

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2999
A BILL RELATING TO FIREARMS

PRESENTATION TO THE

COMMITTEE ON JUDICIARY

BY

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

February 12, 2008

Chair Waters, Vice Chair Oshiro and Members of the Committee:

I am Major General Bob Lee, Adjutant General, State Department of Defense. I am testifying in strong support of House Bill 2999.

House Bill 2999 requires that all firearms be sold with a safety device to prevent unintentional discharges by minors and unauthorized users. Additionally, this measure requires that a person shall purchase only ammunition for the firearm that he owns. More importantly, this bill prevents anyone from owning a firearm or ammunition that is .50 caliber or larger.

Thank you for the opportunity to provide testimony on behalf of an important safety and accident prevention initiative.

C00108

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

DAVID HARNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
MICHAEL D. TUCKER
DEPUTY CHIEFS

TOP REFERENCE WC-VYH

February 12, 2008

The Honorable Tommy Waters, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Waters and Members:

Subject: House Bill No. 2999, Relating to Firearms

I am William Chur, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports House Bill No. 2999 and urges your committee to pass this bill.

The provisions of this bill would greatly assist in creating a safer community while still allowing citizens the right to possess firearms in this state. This bill would require firearms to be sold with safety devices, which would prevent children and unauthorized users from firing the weapons. We also support the prohibition of .50 Browning Machine Gun ammunition or firearms in the State of Hawaii. As we have testified in the past, we do not believe that such large and powerful firearms have useful applications in legitimate target shooting or hunting activities.

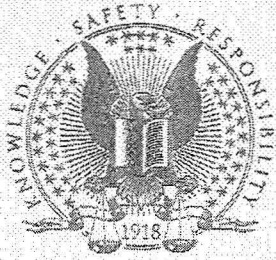
Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Paul Putzulu
for: BOISSE P. CORREA
Chief of Police

William Chur
WILLIAM R. CHUR, Major
Records and Identification Division



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CALIBER
INSTITUTE

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President

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National Rifle Association

Mark Westrom, President
Armalite, Inc.

Dr. Timothy Wheeler
Claremont Institute

Hawaiian House of Representatives
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

February 11th, 2008

RE: HB 2999

Members of the Committee on Judiciary,
This letter is directed to your attention regarding the section of HB 2999 dealing with banning the 50 BMG rifle in the Hawaiian Islands that will be heard in committee on Tuesday. The *Fifty Caliber Institute (FCI)* is the educational voice representing the membership of the *Fifty Caliber Shooters Assn, Inc. (FCSA)* and we would ask all committee members to give serious consideration to this bill before casting a vote in the Committee on Judiciary on Tuesday. This bill has serious 2nd Amendment rights issues.

FCI opposes this bill as unneeded and unwarranted and will do nothing to prevent criminal activity in the Hawaiian Islands. There has never been an incident in the Hawaiian Islands where a 50 BMG target rifle has ever been used in a criminal incident, thus making it one of the safest (if not the safest) firearms in the history of Hawaii.

The only people who would be affected by this negative legislation would be the law abiding owners of 50 BMG target rifles who now live in the great state of Hawaii. We have just become aware of this bill and do not understand why this bill has suddenly been presented. We are available to respond to any question committee members may have regarding our sport.

The Fifty Caliber Shooters Assn., Inc. (FCSA) is a sports shooting club, organized in 1985 as a non-profit corporation for the purpose of promoting the sporting aspects of the .50 BMG cartridge. An elected President & Board of

FIFTY CALIBER INSTITUTE
P.O. BOX 1128 · CHOCTAW, OK · 73020-1128
TEL (405) 769-7851 · FAX (405) 769-3736
WWW.FIFTYCAL.ORG

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Directors govern FCSA with members in all 50 US states and in 22 foreign countries. The organization is comprised largely of professional and scientific people who support scientific development, public safety and American principals. They are from diverse walks of life including doctors, lawyers, scientists, military and law enforcement. FCSA has published a quarterly periodical, *Very High Power* since 1986, which serves as its voice and clearing house for technological development related to the sporting uses of the .50 BMG. The FCSA and the firearms manufacturing sector maintain a liaison with the military and law enforcement and have made significant contributions to the information base of both.

We urge all members of the committee to oppose this legislation.

If there are any questions we can address, please don't hesitate to contact me.

Best regards.

John Burt, Chmn
Fifty Caliber Institute

Cc: President FCSA
Members of Committee on Judiciary

Fifty Caliber Institute
PO Box 1128 · Choctaw · OK · 73020-1128
Tel (405) 769-7851 · fax (405) 769-3736 · www.fiftycal.org

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JUDtestimony

From: brian [REDACTED]
Sent: Saturday, February 09, 2008 1:33 PM
To: JUDtestimony
Subject: HB2999 testimony

COMMITTEE ON JUDICIARY

Rep. Tommy Waters, Chair, Tuesday, February 12th, 2008, 2:05pm, Conference Room 325, 5 copies

HB2999 - OPPOSE

The people who propose legislation for mandatory gun locks and gun safes never seem to get around to reading the research that indicates that such devices cost lives rather than save them. After all, the most firearm restrictive areas in the country, such as Washington D.C., have the highest crime and murder rates in the country. A locked gun is useless for defending one's home, and criminals know this. Children can be taught to leave guns alone and guns can be kept safely without disabling them. Gun accident rates continue to drop, but until legislators realize that individuals being able to stem the potential treat of crime becomes a reality, criminals will still operate with impunity. Germane to this part of the bill is the pending Supreme Court decision on the Federal Court appeal that affirmed the right of citizens to keep and bear arms as individuals, striking down the Washington D.C. law that prohibits possession of handguns and mandates that long guns be disassembled, i.e., keep in a useless condition, leaving the citizens of Washington D.C.

defenseless in their homes, with obvious results - crime is rampant. Why do we want to inflict further restrictions on honest people? Individuals who live in circumstances that require them to lock firearms can still buy locks and safes as necessary, but not everyone is in like circumstances.

As evidenced by antigun literature campaigns directed at the medical profession, some medical professionals have a prejudice against gun ownership and gun owners. Given that those same professionals may decide for their own reasons that an individual should not possess firearms, why would we want to pass legislation that allows for no redress for a false or misleading mental health report resulting in denial of the right to own a firearm? Shouldn't the individual denied be able to know of the reasons for denial and counter the denial if the denial is based in bias or is unsubstantiated? This would leave a individual falsely denied any recourse to counter a denial and is likely unconstitutional. How can one counter something without knowledge of the content of the allegation? Why make bad law that will just get overturned at great public expense?

The unspecified storage provisions in this bill would likely bankrupt small dealers who presumably already store their stock in a reasonably safe fashion. Creating inspection teams to ensure compliance with yet unspecified storage provisions would be costly and yield little public benefit. Most firearms are not in the hands of dealers at any one time, but in the hands of the public, which is the correct place for them to be, as disasters often point out sharply the need for self defense when public enforcement agencies are overloaded due to a disaster. Venues all over the country are passing bills to ensure that arms are not taken from the public during times of disaster noting that an armed public may be the only form of protection from looters and criminals people have in some areas in such conditions.

Why is this bill proposing to adopt measures that are already in place with the Federal firearms dealer licensing system? Can we afford such expensive redundancy, or is this simply another provision designed to harass licensed dealers until they give up and go out of business? Hawaii is one of the few states in the country marching in the wrong direction in the face of the evidence that fewer restrictions on firearms mean safer citizens and less crime. Are we not as smart as other states or do we just want to make things easier for criminals?

Criminalizing something that anyone with a little sense is likely to avoid doing anyway seems useless. Requiring a report of a firearms theft within 24 hours of when someone should have known (maybe they are on vacation, out of town, ill,

etc.?) seems stupid as well. Does anyone imagine that a dealer or honest gun owner would neglect to report a firearms theft? Like anyone who calls the police, they would probably have to wait for officers to show up to report the theft. If you make the penalties strong enough you would enslave dealers to their business, as they could never leave for fear that a theft might occur that they couldn't report soon enough. This part of the bill seems superfluous and absurd. How does this penalize criminals? Once again, criminals are not required to register or report a firearms theft, as that would be self-incrimination.

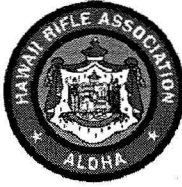
Ammo registration/ID would promote a black market in both firearms registrations and false IDs. Do we really want more motivation for criminals to steal and engage in more criminal activity? Do you realize that ammunition can be purchased out of state, or smuggled in? This is another law which will only affect the law abiding and not affect criminals because they will just ignore it, while the honest people have to jump through more hoops to do what they have a right to do. Can't we direct resources to catching and stopping criminals in stead of harassing honest people?

The Browning machine gun cartridge has been used to great effect by our armed forces and the large scale BMG rifles are well-loved by our troops because they allow them to destroy equipment necessary to the enemy at a safe distance. The cartridge was designed by a civilian, John Browning, without government help. The rifles used by our troops were designed by civilians, without government help. Those who shoot the .50 BMG cartridge in competition and for sport are a de facto research group, pouring their money and time into an effort to make the guns more accurate and dependable, and the results they get from their efforts are used to improve the ammunition and rifles for our troops, all without government help. Consequently, we have one terrific weapon to help keep our troops alive. None of these efforts are the result of work by the military or the government. .50 BMG shooters are a dedicated bunch, as the guns cost over \$6000 and a cheap cartridge is almost \$5.00. Criminals don't use the .50 BMG rifles for crime as it's very hard to conceal a 55 lb., six-foot long rifle in even the baggiest of pants. Uninformed individuals supporting a .50 BMG ban count on the hysteria and fears that the appearance of the large rifles elicit and squeal about the possibilities of terrorists using them to shoot down aircraft. Better we should concentrate on tracking down loose Plutonium, RPGs, and anthrax spores. The people who want to ban the .50 BMG are counting on the boogeyman effect to scare people. In the long run, such a ban can only hurt the survivability chances of the young men and women who serve to protect us, and will have no effect on crime. Once again, we're going to punish the honest people and not affect criminals. Can't we think of something better to do?

