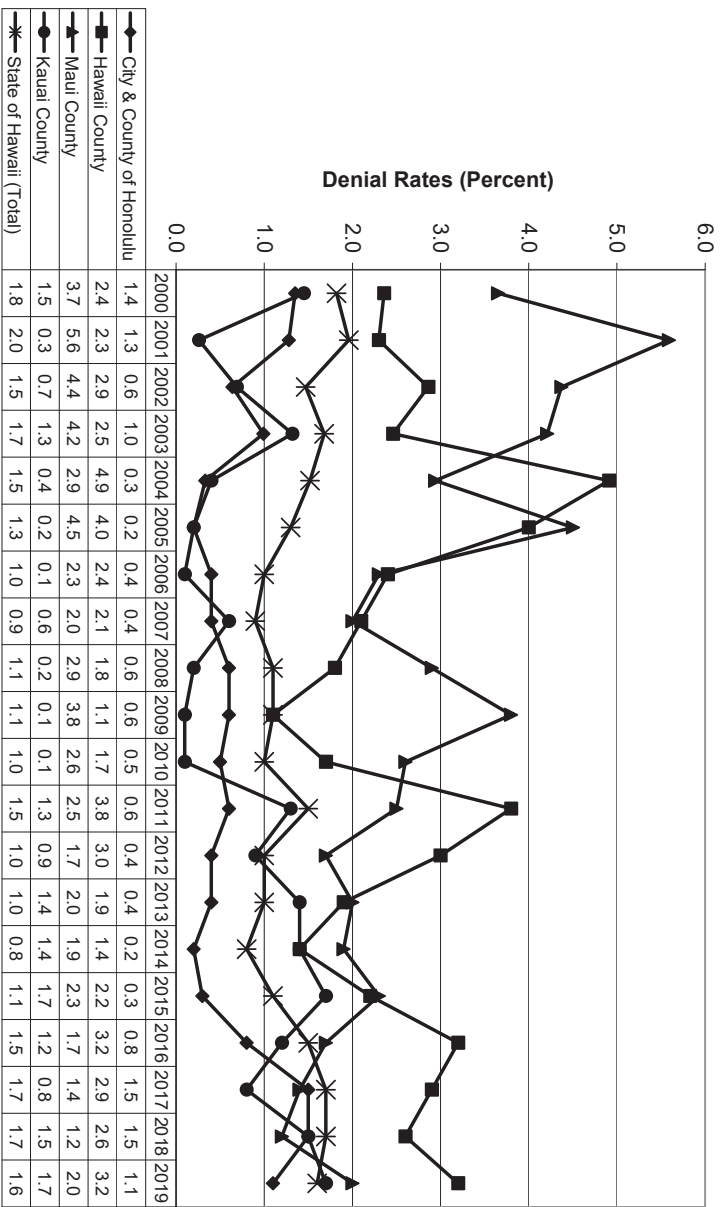
**Figure 2: County Distribution of Permit Applications Processed and Denied versus Resident Population Distribution, 2019**



No. 12-17808 archived on March 16, 2021  
cited in Young v. State of Hawaii

Figure 3 (next page) presents historical data on permit application denial rates for the State of Hawaii and each of the four counties.

Figure 3: Firearm Permit Application Denial Rates, State of Hawaii and Counties, 2000-2019



Firearm registration activity increased dramatically over the course of the 20 years for which these data have been systematically compiled and reported (see [State of Hawaii](#) [Figure 4](#)). From 2000 through 2019, the number of statewide permit applications annually processed increased by 148.1%, the number of firearms annually registered leaped 189.8%, and the number of firearms annually imported rose 177.2%.

*NO. 12-17808 archived on Wayback Machine*  
 Figure 4: Firearm Registration Trends, State of Hawaii, 2000-2019

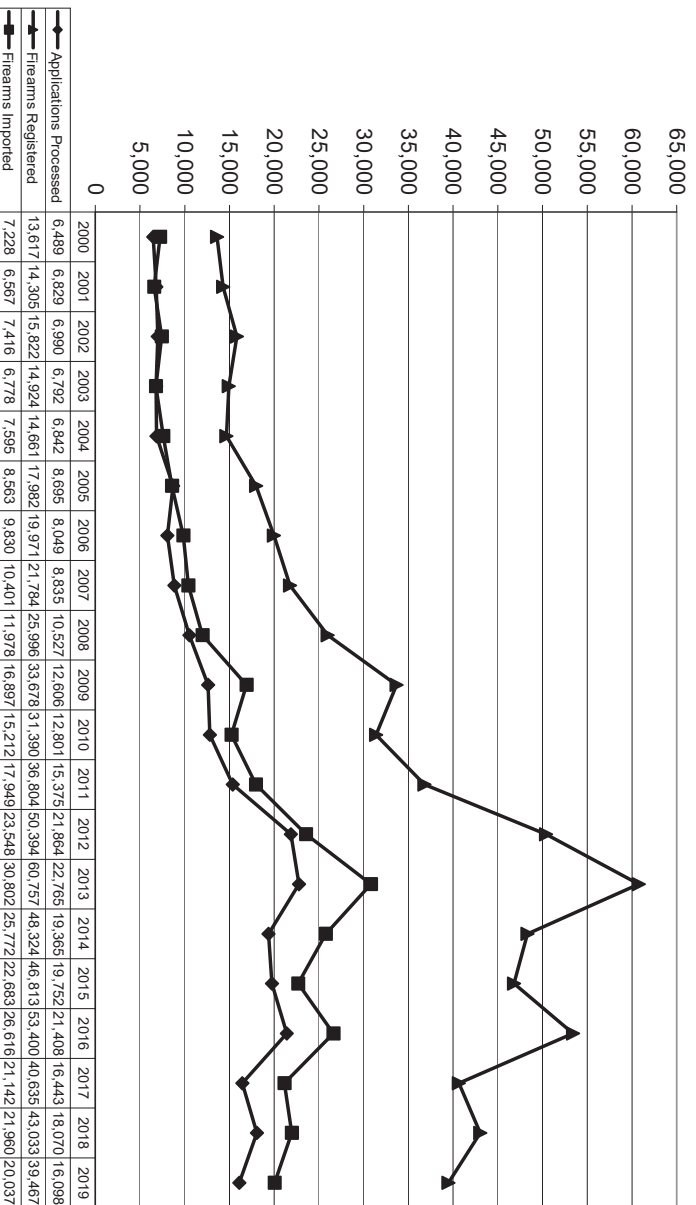
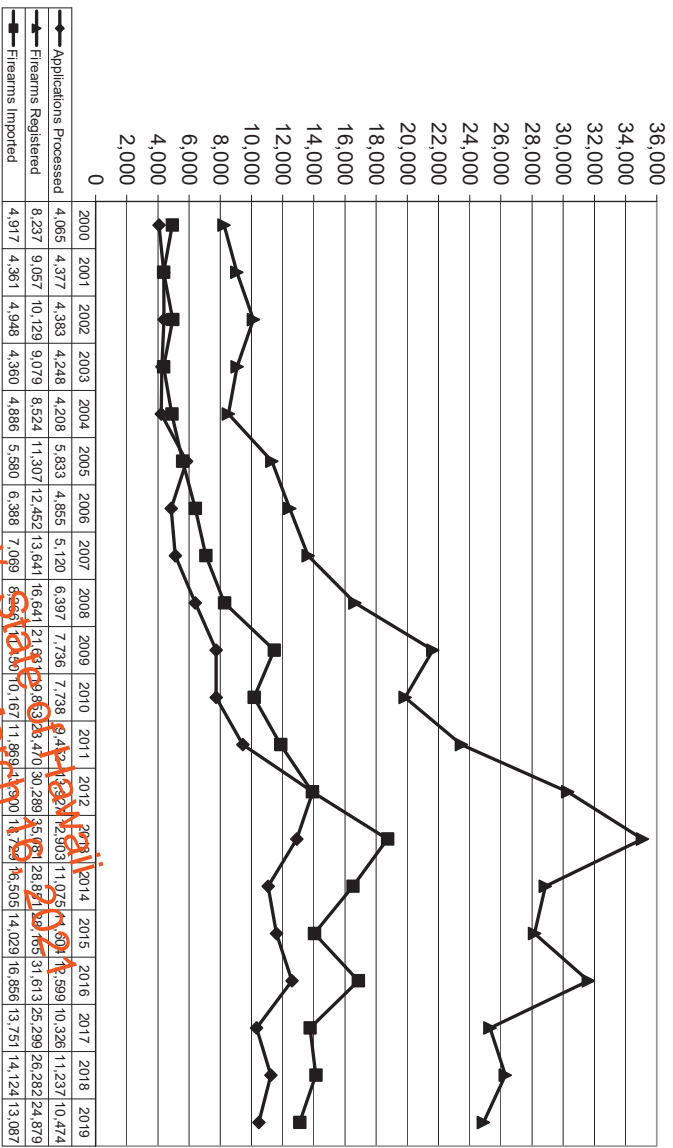


