

HONOLULU POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

Amendment and compilation of Chapter 15 of the Rules of the Chief of Police,
Honolulu Police Department

November 9, 2022

SUMMARY

1. §§15-1 to 15-11 are repealed.
2. §§15-12 to 15-28 are adopted.
3. Chapter 15 is compiled.

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Amendment and compilation of Chapter 15 of the Rules of the Chief of Police,
Honolulu Police Department

November 9, 2022

1. Chapter 15, Rules of the Honolulu Police Department, entitled “Firearms Permits and Licenses”, is amended and compiled to read as follows:

“CHAPTER 15. FIREARMS PERMITS AND LICENSES

§15-1	Repealed
§15-2	Repealed
§15-3	Repealed
§15-4	Repealed
§15-5	Repealed
§15-6	Repealed
§15-7	Repealed
§15-8	Repealed
§15-8	Repealed
§15-9	Repealed
§5-10	Repealed
§15-11	Repealed

[Note: There are two sections labeled “15-8”, and one section labeled “5-10.” These appear to be typographical errors; all of these sections are repealed.]

**Subchapter 1
Registration and Permitting**

- §15-12 Definitions
- §15-13 Normal business hours
- §15-14 Permit to Acquire Firearms
- §15-15 Procedures for acquiring and registering firearms
- §15-16 Registering firearms brought in from out of state
- §15-17 Procedures for applying for a Permit Allowing Minors to Carry Firearms

**Subchapter 2
Applications for License to Carry Firearm, Concealed or Unconcealed**

- §15-18 Purpose and intent; existing applications; severability
- §15-19 Qualifications, training, and testing to use firearm in a safe manner
- §15-20 Application procedures for License to Carry Firearm, concealed or unconcealed; applications for multiple licenses
- §15-21 Detectives, private detectives, investigators, guards, detective agencies, and guard agencies
- §15-22 Initial review of application by Firearms Unit; background checks
- §15-23 Standards for issuance of License to Carry Concealed Firearm
- §15-24 Standards for issuance of License to Carry Unconcealed Firearm
- §15-25 Chief's decision on application for License to Carry Firearm, concealed or unconcealed
- §15-26 License card; expiration; renewal; lost or stolen cards
- §15-27 Revocation
- §15-28 Appeal procedures

§15-1	Repealed [R	NOV 20 2022]
§15-2	Repealed [R	NOV 20 2022]
§15-3	Repealed [R	NOV 20 2022]
§15-4	Repealed [R	NOV 20 2022]
§15-5	Repealed [R	NOV 20 2022]
§15-6	Repealed [R	NOV 20 2022]
§15-7	Repealed [R	NOV 20 2022]
§15-8	Repealed [R	NOV 20 2022]
§15-8	Repealed [R	NOV 20 2022]
§15-9	Repealed [R	NOV 20 2022]
§5-10	Repealed [R	NOV 20 2022]
§15-11	Repealed [R	NOV 20 2022]

**Subchapter 1
Registration and Permitting**

§15-12 Definitions. Unless the context indicates otherwise, as used in this chapter:

“Acquire” has the same meaning as in Section 134-1, Hawaii Revised Statutes.

“Antique pistol or revolver” has the same meaning as in Section 134-1, Hawaii Revised Statutes.

“Concealed” means entirely hidden from view of the public and not discernible by ordinary observation, even if covered by clothing, such that a reasonable person without law enforcement training would be unable to detect the presence of a firearm.

“Concealed License” means a License to Carry Concealed Firearm.

“Detective,” “private detective”, or “investigator” has the same meaning as in Section 463-1, Hawaii Revised Statutes.

“Detective Agency” has the same meaning as in Section 463-1, Hawaii Revised Statutes.

“Firearm” has the same meaning as in Section 134-1, Hawaii Revised Statutes.

“Guard” has the same meaning as in Section 463-1, Hawaii Revised Statutes.

“Guard Agency” has the same meaning as in Section 463-1, Hawaii Revised Statutes.

“License to Carry Firearm” and “License” mean both Concealed Licenses and Unconcealed Licenses.

“Pistol” or “revolver” has the same meaning as in Section 134-1, Hawaii Revised Statutes.

“Unconcealed” means not concealed.

“Unconcealed License” means a License to Carry Unconcealed Firearm. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-9)

§15-13 Normal business hours. The Firearms Unit of the Records and Identification Division, Honolulu Police Department, 801 South Beretania Street, Honolulu, Hawaii, 96813, shall maintain operating hours on Wednesdays, excluding holidays, of 7:45 a.m. to 6:30 p.m., on the condition that firearm applicants in line by 6:30 p.m. will be processed and not turned away. The Firearms Unit shall maintain operating hours on Mondays, Tuesdays, Thursdays, and Fridays, excluding holidays, of 7:45 a.m. to 4:00 p.m. These operating hours are included within the meaning of “normal business hours” as used throughout this chapter. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-3, 134-9)

§15-14 Permit to Acquire Firearms. (a) Pursuant to Section 134-2, Hawaii Revised Statutes, no person shall acquire a firearm, whether serviceable or unserviceable, usable or unusable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person has first obtained a Permit to Acquire Firearms from the Chief of Police.

(b) Any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, Section 134-2, Hawaii Revised Statutes, may be loaned to another even though the other person is a minor, upon a target range or similar facility, for a period not longer than to allow the other person to then and there use it for target shooting, without a Permit. The registered owner shall accompany such person during the time of use of the firearm.

