

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS

CHAPTER 303

RECORDS

Effective date: 1/1/24
(1/19/21)

Revision date: 11/15/23

Rescinds: GO 303.6

Accreditation Standards:

**LICENSE TO CARRY A
CONCEALED/UNCONCEALED FIREARM
303.6**

I. PURPOSE

To establish a policy that serves as a comprehensive framework to promote responsible firearm ownership, address public safety concerns regarding concealed carry, and contribute to a secure and informed community in accordance with the amended statutes of Hawaii Revised Statutes Chapter 134.

II. POLICY

With a commitment to both individual rights and public safety, it is the policy of the Maui Police Department to establish a consistent and fair framework for the application, issuance and regulation of concealed carry licensing, to ensure that eligible individuals can exercise their Second Amendment rights responsibly, and to contribute to a safer and well-informed community in compliance with legal standards and constitutional principles.

III. DEFFINITIONS

CONCEALED: concealed means that the firearm is entirely hidden from view of the public and not discernible by ordinary observation, in a manner that a reasonable person without law enforcement training would be unable to detect the presence of the firearm.

CRIMINAL OFFENSE RELATING TO FIREARMS: Any criminal offense under Chapter 134 punishable as a misdemeanor, criminally negligent storage of a firearm under section 707-714.5, and any other criminal offense punishable as a misdemeanor under federal or state law or the law of another jurisdiction, involving the use, attempted use, threatened use, or possession of a firearm.

UNCONCEALED: Not concealed, referring to a firearm that is visible and not hidden from ordinary observation.

CRIME OF VIOLENCE: Includes offenses under federal or state law or the law of another jurisdiction, involving injury or threat of injury to a person or property, reckless endangering, terroristic threatening, sexual assault, endangering the welfare of a minor or an incompetent person, harassment, harassment by stalking, criminal solicitation, criminal conspiracy, and comparable offenses under federal law or the law of another jurisdiction.

DETECTIVE, PRIVATE DETECTIVE, or INVESTIGATOR: A licensed person qualified to obtain information and evidence not readily or publicly accessible.

DETECTIVE AGENCY: A licensed firm engaged in the private detective business.

FIREARM: Any weapon for which the operating force is an explosive, including but not limited to pistols, revolvers, rifles, shotguns, automatic firearms, noxious gas projectors, mortars, bombs, and cannons.

GUARD: A registered uniformed or nonuniformed person responsible for the safekeeping of a client's properties and persons within contractually prescribed boundaries, and for observation and reporting relative to such safekeeping. "Guard" shall not include any active duty federal, state, or county law enforcement officers or personnel.

GUARD AGENCY: A licensed firm engaged in the guard business.

LICENSEE: An individual that has been issued a license to carry concealed or unconcealed under this policy.

LICENSE TO CARRY A FIREARM & LICENSE: Both Concealed Licenses and Unconcealed licenses.

NEW LICENSE: A license, concealed or unconcealed, that is issued to a licensee following the required renewal process.

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: a firearms instructor certified or verified by the chief of police, or a non-governmental organization approved by the chief of police, or a certified military firearms instructor;

UNCONCEALED: Not concealed.

UNCONCEALED LICENSE: A License to Carry an unconcealed firearm.

VALID ID: Unexpired government-issued photo identification

IV. ELIGIBILITY

A. CONCEALED CARRY APPLICANT REQUIREMENTS

To be eligible to receive a license to carry a pistol or revolver concealed on the licensee's person, on or after January 1st, 2024, the applicant shall:

