



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
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STATE & LOCAL AFFAIRS DIVISION
CAROLYN HERBERTSON, HAWAII STATE LIAISON

February 11, 2008

The Honorable Brian Taniguchi
Chairman, Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 S. Beretania Street
Honolulu, HI 96813

RE: Senate Bill 2020 (OPPOSE)

Dear Chairman Taniguchi:

On behalf of the Hawaii members of the National Rifle Association (NRA), I would like to express our strong opposition to SB 2020. The proponents of this concept theorize that such ammunition serialization would allow law enforcement to apprehend persons who use handguns illegally through the matching of serial numbers on spent ammunition components found at crime scenes to a database of ammunition buyers. However, the reality of this theory is that it is wishful thinking, at best, to believe that such a scheme could actually work in the world of real life application. There are simply too many unconsidered and uncontrollable variables that would make it impractical as a tool for purposes of criminal identification.

Some of the real life variables apparently not considered by those pushing the bill include the fact that ammunition often changes hands, in some cases several times, before it is fired. There is no reliable way to track a single round of ammunition from the point of manufacture to the end user. Ammunition is often transferred to another person at such places as estate sales, garage sales, sportsmen's swap meets, fund-raising events or shoots, etc. It is given as gifts, is loaned, and is also stolen during the course of a burglary. There are many other ways serialized ammunition could lawfully and unlawfully change hands, as well.

If enacted, the proposed legislation would quickly become just another poorly thought out law that in reality, only affect law abiding citizens who are not a part of the firearms related crime problem. Criminals would easily find a way around it, just as they do other laws. Those who support this proposal clearly have not considered the total atmosphere in which such legislation

SB 2020
February 11, 2008
Page 2

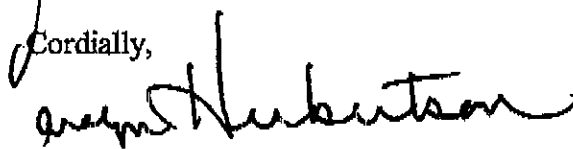
must operate. If they had done so, they would not bring it forward without also addressing the myriad of other issues that must be resolved before any such schemes could possibly hope to be workable.

For example, the ammunition manufacturers, who testified and lobbied against California's effort to serialize ammunition in 2004, pointed out several valid problems such as the safety hazards of introducing a laser into a work environment where gun powder and priming compound are also present. Notwithstanding the practical engineering problems associated with safely and mechanically doing so, this requirement alone could cause a dramatic rise in insurance and workers compensation costs for the affected employers. It could even affect their viability as American businesses who employ thousands of workers. If they cannot successfully operate under the conditions that this proposal would impose, who will supply American law enforcement and the military with ammunition? Will this become yet another industry that is out-sourced to a foreign country where there are fewer burdensome government imposed impediments to manufacturing and where there are lower operating costs? Or, will the ammunition manufacturers, who are largely located outside of the Aloha state, simply solve the manufacturing and safety problems this proposed legislation would create by choosing to abandon the state as a market for their products? These two options are among the many potential disastrous results if SB 2020 is enacted!

In conclusion, this proposal is an idea that may sound good in concept to someone who has not considered all of the relevant factors and issues that are involved. However, an in-depth examination of the details will show that it is not workable and that it would cause more problems than it purportedly would solve.

For the above reasons, the National Rifle Association is opposed to SB 2020.

Cordially,



Carolyn L. Herbertson
State Liaison

Cc: Members, Senate Judiciary and Labor Committee



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

FLINTLOCK RIDGE OFFICE CENTER • 11 MILE HILL ROAD • NEWTOWN, CT 06470-2359
TEL (203) 426-1320 • FAX (203) 426-1087 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT &
GENERAL COUNSEL

February 11, 2008

Senator Brian T. Taniguchi
Chairman, Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Position: Oppose

Re: SB 2020 Relating to Ammunition (Bullet Serialization)

Dear Chairman Taniguchi:

The National Shooting Sports Foundation (NSSF), the trade association for firearms, ammunition, hunting and recreational shooting sports industry, opposes SB 2020 on several grounds. This piece of legislation is an attempt to implement a flawed, unmanageable, expensive technology that will effect law enforcement, the military, and law-abiding citizens.

Similar legislation (HB 2392) failed in the Hawaii House of Representatives without any support and strong opposition from the Hawaii Attorney General. Many within the law enforcement community, the military and the federal government fear that mandating bullet serialization would result in a de facto ban on ammunition and compromise the safety and security of the state's citizens.

Bullet serialization, the process by which each individual round of ammunition is identified and marked with a laser engraved serial number, will have a tremendous negative fiscal impact for any state that mandates this flawed technology. Creating a database that will contain millions upon millions of records will be a state department's nightmare. The disinformation campaign that the Ravensforge Company (a group whose primary product is skateboarding equipment and now named Ammunition Coding Systems) has engaged in, with hopes of lobbying lawmakers by misrepresenting the capabilities of bullet serialization will only cripple our nation's law enforcement by reducing the necessary ammunition they need to practice and protect its citizens.

NSSF certainly understands that in theory it is possible to laser engrave a serial number on metal. No one is arguing this. The problem is that serializing ammunition on a mass production basis is not feasible from a practical standpoint and any legislation mandating such action could rightfully be considered an outright ban on ammunition.

If manufacturers had to comply with bullet serialization, NSSF estimates that it would take almost three weeks to manufacture what is currently made in a single day. This massive reduction in ammunition would translate into substantially lower sales and profitability and ultimately force major ammunition manufacturers to abandon the market. In turn, there would be a severe shortage of serialized ammunition and all consumers, including federal, state and local law enforcement agencies, would be faced with substantial price increases. Ammunition will go from costing pennies to several dollars per cartridge. The result, already overstretched law enforcement budgets will be stretched even thinner.

The domestic small arms ammunition industry, utilizing modern manufacturing processes and distribution practices, produces *at least 8 billion ammunition cartridges a year* at already low-profit margins. The three largest domestic manufacturers (who collectively account for the vast majority of the market) produce an estimated *15 million rounds of ammunition in a single day*. Ammunition manufacturers could not serialize their product with out hundreds of millions of dollars in capital investment to build the new factories that would be needed in order to meet the requirements of bullet serialization. At the same time hundreds of millions of dollars of existing plants and equipment, and decades of manufacturing (cost-saving) efficiencies, would be rendered obsolete.

Bullet serialization would impact law enforcement safety as well. Reducing the availability and affordability of training ammunition would allow for degrading marksmanship. The technical evolution of law enforcement pistol ammunition has progressed exponentially over the past 15 years. For example, NSSF ammunition producers developed bullet-bonding technology to provide law enforcement with products that offer enhanced performance through barriers such as auto glass, steel, and wallboard. Law enforcement will be forced to use lesser quality ammunition, putting officers at risk. And as manufacturers use the same machines and manufacturing processes to make all ammunition, whether it is for the civil, law enforcement or military markets, it would be impossible, as some contend, to merely exempt law-enforcement.

In fact, bullet serialization legislation failed in California after numerous law-enforcement groups including the California Police Chiefs' Association, the California Peace Officers' Association, the Association of Los Angeles Deputy Sheriffs and the Los Angeles Police Protective League urged lawmakers to vote it down. James J. Fotis, Executive Director of the Law Enforcement Alliance of America, went so far as to say, "If passed, this legislation will certainly play out like a horror flick on public safety and law enforcement in California."

Bullet serialization would also have a disastrous impact on the military readiness of our nation's armed forces and on homeland security by threatening the health and readiness of the domestic small arms ammunition industry. Congressman Duncan Hunter, then Chairman of the House Armed Services Committee, expressed such concerns in his April 25, 2005 letter to Governor Schwarzenegger describing bullet serialization as "troubling." The congressman wrote, ". . . I am strongly opposed to this proposal because of the harmful impact it will have on

Chairman Taniguchi

February 11, 2008

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the manufacturers of ammunition used by our nation's armed services and law enforcement agencies."

While proponents of bullet serialization point to an internal study conducted through a local sheriff's department as demonstrating the efficacy of the technology, there have been no independent, peer-reviewed studies by qualified forensic scientists. Nor has the technology been the subject of any articles in the journal of the Association of Firearm and Toolmark Examiners (AFTE), the relevant professional society.

NSSF and its ammunition manufacturer members are also very concerned about employee safety. To our knowledge, no independent studies have been done to determine the safety implications of firing high speed lasers in the presence of the ammunition components, i.e. primers, propellants, etc. For instance, flash photography is not permitted inside factories because of gunpowder ignition concerns.

Bullet serialization is dangerous and not practical. As legislation that would mandate bullet serialization not only threatens law-abiding gun-owners but our industry's ability to supply the nation's law enforcement officers and military with high quality ammunition, we remain hopeful that you will consider all sides of this issue and contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence G. Keane". The signature is written in black ink and is positioned above the printed name.

