

HAWAII

GUN VIOLENCE PROTECTIVE ORDERS

A GUIDE TO THE PROCESS



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Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

HAWAII

Gun Violence Protective Order Process

Authorized petitioners in Hawaii include:

- Law enforcement
- Family or household members*
- Medical professionals**
- Educators
- Colleagues

FILE A PETITION FOR AN EX PARTE GVPO AND ONE-YEAR GVPO

Go to court and file a petition describing why the respondent poses a danger of causing bodily injury to self or others by owning, purchasing, possessing, receiving, or having in the respondent's custody or control any firearm or ammunition.

COURT ASSESSES GVPO PETITION

On the same day the *ex parte* GVPO is requested, or the next business day (if filed too late in the day), the court determines whether to issue an *ex parte* GVPO.

EX PARTE GVPO ISSUED

Law enforcement personally serves the respondent with a copy of the *ex parte* GVPO and notice of the one-year GVPO hearing.

EX PARTE GVPO NOT ISSUED

Law enforcement personally serves the respondent with notice of the one-year GVPO hearing.

COMPLY WITH EX PARTE GVPO, DISPOSSESS FIREARMS

Respondent immediately surrenders or disposes of all firearms and ammunition in their possession to law enforcement serving the *ex parte* GVPO, or if personal service by law enforcement is not possible the respondent arranges with law enforcement for the surrender of firearms and ammunition within 48 hours of service of the *ex parte* GVPO.

Law enforcement issues a receipt to the respondent and files a copy with the court within 72 hours.

UPDATE BACKGROUND CHECK SYSTEM

No later than one business day after issuing or serving an *ex parte* GVPO, the court notifies the HI Criminal Justice Data Center (HCJDC) and submits identifying information about the petitioner and respondent and the date the *ex parte* GVPO was issued or served, and the date the GVPO expires.

ONE-YEAR GVPO HEARING

The court issues a one-year GVPO upon a finding by a preponderance of the evidence that the respondent poses a significant danger of causing bodily injury to self or others by owning, purchasing, possessing, receiving, or having in the respondent's custody or control any firearm or ammunition.

ONE-YEAR GVPO ISSUED

If the respondent is present at the hearing, they are served with the one-year GVPO while in court.

If the respondent is not present at the hearing, law enforcement personally serves the respondent with a copy of the one-year GVPO.

Background check system is updated.

ONE-YEAR GVPO NOT ISSUED

If a one-year GVPO is not issued, but an *ex parte* GVPO was issued, the court dissolves the *ex parte* GVPO.

Background check system is updated.

COMPLY WITH ONE-YEAR GVPO, DISPOSSESS FIREARMS

If firearms were not surrendered pursuant to an *ex parte* GVPO, the respondent immediately surrenders all firearms and ammunition in their possession to law enforcement serving the order, or if personal service by law enforcement is not possible, the respondent arranges with law enforcement for the surrender of firearms and ammunition within 48 hours of service of the one-year GVPO.

Law enforcement issues a receipt to the respondent and files a copy with the court within 72 hours.

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*In Hawaii, family or household members include current or former spouses, persons with a child in common, parents, children, persons related by consanguinity, persons related by adoption, persons currently or formerly jointly residing with respondent, current or former dating partners, current or former legal guardians

**In Hawaii, examples of medical professionals include licensed physician, advanced practice registered nurse, psychologist, or psychiatrist who has examined the respondent)

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TERMINATE OR RENEW ONE-YEAR GVPO

The respondent may request termination of the one-year GVPO at any time while the order is in effect.

A petitioner may request renewal of a one-year GVPO within 3 months prior to the expiration of the one-year GVPO.

(The court then conducts a hearing to determine whether the respondent continues to pose a significant danger of causing bodily injury to the self or others.)



UPDATE BACKGROUND CHECK SYSTEM

No later than one business day after renewing, dissolving, or terminating a one-year GVPO, the court notifies the HCJDC and submits identifying information about the petitioner and respondent and the date the one-year GVPO was renewed, dissolved, or terminated.



RETURN FIREARMS

Law enforcement returns any surrendered firearms and ammunition after confirming the respondent may lawfully possess firearms and ammunition.