- (c) The Chief of Police may issue Permits in the City and County of Honolulu to:
 - (1) Persons twenty-one years or older.
 - (2) Duly accredited official representatives of foreign nations.
 - (3) Aliens twenty-one years or older for the use of rifles or shotguns. Such Permits shall not exceed ninety days duration, after the alien has first procured a hunting license pursuant to Section 183D-22, Hawaii Revised Statutes. [Eff and comp NOV 20 2022] (Auth: RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-3, 134-5)

§15-15 Procedures for acquiring and registering firearms. (a) Any person attempting to acquire a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall appear at the Firearms Unit during normal business hours and submit:

- (1) Valid government-issued photo identification.

- (2) All completed forms as prescribed by the Honolulu Police Department and the Department of the Attorney General pursuant to Sections 134-2 and 134-3, Hawaii Revised Statutes.
- (3) For Permits to Acquire a pistol or revolver, proof of training as required by Section 134-2(g), Hawaii Revised Statutes.
 - (b) The Firearms Unit shall conduct a background check of the applicant, in accordance with Sections 134-2 and 134-7, Hawaii Revised Statutes, to ensure the applicant is lawfully permitted to possess or acquire a firearm.
 - (c) No Permit to Acquire Firearms shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a Permit shall be issued or the application denied before the twentieth day from the date of application.
 - (d) Permits to Acquire any pistol or revolver shall require a separate application and Permit for each transaction. The permitting and registration process for pistols or revolvers is as follows:
 - (1) Purchase from a licensed dealer:
 - (A) After purchasing the pistol or revolver from the dealer but before taking possession of the pistol or revolver, the applicant shall apply for a Permit with the Firearms Unit and shall provide the serial number, make, model, caliber, and barrel length of the pistol or revolver being acquired, as well as the seller's business name, address, and phone number.
 - (B) Within ten days after issuance, the applicant shall present the Permit to the dealer and take possession of the pistol or revolver.
 - (C) Any Permit that is not used for the acquisition of a pistol or revolver within ten days after issuance shall be void. Such Permits shall be returned to the Firearms Unit for proper recordation and disposition.
 - (D) The dealer shall cause the Permit to be delivered to the Firearms Unit within 48 hours of the applicant taking possession of the firearm.
 - (E) Within five days of the applicant taking possession of the pistol or revolver, the applicant shall complete the registration on-line or in person with the Firearms Unit.
 - (2) Purchase or transfer from a private party:
 - (A) The applicant shall apply for a Permit with the Firearms Unit and shall provide the serial number, make, model, caliber, and barrel length of the pistol or revolver being acquired, as well as the individual seller's name, address, and phone number.
 - (B) Within ten days after issuance, the applicant shall present the Permit to the seller or transferor and take possession of the pistol or revolver.
 - (C) Any Permit that is not used for the acquisition of a pistol or revolver within ten days after issuance shall be void. Such Permits shall be returned to the Firearms Unit for proper recordation and disposition.
 - (D) The seller or transferor shall cause the Permit to be delivered to the Firearms Unit within 48 hours of the applicant taking possession of the firearm.
 - (E) Within five days of the buyer taking possession of the firearm, the applicant shall complete the registration in person with the Firearms Unit and present the firearm to the Firearms Unit for inspection.

(e) Permits to Acquire any rifle or shotgun shall entitle the applicant to purchase 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 Sections 134-2(e), 134-7, and 134-13, Hawaii Revised Statutes. The applicant shall surrender the Permit to the Firearms Unit no later than 30 days after expiration. The permitting and registration process for rifles and shotguns is otherwise the same as that for pistols and revolvers, as set forth in subsection (d)(1) and (d)(2).

(f) The applicant's information from the Permit shall be recorded by the firearms clerk on the Firearms Registration form.

(g) The applicant shall be required to sign the Firearms Registration form either electronically or in ink.

(h) The Firearms Registration form does not authorize the carrying of the firearm, either concealed or unconcealed, on the person. [Eff and comp NOV 20 2022]
 (Auth: RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-3, 134-9, 134-13)

§15-16 Registering firearms brought in from out of state. Pursuant to Section 134-3, Hawaii Revised Statutes, every person arriving in the State who brings a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm with the Firearms Unit as follows:

- (1) Within five days after arrival of the person or of the firearm, whichever arrives later, the person shall complete the registration in person with the Firearms Unit and present the firearm to the Honolulu Police Department for inspection.
- (2) The person shall submit all completed forms as prescribed by the Honolulu Police Department and the Department of the Attorney General pursuant to Section 134-3, Hawaii Revised Statutes, and shall be fingerprinted and photographed by Firearms Unit personnel. The person shall list the person's place of business, residence, or sojourn.
- (3) Firearms Unit staff shall conduct a background check of the applicant in accordance with Sections 134-3 and 134-7, Hawaii Revised Statutes, to ensure the applicant is lawfully permitted to possess a firearm.
- (4) If the applicant is disqualified from possessing a firearm, the applicant shall surrender all firearms in accordance with Section 134-7.3, Hawaii Revised Statutes. [Eff and comp NOV 20 2022] (Auth: RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-3, 134-7, 134-7.3)

§15-17 Procedures for applying for a Permit Allowing Minors to Carry Firearms.

(a) Any minor requesting a Permit Allowing Minors to Carry Firearms for the sole purpose of hunting as required by Section 134-5(b), Hawaii Revised Statutes, shall:

- (1) Apply for a Permit Allowing Minors to Carry Firearms at the Honolulu Police Department Records and Identification Division, 801 South Beretania Street, Honolulu, Hawaii;
- (2) Be accompanied by a parent or legal guardian;
- (3) Present a valid hunting license, as provided in Section 183D-22, Hawaii Revised Statutes, at the time of application; and
- (4) Provide the personal information requested on the application form.