Lawrence G. Keane



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

Testimony on SB2020, IN STRONG OPPOSITION

Before the Committee on Judiciary & Labor

Senator Brian Taniguchi, Chair

Senator Clayton Hee, Vice Chair

DATE: Tuesday, February 12, 2008

TIME: 9:00 AM

PLACE: Conference Room 016

Sergeant-At-Arms please provide 5 Copies Fax 586-6659 testimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

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

The concept of manufacturing ammunition with unique identification markings on the base of all bullets for ammunition that will fit into any handgun will only serve to place an unreasonable burden on the sale and ownership of ammunition by law-abiding citizens.

To the best of my knowledge, no states have such a requirement, and no ammunition manufacturer is currently able to provide for coded ammunition. The cost and effort required for an entire industry to tool-up for this type of production would only lead to their decision to cease ammunition sales to Hawaii.

In addition, there are too many easy ways that criminals will be able to defeat this technology.

- Use of pistols that shoot shotgun ammunition
- Theft of marked ammunition from registered owners
- Buy unmarked ammunition out of state or on the black market
- Use of existing inventories of non-coded ammunition
- Obliteration of coded markings
- Casting and reloading of homemade bullets
- Collecting and reloading spent ammunition from shooting ranges

We also find that the concept of coding 'handgun ammunition' is 'throwing such a large net' that it would also include most rifle ammunition, which is not the stated intent of this bill.

The supposed intention of this bill is to allow for more effective identification in handgun related crimes, but is in reality a de-facto handgun ban for law-abiding citizens, while doing little to curtail criminals, who by definition, don't heed laws.

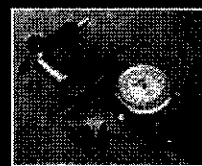
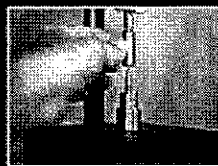
Please HOLD this bill.

Sincerely,

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

SAAMI

SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE INC.
SINCE 1926



Official Website of the Sporting Arms and Ammunition Manufacturers' Institute

[Home](#)

Lockyer, Dunn and Perata Misrepresent Their Bullet Registration Scheme

On April 26, 2005, California Attorney General Bill Lockyer, Sen. Joe Dunn and Senate President *pro tem* Don Perata held a press conference announcing the introduction of SB 357, a bill to mandate that all handgun ammunition carry a unique serial number engraved on the casing of each cartridge and on the bottom of every bullet. During this conference, Lockyer made a number of claims in support of the bill that are not supported by the facts. The Sporting Arms and Ammunition Manufacturers Institute, Inc. responded to those claims, and provided important insight into the real impact of this ill-conceived legislation.

- *Lockyer, Dunn and Perata claimed SB357 would cost manufacturers only one-half of a cent to laser engrave a serial number on the base of a bullet and side of a cartridge.*

According to SAAMI, the actual cost to serialize ammunition--with a number engraved on the bottom of each bullet and on the side of each casing--would be staggering, requiring the creation of entirely new factories and purchase of new production equipment. This alone would cost tens of millions of dollars. Additionally, the time required to laser engrave each round, even if only a fraction of a second for each of the millions of rounds produced, would seriously slow down production. SAAMI estimates it would take three weeks to produce what is now completed in one DAY. This sort of slowdown would cripple the industry. It would also require that ammunition, which is now made in production lots of millions, be made in lots of 20, 50 or 100 rounds, eliminating the benefits of mass production that enable ammunition manufacturers to operate successfully.

SAAMI analysis projects that a round that now costs pennies would cost several dollars each! A far cry from the half-cent claim made by Lockyer and his allies.

- *Lockyer, Dunn and Perata said that serializing each bullet is the same as printing lot numbers on the packaging of other products.*

These two procedures are not comparable. Ammunition manufactures already place lot numbers on ammunition packaging, just as makers of other products do. They do not, however, place serial numbers on each item in the package. Imagine the cost to consumers if every aspirin, antacid or prescription drug capsule had to carry a serial number. The costs would make health care excessively expensive for even well off Americans.

- *Lockyer, Dunn and Perata claimed the industry has test-fired serialized bullets to ensure the technology works.*

No major firearms manufacturer, or SAAMI--the nation's leading authority, which sets standards followed by every ammunition maker--participated in any testing of serialized ammunition. SAAMI has serious questions regarding the practicality of reading the number from a laser engraving on a bullet after it has been subjected to the pressures and deformation involved in firing a handgun. In any case, General Lockyer was misleading in suggesting the industry has participated in testing this process.

- *Lockyer, Dunn and Perata asserted that the bill would not impact rifle ammunition.*

This claim shows the lack of general knowledge the proponents of this bill have about firearms. SB 357 specifies "handgun ammunition" without providing a definition, and that opens the ban up to any round that can be fired from a handgun. This would include all .22 caliber rimfire rounds, the most common target shooting round, and many traditional rifle rounds that can and are shot from handguns that are designed for hunting. Additionally, there are many rifles that are designed to use common "handgun" ammunition, including .38, 9mm, .44 and .45.

- *Lockyer, Dunn and Perata said SB 357 would not adversely impact law enforcement.*

Even with a law enforcement exemption, the cost of ammunition will increase dramatically. This will have an adverse impact on police department budgets and on the costs to all city and county bottom lines. Additionally, it is the civilian sales of ammunition that fund research and development of ammunition for law enforcement and the military.

Not only would the enormous costs of implementing a bullet registration scheme divert critical funding from proven crime fighting initiatives, the proposal could hardly be an effective crime-fighting tool. Consider that, among other things, criminals could:

- Use reloading equipment to produce unmarked ammunition.
- Disassemble rounds of marked ammunition, remove the markings, then reassemble.
- Collect spent shell casings at target ranges and use them to throw police off the trail.
- Steal marked ammunition from registered owners.
- Use handguns that don't eject cartridge cases and leave evidence at crime scenes.
- Buy unmarked ammunition out of state or on the black market.

Additionally, this bill would have a negative impact on our military forces by making all ammunition more expensive and less available due to significantly slower production.

Congressman Duncan Hunter (R-Calif.), as chairman of the Committee on Armed Services in the U.S. House of Representatives, has expressed his concerns about SB 357 in a letter to Gov. Arnold Schwarzenegger. The proposal would drive up the price of ammunition, he said, and would lead to "a reduction in cartridges available for target practice, which would leave our armed forces and law enforcement personnel vulnerable on the battlefield and on America's streets." Chairman Hunter urged the Governor "to strongly oppose ammunition serialization on the grounds that it would harm our national and homeland security."

The most likely short-term impact of this legislation would be that ammunition makers would simply abandon the California market, rather than incur the exorbitant costs associated with bullet and cartridge serialization. The net effect would be to rob all Californians of their constitutional right to keep and bear arms--no doubt exactly the result anti-gun politicians have in mind.

Finally, it must be noted that the sponsors of this legislation were given the opportunity to learn first hand about the industry their legislation threatens to destroy. SAAMI invited members of the California legislature as well as Attorney General Lockyer on a tour of an ammunition plant. Not surprisingly, Lockyer and the other bill sponsors failed to take advantage of the opportunity to learn first-hand how ammunition is made, and why this bill is a bad idea.

For more information go to [SAAMI](http://www.saami.org) and http://www.saami.org/news/CA_ammoSer040505.htm

SAAMI Opposes Pending Legislation in California

Senate Bill 357:

Serial Numbers On Ammunition

By January 2007

California's attorney general has suspended for now this bill that would require serial numbers on all handgun ammunition, including rimfire ammunition. California State Sen. Joe Dunn predicts the measure will be reactivated and could be delivered to the governor next year. California gun owners can and should continue to urge their legislators to stop this ill-considered legislation. The bill, if enacted, amounts to a de facto ammunition ban in California.

Additional HRA Concerns :

1. Promotes use of shotguns in crime, which are more deadly.
2. Estimated cost for an encoding laser is between \$300,000 and \$500,000. Eliminates reloading, except for large scale, commercial operations. Available tax credit is just for state income.
3. Lead bullet bases normally flatten and may even melt, especially at higher velocity (pressure), i.e. magnum calibers. Has any proponent tested the engraving against that? Again, more deadly.
4. What does the AG think of the new registry he'll be required to keep.
5. Many residents will never hear of this if it becomes law. Widowed Tutu, with her dead husband's left-over brick of 1,000 .22 cartridges owes \$100,000 in fines? She'll probably drop dead if served.
6. Will create a whole new army of scofflaws.
7. There are millions of bullets in the backstop berms of all the military and civilian ranges in the

Islands, active and defunct, not to mention the undersea dumps. These are a source of unmarked bullets.

