

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE CONSUMER
LAWYERS OF HAWAII (CLH) IN OPPOSITION TO H.B. NO. 2204, RELATING
TO LIABILITY FOR FIREARMS**

February 26, 2008

To: Chairman Tommy Waters and Members of the House Committee on Judiciary:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Consumer Lawyers of Hawaii (CLH) in opposition to H.B. No. 2204.

One of the major goals of tort law is deterrence of negligent behavior. The current law provides for absolute liability for owners of firearms in the event its discharge injures another person or damages property. There are exceptions in the current law. The original law was passed in 1994 as part of a more comprehensive change to our firearms law, both from the criminal law and civil law aspects.

The bill before you amends the law by making excluding government entities as owners as set forth in this section of the law. There is no reason why government entities should be excluded from the current section making owners absolutely liable. Government entities should be held to the same standard as private individuals in this case. There are also exceptions whereby a county would not be absolutely liable if any exception was met. This law has made everyone more responsible and there have not been a rash of civil suits attempting to hold government absolutely liable for a firearms discharge.

Firearms are extremely dangerous instruments and the deterrent effect of the law has made it safer and affords more protection for innocent citizens who may be injured intentionally or accidentally by a firearm.

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Because of the reasons stated above, CLH opposes this bill and requests that it not pass out of this committee. Thank you for the opportunity to testify.

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Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

Testimony on HB2204, IN OPPOSITION

Before the Committee on Judiciary

Representative Tommy Waters, Chair

Representative Blake Oshiro, Vice Chair

DATE: Tuesday, February 26, 2008

TIME: 2:45 PM

PLACE: House Conference Room 325

Sergeant-At-Arms please provide 5 Copies Fax 586-9456 JUDtestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

I would like to provide testimony in OPPOSITION of this bill, relating to ammunition identification.

The Hawaii Rifle Association (HRA) feels that as firearms owners, all governmental agencies should be held to the same standards of accountability and liability for the use of their firearms as anyone else.

The HRA feels that there should be tort reform regarding the protection of firearms owners from frivolous law suits arising from the legal use of firearms, but to single out the government for protection without likewise protecting the ordinary firearms owner from the same types of predatory lawsuits is unfair.

Please OPPOSE the passage of this bill.

Sincerely,

Mr. Mark Plischke
Legislative Co-Chair
Hawaii Rifle Association
478-9393

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