1. Be at least 21 years of age;
2. Be a resident of the state of Hawaii;

License to Carry a Concealed/Unconcealed Firearm

3. Is a citizen, national, or lawful permanent resident of the United States;
4. Be the registered owner of the firearm(s) for which the license to carry will be issued;
5. Pay the \$150 non-refundable application fee required or provide documentation showing financial hardship as deemed sufficient by the Chief of Police,
6. Submit the appropriate license application, with all fields completed and all questions answered truthfully;
7. Complete all appropriate signature blocks;
8. Submit all necessary documentation required by HRS §134-9 and the Maui Police Department;
9. Not be prohibited under Chapter §134-7, HRS, from the ownership, possession, or control of a firearm and/or ammunition;
10. Have completed a course of training described in Subsection “C”;
11. Be certified as qualified, evidenced by an affidavit provided by a Qualified Firearms Instructor, to use the firearm(s) for which the license is issued in a safe manner;
12. Sign an affidavit acknowledging that the applicant has read and is responsible for understanding and complying with federal, state, and county laws governing the permissible use of firearms and the prohibitions and requirements outlined in said affidavit.
13. Sign a waiver at the time of application, allowing the chief of police to access all records that have a bearing on the mental health of the applicant;
14. Identify any health care providers who possess or may possess mental health records that may have a bearing on the mental health of the applicant; and
15. Not be found to lack the essential character or temperament necessary to be entrusted with a firearm.

B. UNCONCEALED CARRY LICENSE APPLICANT REQUIREMENTS

License to Carry a Concealed/Unconcealed Firearm

To be eligible to receive a license to carry a pistol or revolver unconcealed on the licensee's person, the applicant shall:

1. Be at least 21 years of age;
2. Be a resident of the state of Hawaii;
3. Be a citizen, national, or lawful permanent resident of the United States;
4. Sufficiently establish the urgency or need to carry an unconcealed Firearm;
5. Pay the \$150 non-refundable application fee required or provide documentation verifying financial hardship as deemed sufficient by the Chief of Police,
6. Be engaged in the protection of life and property;
7. Submit the appropriate license application, with all fields completed and all questions answered truthfully;
8. Complete all appropriate signature blocks;
9. Submit all necessary documentation required by HRS §134-9 and the Maui Police Department;
10. Not be prohibited under Chapter §134-7, HRS, from the ownership, possession, or control of a firearm and/or ammunition;
11. Have completed a course of training described in Subsection "C";
12. Be certified as qualified, evidenced by a sworn affidavit provided by a qualified firearms trainer, to use the firearm(s) for which the license is issued in a safe manner;
13. Sign an affidavit acknowledging that the applicant has read and is responsible for understanding and complying with federal, state, and county laws governing the permissible use of firearms and the prohibitions and requirements outlined in said affidavit.
14. Sign a waiver at the time of application, allowing the chief of police to access any and all records that have a bearing on the mental health of the applicant;

License to Carry a Concealed/Unconcealed Firearm

15. Identify any health care providers who possess or may possess mental health records that may have a bearing on the mental health of the applicant; and
16. Not be lacking the essential character or temperament necessary to be entrusted with a firearm.

C. FIREARMS COURSE OF TRAINING REQUIREMENTS

For concealed and unconcealed carry licensure, the required firearms training course administered by a Qualified Firearms Instructor shall be pre-approved by the Chief of police, and:

1. The course shall include:
 - a. at least two hours of in-person firing training at a firing range with instruction on:
 - i. firearms safety;
 - ii. firearms handling;
 - iii. shooting technique;
 - iv. safe storage of a firearm;
 - v. lawful transport and securing of firearms in vehicles; and
 - b. a live-fire proficiency course of the Qualified Firearm Instructor's choosing that is equivalent to or more difficult than the NRA's Basic CCW, or a comparable course.
 - c. a shooting proficiency affidavit certifying a 70% or better applicant shooting score for each firearm to be carried that shall include:
 - i. the applicant's name confirmed by valid I.D;
 - ii. the date and location of the firearms test; and
 - iii. a description of each firearm used in the proficiency test including, make, model, caliber, and serial number.
 - iv. the applicant's shooting score. A pass/fail indication will not be accepted.
 - v. the Qualified Firearms Instructor's name, address, and phone number
2. At least four hours of classroom instruction and or a video, which focuses on:
 - a. laws governing places in which persons are prohibited from carrying a firearm;

License to Carry a Concealed/Unconcealed Firearm

- b. firearm usage in low-light situations;
- c. situational awareness and conflict management;
- d. and laws governing the circumstances in which deadly force may be used for self-defense or the defense of another;
- e. a component on mental health and mental health resources; and
- f. education on the firearm laws of the State.
- g. The course shall require participants to demonstrate their understanding of the covered topics by achieving a score of at least 70% on a written examination.

