

# **Hawaii Rifle Association**

State Affiliate of the National Rifle Association  
Founded in 1857

**March 24, 2010**

**Testimony on SB358 before JUD  
March 25, 2010, 2:45pm**

**IN STRONG SUPPORT**

**Hon. Chair Karamatsu, Vice Chair Ito, and Members,**

**HRA is in strong support of this carefully worded measure. It provides government officials and gun owners with better direction on their respective responsibilities involving privately possessed firearms.**

**The recent tidal wave alert has highlighted the need.**

**It is our understanding that the HD1 from PBS removes the language altering existing language in section 128-6 (5) concerning blood typing, which would result in a flawed bill.**

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

**Maxwell A. Cooper  
Life Member  
808 225-6944**

## karamatsu1-Kenji

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**From:** Dennis & Leona Martin [kapuaponi@hawaiiantel.net]  
**Sent:** Tuesday, March 23, 2010 9:30 PM  
**To:** JUDtestimony  
**Subject:** SB358,SD1,HD1,(HSCR879-10) Testimony

Rev. Dennis D. Martin Jr  
Associate Pastor  
New Hope Waimea  
Cell Block Guard, Kona Cell Block  
Kailua Kona, Hawaii  
Small Business owner

To Rep. Jon Karamatsu  
Chair  
Rep. Ken Ito  
Vice Chair  
Committee on Judiciary

I am in support of SB358, the bill that prohibits any Government entity from confiscating firearms during an emergency, National or otherwise. I strongly believe that it is my constitutional right to keep and bear arms at all times, especially during an emergency. Who else will protect my family? I am law abiding citizen with all the rights and priveledges that come with my citizenship. It would be tyranny, and anti-american to think that in the most crucial time of an emergency that Govt. reps would add insult to injury by confiscating my only means of protection, food gathering and safety by confiscating my firearms and ammunition. My Senior Pastors father told me of the humiliation he suffered at the hands of american soldiers in an internment camp and the confiscation of their firearms and possessions simply because of their Japanese ancestry. This can not and must not be tolerated. I ask that you vote in favor of this bill. No restrictions. I thank you for listening to my testimony.  
Pastor Dennis Martin

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 10:54 PM  
**To:** JUDtestimony  
**Cc:** ox576447@yahoo.com  
**Subject:** Testimony for SB358 on 3/25/2010 2:45:00 PM

Testimony for JUD 3/25/2010 2:45:00 PM SB358

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bryan A.E. Aquino  
Organization: Individual  
Address: 91-1109 Namahoe St. #1C Kapolei, Hawaii 96707  
Phone: (808) 330-1440  
E-mail: [ox576447@yahoo.com](mailto:ox576447@yahoo.com)  
Submitted on: 3/23/2010

**Comments:**

I strongly support SB358 and would strongly encourage you to pass this bill onto the JUD committee.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 11:04 PM  
**To:** JUDtestimony  
**Cc:** pluck@hawaii.rr.com  
**Subject:** Testimony for SB358 on 3/25/2010 2:45:00 PM

Testimony for JUD 3/25/2010 2:45:00 PM SB358

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Lance Higa  
Organization: Individual  
Address: 94-1056 Kanawao Street Waipahu, HI  
Phone: (808) 282-5947  
E-mail: [pluck@hawaii.rr.com](mailto:pluck@hawaii.rr.com)  
Submitted on: 3/23/2010

### Comments:

Please support SB358. Hawaii has been fortunate to have missed large scale natural disasters in recent memory, however because of our geographic location; we are extremely vulnerable to events like hurricanes and tsunamis. An event like the recent earthquakes in American Samoa, Chile, and the Far East could have profound effects on the citizens here. By enabling the government to confiscate firearms during these events would deny the citizens the ability to protect themselves when communication, police or disaster relief response may be limited or non-existent. Do not deny us the right to protect ourselves when the government is unable to.