8. How do you prevent smuggling or squirreling away cartridges by criminals? Illegal suppliers can throw a case of premium handgun cartridges in with the next shipment of illegal fireworks. Just a black market promotion, made worthwhile by the Legislature.
9. Tremendous useless burden on small business gun shops. Large retail stores will stop selling ammunition.
10. Quite unlikely that the imposed tax will cover the cost of record keeping, tax losses, and enforcement. If the bill will really result in increased public safety, why doesn't the whole public contribute instead of just ammunition users?
11. Another feel-good anti-gun bill, proposed in good faith by persons who don't know enough about self-contained ammunition, but championed by The Brady Campaign, *et al.* Only affects law-abiding citizens, and will not be more than a speed bump for outlaws. Such laws discourage honest people from acquiring guns and ammunition and practicing safe gun ownership. That kind of **gun control increases violent crime** (more guns, less crime), the opposite of the intended purpose. Will cause many already disenchanted gun owning voters to disrespect the legislative process.

testimony

From: RFB [rickbratt@earthlink.net]
Sent: Sunday, February 10, 2008 2:42 PM
To: testimony
Subject: Senate Bill 2020
Importance: High

Attention: COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

DATE: Tuesday, February 12, 2008

TIME: 9:00 a.m.

PLACE: Conference Room 016

Please forward or make the appropriate number of copies for all committee members.

I respectfully urge you to vote no on Senate Bill 2020, requiring that all handgun ammunition manufactured or sold in Hawaii to be coded with a serialization number, and entered into a statewide database at the time of sale. The bill essentially doesn't address any existing problem and serves no useful purpose. Microstamping of ammunition is an expensive, unproven process and the practical result will be that manufacturers of ammunition will simply not comply and therefore not ship ammunition to Hawaii. This bill would, in effect, create a de-facto gun ban since Hawaii residents would be unable to acquire ammunition. It is all well and good to include a tax-credit to manufacturers to allow a financial incentive to comply, however, there are no ammunition manufacturers here in Hawaii. The bill also does not address hobbyist handloaders who craft their own ammunition for precision shooting.

I respectfully urge you to vote no on this bill. Thank-you.

Rick Bratt

rickbratt@earthlink.net

808-864-5634

testimony

From: ekomomai@aol.com
Sent: Sunday, February 10, 2008 9:12 AM
To: testimony
Subject: RE: Senate Bill 2020

Committee on Judiciary - Senators Taniguchi, Hee Friday, February 12, 2008, 9:00 a.m.
SB 2020 - Relating to ammunition

Testimony of:
Robert Bretschneider
c-808-429-4884

Senators Taniguchi and Hee -

I would like to voice my strong opposition to SB 2020.
It is a round about way to attack my second amendment rights. I guess I find it hard to believe that you honestly feel that this legislation would help in dealing with the crime problem in the Unites States and Hawaii. All it does is impose a burden on law abiding citizens like myself. Let us deal with the criminals in our society.

Thank you for allowing me to submit this testimony

Your truly
Robert Bretschneider

More new features than ever. Check out the new AOL Mail ! - <http://webmail.aol.com>

testimony

From: hawaiiialberta@juno.com
Sent: Sunday, February 10, 2008 7:10 PM
To: testimony
Subject: Fw: SB2020 - Relating To Firearms Ammunition

----- Forwarded Message -----

Committee On Judiciary And Labor

I write this letter to express my total opposition to this Ammunition Bill SB2020 and I so state this for the following reasons:

1. The proposed laser marking of ammunition has been tried in the past and the history of this concept has proven to be a dismal failure. Ballistic experts within the law enforcement field have all concluded that this "tracking system is unworkable and unenforceable". This is aside from the undeniable fact that to initiate this system will be cost prohibitive to both the ammunition industry and the various municipalities throughout the State that will be required to maintain record keeping, data collecting and constant monitoring. All of this in an environment that's already strapped with lack of funds within the States fiscal budget.

2. The vast ammunition industry throughout the world will not want to get involved in such an expensive undertaking as to accommodate this small sales market as they have here in the State of Hawaii. It would be considered bad and unprofitable business sense. In other words, there would be no ammo available for the general public that are involved in the shooting sports.

3. A tremendous loss of revenue would have a devastating impact on the hunting and sporting goods industries, especially the small local business that rely on firearms, ammo, hunting licenses and related equipment sales as a main source of their income. This bill could cause their businesses to shut down with a greater drain on our State's economy. This would also include the loss of all sales taxes.

I would like to include the immediate halt to all sales of reloading equipment and it's components. This bill would make the manufacturing of ammunition for personal use illegal. .

4. What does the law abiding individual that legally target shoots, hunts or collects firearms and ammunition do with the unengraved ammo that he/she has already purchased at a significant personal expense, not to mention their guns that lack the availability of ammunition? Is it all just thrown away? I think that we need a reality check here!!!

5. And finally we come to the real reason for all of this expense, loss of individual civil rights and loss of local industry.....the elusive criminal. The constant unanswered question is always..... how many criminals from all crimes use legal firearms or legal identifications in their commission. None!!! They feed off of an underworld market of stolen and illegal weapons that will never trace back to them. So your idea of aiding the police by marking the bullets is a fantasy that will only severely hurt the innocent. And I leave you with one question that must be answered.....will the police be required to use these bullets in the commission of their duties should a shootout occur???

Respectfully,

Alfred F. De Dely
87-105 Ma'ipalaoa Rd
Wai'anae, Hawai'i
96792

testimony

From: Barry P Fitzgerald [barryf@hawaii.edu]
Sent: Monday, February 11, 2008 12:02 PM
To: testimony
Subject: Testimony SB2020 Senate Committee on Judiciary and Labor

To: Senate Committee on Judiciary and Labor; February 12, 2008; 9:30am
From: Barry P. Fitzgerald

Dear Senate Committee Members:

I respectfully submit my opposition to SB 2020 relating to the coding of ammunition for the following reasons:

1. This measure serves primarily to make ammunition purchases by individuals who are law abiding very problematic without really impacting the criminal element to any great extent. Please remember that the only people who comply with any enacted firearm legislation are those who don't break the law; so what does this measure serve?
2. This measure puts an unfair economic and legal burden upon the firearm retailers. We all know how costly and difficult it is doing business in Hawaii, especially for small businesses, which is what all firearm retailers are. This added record keeping serves no real purpose if its intent is to hinder the criminal element from obtaining ammunition. Criminals (being criminals) will obtain what they require outside any regulation.
3. We have recently all been made aware of the tragedy which resides within the family. Should not the very limited resources be better spent in the areas of family crisis intervention? I am sure the agencies that deal with domestic violence are not fully and effectively funded. The shortage of agents within Child Protective Services could use more funding also, I'm sure. Please use the limited taxpayer-funded resources where they would do the most immediate good.
4. The restrictions of this bill are severe, indeed, and will perhaps only breed contempt and disrespect of the law by previously law abiding firearm owners who overnight would be made possible criminals by the measures in this bill. Civil disobedience on a large scale is the result of unjust laws.
5. Please also think of the legal libelities of the retailers and government record keepers if there is an error relating to a tragedy. I'm sure the trial attorneys will explore every pocket for fault. The government, of course, has the deepest pockets being taxpayer funded. Please weigh carefully the cost benefit. In my opinion, it's not worth it.
6. This coding technology is rather new and immature. Few, if any, companies are producing coded ammunition. What company would produce ammunition for such a small market? as a just fair and cost effective law SB 2020 fails.

In closing, I respectfully ask you not to adopt this law. Thank you.

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

testimony

From: Donna Fitzgerald [fitzgera@hawaii.edu]
Sent: Monday, February 11, 2008 12:49 PM
To: testimony
Subject: Opposition to SB 2020

To: Senate Committee on Judiciary and Labor; February 12, 2008; 9:30 a.m.
From: Donna C. L. Fitzgerald

Dear Senate Committee Members:

I respectfully submit my opposition to SB 2020 relating to the coding of ammunition for the following reasons:

1. This measure will primarily make ammunition purchases by law-abiding individuals very problematic without really impacting the criminal element to any great degree. The only people who comply with any enacted firearm legislation are those who don't break these laws; so for what purpose does this measure serve? The restrictions of this bill are severe and will, perhaps, only breed disregard and disrespect of the law by previously law-abiding firearm owners who would be turned into potential "criminals" overnight by the extreme measures of this bill.

2. This measure places an unfair economic and legal burden upon firearm retailers. We all know how costly and difficult it is doing business in Hawaii, especially for small businesses, which is what all firearm retailers are. This added record keeping serves no real purpose if its intent is to hinder the criminal element from obtaining ammunition. Criminals will obtain what they require outside any regulation.