D. QUALIFIED FIREARMS INSTRUCTOR

In order to be verified as a Qualified Firearms Instructor, an instructor must:

1. Complete the Maui Police Department Qualified Firearms Instructor Application;
2. Provide original or certified copies of certification by nationally recognized manufacturers or organizations demonstrating the instructor's ability to use a firearm proficiently, safely, and be able to teach others to do the same;
3. Provide the instructor's qualifications to teach others regarding Hawaii laws on self-defense and use of force; or
4. The instructor may satisfy (2) by certifying that the instructor will utilize an attorney currently licensed by the Hawaii Bar association to conduct this portion of the certification program; and
5. Not have been previously convicted of any criminal offense involving dishonesty or fraud or been found liable in any civil court for any act involving dishonesty or fraud.
6. Qualified Firearm Instructor certification, once approved, is valid for 2 years before renewal is required.

E. DETERMINING ESSENTIAL CHARACTER AND TEMPERMENT

In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the Chief of Police shall consider the following:

1. Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;

License to Carry a Concealed/Unconcealed Firearm

2. If the applicant has said or done things that show they might be a danger to others or have a strong dislike towards certain people or groups (based on things like race, gender, religion, etc.), and this behavior is serious enough that it would lead a reasonable person to believe it's not in the best interest of public safety for that person to carry a firearm; and
3. Any details that would make a sensible person think that the individual could pose a threat to public safety or that the person intends to use a firearm for illegal reasons or in a harmful way.

V. LICENSE PROCESSING

A. RECORDS SECTION/FIREARMS UNIT

All License to Carry Applications, concealed or unconcealed, shall be accepted and processed by the Records Section Firearms Unit before being forwarded via channels to the Chief's office for final review and decision. License processing shall proceed as follows:

1. The Firearms Unit shall perform an inquiry on each applicant that consists of the following:
 - a. A check of the National Instant Criminal Background Check System (NICS);
 - b. a check of the Immigration and Customs Enforcement databases if the applicant is not a citizen of the United States;
 - c. an inquiry in the State's Electronic Bench Warrant System (EBW);
 - d. a check of the Hawaii Criminal Justice Information System (CJIS); and
 - e. a check of the Department's current and archive Records Management System(s),

Before a License to Carry application can be forwarded to the Records Section Element Commander for secondary review and before any recommendation to grant or deny a concealed or unconcealed license is made to the Executive Staff.

License to Carry a Concealed/Unconcealed Firearm

2. Upon completion of a secondary review by the Records Section Element Commander or designee shall forward the License to Carry application packet with relevant information, printouts, and recommendation to grant or deny shall be forwarded via channels to the Executive Staff for consideration.
3. The final decision to approve or deny the license to carry application shall be made by the Chief of Police.
4. The processing of each application shall be completed in a reasonable time, not to exceed 120 days after the receipt of all required application materials.

VI. LICENSE APPROVAL AND EXPIRATION

Upon approval of a License to Carry application, the Records Section shall be responsible for the following:

- A. To enter a concealed carry weapon (CCW) caution code or alert on the name record in the current records management system for each approved licensee.
- B. To print the Maui Police Department Concealed Carry License Card that contains the following information:
 1. The licensee's name;
 2. The licensee's address;
 3. A photograph of the licensee taken within 90 days before issuance;
 4. The county of issuance;
 5. A notation as to whether the license permits concealed or unconcealed carry;
 6. The make, model, type, and serial number of each registered firearm that the licensee may carry pursuant to the license; and
 7. The license expiration date.
- C. The license issued under this policy shall not constitute a government-issued photo identification document under federal or state law.
- D. Unless renewed, a concealed or unconcealed license shall expire four years from the date of issue.