## karamatsu1-Kenji

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**From:** Brent Wong [bdewong@hotmail.com]  
**Sent:** Tuesday, March 23, 2010 11:02 PM  
**To:** JUDtestimony  
**Subject:** Testimony for SB358

Dear Chair Karamatsu, Vice-Chair Ito and fellow Judiciary Committee Members,  
I am writing in support of SB358. This bill contains some key points to keep disasters like the aftermath of Hurricane Katrina from happening. Citizens of Hawaii that wish to protect their home in the time of a state emergency should not be prohibited from doing so as they are allowed to do during a time of non-emergency, presuming they are legally allowed to do so. There should be no difference between the two and law abiding citizens that wish to remain self sufficient should not be punished by seizure of their legally owned firearms.

Even though there has not been instance in the past of a seizure of firearms, we should not allow the possibility in the future. This bill will go a long way to protect firearm owners in Hawaii. This protection has already been extended by the Disaster Recovery Personal Protection Act of 2006 which protects against seizure by the federal government and its authorities. I suggest that the state of Hawaii follow suit.

Another point this bill corrects is the re-registration of firearms. As of now, all new firearms coming into the state or being purchased here need to be registered. There should be no need to force firearm owners to jump through more hoops after a time of great emergency and turmoil, especially when those records already exist.

Once again, I support SB358 and hope you do as well.

Thank you,  
Brent Wong  
Honolulu, HI

Aloha House Representatives of the Judiciary Committee,

I would like you to know that I strongly support SB358 and hope you will support the bill as well.

We need our lawful citizens to be able to help themselves during emergency or disaster. All individuals who are lawfully permitted to carry or possess the firearm or ammunition need to be able to keep this right. There are many parts to being prepared for a state of emergency or disaster. Being able to protect ones self, family and property during these times are one of them and necessary.

I would urge you to support SB358. Thank you for your time.

Mahalo,  
Ryan Bell  
Individual

## karamatsu1-Kenji

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**From:** Domingo Layugan [dvljr1@yahoo.com]  
**Sent:** Wednesday, March 24, 2010 12:49 PM  
**To:** JUDtestimony  
**Subject:** Testimony for SB 358

To: The Committee on Judiciary  
Re: SB 358  
Name: Domingo V. Layugan, Jr.  
Organization: None - Individual U.S. Citizen  
Position: Support  
Date of Hearing: March 25, 2010  
Time: 2:45pm  
Place: Conference Room 325, State Capitol  
[JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov)

Honorable Chair, Vice Chair, and Members of the Judiciary Committee,

I am in strong support of SB358.

I have read in the newspapers and watched on television the looting of business' and robberies against LAW ABIDING CITIZENS during the aftermath of Hurricane Katrina<sup>1</sup>, as well as both the Haiti<sup>2</sup> and Chilean<sup>3</sup> Earthquakes. I stress "LAW ABIDNG CITIZENS" as this bill is aimed at protecting our right to keep our firearms in times of disaster.

We must also remember that our local hunters who provide meat for their families by hunting wild game. To lose their firearm will mean less self-sufficiency and more dependence on emergency aid or other resources.

Whether in good times or in times of crisis, I do not want to lose my right to protect my family and property with a firearm or to lose my ability to hunt for game with a firearm.

Thank you for your time.

Domingo Layugan Jr.

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<sup>1</sup> Kelly Brewington, A Do-It-Ourselves Shelter Shines, Los Angeles Times, September 07, 2005

<sup>2</sup> Tina Susman, Tracy Wilkinson, Joe Mozingo, Government and Relief Groups Struggle to Get Aid to Desperate Haiti Earthquake Victims. Los Angeles Times, January 15, 2010

<sup>3</sup> Patrick J. McDonnell, Chile Sends Army into Post-Quake Chaos., Los Angles Times, March 3, 2010.

## karamatsu1-Kenji

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**From:** Kevin O'GradyEsquire [KevinOGradyEsquire@hawaii.rr.com]  
**Sent:** Wednesday, March 24, 2010 3:52 PM  
**To:** JUDtestimony  
**Subject:** SB 358 SD 1 HD 1 Relating to Firearms

To Chairman Karamatsu and members of the Judiciary Committee,

I am writing to urge the committee to pass this proposed legislation. Although the proposed regulation is not, in my opinion, as comprehensive as the 2006 Disaster Recovery Personal Protection Act, it is a necessary first step to further protecting the fundamental right of the people to keep and bear arms in defense of themselves, their families, others and their state and country as enshrined and guaranteed under the Second Amendment to the U.S. Constitution. I would like to note that the specifically enumerated right referenced in the Second Amendment, especially as explained in the recent District of Columbia v. Heller of 2008, may also be protected as an unenumerated right contained in different sections of the constitution as a privilege or immunity or otherwise contained in the Tenth Amendment to the Constitution. Whether contained in any other provisions besides the Second Amendment, the right is essential to all freeman to pursue their liberty and to exercise their other rights and privileges. I would only recommend that some of the expansive language of the DRPPA of 2006 be included in the proposed legislation.