Figure 5 shows that, between 2000 and 2019 in the City and County of Honolulu, the annual tally of permits processed increased 157.7%, the number of firearms annually registered surged 202.0%, and the number of firearms annually imported climbed 166.2%.

Figure 5: Firearm Registration Trends, City & County of Honolulu, 2000-2019



As shown in Figure 6, the number of permits processed annually in Hawaii County during the 2000-2019 period rose 162.9%, the number of firearms annually registered increased 141.2%, and the number of firearms annually imported leaped 182.5%.

Figure 6: Firearm Registration Trends, Hawaii County, 2000-2019

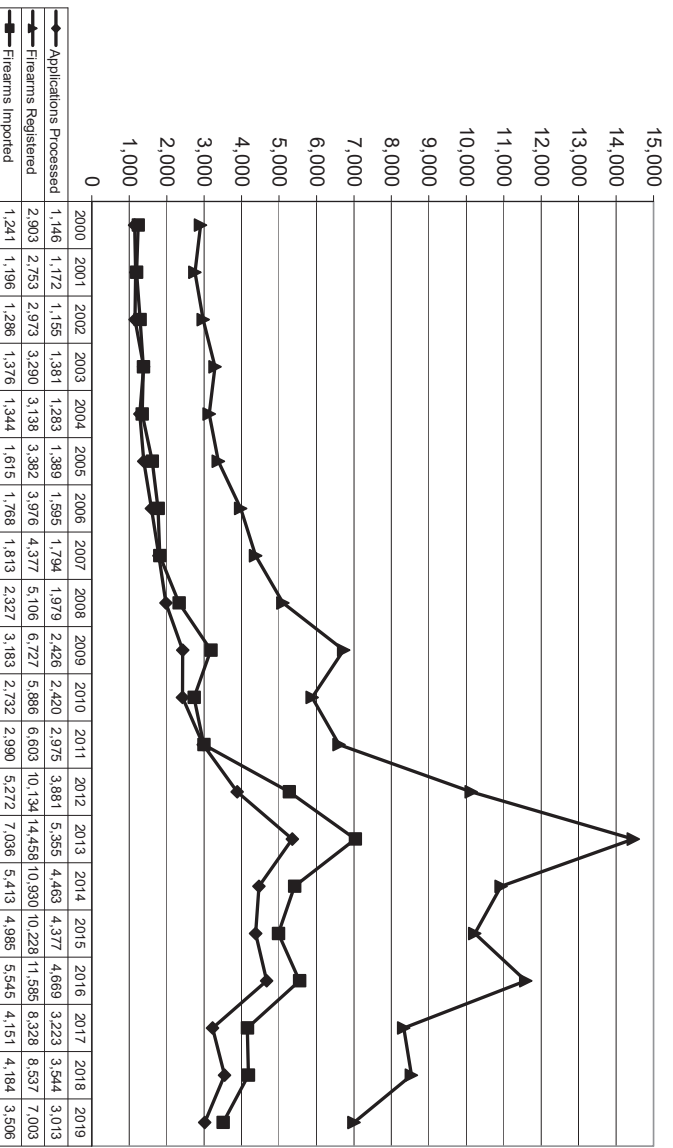
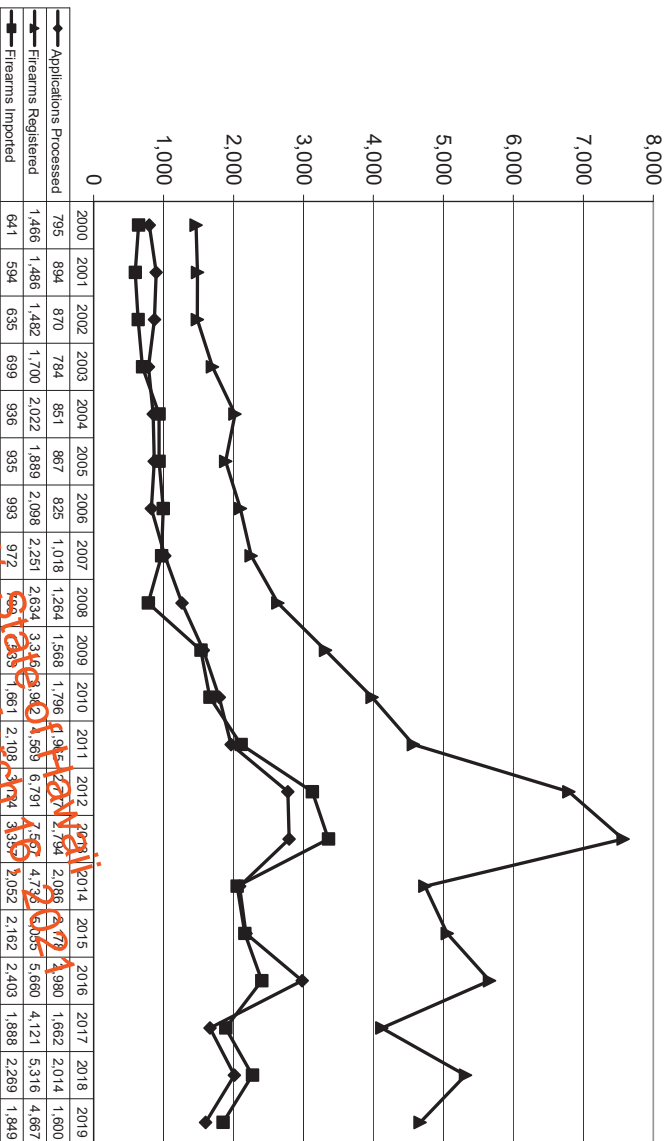


