

MAUI COUNTY POLICE DEPARTMENT
GENERAL ORDERS

CHAPTER 303
RECORDS

Effective date: 1/1/24

Revision date:

Rescinds:

Accreditation Standards:

PERMIT TO ACQUIRE A FIREARM
303.8

I. PURPOSE

The purpose of this policy is to regulate the acquisition of firearm ownership to ensure responsible and safe firearm possession within our community. By implementing this policy, we seek to create a framework that promotes lawful firearm ownership, considers the potential risks associated with firearm possession, and fosters a secure environment for all residents.

II. POLICY

Pursuant to §134-2, Hawaii Revised Statutes, this policy establishes a requirement for individuals to obtain a permit from the chief of police in Maui County before acquiring ownership of any firearm. This measure aims to uphold public safety standards and accountability, regardless of the type or origin of the firearm.

III. DEFINITIONS

ACQUIRE: gain ownership of.

CHIEF OF POLICE: The Chief of the Maui Police Department or the Chief's designee.

CRIME OF VIOLENCE: any offense, as defined in title 37, HRS, that involves injury or threat of injury to the person of another, including sexual assault in the fourth degree under section 707-733 and harassment by stalking under section 711-1106.5.

FIREARMS UNIT: Maui Police Department employees assigned to the Records Section, Firearms Unit.

PISTOL OR REVOLVER: any firearm of any shape with a barrel less than sixteen inches in length and capable of discharging loaded ammunition or any noxious gas.

QUALIFIED FIREARMS INSTRUCTOR: an firearms instructor that has been verified by the Chief of Police or certified by a nationally recognized firearms manufacturer or

organization to use firearms in a proficient and safe manner, and that has the ability to teach others the same.

TRANSACTION: a single sale, exchange, or gift of one or more firearms from a single source on a specified date.

TRANSFeree: the person receiving the firearm.

TRANSFEROR: the person transferring the firearm.

IV. PERMIT TO ACQUIRE

A. A Permit to Acquire a firearm is required whether:

1. The firearm is bought, received as a gift, inherited, or acquired in any other way, either within the state or brought in through mail.
2. If a firearm is inherited or received as a gift, a Permit to Acquire is required before the firearm can be received. However, upon showing a copy of the deceased owner's death certificate, the firearm may be sold or transferred directly to a licensed dealer without needing a permit.

B. The Permit to Acquire Application Form shall include:

1. The applicant's name, address, gender, height, weight, date of birth, place of birth, country of citizenship, social security number, and alien admission number;
2. Information regarding the applicant's mental health history;
3. Any aliases or other names previously used by the applicant;
4. Information that is or may be relevant in determining whether the applicant is disqualified under section 134-7 from the ownership, possession, or control of a firearm;
5. Information that is or may be relevant in determining whether the applicant lacks the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (e); and
6. Require the fingerprinting and photographing of the applicant, provided that where fingerprints and a photograph are already on file with the department, these may be waived.

C. An applicant for a Permit to Acquire a firearm shall:

1. Sign a waiver at the time of application, allowing the chief of police access to all records that have a bearing on the mental health of the applicant;
 2. Identify any health care providers who possess or may possess the records described in paragraph (1).
- D. The chief of police shall issue permits to acquire firearms to:
1. Citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more;
 2. Duly accredited official representatives of foreign nations;
 3. Duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment with the Department;
 4. Aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II;
 5. Aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period; and
 6. Upon joint application, the chief of police may issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.
- E. The Permit Application shall be signed by the applicant and by the member of MPD's Firearms Unit staff issuing the permit.
- F. One copy of the permit shall be retained as a permanent official record.
- G. Except for sales to dealers licensed under section 134-31, dealers licensed by the United States Department of Justice, law enforcement officers, or where any firearm is registered pursuant to section 134-3(a), no permit 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 fortieth day from the date of application.
- H. Permits issued to acquire any pistol or revolver shall be void unless used within thirty days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction.

- I. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and [subject to] revocation under section 134-13; provided that if a permittee is arrested for:
1. committing a felony;
 2. a crime of violence as defined in HRS 134-1;
 3. a criminal offense relating to firearms; or
 4. the illegal sale or distribution of any drug,

The permit shall be impounded and surrendered to the Maui Police Department.

- J. The Firearms Unit shall perform an inquiry on an applicant by using the following law enforcement resources:
1. the United States Immigration and Customs Enforcement (ICE) query, as needed for non-U.S. citizens.
 2. the National Crime Information Center (NCIC)
 3. National Instant Criminal Background Check System (NICS), pursuant to section 846-2.7;
 4. The Hawaii Criminal Justice Information System (CJIS);
 5. The Maui Police Department's current and archive Records Management Systems (RMS);
 6. The Hawaii Integrated Justice Information Sharing System (HIJIS); and
 7. Perform an inquiry with the State of Hawaii Adult Mental Health Division (AMHD);
 8. Perform an inquiry in the State's Electronic Bench Warrant System (EBW),

Before any decision to issue a permit or to deny an application is made.