Sincerely,

Kevin O'Grady, Esquire.

The Law Office of Kevin O'Grady, LLC  
1136 Union Mall, Suite 704  
Honolulu, Hawaii 96813  
Telephone 808-521-3367  
Facsimile 808-521-3369

[WWW.CriminalAndMilitaryDefenseHawaii.com](http://WWW.CriminalAndMilitaryDefenseHawaii.com)

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## karamatsu1-Kenji

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**From:** Brandon Reynon [brandon.reynon@gmail.com]  
**Sent:** Wednesday, March 24, 2010 8:57 PM  
**To:** JUDtestimony  
**Subject:** SB 358

Greetings, in light of recent events: earthquakes in Chile and Port Au Prince, our Tsunami scare, and the events following Hurricane Katrina; I strongly support SB358 and would encourage you to move forward in the passing of SB358.

My reason is quite simple, should there be a disaster that strikes *our* island communities, there is absolutely no way that the police and/or other government agencies would be able to mobilize and protect individuals. It would simply be naive to assume that any agency or group of agencies would be able to respond with that kind of effectiveness, especially if infrastructure like highways and power were unavailable. Please don't misunderstand, I have the utmost respect for law enforcement and safety officials, I just find it difficult to believe that they would be able to make me a priority in a worst case scenario. Being that I am married and a father of two I feel that it is my responsibility to lawfully protect them. As a law abiding citizen, I ask that SB358 be moved forward, so that in a worst case scenario, I would be able to responsibly protect my loved ones.

Thank you,

Brandon Reynon  
Kapolei, HI

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 24, 2010 9:43 PM  
**To:** JUDtestimony  
**Cc:** tgalli@chaminade.edu  
**Subject:** Testimony for SB358 on 3/25/2010 2:45:00 PM

Testimony for JUD 3/25/2010 2:45:00 PM SB358

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Tom Galli  
Organization: Individual  
Address:  
Phone: 7385824  
E-mail: [tgalli@chaminade.edu](mailto:tgalli@chaminade.edu)  
Submitted on: 3/24/2010

### Comments:

I urge you to pass this bill. It is inevitable that Hawaii will be devastated by natural disasters in the future. During such times of unrest, an armed citizenry is needed to help maintain order and protect lives.

**Subject:** Senate Bill 358 – STRONGLY SUPPORT

Dear Judiciary Committee Members,

I am writing to urge your support for Senate Bill 358. Given the events in New Orleans during hurricane Katrina where lawfully owned firearms were confiscated, it is important that Hawaii clearly define its position should a similar event or disaster occur here. While the courts ruled the confiscation unconstitutional, the damage was done. Instead of leaving law abiding citizens to the whims of government officials, there should be a guarantee that no one can take away lawfully owned firearms which are a citizen's last line of defense against criminals.

Please support Senate Bill 358.

Respectfully,  
Brian Lau  
7262 Anakua St.  
Honolulu, HI 96825  
8083817449

COMMITTEE ON JUDICIARY  
Testimony in support of SB 358 HD1, SD1

Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair

My name is Bill Richter and I am the President of Lessons in Firearms Education, or LIFE and I am here to testify in strong support of SB 358.

LIFE provides basic firearms safety classes that are required before one can purchase a handgun in the Hawaii. We put these classes on every month and they fill up very quickly, often we have a waiting period of several months. Most students come to the class because they want to obtain a firearm for self defense.

Deciding to purchase a firearm for self defense is like buying a fire extinguisher, using a seatbelt, or having homeowners insurance. It is planning and preparing for something that you hope never happens. In a way, it is like the preparations various governmental agencies recommend when hurricane season comes around.