3. We have all recently been made more aware of tragedies which are the direct outcome of family dysfunction. The agencies that deal with family social services and domestic violence are not fully and effectively funded. The shortage of staff within Child Protective Services could use more funding. Please concentrate limited taxpayer-funded resources where they would do the most immediate good.

5. Also consider the negative legal implications for retailers and government recordkeepers if there is an error relating to a gun-related tragedy. Trial attorneys will explore every pocket for fault. The government, of course, has the deepest pockets being tax-payer funded. The cost benefit must be weighed carefully.

6. This coding technology is rather new and immature. Few, if any, companies are producing coded ammunition; what company would produce ammunition for such a small market as Hawaii. Obtaining ammunition at a reasonable cost would be almost impossible for the sport shooters residing in Hawaii.

I respectfully ask you not to adopt this law. Thank you.

Donna C. L. Fitzgerald
2454 Rooke Avenue
Honolulu, HI 96817
ph. 595-6045

February 9, 2008

FAXED TESTIMONY TO:

Senate Sgt.-at-Arms Fax No. 586-6659 (40 copies)

Hearing Date: Tuesday, February 12, 2008, 9:00 a.m., Conference Room 016

Committee on Judiciary and Labor

Honorable Chairman Brian T. Taniguchi, Vice Chair Clayton Hee and Committee Members

Subject: SB 2020: Relating to Firearm Ammunition

Dear Chairman Taniguchi,

Testimony in opposition to SB2020.

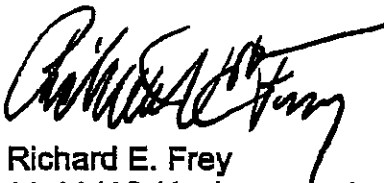
I would like to express my opposition to this bill. Despite the noble sounding introduction to this bill, nothing in the bill would have prevented any of the recent highly publicized attacks on the mainland.

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
98-2013B Kaahumanu St.
Aiea, Hawaii
808-375-4423

TESTIMONY ON SENATE BILL 2020: RELATING TO FIREARM AMMUNITION, IN STRONG OPPOSITION.

February 9, 2008

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

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hec, Vice Chair

DATE: Tuesday, February 12, 2008
TIME: 9:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

Sgt-At-Arms please provide 35 Copies

Honorable Chair, Vice-Chair, and Members,

I wish to voice my strong opposition to SB2020. This bill would directly affect me as a competitive sport shooter, NRA Certified Basic Pistol Instructor, and a pistol owner in the State of Hawaii. It is my belief that this legislation is flawed in both concept and language.

- This bill is a virtually identical clone of legislation being introduced in multiple other states, for example, in Tennessee as HB3245¹ and SB3395². It appears to be a coordinated effort by Ammunition Coding System or ACS³ to have the use of their patented⁴ encoding system mandated by law. Giving a single company a complete and total monopoly over the ammunition manufacturing industry, with the ability to charge unlimited royalties. Manufacturers would be required to either pay these licensing fees or exit from the market. Ultimately, the cost of this system would be passed along to all consumers, including public agencies.
- According to the US Census Bureau⁵, as of 2006, Hawaii represents approximately 4/10th of 1 percent of the population of the United States of America. This makes Hawaii an extremely modest market for manufacturers in all industries. When faced with the expensive equipment, production line retooling time, and licensing fee's that would be mandated by this bill, it is my belief that most ammunition manufacturers would choose to exit the Hawaiian market. Leaving consumers little if any choice at all.
- ACS has published test data⁶ on their website of the "readability" of bullets engraved with their system after having been fired into a test medium. Their stated testing methodology of firing

1 <http://www.legislature.state.tn.us/bills/currentga/BILL/IB3245.pdf>

2 <http://www.legislature.state.tn.us/bills/currentga/BILL/SB3395.pdf>

3 <http://www.ammocoding.com/index.php>

4 US Patent #7,143,697

5 <http://quickfacts.census.gov/qfd/states/15000.html>

6 <http://www.ammocoding.com/testing.php>

bullets into, and I quote, "chipped tires" is hardly an accurate simulation of terminal ballistics in the human body and in no way conforms to the FBI's "Ammunition Test Protocol". Nor does their test data cover any rimfire ammunition or the rifle cartridges that, so called, "assault pistols" are likely to be chambered for. In particular, the ACS system may be total unworkable for small caliber soft lead rimfire cartridges such as the extremely popular .22 Long Rifle. The .223 Remington or 5.56 NATO cartridge, common in what Hawaii State law refers to as "assault pistols", tends to fragment inside the human body, possibility making a successful reading of an encoded bullet impossible. Nor does their test data cover any shotgun loadings, while there are pistols chambered for many different gauges of shot shells. Further, there is no published information on an encoded bullet having ever been successfully recovered and read from a human body. Where is the real world scientific evidence that this system is even workable? I can think of no compelling reason for the citizens of the State of Hawaii to be "beta testers" for this system.

- I attempted to contact ACS via telephone to ask if any business has ever tried to manufacture encoded bullets on a large scale, as I can find no evidence of anyone having ever tried this. ACS' business front appears to be an answering machine on a residential telephone line that is not answered during business hours, so I am unable to provide an answer to this question. This legislation runs the risk of mandating a completely unproven and untested manufacturing process that may not even be feasible.
- This legislation would appear to completely ban the practice of "hand loading" as laser engraving equipment is prohibitively expensive for private citizens. "Hand loading" or "Reloading" is a common practice in many sport shooting disciplines and for many types of events it is required to be competitive. Most commercially manufactured ammunition is not nearly as accuracy as high quality "hand loads". Many competitive shooting sports would suffer under this legislation.

I would like to thank the committee for it's time in reviewing my testimony.

Sincerely,

Joshua Hoblitt

To: Senate Sergeant-At-Arms Office
Fax 586-6659

Please Make Five (5) Copies

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

DATE:

Tuesday, February 12, 2008

9:00 a.m.

Conference Room 016

RE: SB 2020 RELATING TO FIREARM AMMUNITION.

Requires ammunition manufactured or sold to be coded; requires the attorney general to maintain an electronic database of coded ammunition.

To the Committee,

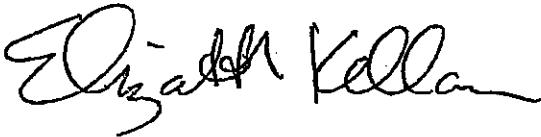
I am strongly opposed to this bill. I believe it's a waste of Taxpayer resources and expensive to produce.

Also if the intent is to aid law enforcement in solving crimes, changes are very high that criminals will not be acquiring "coded" ammunition, any more than they "Legally" "acquire Firearms which are used in the course of crime.

This bill will only harm law abiding citizens, not the criminals.

Elizabeth Kellam

Position and Title: Law abiding resident of Oahu



testimony

From: Victor Limacher [wps@hawaii.rr.com]
Sent: Monday, February 11, 2008 4:35 PM
To: testimony
Subject: SB-2020

Dear Senator Taniguchi,

After reviewing SB-2020 I humbly ask that you oppose this bill for the following reasons.

1. Due to the small amounts of handgun ammunition imported into the state this bill will in fact be a outright ban on handguns because the cost for manufactures to tool up to comply with the requirement will far outweigh the profits that can be made by the sale of such ammunition. The manufactures will just stop shipping ammunition to Hawaii.
2. The cost of this provision to the taxpayers of the state will be enormous, and the small provision for taxing this ammunition will not cover the cost to administer the law.
3. The police already have all gun owners finger printed, photographed, and cataloged in their system. They can barely keep up with the paper work they have now, and only offer gun registration in Kona M-F 1:30 - 3:00 PM. So will we now have another waiting period just to get ammunition?
4. The law as written now will be a misdemeanor offence. If passed I would put money on it that it will be changed to a felony in a few years.
5. I reload my own precision ammunition for my custom firearms. This law will render my existing loads illegal, and in my opinion a violation of my second amendment rights under the constitution of the United States.
6. Myself and others fire thousands of rounds of ammunition during shooting practice. It is not uncommon to lose a round or two at such an event. So if I happen to lose just one round in the field and someone picks it and uses it in the commission of a crime, am I now going to be held responsible for this???

Personally Senator I have been here for the last twenty five years, and have tolerated numerous attacks on our second amendment rights, and frankly I am getting rather tired of it. I own a business, pay my taxes, employ people, and do my fair share to help my community. This is really getting to be the last straw in regard to this issue. If for some odd reason this measure should pass along with the other bill now in the House "HB-2999", I will pack it in. Because these bills will make me a criminal for no reason other than being in the WRONG place "Hawaii" at the wrong time. This means closing my business, laying off my employees, selling my assets here in Hawaii, and moving to another state that understands the importance of the rights of the citizens. This will also mean another loss of revenue to the state of Hawaii from another closed business!!! I do not make this statement lightly, and I will leave with a heavy heart, but some things must be don't to make a clear statement to the powers that be. I would greatly like to hear your position on this matter and I would welcome a call from you if you have the time. Thank you again for your time, and I look forward to hearing from you.