Why is the State and it's functionaries exempt from strict liability and held to a different standard than that of ordinary citizens? On the contrary, the State and it's functionaries should be held to the highest standards of performance, and as they act for us, the same liabilities that the rest of us are subject to. Legislating a "get out of jail" card for the State and those who operate in an official capacity for the State is a subversion of the responsibilities that come with the job. If the people are held accountable, so should the servants of the people be held accountable. If a firearms is stolen from a policeman or a State repository, and used in a crime, is the condition of the victims any different than it would be if the gun had been stolen from a private citizen? Special privileges for public servants is not an acceptable situation, as it would foster abuse, because individuals employed officially can hide their mistakes, incompetence, or ill intent behind the shield of State invulnerability. The State and our servants should be held accountable for their actions, just as we are.

Brian Isaacson, President
Hawaii Historic Arms Association

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Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 11, 2008

Testimony on HB2999, IN STRONG OPPOSITION

Before the Committee on Judiciary

Representative Tommy Waters, Chair

Representative Blake Oshiro, Vice Chair

DATE: Tuesday, February 12, 2008

TIME: 2:05 PM

PLACE: House Conference Room 325

Please provide 5 Copies JUDtestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

HRA strongly opposes this bill.

Gun control of this type is not a “neat idea”. It’s not even a neutral experiment. We haven’t been able to convince the proponents yet, but **gun control of this nature increases violent crime**. It discourages law abiding citizens from acquiring and possessing firearms and ammunition, while it has no effect on criminal activity with firearms. It actually emboldens career criminals, knowing that their victims are unlikely to be able to offer resistance. It is, in fact, a reverse deterrent. It decreases the deterrent effect of the criminal justice system and handicaps law enforcement.

The rest of our testimony deals with Section 5.d of the bill. **Banning of a firearm is not “reasonable restriction,” it is clearly “infringement.”** Proponents are only picking on the .50 caliber rifles available to civilians because they are an easy mark, the proverbial camel’s nose in the tent.

Even the Governor is confused on this issue in her correspondence to us. She refers to such firearms as “the Browning machine gun rifle”. This legislation has been introduced across the nation, and a common tactic among proponents of this type of legislation is promoting confusion between single action and semi-auto civilian firearms, the subject of this bill, vs. machine guns firing full auto, e.g. military-type weapons.

Bills like this discourage manufacturers from bringing forward new technology important to our troops in the field. The single shot and semi-automatic models now in use by the troops in the Middle East were developed because of the work of gun cranks over the last 3 decades, sportsmen interested in long range accuracy using a 70-year old cartridge. Only later were they adopted by the U.S. military. The Federal government doesn’t do the R&D for new technology; it depends on the private sector.

Proponents claim there is no sporting purpose, even no ranges available in Hawaii for this type of firearm. **Attached is a photo of my then 13 year-old grandson enjoying shooting my .50 caliber single-shot rifle on a private range on Oahu.** My rifle is

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registered not only with HPD, but with the military police on Schofield Barracks so that, as retired military and a member of the Schofield Rod and Gun Club, I may also fire it on the ranges on that post. We are confident that **additional public ranges will be built in our state to accommodate this cartridge and firearm.**

Proponents of .50 caliber bans claim it is not possible to hunt with these firearms because game would be “mangled”. Attached is a photo from the front cover of the magazine published by the national .50 Caliber Association showing one of their members, rather small in stature, with a nice buck she harvested with the .50 caliber rifle in the foreground. **The buck seems reasonably intact.** We know of one NRA firearms safety instructor who has used his .50 caliber rifle for **damage control of feral goats** on a private ranch on Oahu. It’s certainly cheaper and definitely more humane than the machine-gunning of goats from helicopters over Koolawe that we know took place.

Retired FAA crash site inspector and former “wild weasel” pilot Al Bauman will testify about the **virtual impossibility of shooting down an airliner with this firearm.**

I will bring supplemental testimony to the hearing consisting of better quality color copies of the attached photographs.

All the statutory safeguards in HI were met when I bought this lawful unique firearm three and a half years ago.

Proponents typically use this type of omnibus bill to overwhelm opponents in hopes of getting some of their wish list passed. That is grossly unfair to our members and all gun rights supporters in the state. We respectfully suggest that the Committee hold this bill and invite the proponents to come back next year with the components broken down into individual bills for further debate.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Maxwell Cooper,
Legislative Co-Chair

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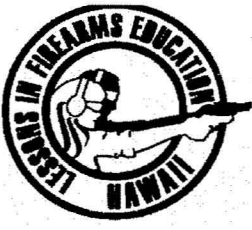
"IT'S AT 783 YARDS!"

COULD YOU HAVE MADE THIS SHOT?



SCOPE SHOOT OUT PT. III

DID ANY SURVIVE?



Lessons in Firearms Education
PO Box 25271
Honolulu, HI 96825
(808) 396-LIFE

February 11, 2008

Testimony on HB2999, IN STRONG OPPOSITION

Before the Committee on Judiciary

Representative Tommy Waters, Chair

Representative Blake Oshiro, Vice Chair

DATE: Tuesday, February 12, 2008

TIME: 2:05 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 **STRONG OPPOSITION** of this bill RELATING TO FIREARMS.

First, this bill combines many different concepts into one package, and should be held or deferred solely on the principle that it does not allow for full consideration and discussion of each point on individual merits.

As for individual points, LIFE has serious and strong concern on each issue. The following is only a brief summary of major concerns. Further detail and additional supporting testimony can be supplied on request.

- 1) The issue of safety devices is already covered by currently accepted practices. Virtually all handguns sold include some form of a safety device. In fact, the organization SAMMI (Sporting Arms & Ammunition Manufacturers' Inc) in conjunction with Lt. Governor Aiona, and the Hawaii Rifle Association teamed up and distributed 10,000 firearm safety locks approximately 1 year ago to firearms owners in Hawaii. There is no need to institute a law, where current procedures are in place that satisfies this safety issue.
- 2) The requirement that a purchaser of ammunition provide proof of ownership of a firearm for the ammo being purchased arose 2 sessions ago. There was "room filling and overwhelming" opposition to this issue, and the citizens of Hawaii have already made their opposition to this idea well known.
- 3) Regarding allowing the Attorney General the power to establish rules for storage of firearms by gun dealers is an unacceptable assignment of power. The police already have the right to secure gun store inventories during times of civil & natural disasters. Any increase in these requirements should only be allowed via legislative action with public discussion.
- 4) Requirements of reporting theft of gun store inventory are already covered by BATFE Federal Firearms License laws.
- 5) The total ban on .50 caliber BMG ownership is based on a false belief that planes are being shot out of the sky with these rifles, and that terrorists and criminals prefer these very expensive and less common firearms. HRA has been unable to uncover any documentation that these "alleged facts" are substantiated. We should not entertain laws that try to fix non-existent problems.

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- 6) Concealing the cause of denial of firearms applications should not be allowed. The cause of denials must be provided to the applicant, and all denials should provide a method for review and challenge.
- 7) Exempting government agencies from the definition of owner in regard to firearms liabilities should not be allowed. A fundamental concept of all firearms safety training is that anyone who uses a gun is absolutely responsible for his or her actions. Government agencies should be held to these same standards.

Please HOLD this bill.

Sincerely,



Mr. Mark Plischke
Lessons in Firearms Education (LIFE)

C00119

To: Rep. Tommy Waters, Chair, COMMITTEE ON JUDICIARY
Fax: 586-9456

Please Make Five (5) Copies

HOUSE OF REPRESENTATIVES

DATE:

Tuesday, February 12th, 2008

2:05pm

Conference Room 325

RE: HB 2999 RELATING TO FIREARMS.

To the Committee,

I am strongly opposed to this bill.

As a Chief Firearms Instructor conducting the training classes required by the State of Hawaii to private for permits to purchase firearms, the ammunition requirements would prevent me from purchasing ammunition for my instructors to utilize in our classes.

All legal Firearms have safety devices; illegally modified guns used by criminals do not. You are punishing the law abiding legal firearms owner with this bill, not the criminals.

Firearms dealers secure firearms in the ordinary course of business and in the event of a natural disaster as a requirement of their FFL and it is a waste of our taxpayers' money to add redundancy to this on the part of the attorney general.

It is already Hawaii State Law to report theft of firearms. Again, redundancy just costs us taxpayer money. Use this money to fix the potholes instead.

This bill as a whole only harms the law abiding citizens of Hawaii and does nothing to deter criminal activity and grossly misuses taxpayers' money.

Elizabeth Kellam

Position and Title: Law abiding resident of Oahu, NRA Training Counselor and Chief Instructor for Lessons in Firearms Education



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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
555 CAPITOL MALL, SUITE 625
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(916) 446-2455 voice • (916) 448-7469 fax
www.nraifa.org

STATE & LOCAL AFFAIRS DIVISION
CAROLYN HERBERTSON, HAWAII STATE LIAISON

February 11, 2008

The Honorable Tommy Waters
Chairman, House Judiciary Committee
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: House Bill 2999 (OPPOSE)

Dear Chairman Waters:

On behalf of the Hawaii members of the National Rifle Association, I would like to voice our strong opposition to House Bill 2999. This measure is nothing less than a kitchen sink full of anti-gun schemes delivered to the State Capitol with the promise of reducing gun violence that would best serve the Legislature if it were broken down into individual and separate debates.

At first blush, the issue of mandatory safety devices seems like a reasonable step towards reducing accidental discharge, however it is a solution to a problem that doesn't exist. Firearm accident deaths have been decreasing for decades, and the odds, according to the National Safety Council, are a million to one against a child in the United States dying in a firearm accident. Firearms are involved in 0.6% of accidental deaths nationally, while motor vehicle deaths (39%) poisoning (18%), and falls (16%) lead the list in terms of accidental death rates.

Hawaii has responsibly dealt with the matter of reckless endangerment should a child or unauthorized adult use a firearm in a negligent manner (HRS Title 307/707-713) of the Penal Code) allowing for either a class C felony or a misdemeanor conviction if found guilty of reckless endangerment. Enforcement of current reckless endangerment laws is a much better approach than adding on more bureaucratic red tape.

House Bill 2999 also mandates that purchasers of ammunition must show proof of registration for the firearm for which the ammunition is to be purchased along with the photo identification of the purchaser. It is well-known to law enforcement agencies and responsible gun owners alike

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HB 2999
February 11, 2008
Page 2

that regulating ammunition sales will have no impact whatsoever on the criminal element – it will only affect law-abiding citizens seeking to avail themselves of their constitutional rights.

