

LATE TESTIMONY



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

FLINTLOCK RIDGE OFFICE CENTER • 11 MILE HILL ROAD • NEWTOWN, CT 06470-2359

TEL (203) 426-1320 • FAX (203) 426-1087 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT &
GENERAL COUNSEL

February 12, 2008

Representative Tommy Waters
Chairman, Committee of Judiciary
Hawaii State Capitol, Room 302
415 South Beretania Street
Honolulu, HI 96813

Position: **Oppose**

Re: **HB 2999 An Act Relating to Firearms**

Dear Chairman Waters:

The National Shooting Sports Foundation (NSSF), the trade association for firearms, ammunition, hunting and recreational shooting sports industry, opposes HB 2999. There is no rational basis upon which to justify the enactment of this proposed legislation and we will address as an industry two major points of the legislation.

First and foremost the requirement that all firearms sold in the state of Hawaii will be required to have a locking device is unnecessary based on current federal law. Currently, firearm dealers are required to have locking devices available at the point of sale and many manufacturers for years, and some for decades, have provided locks with their products. Also since 2006 (Child Safety Lock Act of 2005) dealers are federally required to provide a secure gun storage or safety device defined by the Gun Control Act with all handgun purchases. Not only are the requirements in place mandating locks, but also a recent fact based upon statistics provided by the Center for Disease Control indicate firearm accidents within the United States are currently at their lowest level ever.

The second point of the legislation deal that needs to be addressed is an outright ban on .50 caliber firearms. .50 BMG caliber rifles have been lawfully possessed and used by people throughout the country for decades for legitimate sporting purposes such as target shooting, collecting and hunting. These firearms are not favored by criminals and, despite the rhetoric of the bill's supporters, there is no evidence to suggest otherwise. These firearms are very large and heavy, and consequently impossible to conceal on one's person. These firearms are also exceedingly expensive, typically costing several thousand dollars. The ammunition for these firearms is also much more expensive than other types of ammunition. They simply do not possess any of the attributes criminals seek in a firearm. These facts explain why, to our knowledge, there is not a single documented case of a .50 BMG caliber rifle having been used to commit a crime in Hawaii.

Chairman Waters
February 12, 2008
Page 2 of 2

The supporters of .50 caliber bans greatly exaggerate the capabilities of these firearms. It is not true that they are "too powerful" and thus are not suitable for hunting. They are popular for this purpose and are increasingly used for hunting each year. Nor are they the largest caliber of firearm used for hunting. For example, the .505 Gibbs, .577 Nitro Express and .600 Nitro Express are all of larger caliber and have been in lawful use for at least a hundred years. If HB 2999 were to pass, these other firearms would no doubt be the next rifles subject to proposed legislative bans based on equally unsupportable public policy arguments.

Other nonfactual claims by supporters include an assertion that the .50 BMG projectiles can penetrate tank armor, that they can readily be used to shoot down airliners, to blow up oil refineries or to devastate targets miles away. None of these claims are even close to being true! And, of course, nothing of the sort has happened.

HB 2999 does not address a legitimate public safety threat or a law enforcement problem. It merely panders to the inflated hysteria of certain anti-gun interest groups and unnecessarily raise concern amongst the public. There is no factual basis for enacting this bill. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence G. Keane". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lawrence G. Keane

JUDtestimony

From: Barry P Fitzgerald [barryf@hawaii.edu]
Sent: Tuesday, February 12, 2008 11:00 AM
To: JUDtestimony
Subject: Opposition to HB 2999

LATE TESTIMONY

To: House Committee on Judiciary and Labor; HB 2999; February 12, 2008; 2:05 p.m.

From: Barry P. Fitzgerald

Dear Members of the House Committee on Judiciary and Labor:

I strongly and respectfully oppose the measures outlined in HB 2999. Once again, it seems that our elected officials are seeking to restrict the rights of Hawaii's lawful firearm owning citizens yet do little to curb unlawful firearm possession and use.

The measure, in relation to ammunition, puts a heavy and undue legal and economic burden upon Hawaii's firearm retailers. They are all small business owners trying in our difficult business climate to make a living; all are honest and responsible vendors. Please remember criminals will always find extra legal means to obtain what they require regardless of restrictive laws that are passed.

If preventing crime and the unlawful use of firearms is our common goal, why not consider strict mandatory sentences for use or possession of a firearm used in any crime. Truth in sentencing where a convicted felon must serve at least 80% of his or her sentence before release is another alternative. The "three strikes and you're off the streets," I believe, is viable too. These measures I can fully support.