§15-17

- (b) Upon receipt of the above information, the firearms clerk shall conduct a background check of the individual in the Records and Identification Division files.
- (c) Upon completion of the background checks and a determination that the criteria set forth in Chapter 134, Hawaii Revised Statutes, have been satisfied, the clerk shall:
- (1) Take two (2) photographs of the applicant and attach the photos to the Permit in the designated positions;
 - (2) Affix the right thumbprint of the applicant on the permit in the designated position;
 - (3) Ensure that the entire form is completed in duplicate;
 - (4) Fill in the expiration date at the bottom of the Permit;
 - (5) Emboss the Permit over the photograph with the Honolulu Police Department's seal;
 - (6) Obtain a signature from a Records and Identification Division administration supervisor, who signs in lieu of the Chief of Police; and
 - (7) Issue the original Permit to the applicant and advise the individual that the applicant is to return the Permit to the Honolulu Police Department within one (1) week after the Permit expires. The second copy of the Permit is retained by the Firearms Unit as a control copy. [Eff and comp NOV 20 2022] (Auth: RCH § 6-1604(d)) (Imp: HRS §§ 134-2, 134-3, 134-5)

Subchapter 2

Applications for License to Carry Firearm, Concealed or Unconcealed

§15-18 Purpose and intent; existing applications; severability. (a) Pursuant to Section 134-9, Hawaii Revised Statutes, the following administrative rules are intended to govern the processing of applications for Licenses to Carry Firearm, concealed or unconcealed, by the Honolulu Police Department and shall be complied with by Honolulu Police Department personnel, including the Chief of Police.

(b) These rules shall apply to all License applications that are pending on the effective date of these rules.

(c) Every provision in these rules and every application of the provisions in these rules is severable from each other as a matter of law. If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these rules, which can be given effect without the invalid provision or application. These rules shall be construed to be enforceable up to, but no further than, the maximum possible extent consistent with federal and state law. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-19 Qualifications, training, and testing to use firearm in a safe manner.

(a) Pursuant to Section 134-9(b)(1), Hawaii Revised Statutes, an applicant for a License to Carry Firearm shall “[b]e qualified to use the firearm in a safe manner” before receiving a License.

(b) No person shall be issued a License unless the person, at any time prior to the issuance of the License, has completed a firearms training or safety course that satisfies the requirements of Section 134-2(g)(4), Hawaii Revised Statutes.

(c) In addition to the requirements of subsection (b), every applicant for a License shall successfully complete a firearm certification program, which shall include a lecture session, written examination, and shooting proficiency test. Every applicant shall complete the lecture session as set forth in subsection (d)(1) and the written examination as set forth in subsection (d)(2) at least once within the two years preceding the date of the application. Every applicant shall complete the applicable shooting proficiency test as set forth in subsection (d)(3) at least once within the 90 days preceding the date of the application.

(d) The firearm certification program shall consist of the following:

(1) A minimum four-hour lecture session that includes firearm safety, proper use of firearms, firearm restrictions related to domestic violence, firearm use in low-light situations, firearm retention, risks of carrying firearms in public, safe carrying and storage of concealed and unconcealed firearms, and chapters 134 and 703, Hawaii Revised Statutes. The lecture session shall include an interactive question and answer session on all topics.

(2) A written multiple-choice examination on the topics listed in subsection (d)(1). The applicant shall attain a score of at least 70% on the examination.

(3) A shooting proficiency test using a National Rifle Association certified target.

(A) The shooting proficiency test for detectives, private detectives, investigators, and guards shall be as follows, for which the applicant shall attain a minimum score of 210 out of a possible 300 points:

(i) Ten (10) rounds at 15 yards, rapid fire, 15 seconds.

(ii) Ten (10) rounds at 15 yards, timed fire, 25 seconds.

(iii) Ten (10) rounds at 25 yards, slow fire, 5 minutes.

(B) The shooting proficiency for all other applicants shall be as follows, for which the applicant shall attain a minimum score of 75 out of a possible 125 points:

(i) Three-yard line: 2 rounds in 6 seconds from the applicant's holster; three times (6 rounds / 4 second draw – 2 second split).

(ii) Five-yard line: 2 rounds in 6 seconds from the applicant's holster; two times (4 rounds / 4 second draw – 2 second split).

(iii) Seven-yard line: 5 rounds in 13 seconds from the applicant's holster; one time (5 rounds / 4 second draw – 2.25 second split).

(iv) Ten-yard line: 5 rounds in 15 seconds from the applicant's holster; one time (5 rounds / 4 second draw – 2.75 second split).

(v) Fifteen-yard line: 5 rounds in 20 seconds from the applicant's holster; one time (5 rounds / 4 second draw – 4 second split).

An applicant whose firearm holds fewer rounds than required for each of these items shall be permitted time to reload the applicant's firearm.

(e) The firearm certification program shall be led by an instructor verified by the State of Hawaii or the Honolulu Police Department. Absent a verification process formalized by the State of Hawaii, the Training Division shall develop clear and objective criteria to verify qualifications of instructors, with verification to be valid for two years. Such clear and objective criteria shall require the instructor to provide evidence of the following:

- (1) Valid, in-person certifications by nationally recognized firearms manufacturers or organizations, demonstrating the instructor's qualifications to use a firearm proficiently and safely and to educate others regarding the same.
- (2) The instructor's qualifications to teach others regarding the law in Hawaii on self-defense and use of force, including the requirements of chapters 134 and 703, Hawaii Revised Statutes. The instructor may conduct this portion of the training; alternatively, an active attorney in good standing with the Hawaii State Bar Association may conduct this portion of the training.
- (3) The instructor's ability to provide reliable certifications regarding applicants' qualifications to the Firearms Unit. An applicant to be an instructor shall be disqualified if the applicant was previously convicted of any criminal offense involving dishonesty or fraud, or if the applicant was previously found liable in any civil court for any act involving dishonesty or fraud.