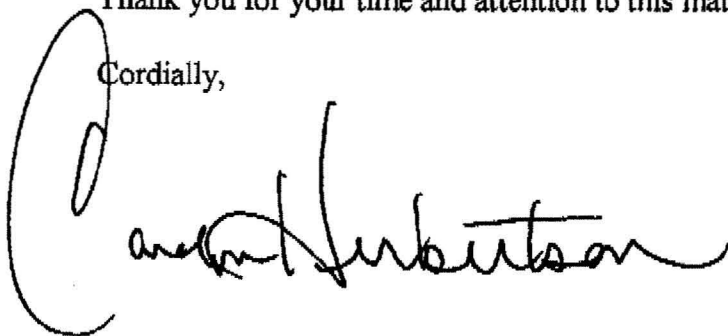
Every year, the National Rifle Association is proud to assist the Hawaii Rifle Association with a legislative shooting event to introduce legislators and staff to the shooting sports. We are happy to provide the ammunition for the shoot, since it is not inexpensive and it was a fairly easy way we could contribute to the event's success. Under HB 2999, that would no longer be an option – and the likelihood of future sport shooting events due to the prohibitions mandated under this measure would be unlikely – all in the name of preventing “gun violence.”

There are seven points of interest brought forward by this bill, each and every one deserving of a well-thought out and articulate debate in which the NRA would like to participate. However due to the weighty nature of HB 2999, it is impossible to give it the attention it deserves by the Legislature and the interests at stake.

For these reasons, and many others not listed above, the National Rifle Association urges your “NO” vote when it comes before you for a vote.

Thank you for your time and attention to this matter.

Cordially,

A large, stylized handwritten signature in black ink, appearing to read "Carolyn L. Herbertson". The signature is written in a cursive, flowing style with a large initial "C" on the left.

Carolyn L. Herbertson
State Liaison

Cc: Members, House Judiciary Committee

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SHOPO

STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
"A Police Organization for Police Officers Only"

February 11, 2008

Representative Tommy Waters, Chair
Representative Blake Oshiro, Vice Chair

Committee on Judiciary

DATE: Thursday, February 12, 2008
TIME: 2:05 P.M.
PLACE: Conference Room 325
State Capitol

TESTIMONY ON HOUSE BILL 2999 RELATING TO FIREARMS

My name is Scott Dunn I am the SHOPO Lobbyist representing over 2700 police officer across the State of Hawaii. SHOPO SUPPORTS House Bill 2999 relating to Firearms.

This measure requires all guns to be sold with safety devices to prevent unintentional discharges by children and unauthorized users. 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. 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. Requires firearms dealers to report theft of a firearm within 24 hours. Prohibits importation, manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any .50 BMG rifle or .50 BMG cartridge. 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. 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.

As police officers we understand and respect all safety measure for any type of firearms. We have seen first hand how firearm can be misused. We strongly support this gun control measure.

SHOPO ask you for the passage of HB 2999.

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Testimony on HB2999, IN STRONG OPPOSITION

Before the Committee on Judiciary

Representative Tommy Waters, Chair

Representative Blake Oshiro, Vice Chair

DATE: Tuesday, February 12, 2008

TIME: 2:05 PM

PLACE: House Conference Room 325

Please provide 5 Copies

Honorable Chair, Vice Chair, and Members,

My name is Al Bauman. I would like to present testimony in opposition to HB 2999. I am a school-trained aerospace engineer with a Bachelor of Science degree in Aerospace Engineering and a Master of Science degree in Aeronautical Systems. I spent nine years on active duty with the United States Marine Corps as an attack aviation pilot. That duty included one combat tour in Vietnam flying A-4 light attack aircraft in close air support missions. My active duty was followed by fourteen years as an Army aviator flying helicopters for the Army National Guard in Hawaii and in Alaska. I recently retired from a twenty-year career with the Federal Aviation Administration as an Aviation Safety Inspector.

I understand that the committee is concerned about the .50 caliber rifle as a threat to airborne aircraft. I believe I am qualified to state that the possibility of a .50 caliber

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bullet causing catastrophic damage to an airborne airliner which would result in a crash is so small as to be negligible. During my tour in Vietnam, I saw aircraft hit by multiple rounds of a similar caliber, fired by anti-aircraft machine gun batteries, without fatal effect. These hits were scored by trained anti-aircraft gunners, in many cases firing multi-barrel machine guns, with sights designed for that purpose. Even with that equipment and training, relatively few aircraft were hit.

The .50 caliber rifle considered for this ban does not have anywhere near the capability of what we faced in Vietnam, and is even less likely to hit an airborne aircraft. If the shooter were able to hit the aircraft, it is highly unlikely that he/she could inflict crippling damage on a modern airliner. That airliner is much more likely to be brought down by a lightening strike than it is by a .50 caliber rifle.

Respectfully Submitted,
Al Bauman

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JUDtestimony

From: Wallace Berry [REDACTED]
Sent: Monday, February 11, 2008 12:26 PM
To: JUDtestimony
Subject: House Bill 2999

Absolutely - NO on this bill wb

000126

JUDtestimony

From: RFB [REDACTED]
Sent: Sunday, February 10, 2008 3:18 PM
To: JUDtestimony
Subject: Testimony
Importance: High

Testimony for the COMMITTEE ON JUDICIARY

Please make one copy each for

Rep. Tommy Waters, Chair
Rep. Blake K. Oshiro, Vice Chair
Rep. Cindy Evans
Rep. Josh Green, M.D.
Rep. Clift Tsuji
Rep. Joseph M. Souki
Rep. Ken Ito
Rep. Ryan I. Yamane
Rep. Sylvia Luke
Rep. Kyle T. Yamashita
Rep. Angus L.K. McKelvey
Rep. Barbara C. Marumoto
Rep. Hermina M. Morita
Rep. Kymberly Marcos Pine
Rep. Alex M. Sonson
Rep. Cynthia Thielen

Meeting details

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

My name is Richard F. Bratt and I am a retired Supervisory Special Agent from the Department of Homeland Security's Immigration and Customs Enforcement, formerly the United States Customs Service, Office of Investigations.

My comments are directed to the House Judiciary Committee in regards to HB 2999, Relating to Firearms.

I ask that each member of the committee be given a copy of my written testimony.

RE: HB 2999 RELATING TO FIREARMS

I was a sworn Federal Law Enforcement officer in the State of Hawaii for a period of over 25 years and I have been retired for approximately one year now. I carried a firearm on my person in that law enforcement capacity during virtually every waking moment for that entire time. During that period I personally made numerous felony arrests and engaged in many high-risk law enforcement actions or directed subordinates in those activities. These activities included high-risk narcotics warrants and

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2/11/2008

arrests, money laundering warrants and arrests, child sexual exploitation warrants and arrests as well as cases including intellectual property rights and trading with the enemy act violations, immigration and other Federal violations.

I have read the proposed House Bill 2999 and have to admit to being puzzled as to the bill's origins. Two very tragic and unfortunate incidents are stated at the beginning of the bill as justification for severely limiting gun rights in a State that already has some of the country's most restrictive gun related laws. This bill appears, on its face, to create issues where there are none and to have been introduced simply as one more step in a long process to deny the residents of Hawaii their right to keep and bear arms. One should keep in mind that guns were banned on the Virginia Tech campus and it gave the murderer freedom to go on his killing spree before law enforcement even arrived. It brings to mind the old adage of, "when seconds count, the police are only minutes away."

The first section of HB 2999, "...guns to be sold with safety devices to prevent unintentional discharges by children and unauthorized users." has already been addressed in the past. This section is redundant and as such unnecessary.

The second section, "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," is simply one more unnecessary, bureaucratic attempt to make it more onerous to participate in the shooting sports. Hawaii is already one of the most regulated states when it comes to firearms and ammunition. Adding more time-consuming requirements for the average shooter is going to drive more people out of the sport which appears to be the real intent of the bill.

Section three which, "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." is so nebulously written as to allow an anti-firearm Attorney General to promulgate rules and regulations of such a restrictive nature that he or she could force a firearms dealer out of business simply by regulating him to bankruptcy by requiring unnecessary, expensive security measures. This gives an unprecedented amount of power to the Attorney General.

Section four is also nebulously worded and allows too much discretion on the part of government by making it a crime to fail to report a theft within 24 hours. Coupled with the "National Emergency" suspension of constitutionally guaranteed rights it could conceivably become a crime to have been unfortunate enough to be a victim of a crime.

The prohibition of the importation, manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any .50 BMG rifle or .50 BMG cartridge boggles the mind. Where have we as citizens of Hawaii suffered at the hands of owners of these firearms? I personally don't own one nor do I care to, however, I have to say that these are rifles that cost thousands of dollars. They are precision rifles used in precision shooting by very serious hobbyists. I am unaware of any of these rifles having been used in a crime. In over 25 years of law enforcement I can unequivocally state that these are not the weapon of choice for the average gang-banger or drug dealer. The only result of this portion of the bill will be denying a shooting sports hobbyist access to a portion of his hobby.

The next section flies in the face of one of the most basic of our rights, the right to face your accuser. Removal of a right guaranteed by the constitution, not granted, but recognized as an inalienable right protected by the constitution, is playing with fire. The right to face one's accuser is fundamental and there should never be any consideration of removing it under any circumstances. It is simply Kafkaesque. A medical diagnosis is a scientific determination according to recognized diagnostic procedures and therefore should stand on its own without any need for secrecy.

The final exception for 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," is laughable. It has always been my contention that *all* government entities engaged in the use of firearms should be held to higher standards than the general public, certainly not exempt from the rules. Do they not, after all, have the training and expertise required to know the safe handling procedures, use of force guidelines etc.? They also have the budget to ensure safe and proper storage of firearms. Why should

000128

they not be held accountable?

For all of the aforementioned reasons, I ask you to please vote "No" on the proposed HB 2999. In point of fact, I ask that you support "right to carry" laws here in Hawaii. There are literally hundreds and thousands of incidents of the safe and proper use of firearms to deter crime in the United States every year. We should not be making it more difficult to keep and bear arms. The outbreak of the Revolutionary War at Lexington and Concord was citizen response to the British army marching to seize guns and ammunition.

In closing I ask that you consider what the potential outcome of the tragic domestic violence confrontation in Kailua involving Alapeti Tunoa and the bludgeoning of Janel Tupuola would have been had there been an appropriately trained and armed citizen present during the commission of that crime. Perhaps an innocent life could have been saved and an elderly Good Samaritan would not have suffered violence.

