

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Thursday, March 25, 2010
11:00 AM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 950, SENATE DRAFT 2, HOUSE DRAFT 2
RELATING TO ELECTRIC GUNS**

Senate Bill 950, Senate Draft 2, House Draft 2 authorizes the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement (DOCARE) to possess and use electric guns, provided DOCARE has received accreditation or recognition standards from the Commission of Accreditation for Law Enforcement Agencies (CALEA). The Department of Land and Natural Resources (Department) strongly supports this Administration measure except for its effective date of July 1, 2050. The Department respectfully asks that this bill be further amended to restore the effective date back to "upon approval".

Electric guns have proven to be a useful tool for law enforcement throughout the United States and County Police have successfully deployed and used electric guns in Hawaii for some time and continue to this day. Electric guns provide a viable alternative to the need for a law enforcement officer to escalate to the use of deadly force when dealing with a non-compliant combative suspect. Any officers working in remote isolated areas will be able to apprehend and secure potentially dangerous individuals without injury to themselves or to the difficult to handle individual. Like members of other law enforcement agencies DOCARE officers have been forced to confront unruly individuals who were under the influence of alcohol and illegal drugs, often without any backup. This necessary law enforcement tool helps to reduce risk and injury to the DOCARE officers, innocent bystanders and suspects and is certain to act as a deterrent. The Department also acknowledges the need to provide adequate training for its officers and establish protocols that will govern the use of electric guns and management of this equipment before moving forward with this initiative.

The Department supports the usage of electric guns by its DOCARE officers while performing their duties within the State, and recommends passage of this bill as amended restoring the effective date back to "upon approval".

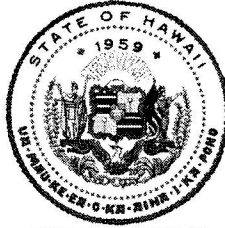
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LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

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DIRECTOR

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Deputy Director
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TESTIMONY ON SENATE BILL 950 SD2, HD2
A BILL FOR AN ACT RELATING TO
ELECTRIC GUNS

by
Clayton A. Frank, Director
Department of Public Safety

Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Thursday, March 25, 2010, 11:00 AM
State Capitol, Room 308

Representative Oshiro and Members of the Committee:

The Department of Public Safety strongly supports House Bill 950 SD2, HD2 that would authorize all law enforcement officers within the Department of Public Safety (Sheriff Division and Narcotics Enforcement Division) to be able to utilize electric guns in the performance of their law enforcement duties. The ability to utilize this less than lethal tool "Electric guns" will give the Department's law enforcement officers another tool to assist them in subduing or obtaining compliance from suspects in the field.

Thank you for the opportunity to testify on this matter.



888 Mililani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

www.hgea.org

The Twenty-Fifth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
March 25, 2010

S.B. 950, S.D. 2, H.D. 2-
RELATING TO ELECTRIC GUNS

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, supports the purpose and intent of S.B. 950, S.D. 2, H.D. 2 which would allow law enforcement officers of the Department of Public Safety (PSD) and DOCARE officers of the Department of Land and Natural Resources (DLNR) to possess electric guns (aka stun guns). Electric guns are used by many police department in the United States and are credited with decreasing police officer and suspect injuries and deaths due to use of force. However, law enforcement officers need to be thoroughly trained in how to use these devices. According to a recent GAO report, proper training is essential to help ensure its safe, effective and appropriate use.

The proper deployment of these weapons requires establishing use-of-force policies, training requirements, operational protocols and safety procedures. PSD and DLNR should request training for their officers by the respective county police departments and adopt their existing policies, protocols and safety procedures.

For example, electric guns need to be inspected on a regular basis. Safety procedures also suggest that electric guns not be used on children, pregnant suspects or where there are nearby bystanders or flammable liquids. There are instances when law enforcement officers confront dangerous situations where a suspect is armed and the stun gun would be an appropriate defense to protect them.

Thank you for the opportunity to submit our testimony in support of S.B. 950, S.D. 2, H.D. 2

Respectfully Submitted,

Nora A. Nomura
Deputy Executive Director

**Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 950, HD2 Relating to Electric Guns
House Committee on Finance
Thursday, March 25, 2010, 11:00AM, Room 308**

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy of Hawai'i supports S.B. 950, HD2 Relating to Electric Guns. With DLNR Division of Conservation and Resources Enforcement (DOCARE) officers often carrying out their duties in remote locations and during a variety of hours of the day and night, this bill would provide an appropriate protection device for the officers.

Many who care about the state's natural resources have long called for more enforcement of regulations to protect those resources. A 2006 State Auditor's report concludes that DOCARE officers are spread too thin and lack the equipment they need to do their jobs. Following the audit, DOCARE undertook its own review and strategic planning effort to improve its operational processes. One result is that DOCARE has begun the process of seeking national law enforcement accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA www.calea.org).

Part of DOCARE's strategic planning also includes that its enforcement officers have the proper equipment to allow them to be effective. Two years ago, the Legislature authorized DLNR conservation officers to use blue and red lights on their vehicles to serve several important purposes such as a deterrent to unlawful behavior, identification to those in need of assistance, and allowing enforcement officers to quickly and safely get through traffic in emergency situations. This bill will properly allow these law enforcement officers to have another important protective tool.

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FINTestimony

From: mailinglist@capitol.hawaii.gov
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to: FINTestimony
Cc: KEvinogradyesquire@hawaii.rr.com
Subject: Testimony for SB950 on 3/25/2010 11:00:00 AM

Testimony for FIN 3/25/2010 11:00:00 AM SB950

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kevin O'Grady
Organization: Individual
Address: 1136 Union Mall Suite 704 Honolulu, Hawaii
Phone: 8085213367
E-mail: KEvinogradyesquire@hawaii.rr.com Submitted on: 3/24/2010

Comments:

To Chairman Oshiro and members of the committee- I urge that the committee consider that if the DLNR proposes that electric guns are useful items for self defense then those items should be available to all members of the public, i.e. the people of the state of Hawaii, for the purpose of self defense. Self defense is the reason underlying the Second Amendment to the U.S. Constitution and our own state constitution, which uses the exact same language. We know from the U.S. Supreme court that the right to defend one's self is a fundamental right and I argue that the ability to acquire, own, possess, carry and use lawfully weapons which are useful to that end must also be available to exercise that right. Please amend the law so that ALL people not otherwise barred by reason of adjudicated insanity or conviction of a violent felony may have these items to use.