Sincerely,
Victor Limacher
P.O. Box 4092
Kailua Kona, HI 96745-4092
808-895-9041

testimony

From: RGLIVINGHI@aol.com
Sent: Monday, February 11, 2008 6:17 AM
To: testimony
Subject: SB2020 Senate Judiciary Committee Feb 12,2008 at 9am Room016

February 11, 2008

Testimony On SB2020, IN STRONG OPPOSITION

Senate Judiciary Committee
Tuesday February 12, 2008
9am

Conference Room 016

please provide 20 copies for committee members JDL & WAM

Honorable Chairs, Vice Chairs, and Members,

I believe this will be a very time consuming and expensive thing to enforce. And I have not seen any evidence that it helps to solve crime or that it even works. How are you going to come up with millions of #s that will fit on these bullets and not be damaged when fired or striking something, a partial # will do nobody any good. All this bill would do is greatly increase the cost to law abiding citizens that enjoy the various shooting sports.

I urge you to please OPPOSE this bill and keep it from passing.

Thank you,

Ronald Livingston
7021 Kamilo St
Honolulu, HI 96825
395-6559

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

testimony

From: Ed Masaki [emasaki@hawaii.rr.com]
Sent: Monday, February 11, 2008 2:32 PM
To: testimony
Subject: FW: SB2020

From: Ed Masaki [mailto:emasaki@hawaii.rr.com]
Sent: Monday, February 11, 2008 2:26 PM
To: 'TESTIMONY@CAPITOL.HAWAII.GOV.'
Subject: SB2020

SENATE BILL 2020
HEARING 2/12/08
9AM

DEARS SENATORS, I WOULD LIKE TO OBJECT TO THIS BILL ON GROUNDS THAT THIS IS THE BEGINNING OF ALL ENDINGS OF THE BILL OF RIGHT. ESPECIALLY THE 2ND AMENDMENT. THE RIGHT TO BEAR ARMS. THIS BILL IS WORSE THAN A COMMUNIST STATE THINKING. IT WILL PUT BURDEN ON THE GOOD PEOPLE BY THE COST OF AMMUNITION GOING UP. AND HAVE THE CRIMINALS WHO DON'T CARE WHAT TYPE OF LAWS YOU PASS BECAUSE THEY DO NOT LISTEN TO OUR LAWS. I AM A GUNSMITH WHO MAKE COMPETITION PISTOLS FOR A LIVING. I AM ALSO A COMPETITION SHOOTER AND KNOWS VERY WELL HOW IMPORTANT A GOOD BULLET MAKES IN COMPETITION. WHAT YOU MARK ANY PART OF THE BULLET IT WILL HAVE AND EFFECT ON ACCURACY. IF YOU PUT THE MARKINGS ON THE SHELL IT WILL EVENTUALLY WEAKEN THE SHELL FOR THOSE WHO RELOAD. THESE SHELLS COST A LOT . DO NOT BE FOOLED BY SWEET TALKING COMPANIES WHAT CLAIMS MANY THINGS. THEY ARE ONLY INTERESTED IN MAKING MONEY AND NOT THE EFFECT IT HAS ON FOLKS WHO LIVE IN HAWAII. ARE THE SENATE TRYING TO BANKRUPE THE FOLKS WHO BY MISTAKE HAVE THOSE UNMARKED BULLETS? ACCORDING TO THE TESTIMONY.PUT A STOP TO CRIMINALS WHO COMMIT CRIMES STOP TRYING TO MAKE CRIMINALS OUT OF GOOD PEOPLE OF HAWAII. IF POSSIBLE I WOULD LIKE TO TESTIFY.

THANK YOU
EDWARD.MASAKI & WIFE MAY MASAKI (HANDICAPPED)
1268 KALUAWAA ST
HONOLULU, HI. 96816
PH. 737-1212
FAX 735-2606

testimony

From: Merrill [kiamanu@hawaiiantel.net]
Sent: Monday, February 11, 2008 12:19 PM
To: testimony
Subject: SB2020, Relating To Firearms (Judiciary Committee)

Sirs/Ma'ams,

Please submit my testimony in **STRONG OPPOSITION** to passage from hearing or eventual passage of SB2020.

I am a citizen of Hawaii, gun owner, and local law enforcement officer.

The type of action set forth in SB 2020 is not needed in Hawaii and is absolutely unworkable and unneeded, to the point where it is obvious that is a back door attempt for to enact a back-door form of a gun ban in Hawaii. This is devious on the part of whoever is pushing the bill, and is obviously meant to skirt around the public debate on private gun ownership in order to pass a law that is a de facto gun ban.

Thank you and please don't pass out of hearing or eventually pass SB2020!

Ted Merrill
Wahiawa, Hawaii

testimony

From: Jerry Nishek [jerry@kauainursery.com]
Sent: Monday, February 11, 2008 12:26 PM
To: testimony
Subject: SB 2020 Testimony

To whom It may concern,

Please forward the following testimony to the Senate Judiciary Committee for the following bill
SB 2020

Hearing Date and time; 9:00 a.m., Tuesday February 12. 2008, Room 016

Thank you
Jerry Nishek

Dear Chairman Brian T. Taniguchi other members of the Senate Judiciary and Labor
Committee,

I would like to voice my opposition to Senate Bill 2020. 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
P. O. Box 1040
Hanapepe HI 96716

From: Jack Pechous [jacpec@worldnet.att.net]
Sent: Monday, February 11, 2008 7:58 AM
To: Sen. Sam Slom; Sen. Russell Kokubun; Sen. Mike Gabbard; Sen. Clayton Hee; Sen. Clarence Nishihara; Sen. Brian Taniguchi
Subject: Testimony for SB2020

11 February 2008

Page 1 of 1 page

To: Senators Brian T. Taniguchi, Chair and Clayton Hee, Vice-Chair, Senate Committee on Judiciary and Labor

Testimony from: Jack F. Pechous, Citizen
Phone No. 621-7250

Regarding Senate Bill 2020 - Relating to Firearms Ammunition

Hearing date: Tuesday, February 12, 2008 at 9:00 A.M., Room 016

I strongly oppose the passage of Senate Bill 2020 for the following reasons:

Setting aside the feasibility of the technology to support this bill, I would like to discuss the premise that underlines the bill: Assisting law enforcement in the solving of gun related homicides.

The actual statistics would be easily accessible to you as legislators but I would suppose that the number of homicides by handgun in Hawaii is low. Of this number, the homicides would fall into one of two categories. The first is criminal homicide where a person would be murdered in the commission of a crime and the second would be domestic homicide where the person murdered would be related in some way with their murderer.

Taking criminal homicide, the criminal by his nature would not abide by laws thus would not be deterred by this one. He would get his ammunition illegally the same way as he gets his weapons and drugs. Or he could buy the ammunition and then easily remove the coding from the bullets with a file.

Regarding domestic homicide, since the murderer and person murdered are usually known to each other, there is a clear connection and motive and it is a relatively easy matter for the police to identify the perpetrator of the crime.

Considering the minimal effect that this bill would have on the solving of homicides in Hawaii, the extensive bureaucracy that would be required to support this bill would be staggering. In our present time of budget tightening, this would be a very expensive and resource eating project both to the government and also to small business. Also, the people who would carry the burden of this bill would be the law-abiding citizens who wish to enjoy their sport of target shooting, or ammunition collecting or ammunition reloading. These people do not represent any risk to the public.

For these reasons I strongly oppose Senate Bill 2020 and the bullet coding of any firearm ammunition.

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

Jack F. Pechous

**Testimony Presented before the
Senate Committee on Judiciary and Labor (JDL)
Lawrence Sagaysay
(808) 352-6571
February 12, 2008**

Senate Bill 2020 RELATING TO AMMUNITION

Good afternoon Chair Taniguchi, Vice-chair Hee and members of the Committee on Judiciary,

My name is Lawrence Sagaysay and I come to this Committee as a private citizen. I am in **STRONG OPPOSITION** of Senate Bill 2020, Relating to Ammunition.

The reason for my **STRONG OPPOSITION** is it would require law abiding shooting enthusiast to eventually forfeit all non coded ammunition and further denying all abiding citizens the spirit of the shooting sport because of this punitive measure.

