



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

**GUIDELINES FOR CARRYING A CONCEALED FIREARM IN THE
STATE OF HAWAII BY A “QUALIFIED RETIRED LAW
ENFORCEMENT OFFICER” PURSUANT TO
18 UNITED STATES CODE § 926C**

The following guidelines are provided as a courtesy to “Qualified Retired Law Enforcement Officers” who intend to carry a concealed firearm within the State of Hawaii pursuant to 18 U.S.C. § 926C. These guidelines are NOT “legal opinions.” You should consult with a licensed attorney for legal advice and interpretation of Hawaii Firearms Laws (Chapter 134, Hawaii Revised Statutes) and the Law Enforcement Officers Safety Act of 2004 (18 United States Code § 926).

I. CARRYING A CONCEALED FIREARM IN THE STATE OF
HAWAII PURSUANT TO 18 UNITED STATES CODE § 926C.

18 United States Code § 926C allows a “Qualified Retired Law Enforcement Officer” to carry a concealed firearm in the State of Hawaii if all of the following requirements are met:

- a. You are retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability. See 18 U.S.C. § 926C(c)(1).
- b. Before you retired from a public agency as a law enforcement officer, you were authorized by law to engage in the prevention, detection, investigation, or prosecution of, or in the incarceration of, any person for any violation of the law and had statutory powers of arrest. See 18 U.S.C. § 926C(c)2.

- c. Prior to retiring from a public agency as a law enforcement officer, you were regularly employed as a law enforcement officer for an aggregate of 15 years or more OR you retired from service as a law enforcement officer, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the law enforcement agency that you retired from. See 18 U.S.C. § 926C(c)(3)(A-B).
- d. You have a nonforfeitable right to benefits under the retirement plan of the law enforcement agency that you retired from. See 18 U.S.C. § 926C(c)(4).
- e. You have, within the past twelve months, obtained a firearm certification from the law enforcement agency from which you retired or the State in which you reside.
- f. You currently are not under the influence of alcohol or intoxicating or hallucinatory drug or substance while carrying a concealed firearm. See 18 U.S.C. § 926C(c)(6).
 - 1. Note: Hawaii's LEOSA Firearm Policy takes a zero tolerance position on carrying a concealed firearm while "under the influence" of alcohol or intoxicating or hallucinatory drugs or substances. The LEOSA Firearm Policy defines "under the influence" as "any amount of alcohol or other intoxicating or hallucinatory drug or substance, in the blood or breath." The policy further states that "if a Qualified Retired Law Enforcement Officer violates 18 U.S.C. §926C(c)(6), by being under the influence of alcohol or other intoxicating or hallucinatory drug or substance while carrying a concealed firearm, he/she will be viewed as a Non-qualified Retired Law Enforcement Officer and shall be subject to all State of Hawaii laws including

but not limited to State of Hawaii firearms laws in chapter 134 of the Hawaii Revised Statutes.”

Finally, “a Qualified Retired Law Enforcement Officer who is under the influence of alcohol or other intoxicating or hallucinatory drug or substance while possessing a concealed firearm pursuant to a State of Hawaii Firearm Certification shall be deemed to be in violation of this policy and shall immediately surrender his/her State of Hawaii Firearm Certification Card to a duly sworn Law Enforcement Officer or the Attorney General or designee.”

- g. You are not prohibited by Federal law from receiving a firearm. See 18 U.S.C. § 926C(c)(7).
- h. The firearm that you intend to carry pursuant to § 926C is properly registered to you pursuant to Hawaii Revised Statutes Chapter 134.
- i. You possess a photographic identification that was issued by the governmental agency for which you were employed as a law enforcement officer. See 18 U.S.C. § 926C(d). Possession of the photographic identification must be authorized by your governmental agency to be considered a valid photographic identification in the State of Hawaii.
- j. The firearm that you are carrying concealed is not one of the following: machine gun (as defined in § 5845 of the National Firearm Act); silencer (as defined in § 921 of Chapter 44 of the Title 18, United States Code); destructive device (as defined in § 921 of Chapter 44 of the Title 18, United States Code). See 18 U.S.C. § 926C(e)(1-3).
- k. You do not possess a concealed firearm in any area (public or private) in the State of Hawaii where carrying of firearms is prohibited. See 18 U.S.C. § 926C(b).