Why are these preparations necessary? Because, it is well known that in the event of a disaster, or a breakdown in civil order, citizens are very likely to be on their own in terms of providing food, water, medicines and other daily necessities for themselves. This basic and well understood concept is also applicable to defending one's home and family. If the "government" is not able to supply the very basic necessities, how are they expected to be able to protect others? The truth is that cannot.

During hurricane Katrina firearms were illegally taken from law abiding citizens just when the police were least capable of protecting them. There were documented cases of police using extreme and illegal actions in this quest, including tackling an elderly lady to confiscate a small revolver and confiscating firearms being legally moved from a home after the occupants were forced to evacuate. Contrast that to the many examples of law abiding citizens using their guns to protect themselves and their community when 911 was inoperable or when police were unable to respond to calls for assistance.

The recent Tsunami scare, along with the memories of Hurricane Iniki should be enough to make anyone realize that Hawaii could, at any time, suffer a disaster of the same magnitude of Hurricane Katrina. Adjutant General Lee testified last year that he was opposed to this bill because he thought it might hamper law enforcement or rescue efforts after a disaster. What legitimate law enforcement objective would be hampered by allowing law abiding citizens to keep their firearms? None that I can think of. As a healthcare professional involved with disaster planning, preparations and response, I can say unequivocally that I would prefer to see individuals well prepared, including those with lawfully obtained firearms, rather than those who would unrealistically expect immediate rescue and protection in the aftermath of a significant disaster.

With Hawaii severely suffering during these difficult economic times, lets not forget that the gun confiscations after Katrina were found to be illegal and unconstitutional, with New Orleans being ordered by the courts to return the illegally seized firearms. With such a precedent can you imagine the cost of trying to defend any similar actions here?

And finally, let's remember that approximately 32 states and the Federal government have passed laws prohibiting seizures of firearms during times of disaster and Hawaii should follow in their footsteps.

To even consider the possibility of allowing the seizure of legally owned firearms during times when responsible and law abiding citizens need them most, especially when you know that no governmental agency can provide adequate protection for them, is morally and ethically reprehensible.

I urge you to support and pass SB 358.

Thank you.

COMMITTEE ON JUDICIARY

Chair Jon Riki Karamatsu

Vice-Chair Ken Ito

Testimony on Senate Bill 358, S.D. 1, H.D.1 – Relating to Firearms \_ **STRONG SUPPORT**

Thursday, March 25, 2010, 2:45, Room 352.

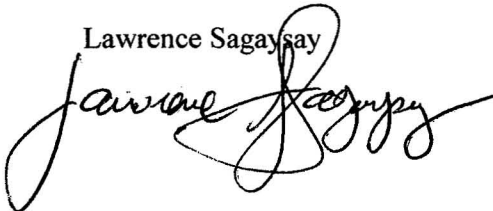
Chair Karamatsu, Vice Chair Ito and members on the Committee on Judiciary. Aloha and good afternoon. My name is Lawrence Sagaysay and I am in **STRONG SUPPORT** of Senate Bill 358, S.D. 1, H.D.1 – Relating to Firearms. The seizure of firearms and ammunition whether during peacetime, during times of emergency or times of disaster is a blatant disregard for law abiding citizens' right to keep and bear arms. This piece of legislation is also an infringement according to Article I Section 17 of our Hawaii constitution.

The confiscation of firearms during times of emergencies and times of disasters will add a tremendous over burden to authorities in confiscating firearms to authorities who could otherwise be servicing the citizens during arduous times also and adding more stress on its citizenry on the idea of having their firearms taken away.

Chair Karamatsu and Vice Chair Ito and members of the Committee on Judiciary, this piece of legislation would add to more chances of more liabilities and litigations this state has to go through should Senate Bill 358 passes. I humbly urge this committee not to pass this bill. Thank you for giving me the chance to testify.

Aloha.

Lawrence Sagaysay

A handwritten signature in black ink, appearing to read 'Lawrence Sagaysay', written in a cursive style. The signature is positioned below the printed name.

