**Hawaii**

**May Issue**

**Must Inform Officer Immediately:** NO
(See Must Inform Section)

**Note:** Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, New Hampshire, Oklahoma, South Dakota, Vermont and West Virginia have “Permitless Carry.” Anyone who can legally possess a firearm may carry concealed in these states without a Permit/License. Check each states page for more information and any restrictions that may apply.

North Dakota and Wyoming have “Permitless Carry” for their Residents only.

**Permits/Licenses This State Honors Listed Below**

Hawaii does not honor any other states Permits/Licenses.

**How to Apply for a Permit**

**Notice:** The 9th Circuit has amended its opinion on the CHRISTOPHER BAKER, Plaintiff - Appellant, v. LOUIS KEALOHA, as an individual and in his official capacity as Honolulu Chief of Police; et al.

The Court Stated: In light of our holding in Peruta, the district court made an error of law when it concluded that the Hawaii statues did not implicate protected Second Amendment activity. Accordingly, we vacate the district court’s decision denying Baker’s motion for a preliminary injunction and remand for further proceedings consistent with Peruta.

So it looks like the case is now tied to the Peruta case as Hawaii is in the 9th Circuit along with California. This case will most likely not be settled in the near future as appeals will most likely stay any decision until the Supreme Court decides the case or refuses to hear it. Information will be added as it becomes available. Until then Hawaii is still “May Issue” unless the State of Hawaii amends their laws or the Court/s decide in our favor with a final judgement. You can see the change in their ruling [Here](#).

www.handgunlaw.us
The Honolulu Police Department now has the following forms that you can download and fill out before going to the Firearms Section Office.

- Firearms Information Form
- Medical Information Waiver
- Mental Health Waiver
- Firearms Application Questionnaire

**To Apply for a Concealed Carry Permit.** (They have not issued one in years)

Contact the Chief of Police in the Hawaii County you live in.
The Permit/License is valid for 1 year.
The Permit/License is only good in the Hawaii County it is issued in.
The Chief of Police can put any stipulations on the Permit/License they wish.
Cost is unknown. We know of no permits that have been issued in the state of Hawaii.
Here is the state law for issuing Concealed Carry Permits.

§134-9 Licenses to Carry.
(a) In an exceptional case, when an applicant shows reason to fear injury to the applicant's person or property, the chief of police of the appropriate county may grant a license to an applicant who is a citizen of the United States of the age of twenty-one years or more or to a duly accredited official representative of a foreign nation of the age of twenty-one years or more to carry a pistol or revolver and ammunition therefor concealed on the person within the county where the license is granted. Where the urgency or the need has been sufficiently indicated, the respective chief of police may grant to an applicant of good moral character who is a citizen of the United States of the age of twenty-one years or more, is engaged in the protection of life and property, and is not prohibited under section 134-7 from the ownership or possession of a firearm, a license to carry a pistol or revolver and ammunition therefor unconcealed on the person within the county where the license is granted. The chief of police of the appropriate county, or the chief's designated representative, shall perform an inquiry on an applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases where the applicant is not a citizen of the United States, before any determination to grant a license is made. Unless renewed, the license shall expire one year from the date of issue.
(b) The chief of police of each county shall adopt procedures to require that any person granted a license to carry a concealed weapon on the person shall:
   1. Be qualified to use the firearm in a safe manner;
   2. Appear to be a suitable person to be so licensed;
   3. Not be prohibited under section 134-7 from the ownership or possession of a firearm; and
   4. Not have been adjudged insane or not appear to be mentally deranged.
(c) No person shall carry concealed or unconcealed on the person a pistol or revolver without being licensed to do so under this section or in compliance with sections 134-5(c) or 134-25.
(d) A fee of $10 shall be charged for each license and shall be deposited in the treasury of the county in which the license is granted.