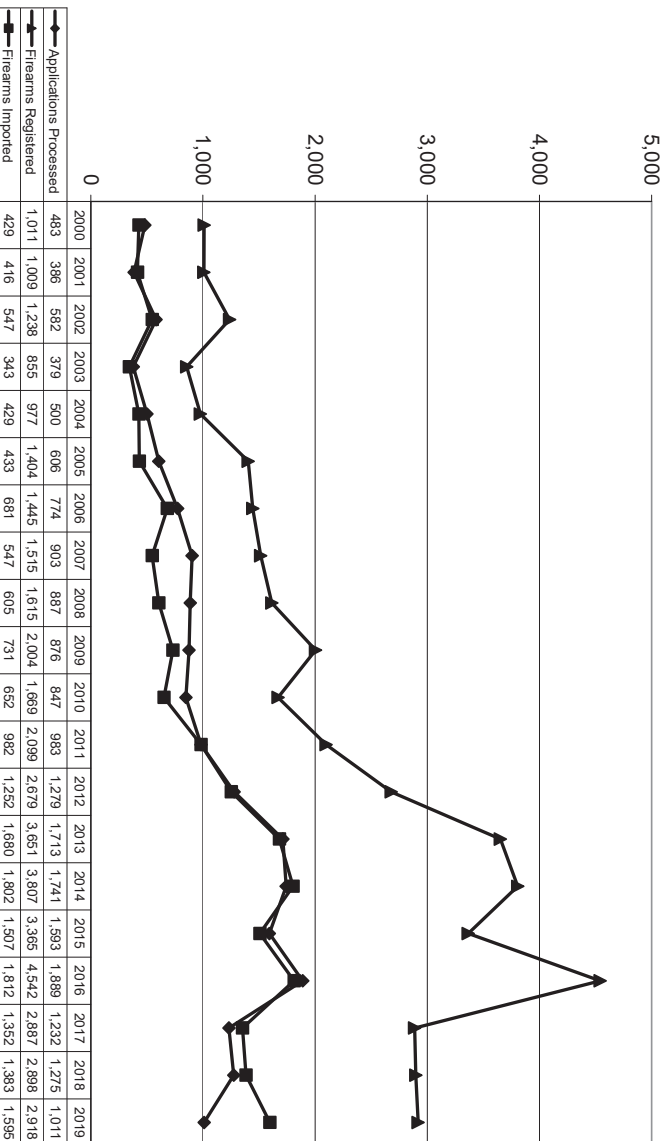
Figure 7 reveals that, between 2000 and 2019 in Maui County, the annual number of permits processed increased 101.3%, the number of firearms annually registered soared 218.0%, and the tally of firearms annually imported climbed 188.5%.

Figure 7: Firearm Registration Trends, Maui County, 2000-2019



As shown in Figure 8, the number of permits processed annually in Kauai County from 2000 through 2019 increased 109.3%, the number of firearms registered surged 188.6%, and the number of firearms imported skyrocketed 271.8%.

**No. 12-17808 v. State of Hawaii v. Maiana V. Maiana**  
 Figure 8: Firearm Registration Trends, Kauai County, 2000-2019





### Permit Application Denials

As noted earlier, 1.6% (256) of all permit applications in Hawaii during 2019 were denied for cause. The majority of the denials were for longarm (189, or 73.8%) rather than handgun (67, or 26.2%) permit applications. Following a trend since this annual report was first published, longarm permit applications in 2019 were denied at a rate (2.3%) that is roughly triple the denial rate for handgun permit applications (0.8%).

More than one-fifth (57, or 22.3%) of the denials in 2019 were due to the applicants' prior criminal convictions, while 1.6% (4) were due to pending cases.

It is a misdemeanor in the State of Hawaii to provide falsified information on firearm permit applications, unless the falsified information pertains to criminal or mental health histories, in which case it is a felony offense (HRS § 134-17). In 2019, falsified criminal or mental health information, or both, were provided in 43.4% (111) of the 256 denial cases; falsified information pertaining to anything other than criminal or mental health histories was provided in 5.9% (15) of the cases; and no falsified information was provided in 50.4% (129) of the cases.

Table 2 presents broad categorical data on the reasons for denied permit applications.

**Table 2: Reasons for Denied Firearm Permit Applications, State of Hawaii, 2019**

	#	%*
Mental Health-Related Issue**	154	60.2
"Other" Criminal Offense	16, 49	19.1
Medical Marijuana Patient***	28	10.9
Domestic Violence****	22	8.6
Drug Offense	11	4.3
Restraining/Protective Order	11	4.3
Disqualifying Juvenile Offense	1	0.4
Not a U.S. citizen	1	0.4

\* Figures do not total 100% due to multiple reasons for some denials.

\*\* Includes adverse mental health diagnoses and treatment, and drug or alcohol abuse/addiction and treatment. Denials for such reasons can be satisfactorily cleared with a verified doctor's note stating that the applicant is no longer adversely affected. While an original denial cannot be appealed or overturned, a new application may be submitted and the appropriate permit will be issued. At least one of the state's major healthcare providers recommends denial for virtually any sort of mental health issue or treatment noted in their clients' historical medical records, and does not provide a means to obtain a clearance, leaving such applicants to seek clearance from outside doctors.

\*\*\* Former medical marijuana patients may successfully apply one year after the expiration of their medical marijuana card.

\*\*\*\* Includes domestic violence-related offenses and counseling/treatment.

Table 3 provides a breakdown of information entered into a description field for each denial.