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

Thursday, March 25, 2010

2:45pm

**TESTIMONY ON SENATE BILL 358 SD1 HD1 – RELATING TO FIREARMS  
TO THE HONORABLE JON RIKI KARAMATSU, CHAIR, THE HONORABLE KEN  
ITO, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:**

My name is Jennifer Fuchikami and I am a nineteen year old college student. I strongly support SB 358 SD1 HD1 which will ensure that properly licensed gun owners in Hawaii will not have their firearms unconstitutionally seized by officials during crisis or emergency periods.

In the chaotic aftermath of Hurricane Katrina in 2005, many legally registered firearms were taken from law-abiding Louisiana citizens – even confiscated by force (a judge would later rule that this was unconstitutional). These people simply wanted to be able to defend themselves from looters and other criminals should they come into the area, but instead they were viewed as guilty until proven innocent. Two months later, Louisiana passed a resolution to create a law that would prevent this trampling of rights from happening in their state again.

Louisiana was one of the first of what are now twenty-one states that have laws that keep state and local officials from barging in and seizing licensed firearms from their owners by abusing state emergency powers. These states include Florida, Idaho, Kentucky, Michigan, Mississippi, Missouri, New Hampshire, Oklahoma, South Carolina, and Virginia.

In 2006, a federal version was signed into law: Public Law 109-295, sec. 706 under “Prohibition on Confiscation of Firearms” which prohibits the confiscation of a firearm by federal officials during a major disaster or emergency if possession of such firearm is not illegal under state or federal law. It had been passed with a Congressional bi-partisan vote of 84-16 in the Senate, while a similar bill in the House had passed 322-99.



If a disaster of the magnitude of hurricane Katrina or the Haiti earthquake was ever to hit Hawaii, our location in the middle of the Pacific Ocean guarantees a much longer response time for emergency aid coming in from outside of our state. Civil defense and law enforcement agencies will likely be stretched to their limits, hindered by storm damage and other pressing matters. Even in normal conditions, it is impossible for police to be everywhere at once.

To legally purchase a handgun in Hawaii, one must undergo a background check, fingerprinting, take a firearms safety course, and other requirements regulated by the police department. I submit that those who don't bother to follow the laws already in place (i.e., those who possess firearms illegally), won't bother to use those firearms legally anyway. Taking firearms from licensed, law-abiding citizens during such a chaotic period of time will only aid lawbreakers and criminals.

Other testifiers have stated that so far state and local officials have never gone to such a drastic step even during a post-September 11th world. The truth is Hawaii hasn't faced a natural disaster that was as devastating as the scale of hurricane Katrina in the South or the 8.0 magnitude earthquake last month in Chile. When the most recent tsunami warning (the result of the Chilean earthquake) was announced, I listened to the local news reporters and Civil Defense workers say, "it's not a matter of if, but when." This referred to that fact that we are "overdue" for a large, destructive tsunami, the last occurring in nearly forty years ago.

Though I'm sure that in the event of such a disaster, the "Aloha Spirit" that we are famous for here in Hawaii would prevail, I also know that there will be some who (as in our current normal life) would try to take advantage of the chaotic situation for their own gain (whether to loot, steal, or harm other people). As I mentioned, it is impossible for law enforcement to be everywhere at once. We already have laws in place that give police the power to confiscate firearms from people committing or suspected of committing crimes. This bill ensures that people who aren't committing crimes are protected from this sort of seizure during emergency situations and natural disasters, a time when they may need it the most to protect their homes and family.

Testimony of Jennifer Fuchikami  
SB 358 SD1 HD1  
March 25, 2010  
Page 3

I thank the committee for taking the time to read my testimony on this important issue and respectfully urge you to pass this bill.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 25, 2010 3:05 AM  
**To:** JUDtestimony  
**Cc:** rglivinghi@aol.com  
**Subject:** Testimony for SB358 on 3/25/2010 2:45:00 PM

Testimony for JUD 3/25/2010 2:45:00 PM SB358

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ronald Livingston  
Organization: Individual  
Address: 7021 Kamilo St Honolulu, HI  
Phone: 808-395-6559  
E-mail: [rglivinghi@aol.com](mailto:rglivinghi@aol.com)  
Submitted on: 3/25/2010

**Comments:**

During times of emergency is not the time to disarm law abiding people of their legally owned firearms. They have a right to be able to protect themselves and family.