§134-3 Registration, Mandatory, Exceptions. (a) Every person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place
of business or, if there is no place of business, the person's residence or, if there is neither a place of business
nor residence, the person's place of sojourn. A nonresident alien may bring firearms not otherwise prohibited
by law into the State for a continuous period not to exceed ninety days; provided that the person meets the
registration requirement of this section and the person possesses:

(1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private
shooting preserve permit issued pursuant to section 183D-34;

(2) A written document indicating the person has been invited to the State to shoot on private land; or

(3) Written notification from a firing range or target shooting business indicating that the person will
actually engage in target shooting.

§134-7.3 Seizure of firearms upon disqualification. (a) If any applicant is denied a permit, the chiefs of
police of the respective counties shall send, by certified mail, a notice setting forth the reasons for the denial
and may require that the applicant voluntarily surrender all firearms and ammunition to the chief of police
where the applicant resides or dispose of all firearms and ammunition. If an applicant fails to voluntarily
surrender or dispose of all firearms and ammunition within thirty days from the date notice was mailed, the
chief of police may seize all firearms and ammunition.

Note: Effective January 1, 2019, Hawaii Police Department all firearms permit applicants (including prior
firearms applicants, out-of-state firearms applicants, and law enforcement officers with personal firearms),
will be assessed a $43.25 one-time fee. No fee will be charged for subsequent permits to acquire a firearm,
but even those who previously paid a fingerprint fee prior to January 1, 2019, will be assessed the $43.25 fee
for the first registration after January 1, 2019.

Note: The Hawaii Attorney General releases reports every year on the number of firearms registered and
the number of permits to carry that are issued. The reports for the years 2000-2016 report that only four
permits to carry have been issued to civilians. You can reach the reports for every year by going Here.

Hawaii Gun Laws can be found in their state statutes 134-1 thru 134-53

Non-Resident Permits

Apply same as Resident.

Places Off-Limits Even With a Permit/License

I could find no instances in Hawaii law that stated any place was off limits to firearms. Hawaii does have a
law on transporting firearms. Handgunlaw.us can’t find where any license to carry has been issued by
Hawaii even though they have issue in their laws.

For Federal Restrictions on Firearms see the USA Page.

Do “No Gun Signs” Have the Force of Law?

“YES”

§708-814 Criminal Trespass in The Second Degree.

(1) A person commits the offense of criminal trespass in the second degree if:
(b) The person enters or remains unlawfully in or upon commercial premises after a reasonable warning or request to leave by the owner or lessee of the commercial premises, the owner's or lessee's authorized agent, or a police officer; provided that this paragraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.

Note: This info is put here mainly for LEO’s carrying under LEOSA and for Private Investigators who may have a permit/license to carry while performing their duties in Hawaii.

Must inform Officer Immediately on Contact by Law?

No law found stating you have to inform. Nothing found in Hawaii Statutes saying you even had to have your permit in your possession. Hawaii being a May Issue state if they did issue a permit (None are known to be in existence) they could put this stipulation on the permit as police only issue a permit for the county they are located. Handgunlaw.us recommends you always carry your permit when carrying a firearm.

Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

Carry Allowed in these Areas:

State Parks: NO Admin Code O13-146-19
State Forests Reserves: NO Forest Reserve Rules
State WMA’s: NO §13-123-22
Road Side Rest Areas: YES Not in Buildings

RV/Car Carry Without a Permit/License

You can not carry a loaded firearm in any vehicle without a Permit/License.

§134-26 Carrying or possessing a loaded firearm on a public highway; penalty.

(a) It shall be unlawful for any person on any public highway to carry on the person, or to have in the person's possession, or to carry in a vehicle any firearm loaded with ammunition; provided that this section shall not apply to any person who has in the person's possession or carries a pistol or revolver in accordance with a license issued as provided in section 134-9.

(b) Any vehicle used in the commission of an offense under this section shall be forfeited to the State, subject to the notice and hearing requirements of chapter 712A.

(c) Any person violating this section shall be guilty of a class B felony. [L 2006, c 66, pt of §1]

Note: See “Places Off Limits” Section for Mandatory Firearms Registration if you take a firearm into Hawaii.