The instructor shall also provide the Honolulu Police Department with a copy of the written examination to be used, and the instructor's verification application shall be rejected if the written examination does not meet the requirements of this section. An application shall be rejected if the applicant is legally prohibited from possessing or handling firearms. [Eff and comp **NOV 20 2022**] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-20 Application procedures for License to Carry Firearm, concealed or unconcealed; applications for multiple licenses. (a) Every applicant shall have a mailing address in Hawaii other than a Post Office box and be 21 years of age or older, and shall submit:

- (1) The completed Honolulu Police Department Application for License to Carry Concealed Firearm or License to Carry Unconcealed Firearm, including any and all forms designated by the Honolulu Police Department to implement Sections 134-7 and 134-9, Hawaii Revised Statutes, and these rules.
- (2) A copy of the signed State of Hawaii Firearms Registration, registered in the applicant's name, for the handgun to be carried by the applicant if the applicant receives a License.
- (3) The completed and signed HIPAA compliant authorization for release of all mental health information, including psychiatric, behavioral health, and substance abuse information, from all medical sources, including but not limited to all health care providers, health care plans, clinics, laboratories, pharmacies, medical facilities, other health care providers, and government entities. The applicant shall also complete any forms required by the applicant's health care provider or relevant government entity for release of mental health information.
- (4) The completed and signed State of Hawaii, Adult Mental Health Division Authorization for Use or Disclosure of Protected Health Information form, if required by the State of Hawaii.
- (5) The completed and signed State of Hawaii Permit to Acquire Firearms Application Questionnaire.
- (6) Valid government-issued photo identification.
- (7) Documentation that the applicant has completed a firearms training or safety course that satisfies the requirements of section 134-2(g)(4), as set forth in section 15-19(b).

- (8) A notarized affidavit from the instructor of the firearm certification program set forth in sections 15-19(c) and 15-19(d), attesting to the following:
 - (A) The applicant's legal name;
 - (B) The instructor's name and contact information;
 - (C) The applicant's score on the written examination;
 - (D) The applicant's score on the shooting proficiency test;
 - (E) The date and time the applicant completed the program;
 - (F) The location of the program; and
 - (G) The firearm used by the applicant to complete the program.
 - (9) One United States passport-sized, front-facing photo of the applicant;
 - (10) If applicable, documentation as set forth in subsection (b).
 - (11) A non-refundable fee of \$10.00, or, if higher, the maximum amount permitted by state law for the License and any background check or other processing fees.
 - (12) Any other forms prescribed by the Department of the Attorney General or the Honolulu Police Department required to complete the background check and mental health screening required by law.
- (b) If the applicant became a resident of Hawaii within the five years preceding the date of the application, or if the applicant became a resident of Hawaii more than five years prior to the date of the application and lived outside of Hawaii for more than 180 consecutive days within the five years preceding the date of the application, the applicant shall provide mental health information as follows:
- (1) Mental health records from the health department of every state, province, or equivalent governmental unit outside of Hawaii where the applicant lived for more than 180 consecutive days within the five years preceding the date of the application, to be sent directly to the Honolulu Police Department from the governmental entity. Applicants who, within the five years preceding the date of the application, were stationed outside Hawaii due to federal government service shall have mental health records sent to the Honolulu Police Department from the relevant federal governmental entity, but need not obtain records from the foreign or out-of-state government. Applicants who did not live in any location for more than 180 consecutive days shall provide an explanation to the Honolulu Police Department; or
 - (2) Certification from a physician, psychologist, or psychiatrist, licensed to practice in Hawaii and completed no earlier than 90 days before submission of the application, attesting to the applicant's mental fitness to carry a firearm, provided that the physician, psychologist, or psychiatrist shall personally evaluate the applicant for no less than 45 minutes before so attesting, and provided further that nothing in these rules shall require any health care professional to conduct such examinations.
- (c) An applicant who applies for multiple licenses, either concurrently or within 90 days of submitting a complete application pursuant to subsection (a), shall submit:
- (1) The completed Honolulu Police Department Application for License to Carry Concealed Firearm or License to Carry Unconcealed Firearm;
 - (2) An affidavit as provided in subsection (a)(8), attesting that the applicant has satisfied the shooting proficiency test set forth in section 15-19(d)(3) within the

90 days preceding the date of the application for each firearm for which a license is sought;

- (3) One United States passport-sized, front-facing photo of the applicant;
- (4) A non-refundable fee of \$10.00, or, if higher, the maximum amount permitted by State law for the License and any background check or other processing fees; and
- (5) Any other forms required by state or federal law.

[Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-21 Detectives, private detectives, investigators, guards, detective agencies, and guard agencies. (a) Any Detective Agency or Guard Agency with an active license issued pursuant to Chapter 463, Hawaii Revised Statutes, which requests a License to Carry Firearm for any of its on-duty personnel, or any Detective, Private Detective, Investigator, or Guard with an active license issued pursuant to Chapter 463, Hawaii Revised Statutes, who requests a License to Carry Firearm for on-duty use, shall submit a written request with justification to the Chief of Police. Such justification shall include:

- (1) Nature of the security work to be undertaken.
- (2) Necessity for each applicant to carry a firearm.
- (3) Anticipated dates, times, and locations where applicants shall carry the firearms.
- (4) Address of the principal place of business of the Detective Agency or Guard Agency, or principal place of business of the Detective, Private Detective, Investigator, or Guard, where the firearms will be stored.
- (5) Name, address, date of birth, physical description, social security number, and previous employment of each applicant for whom a License to Carry Firearm is requested.
- (6) Proof of licensure as a Detective Agency or Guard Agency, or proof of licensure as a Detective, Private Detective, Investigator, or Guard, if requesting the License for oneself.