Respectfully submitted
/s/ Richard F. Bratt

Rick Bratt



000129

JUDtestimony

From: Edmund Chang [REDACTED]
Sent: Monday, February 11, 2008 3:48 PM
To: JUDtestimony
Subject: House Bill 2999

This bill is evidently another attempt at gun control. I don't know who is advising you but your bill sounds like being written by someone who knows nothing about firearms,ammunition, shooting sports.

Banning .50 BMG cartridges only hurts the few who shoot this as their sport. Next move will move towards banning other calibers?

Prohibiting sale of ammunition without identification puts an extreme hardship to sports shooting. Ammunition cost a lot to buy locally because of shipping cost. Some shooters go out of state to compete and have left over ammunition coming home with them though limited by the amount that can be taken about airplanes. This bill eliminates bringing home excess ammunition and leaves the shooter with an ammunition disposal problem. Ammunition is not having left over golf balls which can be easily given to someone else.

Proof of ownership of firearms in order to purchase ammunition is another attempt at gun registration. Rifle registration is not required of older owned guns but your bill would require registration of these guns. Using this purchasing ammunition ploy is another attempt to register guns.

Having identification on ammunition would create a hall of horrors on ammunition manufacturers. It would also affect the quality of the ammunition because such markings will affect accuracy.

The current laws aren't being fully enforced thus why are you trying to sneak around current laws by new laws. Do we need more jobs for people to inspect ammunition?

Edmund Chang

[REDACTED]
Honolulu, HI 96819

000130

2/11/2008

JUDtestimony

From: Brett Colbert [REDACTED]
Sent: Monday, February 11, 2008 2:09 PM
To: JUDtestimony
Subject: Testimony on HP2999

Aloha, **I oppose HP2999 as it stands now!** I feel that we need to think more on what we are saying about the control of ammunition and its handling! Gun safety is a very important and I feel that there are some good ideas in HP2999 but as a whole I would not want to see it pass as it is now. We here in Hawaii are very fortunate to live in an area that a fast escape from the Islands make gun crimes very hard to get away with. We have some of the Nation's finest Police Officers in Hawaii and they do their job well! I feel that we have to focus our sights on safety and security of how the hand guns are kept and housed. Ammunition can and will always find its way through the legal cracks in the system and by theft of a home or shop could provide criminals' with all they need with putting the system through running in circles to just find that it was stolen ammunition. I feel money would be better spent on education and gun information to the owners of weapons, by proper housing and secure mounted safes and mounted lock boxes! I do not own a gun but feel that we as United States citizen should believe and hold fast to the second Amendment of our U.S. Constitution.

Thank you very much Brett Colbert 96734

C00131

JUDtestimony

From: gary dalton [REDACTED]
Sent: Monday, February 11, 2008 11:20 AM
To: JUDtestimony
Subject: hb 2999

My name is Gary Dalton, I live in Orchidland Estates Keaau HI, 96749
I live in a rural area and can not rely on police for my family protection. There is a lot of robbery and thugrey here.
This is a bad bill. Go after the ice dealers and criminals not honest gun owners, as this bill does.

Thank you
Gary Dalton
[REDACTED]

C00132

JUDtestimony

From: [REDACTED]
Sent: Sunday, February 10, 2008 9:46 PM
To: JUDtestimony
Subject: Testimony HB2929 - Relating to firearms

Committee On Judiciary

I would like to cast my vote **against** HB2929 as a further attack on the law abiding firearms owners in the State of Hawaii. This bill will make purchasing, maintaining and operating said firearm an expensive and complicated chore mired in municipal red tape and if, unintentionally, one of these steps is omitted then that law abiding citizen will become a "criminal". And speaking of criminals, they will not abide by these rules just as much as they have not to date. They will still rely on the treasure trove of ever available stolen and entirely illegal guns, ammo and identifications to enable them to prey, rob, murder and ply their drug trade here in the Islands. When there are too many rules and restrictions, someone is bound to mess up and forget. Why make criminals out of innocent people??? Hawaii has always had some of the strictest gun laws in the country that already include a mental and criminal background check. Why are we constantly rehashing the same old agenda every year?? **Vote**

against HB2929....

Respectfully,
A.F. De Dely

[REDACTED]
Wai'anae, Hawai'i
96792

000133

2/11/2008

JUDtestimony

From: Mike Dixon [REDACTED]
Sent: Monday, February 11, 2008 1:30 PM
To: JUDtestimony
Subject: Oppose

Please oppose this de-facto gun ban and not to have to require purchaser shows proof of registration .

Thank You
Mike Dixon
Charles Dawr

000134

JUDtestimony

From: kelanf [REDACTED]
Sent: Monday, February 11, 2008 1:53 PM
To: JUDtestimony

Dear Sirs,

I have been a shooter in Hawaii since the 1970s. I have been a re-loaded of my own personal ammo almost as long. In the past I had the honor of shooting with many upstanding citizens such as Judges, DEA agents, Police officers & private citizens in Rifle & Pistol clubs. I my self never arrested for any thing. HB-2020 would make me a criminal as well as every police officer on the Island. The technology to imprint # on bullets is not now in operation at the factories that make bullets. All the bullets now in stores would become illegal as well as all the bullets I have on hand. I implore you all to stop the insanity of trying to regulate the law biding citizens to death. Criminals would steal the bullets from some one's house and use it in a crime so it wouldn't be traced back to them. I have my guns & ammo locked up but as you know criminals don't believe in locks or safes, They just slow them down a little. So please make the laws for Criminal Harder not the law biding citizens. I beg you Vote Against HB-2999. Thank you Kelan Fergerstrom

000135

2/11/2008

February 9, 2008

FAXED TESTIMONY TO:

House Sgt.-at-Arms Fax No. 586-6501 (40 copies)
Hearing Date: Tuesday, February 12, 2008, 2:05 p.m., Conference Room 325

Committee on Judiciary

Honorable Chairman Tommy Waters, Vice Chair Blake K. Oshiro and Committee Members

Subject: HB 2999: Relating to Firearm Ammunition

Dear Chairman Waters,

Testimony in opposition to HB 2999.

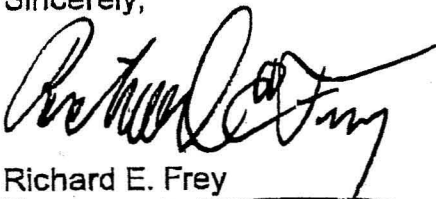
I would like to express my opposition to this bill. Despite the noble sounding introduction to this bill, nothing in the bill would have prevented any of the recent highly publicized attacks on the mainland.

It is obviously unfair to deny a person a lawful permit and withhold the reason for denial.

We do not have a problem with 50 caliber ammunition in Hawaii. Not one single crime has ever been committed here with a 50 caliber rifle that I am aware of. Crimes with these firearms are exceedingly rare anywhere in the United States.

Please do not pass this bill.

Sincerely,



Richard E. Frey

[REDACTED]
Aiea, Hawaii
[REDACTED]

000136

JUDtestimony

From: Mark Gilbertson [REDACTED]
Sent: Monday, February 11, 2008 3:27 PM
To: JUDtestimony
Subject: Testamony in Opposition to HB2999

House Judiciary Commitee,

I write to you as a citizen of Hawaii to express my opposition to HB2999. This flawed bill serves no purpose in the fight against violent crimes.

Issue #1: Ban of possession of .50 caliber BMG firearms and ammunition.

.50 caliber rifles are virtually unheard of in crime. Modern .50 caliber rifles are too large, heavy, and expensive for most criminals. They generally measure 4-5 feet in length, weigh between 22-34 pounds, and cost thousands of dollars. The VPC has identified only two crimes in the U.S. since 1992 in which a .50 caliber rifle was fired. Modern .50 caliber rifle ammunition was invented in the 1920s. Despite anti-gunners' claims, Mk211 .50 cal. rounds are not available to the public, but are restricted to military use only.

Issue #2: Require the inclusion of safety devices with firearm purchase.

Does HPD believe that such devices are necessary due to the growing number of firearm accidents? To the contrary, fatal firearm accidents in the United States have been decreasing dramatically from year to year, decade to decade. Today they're at an all-time low among the entire population and among children in particular, and account for only 1% of fatal accidents. More common are fatal accidents involving, or due to, motor vehicles, falls, fires, poisoning, drowning, choking on ingested objects and mistakes during medical care. Since 1930, the U.S. population has more than doubled, the number of privately owned firearms has quintupled, and the annual number of fatal firearm accidents has declined by 74%. Among children, fatal firearm accidents have declined 84% since 1975.

Anti-gun activists exaggerate the number of firearm-related deaths among children more than 500%, by counting deaths among persons under the age of 20 as deaths of "children." I hope that HPD will evolve this proposal to make mandatory storage requirements for private gun owners. Along with misrepresenting accident and other statistics in an effort to frighten people into not keeping guns in their homes, anti-gun activists also advocate "mandatory storage" laws (to require all gun owners to store their firearms unloaded and locked away) and "triggerlock" laws (to require some sort of locking device to be provided with every gun sold.) Both concepts are intended to prohibit or, at least, discourage people from keeping their firearms ready for protection against criminals--the most common reason many people buy firearms today.

Storage and triggerlock laws could also give people the false impression that it is safe to rely upon mechanical devices, rather than upon proper firearm handling procedures. Mechanical devices can fail and many trigger locking devices pose a danger when installed on loaded firearms.

Mandatory storage laws also would be virtually impossible to enforce without violating the Fourth Amendment's protection against unreasonable searches. American gun owners and civil libertarians are keenly aware that in Great Britain, a mandatory storage law was a precursor to that country's prohibition on handgun ownership.

Most states provide penalties for reckless endangerment, under which an adult found grossly negligent in the storage of a firearm can be prosecuted for a criminal offense. Responsible gun owners already store their firearms safely, in accordance with their personal needs. Irresponsible persons are not likely to undergo a character change because of a law that restates their inherent responsibilities.

Issue #3: Require proof of registration to purchase ammo (w/ID).

This policy would only work if criminals followed the letter of the law. The Transportation Security Administration holds no regulation for the transportation on ammunition except for the storage of ammunition in a solid container (or manufacturer's box) in checked luggage. That being said, what will stop the criminal element from importing ammunition from the 49 other states?