Hawaii has one of the most restrictive gun laws in the nation. Gun crime here is not at the level where such measures as HB2999 is necessary. Punish the criminals and not the honest, law-abiding sport shooting community. Our taxpayer resources are quite limited. Our money and your time would be better spent in attempting to adopt measures in family crisis intervention and domestic violence. The death of Cyrus Belt is a tragic example which we all so painfully witnessed; addressing the funding and staffing of Child Protective Services is a greater priority than once again attacking Hawaii's responsible and law-abiding firearm owners.

Please do not pass this unfair and wasteful bill. Thank you.

Barry P. Fitzgerald
2454 Rooke Avenue
Honolulu, HI 96817
phone: 595-6045

LATE TESTIMONY

JUDtestimony

From: the cobra [cobra_chat@yahoo.com]
Sent: Tuesday, February 12, 2008 9:13 AM
To: JUDtestimony
Subject: anti-gun bills

Oppose the following anti-gun bills...

Senate Bill 2020, House Bill 2999

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

LATE TESTIMONY

JUDtestimony

From: WWDansie [wdansie@verizon.net]
Sent: Tuesday, February 12, 2008 7:33 AM
To: JUDtestimony
Subject: bills hb2999, s2020, hb2392

NO WAY ON THESE BILLS, DON'T TAKE TE GUNS AWAY FROM LAWFULL OWNERS.
JUST PUT THE CROOKS IN THE SLAMMER & TOSS THE KEY AWAY1!!!!!!!

HOW DO YOU REGISTER HAND LOADED AMMO!!!!!!!!!!!! BULL SSSSSS

LATE TESTIMONY**JUDtestimony**

From: Reva K Hamilton [mochamonday@hawaii.rr.com]
Sent: Tuesday, February 12, 2008 1:31 AM
To: JUDtestimony
Subject: HB 2999 - Please consider comments for hearing scheduled Friday, February 12

House Representatives:

Due to the late hour on a work night when I received notice of hearing for this bill tomorrow, I can only express my extreme distaste for the manner in which you attempt to ramrod so many diverse issues into law with a single stroke. You have not given reasonable notice to allow for considered response from the citizens, in person or in print.

In short, I adamantly oppose this bill. You have made sweeping statements not supported by facts. You propose additional laws where restrictive state laws already exist. Your statement, "...the legislature recognizes that continued focus must be placed on efforts to curb gun-related accidents and fatalities because at least two hundred million firearms are owned by private individuals in the United States, more than any other country," demonstrates that your real focus is on pushing your personal agenda against the individual freedoms that made this Country the great nation that it is.

Prohibiting disclosure of the source of mental disorder information used to deny a gun permit application is abhorrent. What country is this?

You have greatly overstepped your bounds. If you truly represent the citizens of this lovely state, you will withdraw this preposterous bill in its entirety at this time.

Thank you for your consideration.

Reva Hamilton
NRA/HRA/Voter/
Defender of the unaltered Constitution of the United States of America

2/12/2008

JUDtestimony

From: Karl Schaupp [karls@hialoha.net]
Sent: Tuesday, February 12, 2008 7:39 AM
To: JUDtestimony
Subject: Firearms & Ammunition Bills

Importance: High

aloha,

It seems to me that we'd already gone through this Dog and Pony Show. Once again, Bad Law, inhibiting our Second Amendment Rights is coming before the Hawaiian Legislature.

This makes me wonder if, just perhaps, some of those who serve in the Hawaii Legislature, aren't out of touch with our History, our Constitution and with their Constituents. As I asked in previous testimony, why are we importing Bad California Law to Hawaii...?

All these 'New' Laws are easily circumvented by the Criminals, so, they serve no other purpose than to curtail the Rights of Honest Citizens.

Somehow, this Country existed for some 200 years with before the Progressives started their assault on our Second Amendment Rights.

Since then, they've been relentless.

Those of us who stand against them, must be vigilant... I wrote a similar appeal to you less than two weeks ago... you voted to table the bill. However, here we are, again.

The Assault Continues...

Karl Schaupp
Ocean View
Big Island, Hawaii
808-929-9459

LATE TESTIMONY

JUDtestimony

From: Amoreena Rabago on behalf of Rep. Blake Oshiro

Sent: Tuesday, February 12, 2008 7:48 AM

To: JUDtestimony

Subject: HB2999

Dear Representative Blake Oshiro,

I sincerely apologize for getting this in to you so late.