**Table 3: Descriptions of Firearm Permit Application Denials,  
State of Hawaii, 2019**

	256 Total Denials	#	%*
abuse of family/household member		7	2.7
abuse of family/household member + domestic violence counseling		1	0.4
abuse of family/household member + mental health issue		1	0.4
alcohol abuse + depression		1	0.4
alcohol abuse treatment		13	5.1
alcohol and substance abuse treatment		2	0.8
alcohol dependency		2	0.8
anger management counseling		8	3.1
anger management counseling + medical marijuana patient		1	0.4
assault		15	5.9
assault (domestic violence) + theft + forgery + burglary		1	0.4
assault + abuse of family/household member		3	1.2
assault + mental health issue		1	0.4
assault + restraining order		1	0.4
assault + robbery		1	0.4
assault + theft + substance abuse treatment		1	0.4
battery + abuse of family/household member		1	0.4
convicted felon (unspecified)		2	0.8
crime of violence (unspecified)		5	2.0
disorderly conduct		1	0.4
disqualifying juvenile offenses + substance abuse treatment		1	0.4
domestic violence counseling		1	0.4
domestic violence counseling + former marijuana user		1	0.4
drug offense		1	0.4
harassment		8	3.1
harassment + mental health issue		1	0.4
legal guardian of minor who has restraining order		2	0.8
manslaughter/excess homicide		2	0.8
medical marijuana patient		27	10.5
mental health issue		105	41.0
mental health issue + alcohol and drug addiction		1	0.4
mental health issue + former marijuana user		1	0.4
mentally unstable (based on prior law enforcement contact)		1	0.4
no response from California re battery and disorderly conduct incidents		1	0.4
no response from California re theft charge		1	0.4
no response from court re felony disposition		5	2.0
no response re 1997 mainland drug arrest		1	0.4
not a U.S. citizen		1	0.4
positive field test for illicit drug use		1	0.4
reckless endangering		1	0.4
reckless endangering (domestic violence-related)		1	0.4
resisting arrest + harassment		1	0.4
restraining order		8	3.1
robbery		1	0.4
statutory rape		1	0.4
substance abuse treatment		10	3.9
warrant (cruelty to animals + gambling)		1	0.4
warrant (unspecified)		1	0.4
warrant (unspecified) + burglary + drug offenses		1	0.4

\* Due to rounding, figures do not total 100%.

## Licenses to Carry Firearms

Hawaii's county police departments also process license applications for the carrying of firearms in public. Statewide in 2019, 162 employees of private security firms applied for and were issued carry licenses, and three (1.8%) were denied. A total of nine private citizens applied for a carry license in 2019, including four in the City and County of Honolulu, three in Hawaii County, and one each in Maui County and Kauai County; all nine applicants were denied by the respective county's chief of police.

## Confiscations

Four "assault pistols," three "short-barrel rifles," and one "short-barrel shotgun," as defined and prohibited by state law, were confiscated by the firearm registration personnel statewide in 2019.

## Acknowledgements

This report was prepared with input and assistance from the county police departments' firearm registration personnel. As the volume of registration activity documented in this report demonstrates, these dedicated professionals work hard to serve their communities.

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### City and County of Honolulu Police Department

The entire Firearms Registration Section of the Department in particular:  
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## Reference

Bureau of Justice Statistics (November 2017). *Background checks for firearms transfers, 2015: Statistical Tables*. U.S. Department of Justice: Office of Justice Programs. NCJ 250978.

*State of Hawaii  
Research  
16, 2021  
cited in  
archived  
12-17808*

# Firearm Registrations in Hawaii, 2018

Department of the Attorney General

• Crime Prevention & Justice Assistance Division

• [ag.hawaii.gov/cuja](http://ag.hawaii.gov/cuja)

Clare E. Connors, Attorney General

Julie Ebato, Administrator  
May 2019

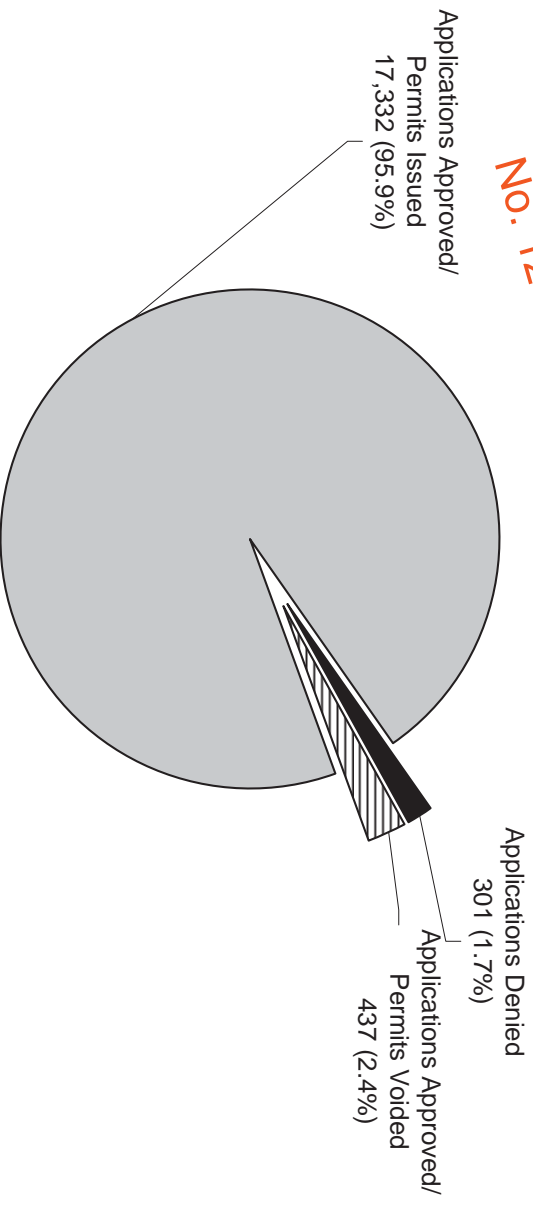
*Prepared by  
Paul Perrone, Chief of Research and Statistics*

Hawaii Revised Statutes (HRS) § 134-14 requires the county police departments to provide to the Department of the Attorney General a monthly report of firearm registration activity. The data from these reports were compiled in order to provide the statistics presented herein for Calendar Year 2018. This is the nineteenth annual publication of *Firearm Registrations in Hawaii*.

## Permit Applications Processed, Issued, Voided, and Denied

A total of 18,070 personal/private firearm permit applications were processed statewide during 2018, marking a 9.9% increase from 16,443 applications processed in 2017. Of the applications processed in 2018, 95.9% were approved and resulted in issued permits; 2.4% were approved but subsequently voided after the applicants failed to return for their permits within the specified time period; and 1.7% were denied due to one or more disqualifying factors. Figure 1 provides additional information. Denials are described in greater detail throughout this report.

**Figure 1: Firearm Permit Application Outcomes, State of Hawaii, 2018**  
*No. 12-17808 archived on March 16, 2021  
cited in Young State of Hawaii*





### Registrations and Importations

The 17,332 permits issued statewide in 2018 cover a total of 43,033 firearms registered throughout the year, resulting in a 5.9% increase from the 40,635 firearms registered during 2017. Just over half (21,960, or 51.0%) of the firearms registered during 2018 were imported from out-of-state, with the balance accounted for by transfers of firearms that were previously registered in Hawaii. 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 2018 period, a total of 604,290 firearms were registered (including some more than once, by different owners) and 298,937 were imported, but there is no way to track the number of firearms that permanently leave the state.

### Permits and Registrations, by Firearm Type

In the State of Hawaii, annual permits are issued in order to acquire an unlimited number of longarms (rifles and shotguns), while single-use permits are issued to acquire specific handguns. By firearm type, 51.6% (8,939) of the permits issued during 2018 were to acquire handguns, while 48.4% (8,393) were longarm permits. The tally of handgun permits is perennially confounded, however, as some of the county police departments issue a single permit listing all handguns that will be acquired simultaneously from the same source (i.e., one permit per transaction, per HRS § 134-2(e)), while the other departments issue one permit per handgun even if they are acquired in the same transaction.