The grossly un-modern Firearms Division of HPD can't even open the registration action to the satellite station. Now HPD is asking for further regulations. Each registrations contains many pieces of privacy act information. Specifically, Social Security Numbers, addresses, places of work, and phone numbers. I don't believe these pieces of information are any business of the Sports Authority or any other place I

000137

choose to purchase my ammunition from. The less people who know where you live and what guns you own the more secure you are. In a day where identify theft is growing, the fact that HPD wants me to carry this information with me is appalling.

How will places such as Sports Authority prove they viewed my registration? Will they be required to keep copies along with all my private information? This proposal by HPD appeals un-thought out and irrational.

Issue #4: Requires the Attorney General to set standards for Firearm dealers.

Firearms dealers are already regulated by the federal gov't through the Federal Firearms License. What additional regulations are being requested? Here HPD is requesting the making of law to regulate law abiding citizens and ignoring laws against true criminal activity.

Issue #5: Require dealers to report firearm theft within 24 hours.

Does HPD have substantial evidence that Hawaii's FFL dealers are being robbed at such an alarming rate? Does HPD have statistical evidence regarding how many FFL dealers were robbed of firearms, the theft not reported, and the firearm then used in a crime? Why are we even thinking of a law to regulate law-abiding citizens and ignoring the criminals? HPD should review this proposal and find ways to regulate criminal activity.

What laws exist to regulate criminals who use stolen firearms to commit crimes? Are those laws, if any specifically exist, enforced?

Proposal for Real Solutions:

Increasing incarceration rates; Put violent criminals behind bars and keep them there; Enforce the law against criminals with guns.

Thank you for your time,
Mark Gilbertson

C00138

JUDtestimony

From: Jerry F. Halverson [REDACTED]
Sent: Monday, February 11, 2008 5:17 PM
To: JUDtestimony
Subject: House Bill 2999

Honorable State Legislators:

This is to voice my very strong objection to HB 2999. There is no rationale for this type of anti-hunter and anti-firearm legislation. This bill, if enacted and signed, would place a very large and unnecessary burden on Hawaii's hunters and target shooters. It is, as you may have already sensed, simply a "feel good" bill and will accomplish nothing except to put additional impediments before owners of firearms and burdens on local police departments. Please oppose this bill.

Thank you for considering my views.

Jerry F. Halverson
[REDACTED]
Kailua-Kona, HI 96740
[REDACTED]

000139

2/11/2008

JUDtestimony

From: Dawn R. Horn [REDACTED]
Sent: Monday, February 11, 2008 7:47 PM
To: JUDtestimony
Subject: In Oppositon to HB 2999

Committee On Judiciary and Chair Tommy Waters,

I would like to provide testimony in strong opposition to House Bill 2999 relating to firearms.

Provisions of the bill that require proof of ownership of a firearm would unduly prevent varsity student rifle team athletes and their parents from purchasing ammunition for training and competition in post season matches, camps and clinics when these students use school or club-owned firearms (as is the case for more than 90% of the rifle team students). This bill fails to provide an exemption for student athletes participating on shooting sports.

Concealing the cause of denial of firearms applications should not be allowed. The cause of denials must be provided to the applicant, and all denials should provide a method for review and challenge. Concealing the cause of denial is an affront to liberty in a free democratic society and provides a basis for discriminatory application of the law.

Dawn R. Horn
NRA Appointed Coach Level 1 Certification
Hawaii Youth Shooting Sports Camp and Coach Certification Course Coordinator

[REDACTED]
Kailua, HI 96734
[REDACTED]
[REDACTED]

C00140

To the Honorable Representatives of the Judiciary Committee

I wish to testify in Strong Opposition to HB 2999

Once again the State Government is trying to "protect" us while trampling on the rights of citizens of the State to keep and bear arms. This Bill is nothing more than attempt to ban firearm ownership in the State by harassing law abiding gun shop owners to make it difficult for them to make a living.

In the proposed Section 134-A, requires the sale of a firearm safety device with the purchase of a firearm. This section duplicates 134-10.5 which mandates all firearms must be secured from minors. This section is nothing more than a way to harass the law abiding citizens of the state by forcing them to come up with receipts they no longer have, and force them to purchase a lock they have no use for.

In the proposed Section 134-B, Ammunition purchase, proof of registration, requires the buyer bring in his registration for the firearm he wishes to buy ammunition for. The Federal government had a similar rule in place until the late 1980's. Until then if you wanted to purchase ammunition, you had to show a photo identification and your name, address and ammo purchased was put in a log book. Well the powers that be in the Federal Government figured out that this was not reducing crime and halted the record keeping requirement. This section does not take into account multi-caliber firearms such as the Thompson-Center Contender. This firearms is a single shot pistol or rifle, the receiver is the registered firearm, and it will accept barrels chambered for everything from 22 long rifle to 12 gauge shotgun. Because the receiver is registered and not the barrels, how is a person able to purchase ammo for it.

In the proposed Section 134-C, the storage and reporting of theft of firearms, the state is duplicating the function of the Federal Bureau of Alcohol, Tobacco and Firearms, who regulate gun dealers. Again this is nothing more than an attempt to harass law abiding business owners to make it impossible for them to conduct business here.

The proposed Section 134-8 d and e, you are seeking to punish law abiding citizens of the state by causing them to lose the thousands of dollars they have invested in buying a very large, very heavy and very expensive 50 caliber rifle, and making it worthless overnight, by banning the transfer of the Firearm and the sale of ammo in the State. You are once again trying turn honest, hard working, tax paying and voting citizens into criminals because someone in government has some kind of Rambo fantasy about their use.

And in the proposed Section 633-9.5, the government instead of trying to trample of the rights of the citizen of the State of Hawaii. It is asking for protection from the citizens of the State, it is attempting to make itself immune to a lawsuit should a state or county owned firearms be used improperly. When to opposite should happen, the Government should be held liable because they issued the firearm to their employee for their use.

This is the same thing as a employee driving a state or county car, if he got into crash, the government should be also held liable because they gave them the car to drive.

This Bill is nothing more than an attempt by law enforcement to harass the law abiding citizens of this state, while at the same time they are trying the protect themselves from the actions of their employees.

Thank You for hearing my testimony

Raymond K. Ishii

████████████████████
Wailuku, HI 96793

Need to know the score, the latest news, or you need your Hotmail@-get your "fix". Check it out.

C00141

JUDtestimony

From: gene [REDACTED]
Sent: Monday, February 11, 2008 7:42 PM
To: JUDtestimony
Subject: House bill 2999

Aloha Committee members:

Having a bill such as house bill 2999 just creates more red tape and burdens the municipal workers with more record keeping and tracking.

Instead, monies should be used to promote firearm safety and responsibility at little or not cost to the general public.

The return in such a investment may pay off with greater dividends in firearm responsibility and ownership.

Respectfully submitted,

Eugene Ishihara
Kamuel, HI

C00142

2/11/2008

JUDtestimony

From: jennings: [REDACTED]
Sent: Monday, February 11, 2008 3:49 PM
To: JUDtestimony
Subject: HB2999

I am strongly opposed to all aspects of this 16-page bill which consists of nothing which will actually stop criminals from doing bad things, but place further burdens on law abiding citizens.

If I could pick one item from this bill that I am most alarmed about it would be the desire of the police to confiscate my legally owned and licensed firearms during times of emergency and/or disaster. I cannot think of a single reason this is a good idea. One would think that the police would look at law abiding gun owning citizens as a important element in securing and protecting the community. If I can care for myself and my family, the police are freed up to tend to the criminal element or other citizens in need. It disturbs me greatly that our police force views law abiding citizens as a hazard which must be reigned in.

I also find the mentioning the Virginia Tech shooting and Omaha shootings as disingenuous - the first could have ended earlier if one of the bystanders had been armed and the second did end through the use of firearm force. Why not mention the murder of Janel Tupuola, whose attacker could have been stopped if the victim or one of the bystanders had been legally armed? Instead everyone stood by in horror as she was viciously beaten to death. Banning guns and making them even more difficult to obtain does not protect the innocent, it emboldens the criminals who prey on them.

Please vote no on HB2999.

Gail Jennings
96782

000143

JUDtestimony

From: Jeannine Johnson [REDACTED]
Sent: Sunday, February 10, 2008 6:16 PM
To: JUDtestimony
Cc: Rep. Barbara Marumoto; Rep. Lyla B. Berg; Rep. Gene Ward; Sen. Fred Hemmings; Sen. Sam Slom; Dana.Viola@hawaii.gov
Subject: Testimony in Strong Support of HB3040 (sex offenders), HB3041 (murderers), HB2558,HD1 (child abuse/neglect) and HB2999 (gun safety devices)

COMMITTEE ON JUDICIARY

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

HB 3040 RELATING TO PUBLIC SAFETY
HB 3041 RELATING TO CRIME
HB 2558, HD1 RELATING TO CHILD PROTECTION
HB 2999 RELATING TO FIREARMS

DATE: Tuesday, February 12th, 2008
TIME: 2:05pm
PLACE: Conference Room 325

Aloha Chair Waters and Vice Chair Oshiro,

Mahalo for providing a hearing on these vital bills.

I wholly support each of the above-stated bills which strengthen our criminal laws and protect our most precious treasures, our keiki.

Mahalo for your support of each of these excellent bills.

Jeannine
Jeannine Johnson
[REDACTED]
Honolulu, Hawai'i 96821
[REDACTED]

"PUPUKAHI I HOLOMUA"
(Unite in Order to Progress)

C00144

JUDtestimony

From: Nash Kobayashi [REDACTED]
Sent: Monday, February 11, 2008 12:49 PM
To: JUDtestimony
Subject: Opposition to bill 2999

Gentlemen;

I wish to on record opposing the passage of this bill.

So far I know ,there has NEVER been a record of a crime committed with a .50 cal firearm..

These firearms are very expensive to own,shoot and require a great deal of commitment to use and store securely.

I personally know .50bmg owners and they are serious,safety minded citizens of sound mind who just enjoy the shooting aspects of these rifles.

I own one of these rifles and can tell you they are quite hard to shoot and require a great deal of care to use safely.

The only reason I bought one of these rifles was to see how accurate they are in a sanctioned match and it's quite an experience that requires a lot of practice and commitment to compete with!

I met Greg Leftcourt,the liason officer for HPD and have noticed he wants the POLICE to control the House and senate.