- II. If you are carrying a concealed firearm pursuant to 18 U.S.C. § 926C, you **are not** considered a “law enforcement officer” in the State of Hawaii. The Hawaii Revised Statutes will be applied to you as if you were a “civilian” with no law enforcement powers.
- III. If you are carrying a concealed firearm in the State of Hawaii pursuant to 18 U.S.C. § 926C, you are required to comply with all laws in the State of Hawaii, including but not limited to the following State of Hawaii Firearms Laws:
 - a. If you bring a firearm to Hawaii and remain longer than three (3) days, you must register the firearm with the chief of police in the county in which you are doing business or staying. Every person arriving in the State, who brings or by any manner causes to be brought in the State a firearm, SHALL register the firearm with the chief of police of the county in which you are staying within three (3) days after arrival of the firearm or the person, whichever arrives later. Failing to register your firearm is a petty misdemeanor, punishable by up to six (6) months jail and/or a \$1000 fine. See Hawaii Revised Statutes §134-3 for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0003.HTM
 - b. The ammunition loaded in your concealed firearm CANNOT be Teflon coated or designed to explode or segment upon impact. Ammunition sold as “law enforcement only” cannot be possessed in Hawaii unless you are an authorized law enforcement officer. Any type of ammunition or any projectile component thereof coated with Teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor, and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target is prohibited in the State of Hawaii. Possession of

unauthorized ammunition is a class C felony, punishable by five (5) years in jail without the possibility of probation. See H.R.S. § 134-8 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0008.HTM

- c. The magazine capacity of your concealed firearm cannot exceed ten (10) rounds. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds that are designed for or capable for use with a pistol are 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. Possession of an unauthorized magazine is a misdemeanor, punishable by one (1) year jail and/or a \$2000 fine or a C felony if the unauthorized magazine is inserted into a pistol. See H.R.S. § 134-8.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0008.HTM

- d. Any person under indictment or convicted of a felony, under treatment for addiction or abuse of drugs, with a mental disorder, or with a restraining order against him/her shall not own, possess, or control any firearm or ammunition in Hawaii. Penalties for violating this section range from a Class B Felony to a Misdemeanor. See H.R.S. § 134-7 and § 134-7.5 for entire text.

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0007.HTM

http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0007_0005.HTM

- e. Electric Guns are prohibited in the State of Hawaii unless in the possession of State of Hawaii county police or State Sheriffs. Unauthorized possession of an Electric Gun is a misdemeanor, punishable by up to one (1) year in jail and/or a \$2000 fine. See H.R.S. § 134-16 for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0016.HTM
- f. Deadly weapons such as any dirk, dagger, blackjack, slug shot, billy, metal knuckles, switchblade and butterfly knives are not allowed in the State of Hawaii unless authorized by law. Possession of a prohibited weapon is a misdemeanor, punishable by up to (1) year in jail and/or a \$2,000 fine. Any person who knowingly possesses or intentionally uses or threatens to use a deadly or dangerous weapon while engaged in the commission of a crime is guilty of a Class C Felony, punishable by up to five (5) years jail and/or a \$10,000 fine. See H.R.S. 134-51, § 134-52 and § 134-53 for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0051.HTM
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http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0053.HTM
- g. No person shall sell, give, lend, or deliver into the possession of another any firearm except in accordance with this chapter. See H.R.S. § 134-2(h) for entire text.
http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0134/HRS_0134-0002.HTM

IV. How do I legally carry a concealed firearm in the State of Hawaii as a “qualified retired law enforcement officer?”

- a. Obtain a photographic identification from the agency from which you retired as a law enforcement officer and have that agency certify you on your firearm.
 1. The agency from which you retired may, in addition to issuing you a photographic identification, certify on the identification that you have been found by the agency to meet the standards established by that agency for training and qualification of active law enforcement officers to carry a firearm of the same type as the concealed firearm.
 2. In addition to the photographic identification and firearm certification, you must also meet all requirements set out in 18 U.S.C. § 926C for a “Qualified retired law enforcement officer.”
 3. If all of the above conditions are met, you will be permitted pursuant to 18 U.S.C. § 926C to carry a concealed weapon in the State of Hawaii as a “Qualified retired law enforcement officer.”
 4. It is important to note that photographic identification cards are the property of the issuing agency. 18 U.S.C. § 926C does not MANDATE an agency to issue photographic identification to retired law enforcement officers.
- b. The agency from which you retired as a law enforcement officer may issue only a photographic identification without a firearm certification. If that is the case, you will need to obtain a firearm certification from the State of Hawaii. To obtain a firearm certification from the State of Hawaii that indicates that you have, not less than one year before the date that you carry a concealed firearm, been tested or otherwise have been found by the State of Hawaii to meet the standards established by the State of Hawaii for training

and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm, pursuant to 18 U.S.C. § 926C(d)(2)(A-B), you must do the following:

1. Complete an “Application for State Of Hawaii Certification to Carry a Concealed Firearm pursuant to 18 U.S.C. § 926C and meet ALL requirements of 18 U.S.C. § 926C.
2. Complete a physical examination, which must include an eye test and hearing test. Your physician must also certify that you are physically capable of carrying and using a concealed firearm. All costs associated with the physical exam shall be paid by the Applicant.
3. Complete and sign waivers to allow for a mental health clearance and consent to release confidential information and records.
4. Complete a firearms certification program approved by the State of Hawaii. All costs related to obtaining the firearm certification from an approved firearm trainer are to be paid by the Applicant.

- V. If the Agency from which you retired refuses to issue you a photographic identification, you will not be able to meet the qualification requirement set out in 18 U.S.C. § 926C(d). The State of Hawaii will not recognize you as a “qualified retired law enforcement officer” and you will not be permitted to carry a concealed firearm in the State of Hawaii.

(If the public law enforcement agency from which you retired only provides you with an ID, you must get a firearm certification from the State in which you reside. Therefore, if you obtain an ID from your agency without firearm certification and you reside in the State of Hawaii, you must be

certified in Hawaii in order to legally carry a concealed firearm pursuant to 18 U.S.C. § 926C.)

- VI. If you meet all the requirements of 18 U.S.C. § 926C and H.R.S. chapter 134 and decide to carry a concealed firearm in the State of Hawaii, we would recommend the following:
- a. Make sure that you have your governmental agency issued law enforcement photographic identification and Hawaii State Firearm Certification card whenever you are carrying an approved concealed firearm.
 - b. If stopped by a law enforcement officer (LEO), you should calmly indicate to the LEO that you are a retired law enforcement officer and in possession of a concealed weapon, pursuant to the Law Enforcement Officers Safety Act. You should then present the officer with your governmental agency issued photographic identification and State firearm certification card.
 - c. It is suggested that you inform the County Police Chief where you reside that you have obtained a State Firearm Certification Card and a governmental agency issued law enforcement identification card so that the County will be aware that you intend to carry a concealed firearm pursuant to LEOSA and present ID for verification.
 - d. If stopped by a LEO you will be permitted to carry a concealed weapon in the State of Hawaii only if the LEO can verify that you are in fact a “qualified retired law enforcement officer” pursuant to 18 U.S.C. § 926C.
 - e. Never leave your firearm inside an unattended vehicle.

CONTACT INFORMATION:

City and County of Honolulu, Island of Oahu:
Honolulu Police Department
801 South Beretania Street
Honolulu, Hawaii 96813
Firearms Section: (808) 529-3528

County of Hawaii, Island of Hawaii (Hilo/Kona)
Hawaii County Police Department
349 Kapiolani Street
Hilo, Hawaii 96720
Firearms Section:
Hilo: (808) 961-2239
Kona: (808) 326-4646

County of Kauai, Island of Kauai
Kauai Police Department
3990 Kaana Street, Suite 200
Lihue, Hawaii 96766
Firearms Section: (808) 241-1663

County of Maui, Islands of Maui, Molokai, Lanai
Maui Police Department
55 Mahalani Street
Wailuku, Hawaii 96793
Firearms Section: (808) 244-6355

Department of the Attorney General
Criminal Justice Division
425 Queen Street
Honolulu, Hawaii 96813
(808) 586-1160

Visit the Department of the Attorney General website at www.hawaii.gov/ag to download instructions and forms or if you would like a packet mailed to you, please send a self-addressed, postage pre-paid (\$) 9 x 12 manila envelope to the Department of the Attorney General, Criminal Justice Division, 425 Queen Street, Honolulu, Hawaii 96813.