Longarms accounted for 53.5% (23,029) of all firearms registered during 2018 (43,033). Broken out further, rifles and shotguns comprised 43.8% (18,840) and 9.7% (4,189) of total registrations, respectively. The remaining 46.5% (20,004) of firearms registered throughout 2018 were handguns.

### County Comparisons and Registration Trends

Table 1 shows the distribution of firearm registration activity during 2018 across the four counties and for the State of Hawaii overall.

No. 12-17808 cited in Young Trends State of Hawaii 16, 2021

**Table 1: Firearm Registration Activity, State of Hawaii and Counties, 2018**

	C&C of Honolulu	Hawaii County	Maui County	Kauai County	State Total
Applications Processed	11,237	3,544	2,014	1,275	<b>18,070</b>
Applications Approved/ Permits Issued	10,802	3,433	1,936	1,161	<b>17,332</b>
Applications Approved/ Permits Voided	269	19	54	95	<b>437</b>
Applications Denied	166	92	24	19	<b>301</b>
Denial Rate*	1.5%	2.6%	1.2%	1.5%	<b>1.7%</b>
Firearms Registered	26,282	8,537	5,316	2,898	<b>43,033</b>
Firearms Imported	14,124	4,184	2,269	1,383	<b>21,960</b>

\* The most comparable national figure is a 4.2% estimated average denial rate in 2015 for jurisdictions that require a buyer to obtain, after a local agency-conducted background check, a government-issued document that must be presented to a seller before the buyer can receive a firearm (Bureau of Justice Statistics, 2017).

As compared to Hawaii's resident population distribution, firearm registration activity occurred disproportionately across the four counties during 2018 (see Figure 2). (If the counties' registration activity occurred in equal proportion to their respective population sizes, then the three bars depicted for each county in Figure 2 would be of equal value.)

**Figure 2: County Distribution of Permit Applications Processed and Denied versus Resident Population Distribution, 2018**

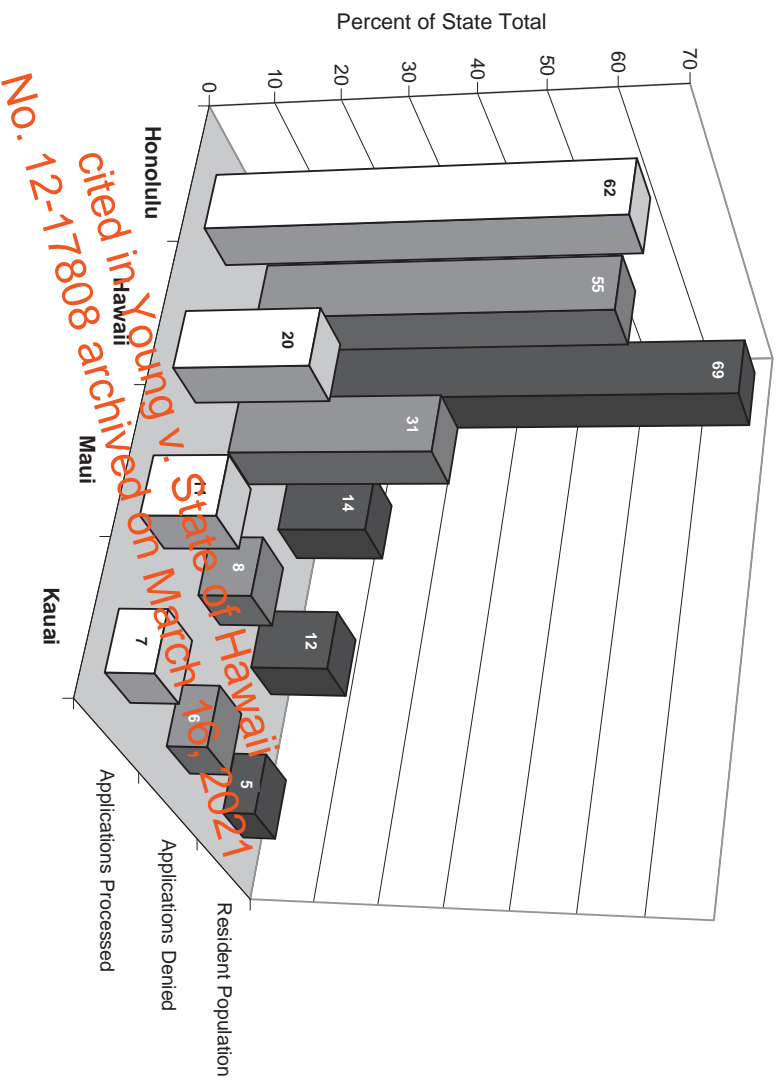
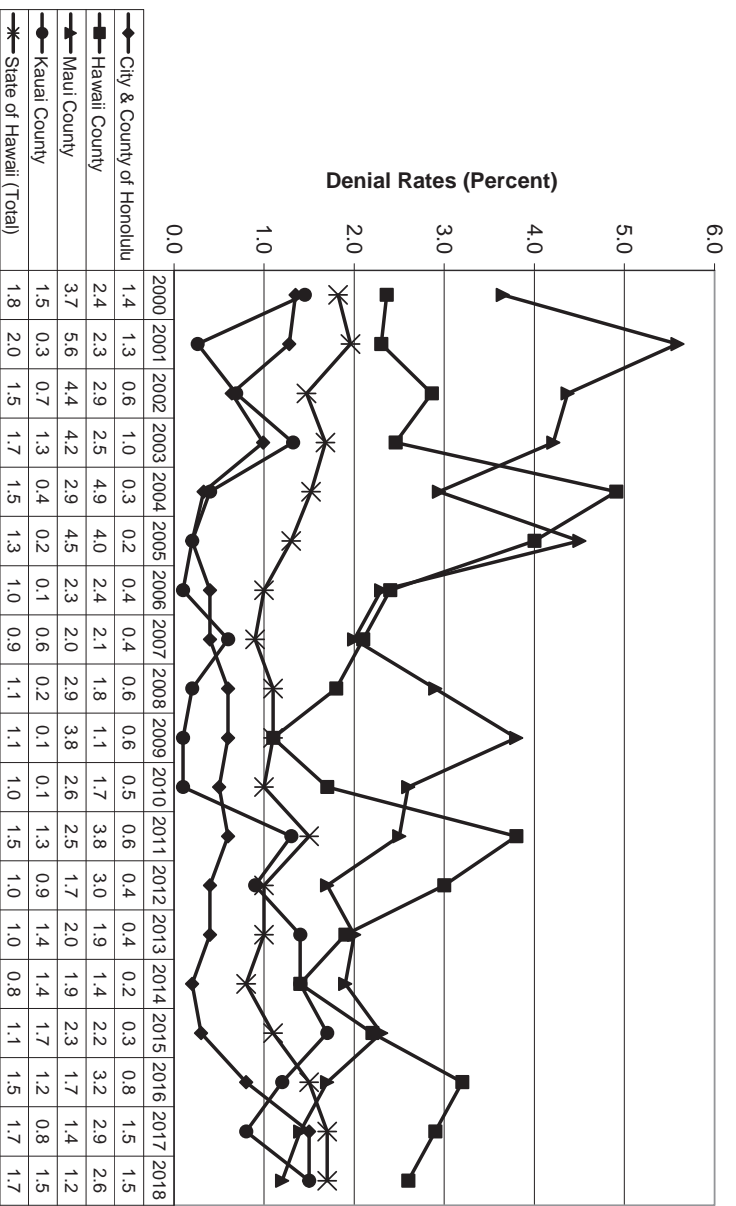


Figure 3 (next page) presents historical data on permit application denial rates for the State of Hawaii and each of the four counties.