He wasn't happy with me when I stated"But Major isn't it when the police control the politicians,you have a "POLICE STATE"?".

As for storage,isn't it common sense to secure your firearms?

And relating to theft reports,The ATFE already requires theft from dealers to be reported in 24 hrs.

The ammunition sales requirement will do nothing to stop or prevent crime,if they've got a stolen or illegal weapon,the ammunition will probably also be stolen or illegal!

The ammunition sales requirement will only be a "feel good" bill and will only be burden on the law abiding.

Thank You
Nash Kobayashi
[REDACTED]

000145

JUDtestimony

From: Scott R. Lawson [scott@hawaii.gov]
Sent: Monday, February 11, 2008 12:32 PM
To: JUDtestimony
Subject: Testimony: House Bill 2999

Honorable Chair, Co Chair, and The Judiciary Committee members,

I strongly oppose House Bill 2999 to ban on the possession or sale of .50 caliber BMG rifles and .50 BMG cartridges, requirement that all guns sold must be accompanied with a safety device, prohibit the sale of ammunition unless the purchaser shows proof of registration for the firearm for which the ammunition is to be purchased, as well as photo ID proving that the purchaser is the person that the firearm is registered to.

There is no reasonable cause for expanding Hawaii's statutes regarding these types of rifles and purchases of ammunition. Please tell me when the last time a crime was committed with a .50 rifle. I suspect you cannot. Further more, law-abiding gun owners who already register their firearms with the state are not the cause of crime. When was gun registration used to solve a crime in this or any other state? Again, I would suspect that you cannot point to a single instance in which prosecutors or investigators found a criminal by querying the registration of the firearm. The fact is, more laws against law abiding gun owners and gun dealers is not the answer. Prosecuting those who use guns as weapons to the fullest extent of the law is. Criminals, by definition do value the rule of law and by passing more restrictive gun bills our government is only affecting our State's law-abiding gun owners and we are not the problem.

Please DO NOT pass this bill.

Thank you for the opportunity to testify. Please reply to verify my testimony has been received.

Very Respectfully;
Scott R. Lawson
Honolulu, Hawaii
[REDACTED]

CC0146

JUDtestimony

From: Thomas Martinek [redacted]
Sent: Monday, February 11, 2008 12:46 PM
To: JUDtestimony
Subject: House Bill 2999 & Senate Bill 2020

Dear members of the Judiciary Committee,

My name is Thomas Martinek I am a student, resident, and NRA certified pistol instructor in the state of Hawaii. I would like to voice my disapproval of House Bill 2999 and Senate Bill 2020.

In regards to House Bill 2999 I do not see any reason why anyone should have to provide proof of registration of a firearm for the ammunition they are buying. Not only is registration not required to be carried with the firearm in this state, which seems odd that you would have to produce it to buy ammunition. But there are reasons why a person would want to purchase ammunition without having a firearm. Power-heads used for fishing would be a prime example. Or if you want to shoot you buddy's gun and don't want to make him pay for ammunition. My friends and I frequently use boxes of ammunition as currency in exchange for favors or work.

In regards to Senate Bill 2020, I could not think of any idea that would be more time consuming and costly than those included in this bill. I like to shoot a lot and when I teach classes my students each shoot 50-100 round, so I usually buy ammunition by the case of 1000 and I would not like that to be anymore difficult or costly than it has to be.

Sincerely,

Thomas J. Martinek

[redacted]
Hilo, HI 96720
[redacted]
[redacted]

000147

JUDtestimony

From: Ed Masaki [REDACTED]
Sent: Monday, February 11, 2008 1:20 PM
To: JUDtestimony
Subject: FW: HB2999 RELATING TO FIREARMS.

From: Ed Masaki [mailto:[REDACTED]]
Sent: Monday, February 11, 2008 1:12 PM
To: 'JUDtestimony@Capitol.hawaii.gov.'
Subject: HB2999 RELATING TO FIREARMS.

EDWARD MASAKI GUNSMITH/OWNER
JUDICIARY COMMITTEE
FEB. 12 2008 HEARING AT 2PM

HOUSE OF REPRESENTATIVE.

I WOULD LIKE TO OPPOSE THIS BILL HB2999. WE ALREADY HAVE LAWS PERTAINING TO THE ITEMS YOU ARE TALKING ABOUT. SELLING AMMUNITIONS BEFORE WAS UNDER THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS THEY TRIED THIS SAME APPROACH YEARS AGO. WE HAD TO KEEP RECORDS OF WHO WE SOLD FIREARMS RELATED ITEMS. THEY WOULD CHECK OUR BOOK KEEPING TIME TO TIME. AFTER COUPLE OF YEARS THEY RESENDED THAT LAW BECAUSE THEY FOUND OUT IT DID NOT WORK. AND YOU ARE GOING AFTER THIS SAME ISSUE. YOU ARE JUST MAKING THINGS HARDER FOR OUR BUSINESS COMMUNITY BY DOING MORE PAPER WORKS. WASTING MORE MONEY WHEN WE NEED ALL WE CAN TRY TO MAKE. IF POSSIBLE I WOULD LIKE TO TESTIFY.

THANK YOU


EDWARD MASAKI & WIFE MAY MASAKI (HANDICAPPED)

[REDACTED]
HONOLULU, HI. 96816
[REDACTED]

C00148

HB 2999 + SB 2020

Please include us as opposed to both these bills.
Sincerely,

Jason Masse
Denise Schleif
Kailua, Hawaii 96734


000149

Sirs/Ma'ams,

Please submit my testimony into the record for HB 2999, Relating To Firearms

As a law abiding citizen of Hawaii, gun owner, and local law enforcement officer, I **STRONGLY OPPOSE** the passage out of hearing and or passage of HB2999, Relating To Firearms.

Not only are the measures introduced in this bill not needed in Hawaii because such problems don't exist here with our already strict gun control laws, they are onerous for the following procedural reasons:

1) There are several important provisions included in this bill that need to be addressed separately. Lumping them all together to be passed at one time is devious and bordering on being outright fraudulent! If the sponsors of this bill care about the subjects at hand, then they should act like legislators in a free society and submit those subjects individually as bills so that they can be argued on their own merits. We elect our representatives to act in the best interest of the people, not to try to pull something over on us by lumping several unrelated items in one bill in the hopes that it will be passed because of focus on one area of the bill, not realizing that other provisions are "hidden" and being enacted at the same time. That is horrible!

2) It is at the height of government hypocrisy and impunity, to even attempt to pass a law that exempts an executive branch of the government (law enforcement agencies) from being exempt from the same rules that they wish to impose on others (i.e. exempting government entities from the definition of "owner" in the statute that imposes strict liability on a gun owner for injury or damage caused by a firearm). If it is important enough for the police to push this measure down the throats of the people of Hawaii, then the "King" should abide by the same rules. To think otherwise is again, at the height of government hypocrisy and impunity. How did we get to this point in our free society where this kind of thing would even be considered?

3) To prohibit the disclosure of the source of why someone was denied a firearms permit, is also at the height of government hypocrisy and impunity! How is it that we've come to the point in our free society that we even consider that a citizen cannot appeal a "black mark" on his record put there by a person or entity that is unknown and whose qualifications and reasoning cannot be challenged, because the government is going to keep that "source" secret? Especially when being denied the right to exercise a right and/or privilege? If the government is going to deny a citizen a right, *then there better well be sunshine* on why that right is being denied! For a government agency to deny a right or privilege and simply being able to say "sorry, we won't tell you why--permit denied. Be on your way and don't bother us citizen", is on it's surface absolutely horrifying!

Mahalo for not passing out of hearing or passing this slippery slope of a bill!

Ted Merrill
Wahiawa, Hawaii

000150

2/11/2008

JUDtestimony

From: Jerry Nishek [REDACTED]
Sent: Monday, February 11, 2008 12:37 PM
To: JUDtestimony
Subject: HB 2999 Testimony

To Whom It may concern,

Please forward this written testimony House Judiciary Committee for the following house bill:
HB 2999

Hearing date February 12, 2008

Thank you

Jerry Nishek

Dear Chairman Waters and other members of the Judiciary Committee,

I would like to voice my opposition to House Bill 2999. I respectfully object to any legislation that limits my second amendment right to bear arms. I feel it is unfair to treat legal gun owners as criminals. Our state is already one of the most antigun states in the nation. You need to create laws that penalize the criminals, not law abiding citizens in this state. You should create a bill that supports the right for law abiding citizens to have the right to carry a concealed weapon like most of the other states in the union which doe's more to control crime by deterrence than trying to take guns and ammunition away from "legal" gun owners. Please do not allow this bill to get our of your committee.

Sincerely

Jerry Nishek

[REDACTED]
Hanapepe HI 96716

000151

JUDtestimony

From: David M. Parrish [REDACTED]
Sent: Monday, February 11, 2008 9:20 AM
To: JUDtestimony
Subject: Testimony

TESTIMONY ON HB2999 - Committee on Judiciary, Tuesday, February 12, 2008 at 2:05PM

Dear Committee Members,

I would like to express my strong opposition to HB2999. Many of the provisions seem more designed to harass law abiding gun owners than to prevent crime or gun accidents.

Gun locks have been available for many years and are a good solution in households that have small children. Many of us gun owners do not have children in the home. Also many of us prefer to lock our firearms cabinets, safes, or closets instead of applying locks to individual firearms. It seems to me that the method of safe storage should be left up to the individual, based upon their particular circumstances. Unfortunately, you cannot legislate common sense!

Regarding the requirement of presenting gun registration papers in order to purchase ammunition, I see no real purpose here. What will this solve, other than just making it harder on those of us who own firearms?

Am I to keep all of my registration papers in my car so that if I happen to see a sale on ammunition at Sports Authority I don't have to drive all the way home to get it? This could severely impact those of use who hand load for antique and vintage firearms. Often we must use commonly available components to assemble cartridges that are not locally available. An example is the use of 6.5 mm Mauser cases to form 7.5 French cartridges for my 1936 French MAS rifle. My registration says 7.5 but I am buying 6.5 brass to assemble my own ammo. There can be no legitimate law enforcement value to this other than to discourage firearms ownership, which should not be the role of the legislature or HPD.

As far a requiring gun shops to secure firearms, they are currently required by federal law, as part of their requirements for the Federal Firearms License (FFL) to have a safe on premise to store firearms. This is enforced by the BATFE and should be adequate to the purpose and therefore this measure is without value.