Open Carry (Without a Valid Permit/License)

Open Carry is Illegal in Hawaii. Only when Hunting with a pistol with the proper license can a pistol be carried and it must be carried openly.
State Preemption

§46-1.5 General Powers and Limitation of the Counties.

(13) Each county shall have the power to enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants on any subject or matter not inconsistent with, or tending to defeat, the intent of any state statute, provided also that the statute does not disclose an express or implied intent that the statute shall be exclusive or uniform throughout the State.

Deadly Force Laws

Chapter 703
General Principles of Justification
Section

§703-300 Definitions relating to justification.
§703-301 Justification a defense; civil remedies unaffected.
§703-302 Choice of evils.
§703-303 Execution of public duty.
§703-304 Use of force in self-protection.
§703-305 Use of force for the protection of other persons.
§703-306 Use of force for the protection of property.
§703-307 Use of force in law enforcement.
§703-308 Use of force to prevent suicide or the commission of a crime.
§703-309 Use of force by persons with special responsibility for care, discipline, or safety of others.
§703-310 Provisions generally applicable to justification.

Knife Laws State/Cities

To access State/Local Knife Laws Click “Here”

Carry in Restaurants That Serve Alcohol

YES

Note: A “YES” above means you can carry into places like described below. “NO” means you can’t. Handgunlaw.us definition of “Restaurant Carry” is carry in a restaurant that serves alcohol. Places like Friday’s or Red Lobster unless posted with “No Gun Signs.” This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

www.handgunlaw.us
High Capacity Ammunition Magazines

Note: On 3/29/19 US District Judge Roger T. Benitez of the US Dist CT Southern Dist of California Ruled that CA Penal Code § 32310 (Code at link and below) ban on the possession/importation of Magazines that could hold more than 10 rounds as Unconstitutional and Enjoining Enforcement. He then stayed his decision until appeals were heard.

On 8/14/2020 the US 9th Circuit Affirmed the Original Decision by District Judge Robert Benitez. He also stayed his order until any appeals were heard. The State of California can ask for an en banc panel of judges from the 9th or can ask to go to the US Supreme Court. The ban on mags is still in effect and will be unless Judge Benitez lifts his stay or the 9th Circuit lifts it. This ruling if not appealed would make the California and Hawaii mag bans unconstitutional and their laws on such null of void. This would also affect City Mag Bans. This ruling also is in conflict with other District Courts rulings and these are cases the US Supreme Court hears as the lower courts can’t agree. Time will tell.

§134-8 (c). “The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol is prohibited.” This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition which have been modified to accept no more than ten rounds and which are not capable of being readily restored to a capacity of more than ten rounds.

Stun Devices/Electric Weapons:

§134-16 Stun devices are illegal in Hawaii.

Chemical Sprays:

Ordinances of Honolulu

Sec. 41-37.1 Definitions.

“Pepper spray” means any aerosol container or other device designed to fit into a handbag or a pants pocket and has a trigger-guard, flip top or other mechanism to prevent the accidental release of the spray, that: (1) is capable of emitting oleoresin capsicum (OC), or any derivative thereof, in a vapor or liquid form; (2) contains only the chemical substance oleoresin capsicum, or any derivative thereof, without containing chloroacetaphenone (CN) or orthochlorobenzalmalononitrile (CS); and (3) contains a non-flammable propellant and/or carrier.

Sec. 41-37.3 Restrictions on possession, sale, and use of pepper sprays.

(a) It is unlawful for any person to use any pepper spray for any purpose except:

(1) Self-defense;
(2) Defense of another person; or
(3) Protection of property of the person or of another person.

(b) It is unlawful for any person to sell or offer for sale any pepper spray in the city without a license obtained pursuant to Section 41-37.4.

(c) It is unlawful for any person to sell, offer for sale or otherwise furnish any pepper spray to a minor in the city.
(d) It is unlawful for a minor to purchase, possess or use any pepper spray in the city.

(e) It is unlawful to sell or offer for sale any pepper spray on premises where liquor or alcoholic beverages are consumed.

(f) It is unlawful for any person to alter the manufacturer’s name on any pepper spray to be carried or used in the city.