Figure 3: Firearm Permit Application Denial Rates, State of Hawaii and Counties, 2000-2018



Firearm registration activity increased dramatically over the course of the 19 years for which these data have been systematically compiled and reported (see [State of Hawaii](#) [Figure 4](#)). From 2000 through 2018, the number of statewide permit applications annually processed increased by 178.5%, the number of firearms annually registered leaped 216.0%, and the number of firearms annually imported rose 203.8%.

*NO. 12-17808 archived in NY State of Hawaii*

Figure 4: Firearm Registration Trends, State of Hawaii, 2000-2018

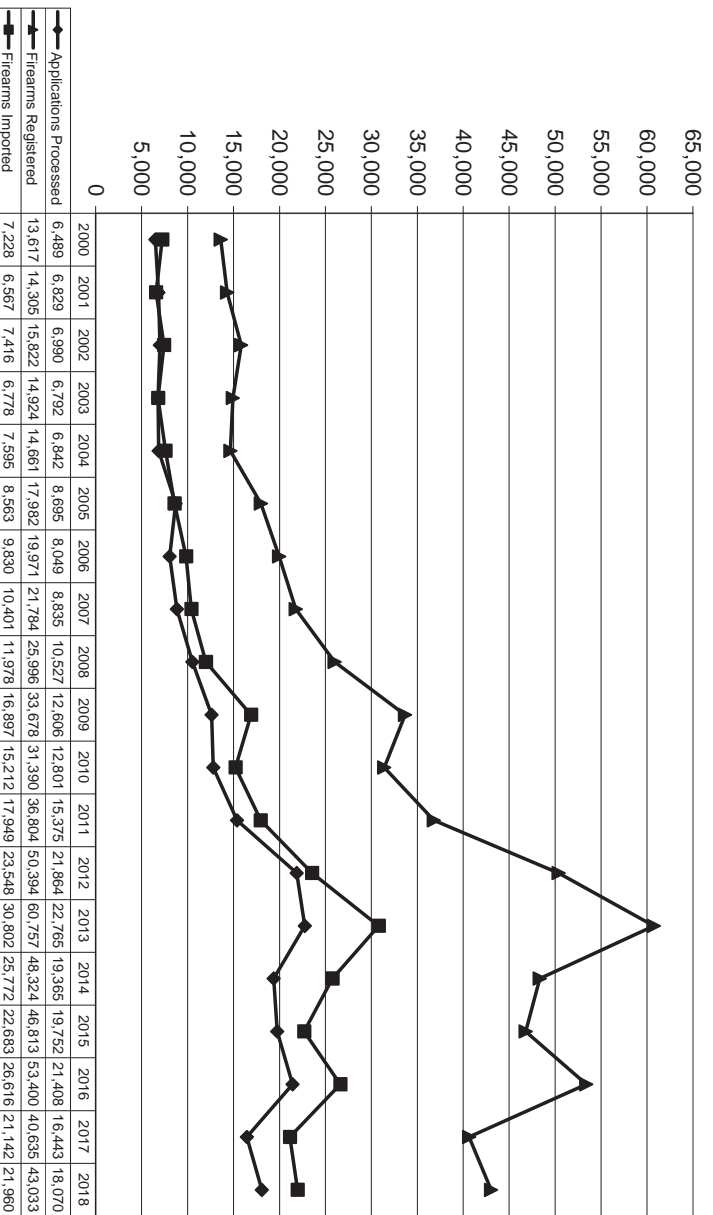
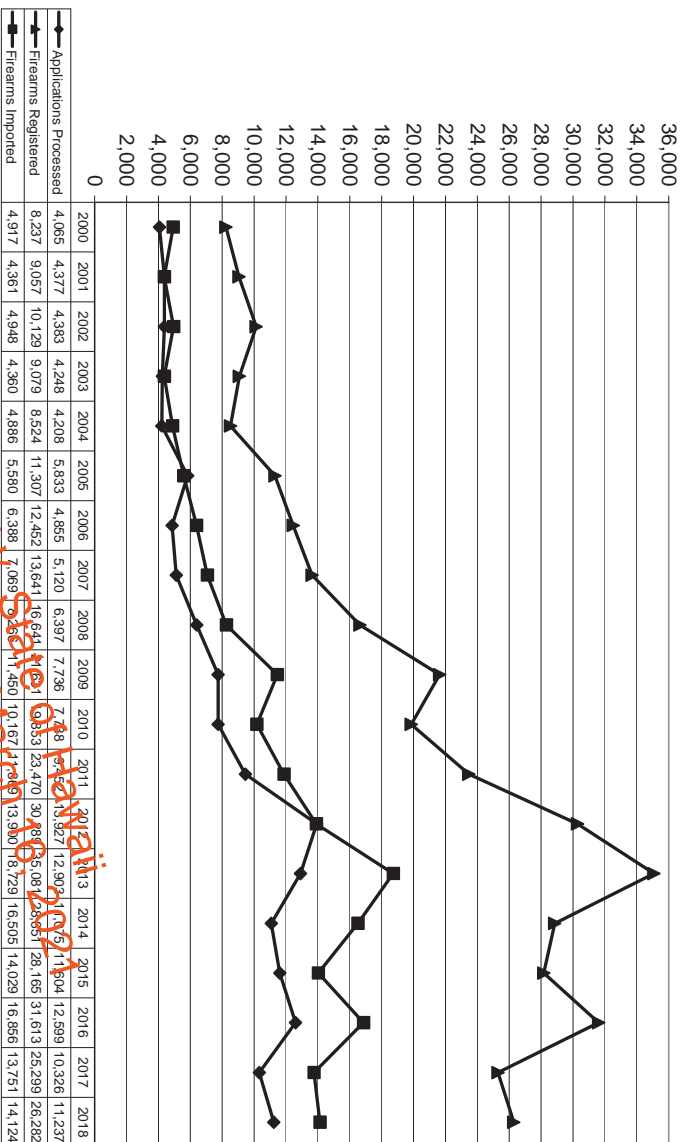


Figure 5 shows that, between 2000 and 2018 in the City and County of Honolulu, the annual tally of permits processed increased 176.4%, the number of firearms annually registered jumped 219.1%, and the number of firearms annually imported climbed 187.2%.

