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House Minority Leader
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Fact Sheet: Emergency Seizure of Firearms Due to Significant Mental Illness

House Bill 2632 would allow the chief of police to more quickly seize firearms and ammunition from a person who has been disqualified from owning a firearm, which police already do, based on existing law (Hawaii Revised Statutes 134-7c). Currently, a person who has been diagnosed with a significant mental illness must surrender all firearms and ammunition to the chief of police or dispose of them. Police can seize firearms and ammunition, under current law, if a disqualified person fails to voluntarily surrender or destroy their firearms and ammunition within 30 days of receiving HPD's notification letter.

This bill would allow a police officer to immediately seize firearms and ammunition from an individual who has been disqualified from owning a firearm based on a healthcare provider's written notification stating the reasons for the disqualification or due to an emergency mental health hospitalization, which is also defined in current law (Hawaii Revised Statutes 334-59). In 2013, Texas enacted an emergency seizure law (Senate Bill 1189) that serves a similar purpose though it also outlines a policy for returning the firearm in law. Hawaii's existing law allows the county to determine the process for returning firearms to some individuals, which in some cases is as simple as re-application for a permit and a doctor's note. For individuals who have been barred from possessing a firearm based on federal law, state law requires the individual to petition the court to allow them to reacquire firearms (Hawaii Revised Statutes 134-6.5).

Hawaii Revised Statutes 134-7 (c) – Firearm Prohibition & Reacquisition

Prohibits individuals from owning or possessing firearms or ammunition if:

- They are undergoing treatment or counseling for drug or alcohol addiction.
- They were acquitted of a crime on the grounds of mental disorder.
- They were diagnosed with a significant behavioral, emotional, or mental disorder as defined by the most current diagnostic manual of the American Psychiatric Association (DSM-5).

Allows individuals who are disqualified from owning a firearm to reacquire a firearm if they can provide medical documentation that they are no longer adversely affected by the addiction/disorder/disease.

Hawaii Revised Statutes 334-59 – Emergency Hospitalization

Allows a law enforcement officer or health worker, if there is reason to believe that a person is imminently dangerous to self or others, to engage licensed mental health professionals at a licensed facility and determine if the individual should be hospitalized.

Allows a judge to issue an order directing a law enforcement officer to take an individual for emergency examination and treatment, if the person is imminently dangerous to self or others, mentally ill or suffering from substance abuse.

Requires that emergency examinations be performed without unnecessary delay and that individuals found not dangerous to self or others to be discharged immediately, unless there are pending criminal charges.

If a patient is found by a licensed facility to be dangerous to self or others, the facility can retain them for emergency hospitalization for no more than 48 hours. Individuals can voluntarily agree to stay longer, or a court can order them to extend their hospitalization.