

Honolulu, Hawaii

Apr: 124, 2008

RE: H.B. No. 2204
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2204, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LIABILITY OF A FIREARM OWNER,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to specify that the existing law on absolute liability for damages for the discharge of a firearm does not apply to the State or counties for the use of a State or county owned firearm that is used by a law enforcement officer outside of the officer's course and scope of employment as a law enforcement officer. This bill also clarifies that its provisions are not to be construed to relieve the State and counties from any other tort liability.



This measure clarifies existing law on absolute liability for damages for the discharge of a firearm, by excepting government entities from absolute liability in certain situations. This bill exempts government from strict liability in cases based solely upon ownership of the firearm. However, this exemption does not relieve government from any other tort liability, such as negligence in the hiring, training, or retention of police officers; the continued entrustment of a firearm to an officer who the department should know is unsuitable for firearm possession; and the improper storage of firearms or other bases of tort liability.

Your Committee on Conference has amended this bill by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2204, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2204, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


BRIAN T. TANIGUCHI, Chair


TOMMY WATERS, Chair