People would eventually be required to forfeit all personally-owned non-encoded ammunition. After a certain date, it would be illegal to possess non-encoded ammunition. Gun owners possess hundreds of millions of rounds of ammunition for target shooting and hunting. Consider that American manufacturers produce over 8 billion rounds each year and hundreds of thousands and even millions of rounds of ammunition is imported to the State of Hawaii.

Eventually, reloading (re-using cartridge cases multiple times) would be abolished. Next on this list is making it illegal to possess bullet alloy and even bullet making equipment illegal to possess. There would be no way to correspond serial numbers on cartridge cases, and different sets and quantities of bullets.

Our law abiding citizens in Hawaii would be required to separately register every box of "encoded ammunition." This information would be supplied to the police. Each box of ammunition would have a unique serial number, thus a separate registration and would create an administrative nightmare for government and private citizens.

Private citizens would have to maintain records, if they sold ammunition to anyone, including family members or friends. If this was the case does this mean that citizens have to transfer ammunition as similar to firearms transfers? - The cost of ammunition would definitely soar, for police and private citizens alike. The Sporting Arms and Ammunition Manufacturing Institute estimates it would take three weeks to produce ammunition currently produced in a single day. For reason of cost, manufacturers would produce only ultra-expensive encoded ammunition. Question is, who pays for this procedure...would this somehow cost the taxpayers unreasonable funds?

A tax for ammunition would be imposed on private citizens, not only upon initial sale, but every time the ammunition changes hands thereafter. Addressing shotgun

ammunition, shotgun ammunition cannot be engraved because shotgun pellets are too small to be individually engraved. Also is the case of .22 rimfire. As a closing remark, criminals could beat the system and a very large percentage of criminals' ammunition (and guns) is **STOLEN**. Also, criminals could also circumvent the system by replacing projectile heads to commit crimes.

Thank you Chair Taniguchi and Vice-chair Oshiro for letting me testify against this measure.

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice chair
Committee on Judiciary and Labor

Michael W. Sawamoto
PO Box 60382
Ewa Beach HI 96706

Hearing date: Tuesday, February 12, 2008
Conference Room 016
State Capitol
415 South Beretania Street

Testimony in Opposition to S.B. No. 2020 Relating to Firearm Ammunition

I am testifying in opposition to S.B. No. 2020 Relating to Firearm Ammunition.

This bill for the coding or “microprinting” of bullets and ammunition is well-intended but impractical and would have no effect on crime.

Those of us who are sports shooters and collectors of firearms and ammunition will bear the brunt of the expense of this measure but we are the least likely to commit the crimes that this measure would supposedly help to solve.

Ammunition and bullets are not only bought from commercial sources but many hobbyists make their own bullets and load their own ammunition.

This is for several reasons:

- (1) Economy – it is often cheaper to reload.
- (2) Special uses – ammunition is often loaded for better accuracy and performance in target shooting and hunting.
- (3) Obsolete cartridges – many old cartridges are not available commercially. Those who like to shoot old collectible firearms or grand dad’s, or even great-grand dad’s, gun often have to produce their own ammunition.

Many guns and ammunition used in crime are illegally obtained by criminals – often stolen. Coded, microprinted bullets and ammunition would do nothing to solve crimes in these cases.

I again state my opposition to S.B. No. 2020 Relating to Firearm Ammunition.

Thank you for your time and consideration.

Michael W. Sawamoto

testimony

From: Rich Simmons [photowes@hawaii.rr.com]
Sent: Sunday, February 10, 2008 3:02 PM
To: testimony
Subject: Opposed to SB 2020 forward to senate JDL committee

RE: bill # SB 2020 Bullet Serialization Bill

This bill would basically equal a ban on handguns in Hawaii

This is a bad idea!

I am against this!

I have a few questions/observations

1: Is all of the legally obtained ammunition that is in Hawaii (millions plus) scheduled to be confiscated or forfeited without reimbursement?

2: This technology would increase the cost of ammunition 5 times to 8 times the current level! (Currently \$32.95 for a 50 round box of 9 mm Winchester ranger ammunition HPD'S currently issued load) That would mean a cost of \$164.75 for a 50 round box. Where will this money come from?

3: Does this mean reloading target ammunition would also become illegal?

4: If serialized bullets were stolen or dropped/misplaced at a hunting area or shooting range and later used in a crime, would the registered owner be liable for criminal penalties?

Answers would be appreciated.

Rich Simmons

testimony

From: Erik Stone [stone@sentientearth.com]
Sent: Monday, February 11, 2008 3:22 PM
To: testimony
Subject: SB2020

I wish to register my strong opposition to the above bill which would further erode my constitutional rights to own and use firearms in a legal manner. I value my rights and I pay attention to the ongoing efforts of the State of Hawaii to further squeeze the wallets and patience of law abiding citizens by enacting legislation such as SB2020. Criminals will not care and only law abiding citizens will be harmed by this law.

Erik S Stone
96830

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON
S.B. 2020 RELATING TO FIREARM AMMUNITION
12 February 2008
9:00 A.M.
Conference Room 016

by
Scott W. Smart

Chairman Taniguchi and members of the Senate Committee on JDL:

I am testifying AGAINST S.B. 2020 as described below.

This bill as drafted is confusing and is promoting a technology which, to my knowledge, does not exist. The intent of the bill is to create traceable firearm ammunition and a database to facilitate this tracing. I question whether the technology to do this exists, and request that demonstrations be provided of the viability of this approach PRIOR to enactment of any law requiring this technology. Notwithstanding the questionable technical basis for this bill, the following specific problems will have a major, adverse effect on lawful firearms owners:

Section 1 finds that "the back of bullets" can be encoded. The term "back of bullet" is not commonly defined or understood. I assume the intent is the base of the actual bullet, prior to being assembled into ammunition? Yet, the proposed section 134-____ (a) refers not to "bullets" but rather "shell of the ammunition". I assume the reference to shell is to the ammunition case, not the bullet, but this is impossible to tell from the wording.

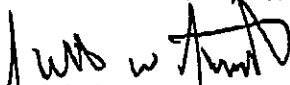
Proposed Section 134-____ (b) prohibits sale or transfer of "ammunition". The term ammunition is not defined in HRS 134-1. It can be assumed that the term would encompass fixed ammunition cartridges for rifles and shotguns, and possibly components including for primitive firearms such as muzzle-loading black-powder arms. Perhaps the intent is to use the same definition as at 27 CFR 478.11? If so I don't see how this is workable.

Proposed Section 134-____ (c) prohibits individuals from bringing into the state "ammunition of any description". It is common practice for individuals to assemble fixed ammunition cartridges from components either for cost savings or for improved performance characteristics (including for use in firearms for which commercial ammunition is not available). It should be noted that it is common practice to reuse certain components, in particular the case. In addition, there is an active hobby in the collection of old or obsolete firearms ammunition cartridges. All of these uses would appear to be unlawful under this bill. This has nothing to do with the stated intent of "enhancing the investigation of crimes", but rather, has a major, adverse impact on the

lawful activities of Hawaii's citizens with minimal (more likely no) benefit to crime investigation. It would effectively end important lawful activities.

Proposed Section 134-___ Ammunition database, requires any person transferring "ammunition" to submit data to the database. I assume this means if I am at the range, and someone wants to try my "ammunition" I have to first obtain the database information? This bill essentially makes it impossible to transfer "ammunition", which is a major, adverse impact on lawful firearms users.

In summary, this bill if enacted would provide only speculative benefits to crime investigation, using unknown and unproven technology, while causing immediate harm to lawful firearms, and firearms ammunition, owners. It must not be passed.



Scott W. Smart
94-210 Kakaili Pl
Mililani, HI 96789
(808) 627-1220

LATE



February 12, 2008

Senator Brian T. Taniguchi
Chairman, Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: Opposition to SB 2020 Relating to Ammunition (Bullet Serialization)

Dear Chairman Taniguchi:

I am writing on behalf of the National Association of Firearms Retailers (NAFR) which is a non-profit trade association representing the nation's firearms retailers. Our membership includes federally licensed firearms retailers throughout the United States, most of which are small mom-n-pop businesses that are the backbone of our nation's and Hawaii's economy. We would like to express our opposition with SB 2020 that would mandate ammunition coding (bullet serialization) within Hawaii. NAFR is opposed to this legislation for several reasons.

Some of the real life variables not considered by the legislation is the fact that ammunition often changes hands, in some cases several times, before it is fired. There is no reliable way to track a single round of ammunition from the point of manufacture to the end user. Ammunition is frequently lawfully transferred in places other than retail locations such as estate sales, sportsmen's fund raising events, and even garage sales.