Thank you very much for considering my testimony.

Sincerely and Respectfully Yours,

David M. Parrish
Chief Architect (IT Departement)
Punahou School
Residence:

[REDACTED]
Honolulu, Hawaii 96825
[REDACTED]

C00152

11 February 2008

Page 1 of 2 pages

To: Representatives Tommy Waters, Chair and Blake K. Oshiro, Vice-Chair, House Committee on Judiciary

Testimony from: Jack F. Pechous

Phone No. [REDACTED]

Regarding House Bill 2999 - Relating to Firearms

Hearing date: Tuesday, February 12, 2008 at 2:05 P.M., Room 325 (35 (?) copies of testimony required)

I strongly oppose the passage of House Bill 2999 for the following reasons:

Provision 1. Requires all guns to be sold with safety devices to prevent unintentional discharges by children and unauthorized users.

Testimony - I object to this provision. The complexity of this provision would be burdensome to firearms dealers to no effect. The ultimate responsibility of firearms security falls on the firearms owner by whatever effective means that is at the owner's disposal. The seller has no way of knowing that the 'safety device' would be used.

Provision 2. 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.

Testimony - I object to this provision. I have to question the purpose of this provision. If it is to keep ammunition out of the hands of the criminal, it will have no effect. A criminal has many sources for illegal ammunition just as he has for illegal guns or drugs. The only effect of this provision will be to place a burden on ammunition dealers and law-abiding citizens who want to buy ammunition in pursuit of their shooting hobby. This is a paperwork drill without merit.

Provision 3. 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 natural disaster.

Testimony - Defer to firearms dealers to testify on this provision.

Provision 4. Requires firearms dealers to report theft of a firearm within 24 hours.

Testimony - Defer to firearms dealers to testify on this provision.

Provision 5. Prohibits importation, manufacture, possession, sale, barter, trade, gift transfer or acquisition of any .50 BMG rifle or .50 BMG cartridge.

Testimony - I object to this provision. In previous years, the purpose of this prohibition was to prevent use of this rifle by terrorists to 'shoot down airplanes'. Even allowing the possibility of that scenario, terrorists would not be stopped by this law. Responsible ownership of this rifle or cartridge presents no risk to the public. Banning this rifle would be the same as banning a high power sports car in Hawaii because there is no place to drive it to its full capability.

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Provision 6. 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.

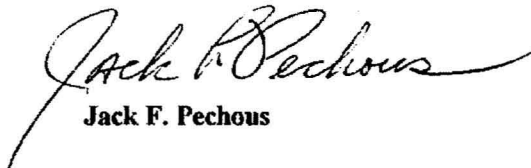
Testimony – I object to this provision. This is unconstitutional. Applicant should not be denied knowledge of his/her accuser without which rebuttal would be impossible.

Provision 7. 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.

Testimony – I object to this provision. The government should be subject to any liability that is considered appropriate for ordinary citizens. No exceptions should be made.

For these reasons I strongly oppose House Bill 2999

Thank you for allowing me to present testimony on this bill. This right is the strength of our country.



Jack F. Pechous

000154

JUDtestimony

From: Randmplumbingllc [REDACTED]
Sent: Monday, February 11, 2008 3:58 PM
To: JUDtestimony
Subject: SB 2020 and HB 2999

Please Do NOT pass SB 2020 and HB 2999 and let the 2nd amendment of the United States stand.

Thank you

The year's hottest artists on the red carpet at the Grammy Awards. [AOL Music takes you there.](#)

C00155

Subject: Testimony AGAINST HB2999, Hearing Tuesday, 12 February 2008, 2:05pm,
House conference room 325

For: Chair Rep. Tommy Waters, Chair Rep Blake Oshiro

My name is John A. Richards. As a veteran, small businessman, long time resident of the Big Island and six generation Hawaii citizen, HB2999 is one of the most disturbing and offensive actions I have seen. In addition to some general attacks on the Bill of Rights deemed "necessary for our safety" the general assumption of incompetence of the citizens of Hawaii by the Legislature is disheartening to say the least.

Particular issues:

Withholding of information that disqualifies purchase of a firearm.

One of the fundamental keys to due process is the right to face your accuser and challenge any evidence against you. Just because the accuser is a "Professional" does not remove them of the burden of defending their findings. Additionally how does someone verify or appeal when their disqualifying information is kept secret?

.50cal BMG

The .50BMG is over 70 years old. It is a cartridge that has proven itself efficient and capable as a small arm. It is not unique or exceptional. A great many hunting arms have larger diameter projectiles. Several modern cartridges are capable of matching, and in some cases, exceeding it effective range. Some even use the same projectile at the same speed but with a different casing. Its primary military application is in Machine Guns. The same can be said for .308 Winchester, a common hunting round. The large calibers are also extremely useful for the removal of feral cattle and long range depredation of animals that are destructive to the environment.

The only item that makes this cartridge special is that due to its extreme age and military use, there is a large amount of lower cost ammunition available for practice and reloading. Many African calibers can cost as much as \$35 a round. Even modern .50BMG can be upwards of \$10 a round for basic ammunition. The availability of lower cost ammunition allows more practice offering a better opportunity for a safe use.

Additionally, this type of firearm is not suited for or useful for criminal activity. It is impossible to conceal. It takes a great deal of skill to use. The guns are so unwieldy as to be useless to threaten someone.

I am a machinist and a former U.S. Army Infantry Officer. I have used and owned these types of guns for over 15 years. They are challenging, fun, useful and safe. To single out this round is and the guns that shoot it, is pointless. It will not remove anything from the criminal element and it will criminalize law abiding citizens.

Exemption of State Liability

This has got to be the most frustrating of all of the elements. After claiming The State, has unique competence to handle these and many other types of guns and devices (silencer, machine guns etc) to say it needs to be exempted from the liability it strictly

000156

enforces against private citizens. This is the epitome of arrogance. "I am better than you, but can not be held to the standard to which I hold you". If the citizenry needs the liability to ensure proper actions, the State and the people who represent the State need no less.

In all, this entire bill is too broad, sweeping and presumptive. If any of these issues needs to be addressed, they should be done so separately. Issues of this magnitude should not be lumped together and slammed through. Each should receive full consideration in the light of day. For these and other reasons, I am AGAINST HB2999.

Thank you for your time and consideration.

John A. Richards

C00157

william roberts

[REDACTED]
wahiawa hi.
96786

Dear sir / Madam

does our legislative body have so much time on its hands that it has to think of things to do? you should really be focusing on issues that matter to the criminal. like putting teeth in our laws, when a criminal gets 20 years for a crime that means 20 years not 10 and go do it again.

these issues with ammunition registration, banning 50 cal rifles they just take away from the legal honest citizen, when was the last time a crime was committed using a 50. bmg in hawaii ? have you as an individual ever handled a 50. bmg rifle? before you go overboard check one out , it's not something that your going to be running down the street with , kinda big and heavy,

also the you treat the firearms owners will be reflected in the next election, so penalize the honest citizen now but be prepared to hear about come election time, guilt by association works both ways , assume the legal gun owner is a step away from being a criminal and he may assume that the real good legislator is as guilty as the marginal one and needs to be replaced with more pro gun people.

all i am saying is leave the legal gun owner alone, they aren't the one committing crimes. hpd. has real crimes to focus on, give them more people and money.....

wm. roberts

The year's hottest artists on the red carpet at the Grammy Awards. [AOL Music takes you there.](#)

2/11/2008

000158

Representative Tommy Waters, Chair
Representative Blake K Oshiro, Vice-chair
Committee on Judiciary

Michael W. Sawamoto
PO Box 60382
Ewa Beach HI 96706

Hearing date: Tuesday, February 12, 2008, 2:05 p.m.
Conference Room 325
State Capitol
415 South Beretania St

Testimony in Opposition to H.B. No 2999 Relating to Firearms

I am testifying in opposition to H.B. No. 2999 Relating to Firearms.

This bill relating to firearms would have no effect on violent crime or criminals.

Those of us who are sports shooters and collectors of firearms and ammunition will be the most affected by this the provisions of this bill which will have little, if any, effect on the criminal use of firearms.

Just one example will suffice: the provision to ban firearms utilizing the .50 BMG cartridge. How many criminal incidents have involved the use of .50 BMG firearms? I cannot recall, and doubt anyone else can, even one incident in which a .50 BMG firearm was used in a crime.

The very size (big!), weight(heavy!!) and expense(\$\$\$\$\$!) of .50 BMG firearms and ammunition work against the use of such firearms in criminal incidents. The rest of the provisions of this bill are also do-nothing and expensive none solutions to criminal violence.

The money it would take to enact and enforce the provisions of this bill would better spent on improving education in our schools and funding better drug education and treatment programs. These two steps would do more to combat crime and violence than any anti-gun laws.

000159

I again state my opposition to H.B. No. 2999.

Thank you for your time and consideration.

Michael W. Sawamoto

000160

HB 2999

12 FEB 08

TO: REPRESENTATIVES TOMMY WATERS, CHAIR
AND BLAKE K. OSHERO, VICE-CHAIR
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY FROM:

THOMAS SCIULLI
WAIPAHU, HI 96797

RE: HB 2999 12 FEB 08, 2:05PM ROOM 325
(35 COPIES OF TESTIMONY REQUIRED)

I WOULD LIKE TO VOICE MY OPPOSITION TO
THIS BILL. I'M ALWAYS SUSPECT OF ANY BILL
THAT STARTS OUT SAYING THAT WE NEED
THIS LAW BECAUSE OF WHAT IS GOING ON
IN THE MAINLAND. LAWS IN HAWAII SHOULD
BE PASSED TO SOLVE REAL PROBLEMS IN OUR
STATE NOT IN NEW YORK OR CALIFORNIA. I
HAVE NOT SEEN ANY EVIDENCE SO FAR THAT
WOULD JUSTIFY THIS BILL BECOMING LAW.
HAS A CRIME EVER BEEN COMMITTED HERE
IN HAWAII WITH SOMEONE USING A .50
CAL BNG RIFLE, THE ANSWER IS A RESOUNDING
NO!!!