VII. LICENSE DENIAL

If the applicant does not satisfy one or more of the necessary criteria to be granted a License to Carry, the license must be denied within in a reasonable time after receipt of application materials. If the application is denied:

- A. The Chief of Police shall notify the applicant of the denial in writing, informing the applicant of the reason(s) for denial and that the applicant is entitled to a hearing before the Chief of Police (or designee) upon receipt of a written request within 30 days of the denial notification letter.
- B. Following the hearing and final decision, the applicant shall be entitled to a judicial review proceeding in state court in accordance with §91-14, HRS.
- C. If a judicial hearing is required, the Records Section Element Commander shall submit a Request for Legal Services to the Department of Corporation Counsel for assistance.

VIII. LICENSES REVOKED OR VOIDED

- A. A license to carry issued under this policy shall be void if a Licensee becomes disqualified from the ownership, possession, or control of a firearm pursuant to §134-7 (a), (b), (d), or (f), HRS.
- B. B. A license to carry issued under this policy shall be subject to revocation.under §134-13, HRS.
- C. A license to carry issued under this policy shall be revoked and seized by officers when the licensee is served with and restrained by an order from any court including a gun violence protective order from contacting, threatening, or physically abusing any person.
- D. A license that is revoked or becomes void shall be returned to the Records Section within forty-eight hours after the license is revoked or becomes void.
- E. Records Section staff shall contact a licensee whose license to carry has been voided or revoked by phone at the earliest opportunity to inform the licensee to surrender the license to MPD before the 48-hours elapses.
- F. Records Section staff shall update the licensee's name record in the records management system to reflect the current status of the license.

IX. LOST OR STOLEN LICENSES

Licensees shall report a lost or stolen card to the Maui Police Department, Uniformed Services Bureau within 24 hours of the loss or theft and obtain documentation of the lost/stolen License Card.

License to Carry a Concealed/Unconcealed Firearm

X. LICENSE RENEWAL

Licenses issued under this policy may be renewed if the following criteria are met:

- A. A Licensee submits a renewal application no more than 90 days, and no less than 30 days prior to the expiration of the License.
- B. The Licensee has obtained a new proficiency test for each firearm that is to be carried under the New License.
- C. The non-refundable license renewal fee of \$50 has been paid or a showing of financial hardship has been accepted.
- D. If a Licensee continues to meet all requirements pursuant to §134-7, HRS, the current License will be renewed for 6 months from its expiration date while awaiting the approval of the Renewal License Application.
- E. After receiving notice that the renewal license has been approved, a new License will be issued, provided that:
 - 1. The previous License must be surrendered to the MPD Firearms Unit prior to the issuance of the new license.
 - 2. A New License shall not be issued if the licensee fails to surrender the previous license or has failed to report a lost or stolen license.
 - 3. If a License is reported stolen or lost, the Firearms Unit will update the Records Management System appropriately to reflect the invalid status of that License.

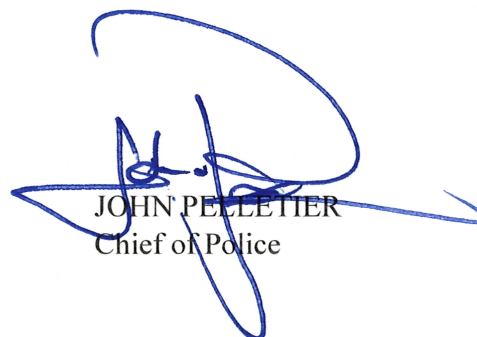
XI. PROOF OF FINANCIAL HARDSHIP

The following documents and a personal written statement to the Chief of Police will be accepted for review as a showing of financial hardship in order to waive the License application fee or the License renewal fee:

- A. Income Statements: pay stubs or salary statements, tax returns, especially if income has decreased in recent years.
- B. Employment Status: termination or layoff notices, proof of unemployment benefits.
- C. Bank Statements: statements showing low or negative balances.
- D. Medical Bills: documentation of high medical expenses.
- E. Debt Statements: statements from creditors or collection agencies.

License to Carry a Concealed/Unconcealed Firearm

- F. Government Assistance: proof of receiving government assistance programs.
- G. Unexpected Expenses: documentation of unexpected large expenses (e.g., car repairs, home repairs).
- H. Educational Expenses: proof of education-related expenses.
- I. Family Size: documentation of dependents or family size that increases financial responsibilities.



JOHN PELLETIER
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