The popular hobby of reloading fired cases, which has become a major source of revenue for many retailers, has been in existence for the better part of a century. There are literally millions of cases reloaded every year by sportsmen, competition shooters, recreational shooters, and commercial businesses. Every reloader has casings from several different sources. Many are purchased from shooting ranges where a large number of cartridge cases are collected daily from ammunition that has been discharged by people engaged in target shooting. Thus, if the proposed legislation were to become law, every box of reloaded ammunition would have cartridge cases with several different serial numbers, none of which would be registered to the person currently possessing them. Reloaded ammunition used in the commission of a crime would be impossible to trace to the person who used it thus in turn wasting law enforcement's time and resources.

When subjected to the closer scrutiny this proposal deserves, it is completely unrealistic to believe that serialization can be accomplished on the various types of equipment being used by manufacturers. Since our nation's armed forces and law enforcement agencies depend so heavily on manufacturers that produce ammunition for military, law enforcement, and civilian markets, and since this proposal clearly threatens the viability of those firms, I urge you to strongly oppose ammunition serialization on the grounds that it would harm our national and homeland security.

If enacted, the proposed legislation would quickly become just another law that would only affect lawful citizens and the federally licensed retailers that they conduct business with. These law-abiding citizens are not part of the firearms related crime problem. The entire scope of legislation needs to be considered before enacted.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ahlman". The signature is written in a cursive style with a large, stylized initial "L".

Larry Ahlman
President

LATE**testimony**

From: Reva K Hamilton [mochamonday@hawaii.rr.com]
Sent: Monday, February 11, 2008 11:12 PM
To: testimony
Subject: Please read comments on SB 2020 - hearing set for Tuesday, Feb. 12 - 9:00 a.m.

SB 2020COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

DATE: Tuesday, February 12, 2008
 TIME: 9:00 a.m.
 PLACE: Conference Room 016

To the Hawaii Senate Judiciary and Labor Committee Members:

We just received word tonight that you plan to hear Senate Bill 2020 tomorrow concerning the serialization of handgun bullets. In light of the extremely short notice, please consider our thoughts on this issue before making any decisions:

Hawaii already has some of the most restrictive gun laws in the nation - laws which literally deny law abiding Hawaii citizens full second amendment rights. You already have our names and addresses, our pictures and fingerprints, FBI profiles, the serial number for each of our guns, and access to all our medical and mental health records. You require us to participate in handgun training classes.

You have basically denied us the right to protect ourselves, our families, and our property, from those who are not law abiding citizens. Now you seek to add another law that would further infringe upon our constitutional rights, further inject government into our private lives, and considerably increase the already elevated cost of gun ownership and operation in Hawaii.

There are many recent studies which verify handgun ownership by responsible citizens actually deters crime. Gun registration has had little effect on deterrence of criminals. It is highly unlikely that serialized bullets will have much, if any, effect on stopping criminals from using guns and unmarked bullets. Please take the time to review some of the studies. Take a look at those countries that encourage their citizens to be armed and ready. Consider taking some handgun training from a local instructor - the training is very professional, stresses safety, and instills a sense of self-discipline. Include your kids. They'll love it!

You are charged with the responsibility to uphold the Constitution of the United States of America, including the simple, but powerful Second Amendment: ***A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*** In this crazy, terroristic world, the time may well come when the Governor must call upon Hawaii citizens to defend her existence. Would you prefer the citizenry be armed with sticks - or with well-maintained arms, affordable ammunition, and the knowledge and experience to use them?

Please direct your efforts toward enforcing laws already on the books against the bad guys – not toward making additional laws against the good guys.

Thank you for your time and consideration,

Don and Reva Hamilton

Members of NRA and HRA

"We vote, and we discuss issues with friends who vote."

LATE

Also by Senate Sergeant at Arms Office fax 586-6659.

Testimony in reference to SB 2020
IN STRONG OPPOSITION
Committee on Judiciary and Labor
Conference Room 016
State Capitol
0900 Tuesday 12 February 2008

Senator Brian Taniguchi, Chair

Senator Clayton Hee, Vice Chair

Mr. Chair, Vice Chair, and Committee Members:

Please accept my apology for this late testimony. I only learned about this bill yesterday. Previously I testified against the House version of this bill, and the House Judiciary Committee tabled the bill.

I do wish to testify in strong opposition to this bill. This bill will have no impact on public safety. This bill will have an onerous impact on law abiding citizens and force creation of a new record keeping bureaucracy in the Attorney General's office.

Of the 20 murders most recently committed in the state of Hawaii, only (1) was committed using a handgun.

You can check these facts at the following sites:

Crime in the United States 2005 <<http://www.fbi.gov/ucr/05cius/>>

Department of Justice <<http://www.usdoj.gov/>>

Federal Bureau of Investigation <<http://www.fbi.gov/>>

People like me, who are hunters, recreational, and target shooters, are the most unlikely group of individual to commit a crime with a handgun. We purchase and register our firearms with the police, and we strengthen community safety with our ability to safeguard our families and homes. Criminals are not going to purchase engraved or serialized ammunition. Criminals are not going to use a firearm registered with police.

If you pass this law, you will ultimately make the use of handguns by law abiding citizens impossible due to the lack of ammunition available to firearms owners. You will likely force many lawful shooting and hunting businesses out of business because of the onerous conditions and

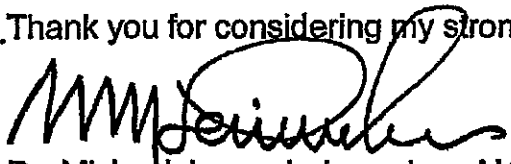
draconian penalties that this bill creates.

Please consider the impact that this bill would have on law abiding hunters, target, and recreational shooters. To laser engrave every round of ammunition would be an unreasonable burden on the right to keep and bear arms. I fire hundreds of rounds of 45 caliber ammunition when I practice. To have to laser engrave each one of them is an enormous and unreasonable burden for the hardworking, honest, and law abiding citizens of our state.

Please do something about the repeat criminal offender criminals in our state.

Please do not pass laws that criminalize, and create felons, of the law abiding citizens of our state.

.Thank you for considering my strongly held views in this regard.



Dr. Michael James Leineweber, AIA
2366 Liloa Rise
Honolulu HI 96822
TEL 808-524-2040
FAX 808-538-1529
CEL: 808-222-9429

LATE

Susan Miyao

From: Chuck Painter [chuck.km@paintergreen.com]
Sent: Monday, February 11, 2008 2:12 PM
To: Sen. Brian Taniguchi; Sen. Clayton Hee; Sen. Mike Gabbard; Sen. Russell Kokubun; Sen. Clarence Nishihara; Sen. Sam Slom
Subject: Senate Bill 2020

I just heard about Senate Bill 2020 in the Judiciary Committee.

It would require all handgun ammunition manufactured or sold in Hawaii to be coded with a serial number.

The net effect, of course, is that it's a ban on handguns.

This ammo doesn't currently exist, and I can't imagine a circumstance where an ammunition manufacturer is going to go to the trouble to create it for a market the size of Hawai'i.

The unintended consequence may be that even law enforcement will be denied ammo.

And, you've heard it before, only criminals will have guns.

I have no idea how many legal, registered handguns exist in the State, or how many gun owners there are.

Judging by the number of people at the Koko Head Range on an average weekend, it's quite a lot, and they look remarkably like voters and responsible members of the community.

In my opinion, this is simply an ill-conceived piece of legislation that should die in committee.

--
If you can do anything to squelch this, or if I can be of any further help, please don't hesitate to give me a call on my cell.

Kindest regards,

Chuck Painter
218 Koko Isle Circle
Honolulu, HI 96825

Cel: 808-754-8886

LATE

testimony

From: plialoha@hula.net
Sent: Monday, February 11, 2008 10:26 PM
To: testimony
Subject: Against S.B. 2020

Dear Legislators,

Someone has been watching far too many TV episodes of CSI.

This laser-etching technology is certainly possible, but is it practical. This silliness will place a burden on the entire firearms industry. Manufacturers will have not one but a number of steps added to the manufacturing process. Wholesalers and retailers will be burdened with way more paperwork and duplicate inventory than necessary for any sort of safety issues.

Manufacturers will need to establish a production line just for Hawaii-bound products (a very small part of their market). They will need a specific line of inventory for each type of ammunition, etc, etc, on down the line. Most small ammunition producers will simply not produce this ammunition, thus making it difficult if not impossible to equip many legal firearms in Hawaii.

Many older, collectable and rare firearms require hard to find ammunition. Much is purchased surplus at gun-shows or from dealers across the United States. Much is hand-loaded here in Hawaii by shooters who have specific ballistic requirements, or simply enjoy cutting down the rising cost of shooting in these islands.

Will this legislation require that bullets hand loaded by sportsmen, have this futuristic technology stamped into their target rounds?

How much money will need to be spent by the law enforcement community to create this data base?

How many crimes will it actually solve that would not otherwise be solved.