Please OPPOSE this bill. This too is a bad bill bent on discriminating against LAW ABIDING shooters. The requirement to BAN a particular firearm is so totally irrational that you have to conclude that the originators of that ban request have to be extremely paranoid or hysterical to ask you to outlaw a supremely accurate and popular target rifle used in worldwide competitions. Denying those of us in Hawaii of even further rights and opportunities as those benefitted by others in the rest of the country is maybe constitutional, but representative of the mindset of total control over the population. What would be next? Cross-bows? Baseball Bats? Farm Tools?

One should not have to go around carrying their licenses for firearms with them. This gives out too much information and could lead to targeting individuals. This would be like marking a home with paint of one color or another to show how you voted. Shooters are the most law abiding of our citizens here in Hawaii. Why is it that we are not treated that way?

Please oppose all parts of this bill.

Much Aloha,

Tom Lodge
Hawaii Hunting Association.

JUDtestimony

From: plialoha@hula.net
Sent: Monday, February 11, 2008 9:58 PM
To: JUDtestimony
Subject: Against H.B.2999

Dear Legislators,

Hawaii already has some of the most restrictive firearms laws in the nation. Many of the provisions if H.B. 2999 are overkill.

- 1) Extra safety devices may be a good idea for some firearms, especially those kept in households with children, but in some cases they may create a situation where the firearm is made inoperable when it is most needed.
I believe this issue has already been satisfactorily placed in Hawaii State Statutes.
- 2) Not all firearms are required to be registered in the state of Hawaii, nor should they be, nor should it be required to purchase ammunition.
- 3) Firearms dealers licensed under 134-32 already have rules setting minimum standards. Indeed most of them have already been run out of business by such restrictions. Enough already. Just how many natural disasters would you legislate they be prepared for?
- 4) A dealer may not know of a theft within 24 hours. Of course, he will report a theft as soon as possible already. This may be unrealistic at some times, such as over a weekend or when he is out of town.
- 5) .50 BMG rifles have a place in long-distance shooting sports and long range hunting situations.
- 6) If one is denied an application for anything, he has the right to know the source.
- 7) Government entities must be held to the same standards of responsibility as the rest of us. The laws already provide for more than enough liability on firearms owners.

Trash this bill.

Richard W. Rogers
P.O. Box 727,
Haleiwa, Hawaii
96712
808-222-6824

LATE TESTIMONY

TESTIMONY ON HOUSE BILL 2999: RELATING TO FIREARMS, IN STRONG OPPOSITION.

February 10, 2008

Joshua Hoblitt
2754 Kuilei St., Apt 2103
Honolulu, HI 96826
808-937-2217
testimony@hoblitt.com

COMMITTEE ON JUDICIARY

Rep. Tommy Waters, Chair
Rep. Blake K. Oshiro, Vice Chair

DATE: Tuesday, February 12th, 2008
TIME: 2:05pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Sgt-At-Arms please provide 35 Copies

Aloha Honorable Chair, Vice-Chair, and Members,

I wish to voice my **strong opposition** to HB2999. This bill directly affects me as a competitive sport shooter, NRA Certified Basic Pistol Instructor, and a pistol owner in the State of Hawaii. I oppose several of the provisions in this bill as I believe they provide little or no improvement to public safety while at the same time creating a hindrance to lawful activities. As a society, we have decided against banning private firearm ownership. We must be very careful to avoid enacting a de facto ban by placing a "death by 1000 cuts" level of restrictions on firearm ownership. It is unreasonable to enact legislation that restricts the rights of citizens unless there is a substantial and demonstrable gain to public safety. This "omnibus" bill of miscellaneous assorted restrictions fails to meet that standard. Beyond debate over what is and isn't a reasonable restriction of rights, every "purpose" of this bill, as defined in section one, appears to be suffering from faulty logic. As an example, take "purpose" #7:

(7) "Except government entities from the definition of owner in the statute that imposes strict liability on firearms owner for injury or damage proximately caused by the firearm."

It is ridiculous to ask that the bar for acceptable behavior and liability limits be set lower for the State than the people. If it's at all reasonable to apply different rules to the State and it's citizens, the State should be held to the higher standard. I urge the committee to reject this bill and extend my thanks to it for taking the time to review my testimony.

Sincerely,

Joshua Hoblitt

TO: Chair Tommy Waters and Vice Chair Blake Oshiro; Committee on Judiciary

FROM: Bill Richter

DATE: February 12, 2008

RE: Testimony in opposition of HB2999

Good afternoon Chair Waters, Vice Chair Oshiro, and the members of the Judiciary Committee.

