



Written by [Raven Clabough](#) on August 31, 2011

Hawaii Gun Laws Challenged in Court

Citizens in the Aloha State of Hawaii are seeking to challenge the restrictive gun regulations on the books on the basis that they violate Second Amendment rights. In a lawsuit mounted by Chris Baker, President of Hawaii Defense Foundation, Baker contends that Hawaii's firearms licensing statutes and its other gun regulations are unconstitutional.



The Blaze explains some of Hawaii's gun laws:

Hawaii is a "may issue" state, which means that police determine who gets a carry permit and who doesn't. On the other hand, in "shall issue" states — like Texas — the government must provide concealed carry permits as long as the applicant passes all background checks and has no history of mental illness.

Baker contends that the law restricts Hawaiians from carrying a firearm except under "exceptional circumstance, [or] where a need or urgency has been sufficiently indicated." All concealed carry permits must first be approved by the police chief in Honolulu. Baker asserts that this violates the Constitution.

"The Second Amendment protects the right to self-defense... we must be allowed to carry the tools that give us a chance to protect ourselves from harm. We want criminals to have to think about the consequences of attacking someone," he indicates.

Second Amendment advocates in other states across the country have had some luck in recent battles over gun rights.

In Washington, D.C., for example, in *District of Columbia v. Heller*, the Supreme Court [upheld](#) a Court of Appeals ruling that struck down provisions of the Firearms Control Regulations Act of 1975 and found that the District of Columbia's regulations act against handguns was an unconstitutional banning. According to the high court, handguns are "arms" for the purposes of the Second Amendment. It also struck down the portion of the act that required firearms such as rifles and shotguns to be kept "unloaded and disassembled or bound by a trigger lock."

Likewise, in the landmark 2010 Supreme Court ruling for *McDonald v. Chicago*, the high court [determined](#) that the Second Amendment applies to all of the individual states. Therefore, it overturned the Court of Appeals ruling for the Seventh Circuit that upheld a Chicago ordinance that banned the possession of handguns as well as other gun regulations that affected rifles and shotguns. This case is said to have clarified any confusion that remained following the *District of Columbia v. Heller* case, by



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determining that the right to keep and bear arms as given by the Second Amendment is “incorporated by the Due Process Clause of the Fourteenth Amendment and applies to the states.”

Meanwhile, two significant cases are being [heard](#) in Illinois right now that could lift restrictions on carrying a firearm in public. After Wisconsin passed a concealed carry law earlier this year, Illinois became the only state to prohibit almost everyone from carrying a firearm, whether concealed or not, anywhere that is not the owner’s own property, or another’s private property without permission. If the restrictions are lift, the victory would be significant.

In addition to these instances, the state of Florida has also taken great [measures](#) to ensure that Second Amendment rights are being protected. A state law, recently signed by Governor Rick Scott, will not only eliminate restrictions that municipalities and communities have enacted against gun rights, but will fine at the state level any public official who passes or attempts to enforce such gun regulations with a fine of \$5,000. Additionally, that public official could face being removed from office by the governor for doing so.

Gun rights advocates have seen great successes of late and if the momentum continues in this direction, Baker could prove to be victorious in his lawsuit in Hawaii.



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