I think you can do better things with our money than try to keep up with fictional television technology.

Sincerely,

Richard W. Rogers
P.O. Box 727,
Haleiwa, Hawaii,
96712

808-222-6824

LATE

SB 2020

12 FEB 08

TO: SENATORS BRIAN T. TANIGUCHI, CHAIR
AND CLAYTON HEE, VICE-CHAIR
JUDICIARY AND LABOR COMMITTEE

TESTIMONY FROM:

THOMAS SCIULLI
WAIPAHU, HI 96797

RE: SB 2020 12 FEB 08, 9:00AM, ROOM 016
(35 COPIES OF TESTIMONY REQUIRED)

I WOULD LIKE TO VOICE MY OPPOSITION TO THIS BILL. SOME TIME BACK A SIMILAR BILL BECAME LAW TO REGISTER THE SALE OF RIMFIRE AMMUNITION AND IT WAS FOUND TO BE A WASTE OF TIME AND MONEY AND WAS EVENTUALLY REPEALED. OUR MONEY COULD BE BETTER SPENT ON ISSUES THAT ARE REAL PROBLEMS FOR OUR STATE SUCH AS DEALING WITH THE HOMELESS OR LOWERING THE HIGH COST OF LIVING HERE IN HAWAII.

WHY WAST OUR MONEY ON SOMETHING THAT IS NOT A REAL PROBLEM, DO YOU HAVE TOO MUCH FREE TIME ON YOUR HANDS?

THERE IS A SAYING, IF IT IS NOT BROKEN
DON'T FIX IT.

SINCERELY,

Thomas R. Scull

LATE

testimony

From: Patrick Watanabe [watanabep002@hawaii.rr.com]
Sent: Monday, February 11, 2008 8:24 PM
To: testimony
Subject: Senate Bill 2020

Dear Chairman Taniguchi,

I am in **strong opposition** of SB2020 - Relating to Firearm Ammunition.

This bill does absolutely nothing to prevent criminals from using firearms to commit their crimes. While I take the time and the expense to follow our permit and registration rules, criminals most certainly do not.

The bill will place unreasonable burdens on the public, businesses and the State of Hawaii. I believe that if this bill becomes law, I will not be able to get this ammunition.

The bill essentially would render **legally owned** handguns to become useless. Please remember that responsible armed citizens have intervened during the commission of a crime when there were no police officers around. Their acts have save others from serious bodily harm including death.

Lastly, I am respectfully asking committee members to please support the Second Amendment rights of Hawaii's law-abiding citizens. As you take more measures to disarm law-abiding citizens, you empower the criminal elements of our society.

Sincerely,

Patrik Watanabe
Concerned Citizen
Hilo, Hawaii

LATE

testimony

From: D. Choy [tenxhi@yahoo.com]
Sent: Saturday, February 09, 2008 10:11 AM
To: testimony
Subject: Opposition to SB 2020 Relating to Firearms ammunition

Dear Honorable members of the Senate Judiciary Committee:

RE: SB 2020 Relating to Firearms Ammunition, Hearing Feb. 12, 2008 at 9 AM.

As a hunter and competitive rifle shooter I **strongly** oppose SB 2020 relating ammunition. This bill will place a heavy burden on the shooting and hunting sport and will do little to assist law enforcement. The high cost to the sports consumers, manufacturers, retailers and the state and local governments will not off set the small benefit, if any, of crime reduction.

Sincerely,

Darryl Choy
946-8183
2050 Okika Pl.
Honolulu, HI 96822

Never miss a thing. Make Yahoo your homepage.

testimony

From: brian@hcc.hawaii.edu
Sent: Saturday, February 09, 2008 7:06 AM
To: testimony
Subject: SB2020 hearing

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair, Senator Clayton Hee, Vice Chair Tuesday, February 12, 2008, 9:00 a.m., Conference Room 016

SB 2020 - OPPOSE The ammunition marking company that would like to see this bill passed is counting on making it's fortune before anyone realizes that marking ammunition is useless in fighting crime and will be massively expensive to implement. Simply put, criminals will not use marked ammunition that is traceable to them. They will steal ammunition or get smuggled ammunition on the black market. In any case, the usual forensic evidence showing the links between the crime, the shooter, the gun, and ammunition will have to be gathered. Criminals will simply take themselves out of the information loop. Criminals may also turn to other weapons, such as short shotguns or rifle caliber short weapons.

Hawaii's 300,000+ gun owners will be required to dispose of an estimated \$60 million worth of ammunition and replace it with ammunition costing much more. Regardless of the assurances of the company touting the marking system, modern ammunition production is highly automated, producing cartridges on lots of tens of thousands, and segregating ammunition in discrete lots of 50 or 20 to be marked and recorded will raise the costs substantially, perhaps two or three times. The public will not be happy with lawmakers who put them in that position, especially when they discover that criminals aren't affected.

Sellers of ammunition will have to have to proper computerized tracking equipment, which will further raise prices. Means for reloading component data to be recorded and sent to the State will have to be implemented, since it is legal to order brass and bullets from out of state.

Interestingly enough, criminals will not have to report, given that they are not required to incriminate themselves as per Haynes vs the United States by registering firearms, ammunition purchases, etc., again, taking themselves out of the information loop.

The probability is that most legislative bodies will see the fatal flaw in the proposed ammunition scheme, leaving a very small market for marked ammunition for ammunition companies to sell to. They may simply refuse to change production methods to sell to a small market, leaving Hawaii with no ammunition vendors. If that happens, a few companies might make special runs of marked ammunition to sell at very high prices, giving the public and law enforcement agencies no other legal alternatives. Public expenditure for ammunition, both by honest gun owners and law enforcement agencies will have to increase, possibly several hundred percent, with a paradoxical net result of criminal activity increasing.

Just a Prohibition spawned organized crime, the necessity of smuggling in and distributing contraband ammunition will lead to an increase in criminal activity in Hawaii. Property crime will increase as criminals steal what they cannot buy, the net effect being that the honest people of the State wind up spending vast amounts of money while crime actually increases as a result, exactly opposite of the intended effect.

Other technical problems may make any marking scheme ineffective. Bullets with a lead base will be affected by the pressure and impact of unburned powder granules in some loadings. 22 rimfire cartridges, probably the most common cartridge that will fit in handguns, have a very small base area for marks and are typically made of soft lead, so that pressure and powder impact may obliterate marking, rendering the money spent on marking wasted. All the pellets in a shotgun cartridge will have to be marked, usually numbering several hundred per cartridge.

Although the bill has generous provisions for tax rebates for equipment to mark ammunition, the bullet casters and swagers in the state don't have the large tax burdens

that would make the rebate for purchasing \$50,000 marking equipment worthwhile. Thus honest innocent hobbyists would find their activities outlawed. Cartridge collectors would have their collections destroyed or devalued. While metal vapors from bullet marking will be controllable in an industrial environment (further raising the production cost), the hobbyist may not be able to do so, introducing vaporized lead, copper, tin, and zinc into the atmosphere, albeit in small quantities.

Marked ammunition is not a Magic Bullet, and prosecution of laws already on the books would do much more to curb criminal activity than mandating spending vast amounts of money, public and private, on marking ammunition. This bill should not be passed.

Brian Isaacson, President
Hawaii Historic Arms Association

February 9, 2008

TESTIMONY ON SB2020, IN STRONG OPPOSITION

Before the Committee on Judiciary and Labor,
Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice Chair
February 12, 2008, Conference Room 016

Sgt-At-Arms please provide 35 copies

Honorable Chair, Co Chair, and Members,

My name is Keith Kawamoto and I am the president of the Mid-Pacific Pistol League. MPPL's members strongly oppose this bill. Our club members participate in the internationally recognized sport of Practical Pistol Shooting (IPSC). We use thousands of loaded cartridges a month to punch holes in cardboard while participating in organized matches. Most of these cartridges are meticulously handloaded (manufactured) by the shooter, in order to get the maximum accuracy obtainable for the specific firearm that it will be used in. This bill, if it becomes a law will make criminals of law-abiding sportsmen who seek nothing else but to perfect their personal performance.

Please do not allow this bill to pass. The technology has too many flaws and the company itself (ACS of Seattle WA) mentions several ways to circumvent the system on their website. The State is already in a financially unstable situation, let's not throw money at the pseudoscience of coded ammunition.

I applaud the representatives attempt to curb crime in Hawaii, but surely legislation directed at the criminal would be more efficient than this bill directed at an inanimate object. We are not criminals, but apparently the authors of this bill view anyone who possesses ammunition (uncoded or otherwise) as a potential criminal; such absolutism offends me.

Thank you for the opportunity to testify.

Keith Kawamoto
Mid-Pacific Pistol League
P.O. Box 283092
Honolulu, HI 96828