(b) Each individual applicant to be licensed shall complete the training and testing required by section 15-19 and submit all documents required by section 15-20, in addition to the following:

- (1) A valid license pursuant to Section 463-6 or 463-7, Hawaii Revised Statutes; and
- (2) A notarized statement by each employee for whom a License to Carry Firearm is requested, that the applicant has never been arrested or convicted of any felony firearms violation, crime of violence, or the illegal use, possession or sale or drugs, or confined due to mental illness;

provided that applicants under this section are not required to have a preexisting Permit to Acquire Firearms or a firearm registered in the applicant's name before applying for a License under this section.

(c) Upon receipt of the above information at the office of the Chief of Police, a check by the Records and Identification Division and other allied agencies shall be conducted of each applicant.

(d) The Chief of Police may limit the number of employees who shall be licensed to carry a firearm for each Detective Agency or Guard Agency applying for such licenses. Such determination shall be based on strict necessity as determined by the Chief of Police.

(e) Pursuant to section 16-97-17, Hawaii Administrative Rules, no individual may carry a firearm while on-duty and engaged in the business of being a Detective, Private Detective, Investigator, or Guard, except with a License granted pursuant to this section. Any individual without a License issued pursuant to this section who carries a firearm while on-duty and engaged in the business of being a Detective, Private Detective, Investigator, or Guard shall be referred to the appropriate authorities for prosecution pursuant to Section 463-15, Hawaii Revised Statutes.

(f) An authorized representative of the Detective Agency or Guard Agency shall certify that the agency and all employees shall comply with all the requirements of Chapters 134 and 463, Hawaii Revised Statutes, and these rules. If an agency's employee fails to comply with the requirements of Chapters 134 or 463, Hawaii Revised Statutes, or these rules, the Chief may, pursuant to section 16-97-17, Hawaii Administrative Rules, revoke the Licenses for other agency employees that were issued pursuant to this section; provided that such a revocation shall not require a one-year waiting period, as set forth in section 15-27, before an otherwise compliant employee may apply for a new License with a different agency or on the employee's own behalf. For a reasonable period of time not to exceed one year following the revocation of a License of any agency employee to carry while on duty, the Chief may also deny new applications submitted by the agency's employees seeking to carry while on duty. The Chief shall make such decisions objectively, based upon the severity of the offense and the offender's history of compliance or noncompliance with the requirements of Chapters 134 or 463, Hawaii Revised Statutes, or these rules.

(g) Licenses issued pursuant to this section may be Unconcealed, Concealed, or both. The Chief shall evaluate the applicant's needs and, in the Chief's discretion, determine what type of License will best promote public safety. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS §§ 134-9, 463-1 et seq.)

§15-22 Initial review of application by Firearms Unit; background checks. (a) An application is not deemed received by the Honolulu Police Department until the complete application, including all required forms and information, is received by the Honolulu Police Department. The Firearms Unit shall not take further action on an incomplete application except as set forth in subsection (b). Incomplete applications shall be deemed to have been denied on the 90th day following submission by the applicant, measured from the date of the latest submission by the applicant.

(b) Firearms Unit personnel shall review the application for completeness. If an application is incomplete, Firearms Unit personnel shall advise the applicant as to what information or items are missing, as follows:

- (1) If the applicant is present, Firearms Unit personnel shall advise the applicant verbally. If the applicant provides the missing information and the application is deemed complete, Firearms Unit personnel shall proceed with processing the application. If the applicant does not provide the missing information upon being advised verbally by Firearms Unit personnel, Firearms Unit personnel shall document the verbal guidance given.
- (2) If the applicant is not present, Firearms Unit personnel shall advise the applicant in writing.

- (c) If the Firearms Unit deems the application to be complete, the Honolulu Police Department shall conduct the following background checks on the applicant:
- (1) Local police involvements (current and archive records management systems).
 - (2) State of Hawaii – Electronic Bench Warrant (EBW) search.
 - (3) CJIS Hawaii query – for Hawaii arrest history and disposition information.
 - (4) National Instant Criminal Background Check System (NICS) which includes:
 - (A) National Crime Information Center (NCIC) warrants.
 - (B) Interstate Identification Index (III) – a national index of criminal histories.
 - (C) NICS index – index of persons not eligible to receive firearms in the U.S.
 - (D) Immigration and Customs Enforcement databases – regarding whether the applicant is a citizen, a national, or a lawful permanent resident of the United States.
 - (E) A query of the State of Hawaii Adult Mental Health Divisions files for State of Hawaii mental health records.
 - (F) A query of Hawaii’s medical marijuana cardholder database to discern whether the applicant holds a medical marijuana permit (see U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “Open letter to all federal firearms licensees,” Sept. 21, 2011).
 - (G) JIMS, eCourt Kokua, Ho’ohiki, or other comparable Hawaii Judiciary databases, for State court orders and records.
 - (H) Any other databases required by law.
 - (5) If applicable, review of mental health records from other jurisdictions, or attestation from physician, psychologist, or psychiatrist, pursuant to section 15-20(b).
- (d) More than one person may receive a License to carry a single firearm – such as when spouses share a firearm – provided that each person shall have a License for each firearm to be carried.
- (e) Unless the application materials demonstrate, clearly and on their face, that an applicant cannot meet the eligibility criteria set forth in these regulations, each applicant shall be entitled to an interview with Firearms Unit personnel to present any additional information. Upon request by the applicant, Firearms Unit personnel shall conduct the interview by telephone or by videoconference, as chosen by the applicant; alternatively, Firearms Unit personnel may conduct the interview in person upon the request of the applicant and at the discretion of Firearms Unit personnel.
- (f) The Department has discretion to forgo one or more portions of a background check if the Department conducted a full background check of the applicant within the preceding 30 days. [Eff and comp **NOV 20 2022**] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-23 Standards for issuance of License to Carry Concealed Firearm. The Chief shall be guided by the following standards in determining whether to grant or deny an application for a License:

- (1) Pursuant to Section 134-9(b), Hawaii Revised Statutes, an applicant for a License shall “[a]pppear to be a suitable person to be so licensed.” Being “a suitable person” means that the applicant does not present specific and articulable indicia

that would objectively indicate to a reasonable observer, when considering relevant objective factors, that the applicant poses a heightened risk to public safety, provided that the burden to prove that the applicant poses such a risk is on the Department, not the applicant. The Chief may apply the following objective factors when determining whether an applicant displays specific and articulable indicia that the applicant poses a heightened risk to public safety such that the applicant is not “a suitable person to be so licensed”:

- (A) Whether the applicant has been involved in any incidents of alleged domestic violence within the ten years preceding the application;
 - (B) Whether the applicant has been involved in any incidents of careless handling, storage, or carrying of a firearm within the ten years preceding the application;
 - (C) Whether the applicant has been involved in incidents of alcohol or drug abuse, including but not limited to operating a vehicle under the influence of an intoxicant, within the ten years preceding the application; or
 - (D) Whether the applicant has been involved in other violent conduct within the ten years preceding the application.
- (2) Pursuant to Sections 134-7 and 134-9(b), Hawaii Revised Statutes, an applicant for a License shall “[n]ot have been adjudged insane or not appear to be mentally deranged.” Being a person who does “not appear to be mentally deranged” means that the applicant does not present specific and articulable indicia that would objectively indicate to a reasonable observer, when considering relevant objective factors, that the applicant is not capable of being a suitable, responsible, and law-abiding user of firearms, provided that the burden to prove that the applicant is incapable is on the Department, not the applicant. Such specific and articulable indicia may include suicidal ideations, homicidal ideations, or potential dangerousness, including a violent animus towards one or more groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or other characteristic, such that a reasonable person would conclude that the applicant harbored an intention to use a firearm in public to attack others rather than for self-defense. The Chief may consider the information provided as part of the application, as well as any other information available to the Honolulu Police Department or the general public, in determining whether an applicant presents such specific and articulable indicia. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-24 Standards for issuance of License to Carry Unconcealed Firearm. The Chief shall determine whether, in addition to the requirements for a Concealed License, an applicant for an Unconcealed License has, in the Chief’s discretion, satisfied the requirements set forth in Section 134-9, Hawaii Revised Statutes. For applications that satisfy the objective criteria, the Chief shall be guided by the following standards:

- (1) Pursuant to HRS § 134-9(a), the applicant must “sufficiently indicate[]” that the applicant has an “urgency” or “need” to carry a firearm and is “engaged in the protection of life and property.”
 - (A) The “urgency” or “need” is “sufficiently indicated” only if an applicant has a need to carry a firearm for protection that substantially exceeds the need possessed by ordinary law-abiding citizens.
 - (B) Being “engaged in the protection of life and property” does not require an applicant to be employed in a job that entails the protection of life or property, such as a Guard, but it does require the applicant to be taking part, generally, in the protection of life, property, or both.
 - (C) The life or property being protected is not limited to the applicant’s life or property but can extend to that of others.
- (2) The Chief may consider the following non-exhaustive list of factors when determining whether an applicant has an “urgency” or “need” to carry a firearm and is “engaged in the protection of life and property”:
 - (A) Whether the applicant has been subjected to a credible threat of harm to life, property, or both.
 - (B) Whether there has been corroboration of the threat, from police, government, or other records; from prior history with the same person or at the same location; or from witnesses, documents, or other first-hand sources.
 - (C) Whether the applicant has been the victim of crime, such as domestic abuse, in which the applicant was specifically targeted, as opposed to the applicant being the victim of random crime.
 - (D) Whether temporary restraining orders, protective orders, or other court orders or proceedings demonstrate a risk of harm to life or property.
 - (E) Whether the applicant’s profession supports the need for a firearm due to the heightened risk of attack or violence that the applicant faces.
 - (F) Whether the applicant lives or works in a rural area far from police protection, as opposed to living or working in an urban area with a significant police presence.
 - (G) Whether the applicant is employed in a job that requires protection of the life or property of others.
 - (H) Whether a spouse, close family member, or other dependent of the applicant faces a heightened risk of bodily harm and the applicant is engaged in the protection of that person.
 - (I) Whether the applicant has an “urgency” or “need” to carry a firearm unconcealed rather than concealed, taking into account considerations such as whether an Unconcealed License will enable the applicant to protect life or property more effectively than a Concealed License, and whether the intended use of the Unconcealed License is likely to cause terror and panic among the general public.
 - (J) Other factors not mentioned above but reasonable and appropriate to the decision whether to grant or deny an application for an Unconcealed License.