Figure 5: Firearm Registration Trends, City & County of Honolulu, 2000-2018



As shown in Figure 6, the number of permits processed annually in Hawaii County during the 2000-2018 period rose 209.2%, the number of firearms annually registered increased 194.1%, and the number of firearms annually imported surged 237.1%.

Figure 6: Firearm Registration Trends, Hawaii County, 2000-2018

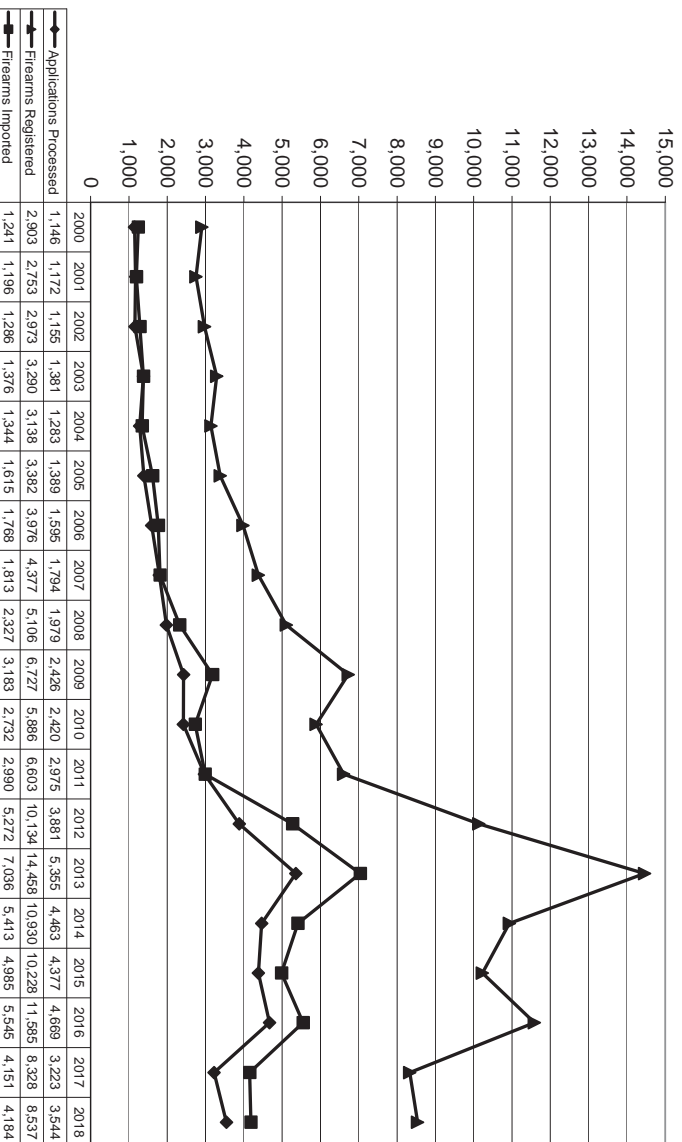
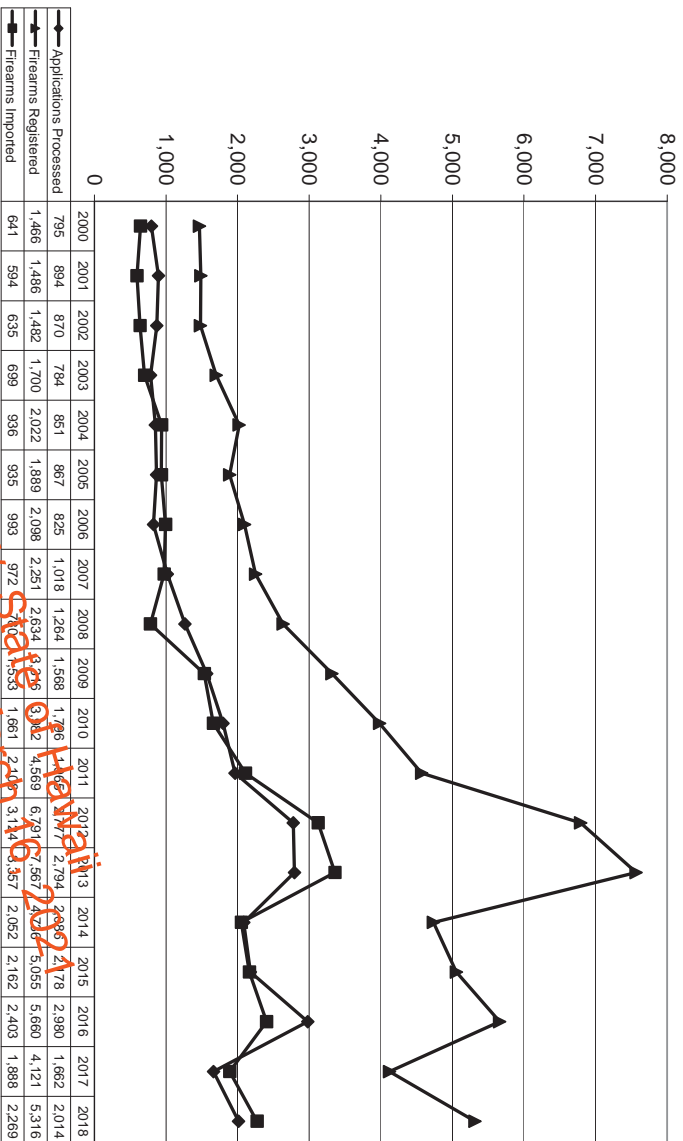


Figure 7 reveals that, between 2000 and 2018 in Maui County, the annual number of permits processed increased 153.3%, the number of firearms annually registered skyrocketed 262.6%, and the tally of firearms annually imported soared 254.0%.

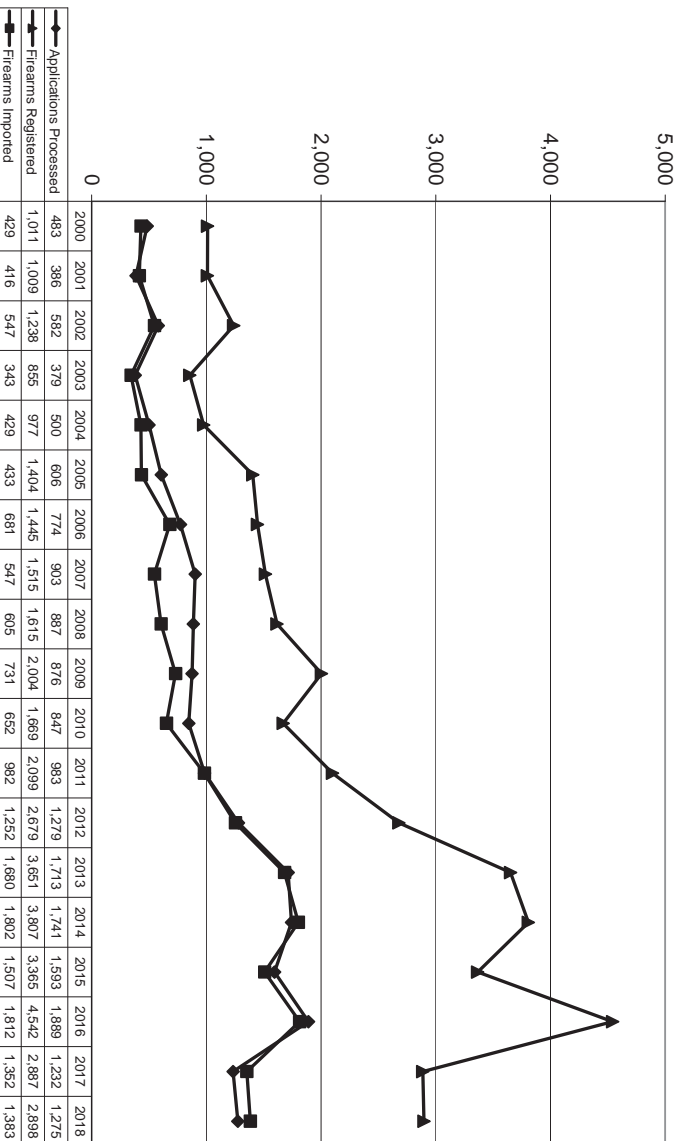
Figure 7: Firearm Registration Trends, Maui County, 2000-2018