I would like to voice strong opposition to HB 2999.

First, like others who have offered testimony in opposition, I believe consolidating these myriad issues into a single bill prevents full consideration of the merits of each proposal.

As for the individual points, I will highlight some of my biggest concerns:

Safety devices - In addition to being redundant under current practices, it would impose yet another layer of paperwork for dealers. In light of the decreasing number of accidents involving firearms, the necessity of this provision is questionable.

Ammunition purchases - While the intent of this provision appears to be a safety issue, I believe it will be directly responsible for reducing the amount of firearm safety training available to the public. As an example, every month the Lessons in Firearms Education provides a class for prospective firearms purchasers. The instructors of the class are required to purchase ammunition to supply the various guns used during the class. Since I do not own all of the caliber of guns used during the class, under this provision I could not purchase the requisite ammunition for the class. If we cannot provide the various ammunition our training will be impacted and students will not benefit from the exposure to the variety of firearms available to them and best suited to their needs.

The proposed ban on .50 caliber firearms - There does not appear to be a single incidence where this firearm was used in the commission of a crime and it's ability to shoot planes out of the air is virtually impossible. This measure seems to be an attempt to legislate a non-existent problem. It is difficult to understand the need to expend valuable monetary and manpower resources on a problem that does not exist.

Concealing the cause of a denial of firearms application deprives the accused of seeking redress for inaccuracies or blatant errors. All denials should be afforded the opportunity to review and challenge denials.

Exempting government entities from the same legal liability imposed upon law abiding individuals seems to reek of “do as I say, not as I do.” If the legal liability of an individual gun owner is not unreasonable or overly burdensome, than what is the problem holding our government officials to the same standard.

Thank you for allowing me the opportunity to speak.

HB2999. RELATING TO FIREARMS.

Tuesday Feb 12, 2008, 2:05pm, Rm 325, State Capitol.

To: Judiciary Committee, House of Representatives

Testimony of: Arthur Ong, President
Magnum Firearms & Range
940 Queen Street, Honolulu, HI 96814.

HB2999. RELATING TO FIREARMS.

Requires all guns to be sold with safety devices to prevent unintentional discharges by children and unauthorized users.

- (1) All firearms include a safety device from the manufacturer now. Firearms should be stored securely, preventing unauthorized persons from accessing them. Make it a crime if unauthorized individuals endanger others with grave bodily harm with any device. Why restrict it to firearms? Cars, knives, baseball bats, etc. should be included.

Prohibits sales of ammunition unless the purchaser shows proof of registration for the firearm for which the ammunition is to be purchased and photo identification proving that purchaser is the person to whom the firearm is registered.

- (2) This prohibition would not prevent ammunition to be acquired by prohibited persons. It would only make legitimate owners targets of theft. Criminals could always obtain ammunition from mainland sources, like drugs. This would prohibit the sale of ammunition by visitors who come to Hawaii to shoot firearms like on Lanai (sporting clays), Waikiki shooting clubs, etc. I understand the intent is curtail illegal use of firearms but it should not come at the cost of law abiding citizens, the means needs to address the legitimate sale of ammunition for sporting application or exempt certain business operations.

Requires the attorney general to adopt rules setting minimum standards for firearms dealers to secure firearms in the ordinary course of business and in the event of a natural disaster.

- (3) The BATF already sets standards for Federal Licensing. Is the State saying that the Federal Government is not doing an adequate job? Why create another redundant layer of licensing?

Requires firearms dealers to report theft of a firearm within 24 hours.

- (4) The BATF already sets standards for reporting theft or loss. This law should apply to police officers who store their firearms in their vehicles and homes.

Prohibits importation, manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any .50 BMG rifle or .50 BMG cartridge.

- (5) What crimes have been committed with a .50BMG? What does the caliber of a cartridge have to do with reducing crime? More crime is done with a .22 caliber cartridge. Shouldn't that caliber be banned? Why stop with banning a caliber of ammunition? Cars kill people too! Perhaps we should ban cars. This law will only increase the sale of .50BMG rifles and ammunition in Hawaii.

Prohibits disclosure to an applicant for a permit to acquire a firearm of the source of the information used to deny the application, when the application is denied because the applicant was diagnosed with a mental disorder.

- (6) If a person is going to be denied their civil rights he should have the ability to challenge the opinion of whoever is taking it. One's civil rights should not be discarded at any cost. What if there was an error in the process? How would one be able to determine the source of the error if he is not able to know who is making the determination. Now if a court was to make a determination of mental incapacity that would be different.