- (3) The applicant must be “of good moral character.” Being “of good moral character” means that the applicant does not present specific and articulable indicia that the applicant poses a heightened risk to public safety.
- (4) The Chief may consider the following non-exhaustive list of factors when determining whether an applicant displays specific and articulable indicia that the applicant poses a heightened risk to public safety such that the applicant is not “of good moral character”:
 - (A) Whether the applicant has been involved in any incidents of alleged domestic violence within the ten years preceding the application.
 - (B) Whether the applicant has been involved in any incidents of careless handling, storage, or carrying of a firearm within the ten years preceding the application.
 - (C) Whether the applicant has been involved in incidents of alcohol or drug abuse, including but not limited to operating a vehicle under the influence of an intoxicant, within the ten years preceding the application.
 - (D) Whether the applicant has been involved in other violent conduct within the ten years preceding the application.
 - (E) Other factors not mentioned above but reasonable and appropriate to the decision whether to grant or deny an application for an Unconcealed License. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS § 134-9)

§15-25 Chief’s Decision on application for License to Carry Firearm, concealed or unconcealed. (a) The Firearms Unit shall forward the applicant’s background check results, application, all attachments, and a cover memo noting all findings to the Chief for the Chief’s review and decision.

(b) For applications for Concealed Licenses, the Chief shall evaluate whether the applicant meets the objective criteria as required under Hawaii law and as set forth herein. The Chief shall consider prohibitions found in Sections 134-7 and 134-9(b), Hawaii Revised Statutes, including age, criminal history, and mental health, and the standards set forth in these rules. If the applicant does not satisfy these criteria, the application shall be denied on that basis.

(c) For applications for Unconcealed Licenses, the Chief shall evaluate whether the applicant meets the objective criteria as required under Hawaii law and as set forth herein, and whether the applicant has met the criteria for an Unconcealed License as set forth in Section 134-9, Hawaii Revised Statutes, and section 15-24.

(d) The Chief and Honolulu Police Department personnel shall consider each application based on the facts and circumstances of each applicant. The Chief and Honolulu Police Department personnel shall not act arbitrarily or capriciously and shall not reject applications based merely on preconceived notions or beliefs. All decisions to grant or deny applications shall be based on an objective application of the defined criteria set forth herein.

(e) If, at any time during the Chief’s processing of an application, the Chief feels that the applicant may be able to meet the eligibility criteria but further information or clarification is needed before the Chief is able to make a final decision, Firearms Unit personnel shall invite the applicant, in writing, to submit additional information.

- (f) Upon the Chief reaching a decision, the applicant shall be sent a written decision by certified mail.
- (1) If an application for a Concealed License is granted, the Chief shall not impose any special conditions and shall issue the license card in a timely manner. The licensee shall appear at the Firearms Unit in person to be photographed, after which the License shall be issued.
 - (2) If an application for an Unconcealed License is granted, an approval letter shall be sent to the licensee via certified mail. The approval letter shall indicate whether any special conditions are attached to an Unconcealed License and shall explain the reasons for any such conditions. The Chief may grant an Unconcealed License without special conditions, and shall not impose unreasonable restrictions. The Chief may:
 - (A) Limit the hours during which the firearm may be carried unconcealed;
 - (B) Limit the locations where the firearm may be carried unconcealed;
 - (C) Limit the purpose for which the firearm may be carried unconcealed;
 - (D) Limit the number of rounds of ammunition that may be carried; or
 - (E) Impose any other reasonable conditions.The licensee shall appear at the Firearms Unit in person to be photographed, after which the License shall be issued.
- (g) If an application for a License is denied, the denial letter shall set forth the facts of the application and explain the reasons for the denial based on Sections 134-7 or 134-9, Hawaii Revised Statutes, the standards and factors described in these rules, or any other source of applicable law. [Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS §§ 134-7, 134-9)

§15-26 License card; expiration; renewal; lost or stolen cards. (a) If the application for License to Carry Firearm is granted, Honolulu Police Department personnel shall issue the licensee a card that includes the licensee's name, photograph, make and caliber of the firearm, firearm serial number, and expiration date.

(b) The card shall also contain a warning that the licensee is responsible for understanding and complying with the laws of the State of Hawaii and the laws regarding the use of deadly force in self-defense.

(c) The licensee shall have the card in the licensee's possession when carrying the firearm in public.

(d) Unless renewed, every License shall expire, and shall become invalid, one year from the date of issue.

(e) A License may be renewed once upon submission of the following:

- (1) The completed Honolulu Police Department Application for License to Carry Concealed Firearm or License to Carry Unconcealed Firearm;
- (2) An affidavit as provided in section 15-20(a)(8), attesting that the applicant has satisfied the shooting proficiency test set forth in section 15-19(d)(3) within the 90 days preceding the date of submission of the renewal application for each firearm for which a license is sought;
- (3) One United States passport-sized, front-facing photo of the applicant;

- (4) A non-refundable fee of \$10.00, or, if higher, the maximum amount permitted by state law for the License and any background check or other processing fees; and
- (5) Any other forms required by state or federal law.

The licensee shall submit the materials no earlier than 90 days, and no later than 30 days, prior to the expiration of the License.

(f) To renew any License that has already been renewed once pursuant to subsection (e), a licensee shall complete all requirements for the License as set forth in section 15-20(a) and shall submit the materials no earlier than 90 days, and no later than 30 days, prior to the expiration of the License. If the License is renewed after submission of a complete application pursuant to this subsection, the licensee shall be entitled to renew the License once pursuant to subsection (e). If the licensee continues to meet all requirements, the License shall be renewed for one year after the expiration of the licensee's existing License.

(g) After receiving notice that the renewal application has been approved, and no earlier than 30 days before expiration of the existing License, the licensee shall take possession of the new card. The new License shall be effective upon issuance.

(h) The licensee may submit materials fewer than 30 days before expiration of the licensee's existing License; however, this may result in a gap in licensure, as the licensee's License shall expire one year from the date of issue regardless of the existence of a pending application.

(i) If the licensee's License is renewed, the licensee shall be issued a new card.