000161

THIS BILL IS JUST ANOTHER WAY TO STICK IT TO THE HONEST GUN OWNERS OF THIS STATE. LETS MAKE THE PEOPLE LOCK UP THEIR GUNS, NOW THEY CAN'T USE THEM FOR SELFDEFENSE AND IF THEY CAN'T USE THEM FOR PROTECTION THEN THEY DONT NEED THEIR GUNS AT ALL. IS THAT WHERE WE ARE GOING HERE?

PLEASE MAKE LAWS THAT SOLVE REAL PROBLEMS THAT WE HAVE HERE IN HAWAII.

SINCERELY,

Thomas R. Scull

000162

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY
ON
H.B. 2999 RELATING TO FIREARMS
12 February 2008
2:05 P.M.
Conference Room 325

by
Scott W. Smart

Chairman Waters and members of the House Committee on JUD:

I am testifying strongly AGAINST H.B. 2999.

This bill is a major change to Hawaii's firearms laws (HRS Chapter 134) and contains various provisions which have been rightly defeated in the past. Nothing new has happened to change the need to defeat this bill. Specific objections are provided below:

The findings in Section 1 refer to the tragic shootings at Virginia Tech University. In response to this, and other concerns, the U.S. Congress has passed (and the President signed as P.L. 110-180) just last month the "NICS Improvement Amendments Act of 2007". This law makes numerous changes to federal firearms law and Hawaii should first implement the requirements of this law before adding additional requirements.

Section 134-A requires that all persons either purchase, or demonstrate ownership of, a "firearms safety device". It then exempts persons who own a "gun safe". Preventing accidental discharges or possession of firearms is a concern of all Hawaii's citizens. There is already a federal law requirement 18USC922(z) for a "secure gun storage or safety device" (with a somewhat different definition than that proposed here) for handgun sales by dealers. However, this requirement is unduly intrusive on lawful firearms owners. Protection of children is already provided for in HRS 134-10.5. The additional requirements proposed in this bill will provide no additional safety. "Gun safe" is defined as "locking container that fully contains and secures one or more firearms". There are many possible solutions that would meet this requirement, but there is no way for a lawful owner to prove to a dealer when purchasing that he/she has a "gun safe" except by receipt or proof of purchase. It must be acceptable for lawful owners to store firearms without having a specific receipt or proof of purchase, for example, if the owner has a portion of the home which meets the requirement of "a locking container that fully contains and secures one or more firearms".

Section 134-B requires registration for ammunition purchases. The requirement has been proposed many years in the past and nothing has changed; it makes private sale of ammunition illegal placing an unacceptable burden on citizens, with no known benefit.

000163

Section 134-C requires licensed dealers to maintain an "accurate and current inventory" of firearms. This requirement already exists under federal law as Title 27 CFR Part 478 subpart H (commonly referred to as a "bound book" or alternative means records). There is no obvious benefit to this provision. It requires report of theft within twenty-four hours. Federal Law 18USC 923(g)(6) already requires notification within 48 hours. This is sufficient.

Section 134-C requires onerous storage requirements for licensed dealers. It effectively makes it impossible for anyone but a large firm to meet the requirements. The possible benefit for the public for requiring this level of protection for small dealers seems minimal and is detrimental to lawful firearms owners. In particular, the requirements for protection in natural disaster or national emergency could easily be so broad as to be unachievable. Such wide discretion should not be given to the attorney general.

Section 3 makes unlawful firearms and ammunition meeting a certain definition of caliber. Since 1934 federal internal revenue code (26USC5845) has defined "destructive device" to mean any weapon with a bore diameter greater than one-half inch, excluding certain shotguns and antique firearms. This definition has long been accepted in the firearms community. The supposed danger of the .50 BMG caliber to the public is speculative, and seems like a remote problem, while the use of firearms chambered for this cartridge is valid for sporting purposes. The bill also makes reference to "sabotaged light armor penetrator". I assume the reference is intended to be "sabotted light armor penetrator". Also there is a reference to Title 27 Part 178 of the CFR. That part was recodified several years ago to Part 478 (as a result of the transfer of the BATFE to US DoJ) and should be updated.

Section 4 creates the possibility of denial of firearms possession rights with no way for a denied person to seek relief from any authority. It is not fitting for any freely elected government to give this type of power to any agency of the executive or subordinate jurisdictions. The recently enacted federal law P.L. 110-180 covers similar matters and should be implemented first before adding requirements of this sort.



Scott W. Smart

[REDACTED]
 Mililani, HI 96789
 [REDACTED]

000164

JUDtestimony

From: James Stamm [REDACTED]
Sent: Monday, February 11, 2008 5:01 PM
To: JUDtestimony
Subject: Senate Bills 2020/ house bill 2999
Importance: High

11 February 2008

Strongly oppose the both these bills. Is that all you Democrates can think of is to deny or impede the citizens the opportunity to use fire arms in this State?

Why not investigate the raising of all the Taxes since the appointment of the new Mayor?

It also appears that School Teachers are given raises to ensure the children of this State remain at the bottom of the US Education list.

V/R: Jim Stamm

000165

2/11/2008

JUDtestimony

From: Erik Stone [REDACTED]
Sent: Monday, February 11, 2008 3:37 PM
To: JUDtestimony
Subject: HB2999

Where does one even begin to express what is wrong with this bill? The bill opens discussing two crimes which did no occur in Hawaii. The first, the Virginia Tech shootings could have ended earlier if the powers that be had seen fit to allow qualified persons the right to carry a concealed weapon. Instead the students and teachers were in a "gun free" zone which could just as accurately be described as a "come kill us we can't defend ourselves" zone.

With HB2999 we have 16-pages of restrictions that will do nothing to solve or prevent crime, but will infringe on our rights to keep and bear arms. From the onerous measures that would only make it even more difficult for our already burdened gun shops to operate to the police departments desire to confiscate our legally owned and licensed firearms during times of national crisis, emergency or disaster. That policy didn't help the law abiding citizens of New Orleans who were left as sitting ducks as the criminals rampaged. Were the police there to protect them? No. Should they, and should we, have the right to defend ourselves from criminal predators who crawl out of the woodwork when a disaster or emergency happens? Yes.

I strongly oppose all aspects of this bill.

Erik Stone
96782

000166

Testimony in Opposition to SB 2999
Hearing Tuesday 2-12-08
Conference Rm 208

Ladies and Gentlemen:

You tried to track and regulate the sale of ammunition in the 1970's and 80's and it was unworkable. Why will it work now? Where will the money come to pay for such a costly system? Why not track the sale of knives, baseball bats and other objects used to harm people much more often than ammunition? Millions of rounds of ammo are sold and fired in Hawaii and only less than 50 rounds ever strike a human each year (most years, no human is ever shot!) Why do you insist on spending a lot of money on something that is not a problem?

A woman was beaten to death by her ex a couple weeks ago in Kailua right on the street with the butt of his shotgun. If the bullets in the shotgun had been registered, would she still be alive today?

A 50 BMG round is only slightly larger and more powerful than many other rounds, (a 454 casul comes to mind). No one has ever been fired upon by someone with a 50BMG rifle.

And lastly, should I be able to refuse to give you treatment at hospital emergency room because I run a report that says you have aids? And then should I be able to keep the reason I refused to give you service secret from you?

How about if I deny you the right to vote but won't tell you why?

Come on people. This keeping secret the reason for denying a permit to acquire will only drive disgruntled citizens to the black market to buy weapons!

John Sutton
Honolulu Hawaii

C00167

JUDtestimony

From: Richard Thibedeau [REDACTED]
Sent: Monday, February 11, 2008 6:06 PM
To: JUDtestimony
Subject: House bill 2999 and Senate bill 2020

I strongly oppose HB 2999 and SB 2020. I believe these proposed laws to be a infringement of our Constitutional rights as law abiding citizens. More deaths and injuries are caused by automobiles and drunk drivers. I enjoy target shooting and game hunting. Most target and cowboy action shooters load there own ammo and it would be impossible to serial number hand loads. the cost of commercial ammo in Hawaii is prohibitive for recreational shooting. I believe stronger laws against misuse of firearms and crimes committed with firearms should be addressed. Law abiding citizens should not be penalized. A registered voter and registered gun owner. Richard Thibedeau

000168

JUDtestimony

From: Misae Wela [REDACTED]
Sent: Monday, February 11, 2008 3:27 PM
To: JUDtestimony
Subject: Strong Opposition to HB 2999

To the Representatives of the House Judiciary Committee,

My name is Daniel Wela. I am a resident of Hilo, a registered voter and a law abiding gun owner.

This testimony regards HB 2999 Relating to Firearms, being heard on Tuesday, February 12, 2008 at 9:00 am by your committee.

I am registering my strong opposition to this bill.

Why should I have to provide a vendor with a photo i.d. and registration under penalty of law? If my senior invalid uncle asks me to purchase ammo for his home defense pistol I'll just tell him to get in his wheelchair, dig through his possessions for his registration, get in my car, get out of the car, present his ID and registration, get back in the car, etc. What satisfaction do you get out making honest citizens of Hawaii jump through procedural hoops. These measures mean nothing to criminals who will simply steal the ammo to match their stolen handgun.

It would also ban .50 bmg rifles and ammunition at the behest of HPD. Never mind that these weapons are already here in the state owned by honest citizens. Why should they be punished for their interests and hobby when there is no compelling reason to do so. These weapons are not used in crimes. They are too expensive, bulky, unwieldy and massive to be the favored arms of criminals. Terrorists whose favorite means of terror are usually high explosive in nature are unlikely to be dissuaded by the judicial consequences of their acquisition or use. Remember fighter aircraft in WWII used .50 BMG machine guns to shoot down other aircraft. However they used as many as six machine guns firing simultaneously at many hundreds of rounds per minute. Even with this much firepower they were not always succesful. The dreaded bugaboo of terrorists shooting down aircraft is just that.

You would seek to prohibit the identification of the source of information that denies someone a firearm application. Shades of Big Brother and Kafka. How can someone contest a denial if he doesn't even know where the problem originates.

In the same vein you would seek to exempt government entities from liability for injury or damage. I am no fan of lawyers and excessive jury awards but Government Entities should be held to a higher standard than citizens. You are the professionals with authority, accreditation, training and experience. Yet you seek exemption from the consequences of improper firearm use? Using what reasoning? You would rightly prosecute a citizen for improper injury or death caused by their firearm use yet seek to protect a government entity?

Please prevent this flawed bill from becoming law.

Sincerely
Daniel Wela

000169