- K. A Permit to Acquire shall not be issued if an applicant is:
1. disqualified under section 134-7 from the ownership, possession, or control of a firearm; or
 2. if it is determined that issuance would not be in the interest of public health, safety, or welfare because the person lacks the essential character or temperament necessary to be entrusted with a firearm.
- L. In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the Chief of Police shall consider whether the person poses a danger of causing a self-inflicted bodily injury or unlawful injury to another person, as evidenced by:

1. Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;
 2. Statements or actions by the person indicating any dangerous propensity or violent animus toward one or more individuals or groups, including:
 - a. groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or any other characteristic, and
 - b. the propensity or animus is of a nature or to an extent that would objectively indicate to a reasonable observer that it would not be in the interest of the public health, safety, or welfare for the person to own, possess, or control a firearm or ammunition; or
 3. Other information that would lead a reasonable, objective observer to conclude that the person presents or would present a danger to the community because of acquiring or possessing a firearm or intends or is likely to use a firearm for an unlawful purpose or in an unlawful manner.
- M. When a pistol or revolver is acquired from another person within the State, the permit shall be signed in ink by the Transferee and shall be delivered to the Transferor, who shall verify that the Transferee's identity and enter it on the back of the permit along with:
1. The name, address, and telephone number of the Transferor;
 2. The name, address, and telephone number of the Transferee;
 3. The names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number.
- N. The Transferor shall sign the permit in ink and cause the permit to be delivered or sent by registered mail to the Firearms Unit within forty-eight hours after transferring the firearm.
- O. Where receipt of a firearm is had by mail, express, freight, or otherwise from sources outside the State, the person to whom the permit has been issued shall make the prescribed entries on the permit, sign the permit in ink, and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm.
- P. When a rifle or shotgun is acquired from another person within the State, the Transferor shall submit, within forty-eight hours after transferring the firearm, to the authority that issued the permit to acquire, the following information, in writing:
1. name, address, and telephone number of the Transferor;
 2. name, address, and telephone number of the Transferee;

3. names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number of the firearm(s) transferred.
- Q. No person shall be issued a Permit to Acquire for the acquisition of any firearm unless the person, within the four years before the issuance of the permit, has completed:
1. An approved hunter education course as authorized under section 183D-28[;], unless the applicant seeks to acquire a pistol or revolver, in which case the applicant shall complete a training satisfying the requirements of paragraph (2), (3), or (4);
 2. A firearms safety or training course or class available to the general public offered by a law enforcement agency of the State or of any county;
 3. A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or
 4. A firearms training or safety course or class conducted by a Qualified Firearms Instructor that has been:
 - a. certified or verified by the chief of police; or
 - b. certified by a nongovernmental organization approved for such purposes by the chief of police, or conducted by a certified military firearms instructor; provided that the firearms training or safety class provides, at a minimum:
 - i. a total of at least two hours of firing training at a firing range;
 - ii. and a total of at least four hours of classroom instruction, which may include a video, that focuses on:
 - a. The safe use, handling, and storage of firearms and firearm safety in the home;
 - b. as well as a component on mental health, suicide prevention, and domestic violence issues
 - c. associated with firearms and firearm violence; and
 - d. Education on the firearm laws of the State.

An affidavit signed by the Qualified Firearms Instructor who conducted or taught the course, providing: the name, address, and phone number of the instructor; and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.

5. A Qualified Firearms Instructor shall not submit an affidavit for the instructor's own permit application.
- R. No fee shall be charged for permits, or applications for permits, except for a single fee chargeable by and payable to the County of Maui Department of Finance in an amount equal to the fee charged by the Hawaii criminal justice data center pursuant to section 846-2.7.
- S. In the case of a joint application, the fee provided for in this section shall be charged to each person.
- T. If an application under this section is denied, the chief of police shall notify the applicant of the denial in writing, stating the ground or grounds for the denial and informing the applicant of the right to seek review of the denial through a hearing pursuant to section (V).
- U. When a permit application is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the Chief of Police shall, within ten business days from the date of denial, send written notice of the denial, including the identity of the applicant and the reasons for the denial, to the:
 1. Prosecuting attorney in the county where the permit was denied;
 2. Attorney general;
 3. United States Attorney for the District of Hawaii; and
 4. Director of public safety.
- V. If the permit to acquire was denied because the applicant is subject to an order described in section §134-7(f), HRS, the chief of police shall, within three business days from the date of denial, send written notice of the denial to the court that issued the order.

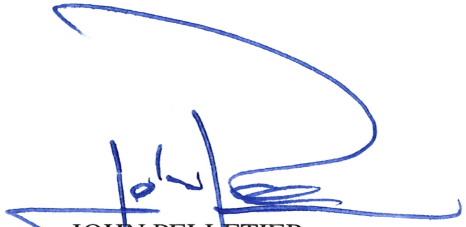
V. HEARINGS

If a Permit to Acquire application is denied, the applicant shall be entitled to a hearing before the Chief of Police. A denied applicant shall submit a request for a hearing in writing to the Chief of Police of the appropriate county no later than thirty days following the date of the decision or determination notice.

- A. The hearing shall constitute a contested case hearing for the purposes of chapter 91.
- B. Following the hearing and final decision, a denied applicant shall be entitled to a judicial review proceeding in state circuit court in accordance with §91-14, HRS.
- C. If a judicial review is required, the Records Section Element Commander shall submit a Request for Legal Services (RFLS), to the Department of Corporation Counsel for assistance.

VI. REPORTING REQUIREMENTS

No later than February 1st of each year, the Chief of Police shall report the data and statistics necessary for the Attorney General to comply with the annual reporting requirements set forth in Chapter 134, HRS.



JOHN PELLETIER
Chief of Police