

Hawaii Domestic Violence and Guns

October 2014

This fact sheet contains a correction.

Hawaii has some restrictions on access to firearms by domestic abusers. More can be done to prevent access to guns by convicted stalkers and domestic violence misdemeanants.

State gun and domestic violence overview

Hawaii is home to a significant amount of gun violence.

- From 2002 to 2011, 393 people were killed with guns in Hawaii.¹
- Somebody is killed with a gun in Hawaii every eight days: In 2011 alone, there were 49 gun deaths in the state.²

Domestic violence fatalities are prevalent in Hawaii, and they are frequently a result of gun crime.

- According to the FBI, there were 34 domestic violence homicides in Hawaii from 2003 to 2012, which includes both male and female victims.
- Of those homicides, more than one-quarter of the victims—29.4 percent—were killed with guns.³

Women are far more at risk to be victims of fatal domestic violence, and guns play a significant role in that violence.

- Of the 79 female homicide victims in Hawaii from 2003 to 2012, 33 were the result of a domestic violence incident.⁴

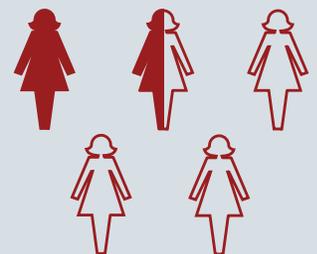
Overview of Hawaii laws to protect women from abusers and stalkers

Hawaii law currently prevents some domestic abusers from possessing guns.

- Hawaii prohibits the possession, control, or transfer of ownership of firearms or ammunition by any person restrained by an order of any court from contacting, threatening, or physically abusing any person.⁵
- All persons who are prohibited from purchasing or possessing firearms and ammunition by a restraining or protective order are required to surrender their firearms to law enforcement or sell them to a licensed gun dealer.⁶
- Hawaii requires a potential purchaser of any type of firearm to obtain a permit. All permit applications are subject to background checks.⁷

From 2002 to 2011,
393 people
were killed with guns in
Hawaii.

From 2003 to 2012, 30.3
percent of female domestic
violence homicide victims in
Hawaii were killed with a gun.



However, the state still has loopholes that can let some abusers have easy access to guns.

- Unlike federal law, Hawaii law does not prohibit domestic violence misdemeanants from purchasing or possessing firearms or ammunition.
- Hawaii authorizes, but does not require, removal of firearms and/or ammunition by law enforcement officers from abusers subject to domestic violence protective orders.⁸
- Hawaii could significantly strengthen the impact of its laws by requiring all sellers to conduct background checks at the point of sale for all guns.

Case study

We need universal background checks and other important measures to keep guns out of the hands of dangerous abusers.

- Jeffrey Santos shot his ex-girlfriend, Daysha Aiona Aka, in 2006 after she broke up with him following six years of physical abuse and stalking. Aiona Aka was previously granted two restraining orders against Santos, who was charged with abuse several months before Aiona Aka's murder. The couple had a child together, so Aiona Aka would still occasionally see Santos so that he could spend time with his son. On the day of her death, Aiona Aka had gone to meet Santos and was reported missing by her family after she failed to come home. She died of a gunshot wound to the head. Santos was originally sentenced to 100 years in prison, but a Hawaii parole board reduced that sentence to 50 years in 2013, making him eligible for parole in 2023.⁹

Where does Hawaii stand on laws to protect women from abusers and stalkers?



Misdemeanant domestic abusers prohibited?*



Individuals subject to a domestic violence protective order prohibited?



Stalkers prohibited?



Background checks required on all gun sales?

***Correction, October 15, 2014:** This fact sheet has been corrected to accurately reflect that Hawaii does prohibit misdemeanor domestic abusers from possessing guns.

Endnotes

1. Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System)," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed August 2014).
2. Ibid.
3. Federal Bureau of Investigation, Supplemental Homicide Data (U.S. Department of Justice, 2003–2012).
4. Ibid.
5. Haw. Rev. Stat. Ann. § 134-7(f).
6. Haw. Rev. Stat. Ann. §§ 134-7(g), 134-7.3(b).
7. Haw. Rev. Stat. Ann. § 134-2(a).
8. Haw. Rev. Stat. Ann. § 134-7(f).
9. Kevin Dayton, "Big Isle man charged in murder," The Honolulu Advertiser, November 4, 2006, available at <http://the.honoluluadvertiser.com/article/2006/Nov/04/In/FP611040353.html>; Andrew Walden, "Parole Board Cuts Big Island woman's killer sentence, Parole in 2023," Hawaii Free Press, September 12, 2013, available at <http://www.hawaiifreepress.com/ArticlesDailyNews/tabid/65/ID/10585/September-12-2013-News-Read.aspx>.