As shown in Figure 8, the number of permits processed annually in Kauai County from 2000 through 2018 increased 164.0%, the number of firearms registered climbed 186.6%, and the number of firearms imported surged 222.4%.

*No. 12-17808 Amending v. State of Hawaii on Petition for Writ of Habeas Corpus*  
 Filed 03/24/21  
 Page 10 of 10

Figure 8: Firearm Registration Trends, Kauai County, 2000-2018





### Permit Application Denials

As noted earlier, 1.7% (301) of all permit applications in Hawaii during 2018 were denied for cause. The majority of the denials were for longarm (227, or 75.4%) rather than handgun (74, or 24.6%) permit applications. Following a trend since this annual report was first published, longarm permit applications in 2018 were denied at a rate (2.6%) that is more than triple the denial rate for handgun permit applications (0.8%).

Roughly one-quarter (68, or 22.6%) of the denials in 2017 were due to the applicants' prior criminal convictions, while 4.7% (14) were due to pending cases.

It is a misdemeanor in the State of Hawaii to provide falsified information on firearm permit applications, unless the falsified information pertains to criminal or mental health histories, in which case it is a felony offense (HRS § 134-17). In 2018, falsified criminal or mental health information, or both, were provided in 39.2% (118) of the 301 denial cases; falsified information pertaining to anything other than criminal or mental health histories was provided in 4.0% (12) of the cases; and no falsified information was provided in 56.8% (171) of the cases.

Table 2 presents broad categorical data on the reasons for denied permit applications.

**Table 2: Reasons for Denied Firearm Permit Applications, State of Hawaii, 2018**

	#	%*
Mental Health-Related Issue**	163	54.2
"Other" Criminal Offense	16, 89	29.6
Medical Marijuana Patient***	27	9.0
Domestic Violence****	17	5.6
Restoring/Protective Order	12	4.0
Drug Offense	10	3.3
Disqualifying Juvenile Offense	2	0.7

\* Figures do not total 100% due to multiple reasons for some denials.

\*\* Includes adverse mental health diagnoses and treatment, and drug or alcohol abuse/addiction and treatment. Denials for such reasons can be satisfactorily resolved with a verified doctor's note stating that the applicant is no longer adversely affected. While an original denial cannot be appealed or overturned, a new application may be submitted and the appropriate permit will be issued.

\*\*\* Former medical marijuana patients may successfully apply one year after the expiration of their medical marijuana card.

\*\*\*\* Includes domestic violence-related offenses and counseling/treatment.

Table 3 provides a breakdown of information entered into a description field for each denial.

**Table 3: Descriptions of Firearm Permit Application Denials,  
State of Hawaii, 2018**

	301 Total Denials	#	%*
abuse of family/household member		4	1.3
abuse of family/household member + alcohol & substance abuse treatment		1	0.3
abuse of family/household member + harassment		1	0.3
abuse of family/household member + mental health treatment		1	0.3
alcohol abuse treatment		3	1.0
alcohol abuse treatment + mental health issue/treatment		1	0.3
alcohol abuse/addiction		1	0.3
alcohol and substance abuse treatment		1	0.3
anger management treatment		1	0.3
assault	24	24	8.0
assault + abuse of family/household member		2	0.7
assault + drug offense		1	0.3
assault + mental health issue/treatment		1	0.3
battery		2	0.7
battery + mental health issue/treatment		1	0.3
battery + terroristic threatening		1	0.3
breach of peace		1	0.3
contributing to the delinquency of a minor		1	0.3
disorderly conduct		8	2.7
disqualifying juvenile offense		2	0.7
domestic assault (mainland) + burglary		2	0.7
domestic violence intervention + mental health issue/treatment + substance abuse/addiction		1	0.3
drug offense		2	0.7
drug offense + mental health issue/treatment		2	0.7
drug possession		2	0.7
endangerment		1	0.3
false official statements (disqualifying federal offense)		2	0.7
felonies (unspecified)		1	0.3
felony (unspecified)		7	2.3
felony probation violation		1	0.3
harassment		12	4.0
harassment + mental marijuana patient		1	0.3
medical marijuana patient		26	8.6
mental health issue/treatment		135	44.9
mental health issue/treatment + disorderly conduct		3	1.0
mutual affray		1	0.3
negligent injury + alcohol abuse treatment		1	0.3
no response from California re domestic violence arrest		1	0.3
no response from Florida re trespass arrests		1	0.3
obstruction of justice		1	0.3
positive field test for drugs		2	0.7
prior law enforcement contact/observations		1	0.3
receiving stolen property		1	0.3
resisting arrest		1	0.3
restraining order		12	4.0
robbery		1	0.3
sex offense		2	0.7
stolen goods + burglary tools		2	0.7
substance abuse		2	0.7
substance abuse treatment		3	1.0
substance abuse treatment + mental health issue/treatment		1	0.3
substance abuse/addiction		4	1.3
terroristic threatening		2	0.7
theft		1	0.3
weapons offense		4	1.3
weapons offense + on probation		1	0.3

\* Due to rounding, figures do not total 100%.

*12-17808 cited in Young v. State of Hawaii  
archived on March 16, 2021*

### **Licenses to Carry Firearms**

Hawaii's county police departments also process license applications for the carrying of firearms in public. Statewide in 2018, 167 employees of private security firms applied for and were issued carry licenses, and nine (5.1%) were denied. A total of 31 private citizens applied for a carry license in 2018, including 12 in the City and County of Honolulu, 10 in Hawaii County, eight in Kauai County, and one in Maui County; all applicants were denied by the respective county's police chief.

### **Confiscations**

Four "assault pistols," one "short barrel shotgun," and one "short barrel rifle," as defined and prohibited by state law, were confiscated by the firearm registration personnel statewide in 2018.

### **Acknowledgements**

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