Note: The above are from the City/County Ordinances of Honolulu. People are stating that there is a ½ ounce maximum that can be carried. (Handgunlaw.us can’t find that in the ordinances.) Handgunlaw.us can’t find in any of the other Cities or Counties of Hawaii having any restrictions. That does not mean there are no restrictions in the other Cities/Counties. You must purchase your Pepper Spray from a Licensed Dealer and receive Instructions on its use. That Dealer would also know the law better than most on this issue.

LEOSA State Information

LEOSA Information from Hawaii Criminal Justice Division. (Added 10/10/18)

Hawaii LEOSA Certification and Guideline Links Visiting for 5 days must register firearm with police.

Online Registration of Firearms. You can start your registration and complete upon arriving.

See the LEOSA Section on the USA Page at Handgunlaw.us for more LEOSA Information.

Attorney General Opinions/Court Cases

US Dist Court S. Dist of CA Ruling that § 32310 Magazine Ban Ruled Unconstitutional. (3/29/2019)

US Court of Appeals 9th District. Upheld Dist Court Ruling on Mag Ban Above. (8/18/2020)

Airport Carry/Misc. Information

Airport Carry: YES

Hawaii Administrative Rules 19-14-3(e)

Training Valid for: No Time Period Set

Time Period to Establish Residency: Citizen of US.

Minimum Age for Permit/License: 21

Permit/License Info Public Information: NO

State Firearm Laws: §134-2 thru §134-72

State Deadly Force Laws: §703-300 thru §703-310

State Knife Laws: 134-12.5 & 134-51 thru 134-53

Chemical/Electric Weapons Laws: HS 134-1 & 16 & Honolulu Ordinances 41-37.1 and 41-37.3

Body Armor Laws: Unknown

Does Your Permit Cover Other Weapons Besides Firearms? NO

HRS 134-9
State Safe Storage/Access by Minors Statute/s: HI Statute § 134-10.5 and § 707-714.5

Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal? NO Only weapons that are authorized for the particular hunt are to be in the hunter's possession, while on the public hunting area. HI Dept of Land and Nat Resources Rules Title 13 Chapter 123-22

Notes

What Does HI Consider A Loaded Firearm?

"Firearm loaded with ammunition" and "loaded firearm" means a firearm with ammunition present within the firing chamber, revolving cylinder, or within a magazine which is inserted in a firearm.
L 2016, c 55, §1 and c 109, §2

State Emergency Powers

§134-7.2 Prohibition Against Seizure of Firearms or Ammunition During Emergency or Disaster; Suspension of Permit or License.

(a) Notwithstanding any provision of chapter 127A or any other law to the contrary, no person or government entity shall seize or confiscate, under any emergency or disaster relief powers or functions conferred, or during any emergency period, as defined in section 127A-2, or during any time of national emergency or crisis, as defined in section 134-34, any firearm or ammunition from any individual who is lawfully permitted to carry or possess the firearm or ammunition under part I of this chapter and who carries, possesses, or uses the firearm or ammunition in a lawful manner and in accordance with the criminal laws of this State.

(b) Notwithstanding any provision of chapter 127A or any other law to the contrary, no person or government entity shall suspend, revoke, or limit, under any emergency or disaster relief powers or functions conferred, any lawfully acquired and maintained permit or license obtained under and in accordance with part I of this chapter.

(c) For purposes of this section, "government entity" means any unit of government in this State, including the State and any county or combination of counties, department, agency, institution, board, commission, district, council, bureau, office, governing authority, or other instrumentality of state or county government, or corporation or other establishment owned, operated, or managed by or on behalf of this State or any county. [L 2010, c 96, §1; am L 2014, c 111, §7]

Note: Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See US Code 42-5207 for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

Minimum Age for Possessing and Transporting of Handguns.

Hawaii 21 Y/O §134-2 Hawaii requires all firearms to be registered.
This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms. Some states (and counties) require Firearms Identification Cards, and/or registration.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See “RV/Car Carry” Section Above for more information.