Excepts government entities from the definition of owner in the statute that imposes strict liability on firearms owner for injury or damage proximately caused by the firearm.

- (7) Why should the government be exempted from liability for injury or damage caused by a firearm due to negligence? Everyone should be held accountable for their actions.

Although I am against the passage of HB 2999, as written, I would be supportive of legislation that addresses the issues brought to light. Furthermore, I strongly urge the Judiciary committee to pro-actively consider bills to help reduce violence against innocent persons by putting more power in the hands of civilians to protect themselves from criminal offenders (ie.: Concealed Carry Licenses, Taser legalization, and other less-lethal methods of defense).

Respectfully yours,
Arthur Lee Ong



JUDtestimony

From: Donna Fitzgerald [REDACTED]
Sent: Tuesday, February 12, 2008 12:56 PM
To: JUDtestimony
Subject: Opposition to HB 2999

Late testimony

To: House Committee on Judiciary and Labor; HB 2999; February 12, 2008; 2:05 p.m.

From: Donna C. L. Fitzgerald

Dear Members of the House Committee on Judiciary and Labor:

I strongly and respectfully oppose the measures outlined in HB 2999. Once again, it seems that our elected officials are seeking to restrict the rights of Hawaii's lawful firearm owning citizens yet do little to curb unlawful firearm possession and use.

The measure, in relation to ammunition, puts a heavy and undue legal and economic burden upon Hawaii's firearm retailers. They are all small business owners trying to make a living in our difficult business climate; all are honest and responsible vendors. Criminals will always find the means to obtain what they require regardless of restrictive laws that are passed. If preventing crime and the unlawful use of firearms is our common goal, consider strict mandatory sentences for use or possession of a firearm used in any crime. Truth in sentencing where a convicted felon must serve at least 80% of his or her sentence before release is another alternative. The "three strikes and you're off the streets," I believe, is viable too. These measures I can fully support.

Hawaii has one of the most restrictive gun laws in the nation. Gun crime here is not at the level where such measures as HB 2999 is necessary. Punish the criminals and not the honest, law-abiding sport shooting community. Our taxpayer resources are quite limited. Our money and your time would be better spent in attempting to adopt measures in family crisis intervention and domestic violence. As a woman, I continue to be appalled by recent, as well as past, incidences of murder and violence towards women, children, and the elderly; this is of greater priority than once again attacking Hawaii's responsible and law-abiding firearm owners.

Please do not pass this unwarranted bill. Thank you.

Donna C. L. Fitzgerald

[REDACTED]
Honolulu, HI 96817
[REDACTED]

LATE TESTIMONY

JUDtestimony

From: james mcwilliams [seebee3_2000@yahoo.com]
Sent: Tuesday, February 12, 2008 3:15 PM
To: JUDtestimony
Subject: .50 Caliber ban and ammunition purchasing

Dear Sir or Ma'm,

While I am no longer a resident of HI I tend to stay informed of the gun laws in places I have lived as I would maybe move back there at some point.

I will keep this very simple, the problem of guns in HI is not ownership of legal firearms and ammunition but those sold illegally, stolen, imported etc which already have laws on the books to deal with them. Many more crimes are committed with automobiles probably more than anything else in HI yet there is no enforcement of mandatory insurance laws, registrations, rampant car thefts that go unresolved because of lack of manpower but yet you can still buy gasoline without showing a drivers license. So why should a law abiding citizen be made to show purchase receipts and registration to buy ammunition? I think it just boils down to common sense that this would be just one more law that would either be flagrantly disregarded and or a paperwork nightmare.

As for the issue of .50 Cal weapons, this is really not as big an issue as it's made out to be.

While it's true that a .50 BMG round is very powerful and destructive the cost of obtaining these weapons is very prohibitive, and are mainly the realm of collectors and serious marksmen who abide by the law. If this weapon was to be used in a crime it would be more than likely illegally obtained anyways probably by smuggling or illegal weapons dealers.

Theft on the islands would undoubtedly be rare as these firearms are very expensive, starting around 2500 dollars each just for the base model ones so they would be in a secure area.

Add to the fact there are perfectly legal hunting rifles for big game in almost as powerful calibers. Many weapons laws seem to be drawn up by those who have little or no experience in dealing with them. Instead only responding to the shrill cries of those who are scared of their own shadow. Please consult with local dealers and owners before trying to implement new laws when the ones we already have would work just fine if they were enforced.

Sincerely,

James McWilliams
San Diego, CA

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