(j) Licensees shall report a lost or stolen card to the Honolulu Police Department within 24 hours of the loss or theft. The licensee shall appear in person at the Honolulu Police Department and request issuance of a replacement card. A replacement card shall only be valid for the remaining term of the existing License. The licensee shall be charged a non-refundable fee of \$10.00 or, if higher, the maximum amount permitted by state law to issue a new card.

(k) Licenses cannot be transferred to any other person, and a License shall be surrendered to the Firearm Unit if the firearm is sold or transferred prior to the expiration of the License.

(l) Licenses cannot be used to carry any firearm other than the firearm for which a License is granted. A licensee shall submit a new application if the licensee wishes to carry a non-licensed firearm. [Eff and comp **NOV 20 2022**] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp: HRS §§ 134-7, 134-9)

§15-27 Revocation. (a) Revocation of License.

- (1) The following will immediately result in revocation of all of a licensee's Concealed Licenses:
 - (A) Conviction of the licensee for any criminal offense.
 - (B) Any event or circumstance that, by law, requires the licensee to surrender any firearms.
 - (C) Where a licensee who does not possess an Unconcealed License has been found carrying a firearm that is not concealed.
 - (D) Where the licensee has been found carrying a firearm other than a firearm for which the licensee holds a License.
 - (E) Where the licensee has been found carrying more than one firearm at a time, regardless of whether the licensee holds Licenses for the firearms.

- (F) Where the licensee has been suspected or convicted of the illegal use or abuse of drugs or alcohol, or where the licensee has been found carrying a firearm in public while under the influence of drugs or alcohol.
 - (G) A physical or psychological impairment that, for the remaining term of the present License, prevents the licensee from safely carrying a firearm in public.
 - (H) Where the licensee has been found carrying a firearm while on-duty and engaged in the business of being a Detective, Private Detective, Investigator, or Guard, without a License issued pursuant to section 15-21.
 - (I) Where the License was based upon the licensee's employment, and the licensee has separated from such employment.
 - (J) If applicable, where the licensee's license to serve as a Detective, Private Detective, Investigator, or Guard pursuant to Sections 463-5 and 463-7, Hawaii Revised Statutes, has been revoked.
 - (K) Where the Chief of Police has specific and articulable information that the licensee no longer meets the objective criteria set forth in Sections 134-7 and 134-9, Hawaii Revised Statutes, and these rules.
- (2) The following will immediately result in revocation of a License to Carry Unconcealed Firearm:
- (A) Any circumstance in which a Concealed License would be revoked, except that the licensee may carry a firearm that is not concealed.
 - (B) Where the Chief of Police, in the Chief's discretion, determines that the licensee no longer meets the requirements of Section 134-9, Hawaii Revised Statutes, or section 15-24.
- (3) The revocation of the License shall be for the remaining term of the present License or until reinstated by the Chief.
- (4) If a License is revoked, the licensee shall surrender the License to any Honolulu Police Department officer within 24 hours.
- (5) A licensee whose Concealed License is revoked shall be ineligible to apply for another License, concealed or unconcealed, for one year following the date of revocation.
- (6) A licensee whose Unconcealed License is revoked shall be ineligible to apply for another License, concealed or unconcealed, for one year following the date of revocation, if the revocation occurred pursuant to subsection (2)(A).
- (b) Revocation of Instructor Verification.
- (1) The following will immediately result in revocation of an instructor's verification to administer a firearm certification program:
- (A) Any event or circumstance that, by law, requires the instructor to surrender any firearms.
 - (B) Any event or circumstance that would make the instructor ineligible to receive verification pursuant to section 15-19(e)(3).
 - (C) If the instructor possesses any Licenses, revocation of any License.
- (2) The revocation of the verification shall be for the remaining term of the present verification or until reinstated by the Chief.
- (3) An instructor whose verification is revoked shall be ineligible to apply for another verification for one year following the date of revocation. [Eff and comp

NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp:
HRS §§ 134-7, 134-8, 134-9, 134-13)

§15-28 Appeal procedures. (a) If an applicant for a License or instructor verification objects to a denial or revocation of a License or instructor verification, the applicant may request a hearing. A Detective Agency or Guard Agency may request a hearing on behalf of its employees.

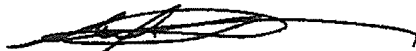
(b) Hearings shall be held in accordance with Rule 7, provided that the applicant shall request the hearing in writing no later than 45 days after the date of the decision letter. The request shall be deemed untimely, and no action will be taken thereon, unless the request is received by the Honolulu Police Department no later than the close of business on the 45th day after the date of the decision letter. In the event the 45th day falls on a weekend or holiday, the deadline shall be the close of business on the previous business day.

(c) The hearing shall constitute a contested case hearing for purposes of HRS §91-14 and the applicant or Agency shall be entitled to judicial review under that section.”

[Eff and comp NOV 20 2022] (Auth: HRS § 134-9; RCH § 6-1604(d)) (Imp:
HRS §§ 91-14, 134-9)

Amendments to and compilation of Chapter 15 of the Rules of the Chief of Police, Sections 15-1 -- 15-28, relating to procedures for firearms permits and licensing, were adopted on November 9, 2022, following a public hearing held on October 4, 2022, at the Honolulu Police Department, during which public testimony was taken, after public notice containing all information required by Section 91-3, Hawaii Revised Statutes, was published in the Honolulu Star-Advertiser on September 2, 2022.

These rules shall take effect ten days after filing with the Office of the City Clerk, City and County of Honolulu.



ARTHUR J. LOGAN, Chief of Police
Honolulu Police Department

APPROVED this 9TH day of NOVEMBER 2022



RICK BLANGIARDI
Mayor
City and County of Honolulu

APPROVED AS TO FORM:



Daniel M. Gluck
Deputy Corporation Counsel

Received this 10th day of
November, 2022.

City Clerk

