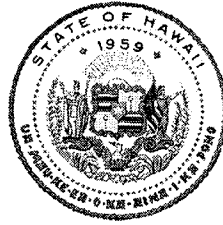


SB 950

Measure Title:
RELATING TO ELECTRIC GUNS

Report Title:
Electric Guns

LINDA LINGLE
GOVERNOR



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

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director of
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 950
A BILL FOR AN ACT RELATING TO
ELECTRIC GUNS

by

Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Committee on Water, Land, Agriculture and
Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

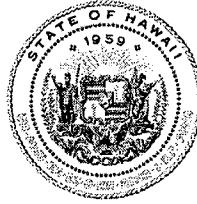
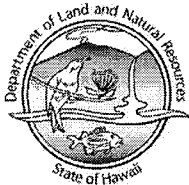
Thursday, February 11, 2010, 1:30 PM
State Capitol, Room 229

Senators Espero, Hee and Members of the Committees:

The Department of Public Safety strongly supports House Bill 950 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.

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 Senate committees on
PUBLIC SAFETY AND MILITARY AFFAIRS
and
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Thursday, February 11, 2010
1:30 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 950
RELATING TO ELECTRIC GUNS**

Senate Bill 950 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 from a nationally recognized law enforcement accreditation or credentialing program. The Department of Land and Natural Resources (Department) strongly supports this Administration measure.

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.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA

Executive Director

Tel: 808.543.0011

Fax: 808.528.0922

NORA A. NOMURA

Deputy Executive Director

Tel: 808.543.0003

Fax: 808.528.0922

DEREK M. MIZUNO

Deputy Executive Director

Tel: 808.543.0055

Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate

Committee on Public Safety & Military Affairs
Committee on Water, Land, Agriculture & Hawaiian Affairs

Testimony by
Hawaii Government Employees Association
February 11, 2010

S.B. 950 – RELATING TO
ELECTRIC GUNS

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, supports the purpose and intent of S.B. 950, which would allow law enforcement officers of the Department of Public Safety and DOCARE officers of the Department of Land and Natural Resources to possess electric guns (stun guns). Electric guns are used by many police departments 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 testify in support of S.B. 950.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

Senator Hee, Chair
Senator Tokuda, Vice Chair
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Dear Senator Hee, Vice-Chair Tokuda and Members,

SUBJECT: SB 950, Related to Electric Handguns

I am Erik T. Vuong, Conservation and Resources Enforcement Officer III, with the Department of Land and Natural Resources (DLNR) on Maui. I support **SB 950, Related to Electric Handguns.**

The purpose of this bill is to authorize the Department of Land and Natural Resources, Conservation and Resources Enforcement Officers to use Tasers while performing our duties within the State of Hawaii.

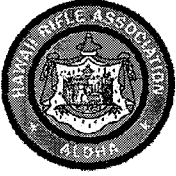
Law enforcement agencies throughout the nations have gone to the Taser as a less lethal option in their use of force continuum. Tasers use proprietary technology to incapacitate dangerous, combative, or high-risk subjects who pose a risk to law enforcement officers, innocent citizens, or themselves in a manner that is generally recognized as a safer alternative to other uses of force. Taser technology saves lives every day, and the use of Tasers dramatically reduces injury rates for police officers and suspects.

As a Conservation and Resources Enforcement Officer, I often work alone in remote areas of our county with no backup in the immediate areas. The Taser would increase our safety and enable us to control aggressive subject while minimizing injuries. I have been in law enforcement for approximately 13 years, and there were numerous situations where I have had to engage in hand-to-hand combat with suspect(s) who were actively resisting arrest, which resulted in injuries to me, and the suspect. The Taser would have been an important option to minimize injuries to officers and suspects.

The Department of Land and Natural Resources, Conservation and Resources Enforcement Officers on Maui urges you to support SB 950, Relating to Electric Handguns. Thank you for the opportunity to testify.

Respectfully,

Erik T. Vuong



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 8, 2010

Testimony on SB 950, Relating to Electric Guns

IN SUPPORT

Before the Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

And

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

DATE: Thursday, February 11, 2010
TIME: 1:30 pm
PLACE: Conference Room 229
PSMTestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

I would like to provide testimony in **SUPPORT** of this bill.

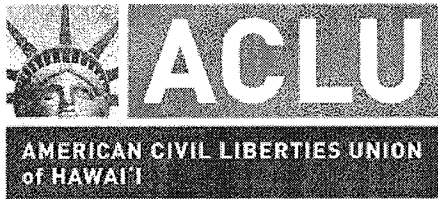
The Hawaii Rifle Association stands in support of providing DLNR & DPS with additional 'less than lethal' options in exercising their duties.

Please **SUPPORT** the passage of this bill as currently presented.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Plischke".

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



Committee: Committee on Public Safety and Military Affairs and Committee on Water, Land, Agriculture and Hawaiian Affairs
Hearing Date/Time: Thursday, February 11, 2010, 1:30 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 950, Relating to Electric Guns

Dear Chairs Espero and Hee and Members of the Committees on Public Safety and Military Affairs and Water, Land, Agriculture and Hawaiian Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to S.B. 950, which seeks to authorize law enforcement officers of the Department of Public Safety and conservation and resources enforcement officers of the Department of Land and Natural Resources to use electric guns and related equipment while performing their duties.

The ACLU of Hawaii opposes this bill because of the increasing number of deaths, injuries and resulting lawsuits associated with electric gun (“Taser”) use, the lack of independent studies on several critical safety issues, and the lack of policy governing the use of the weapon. The ACLU of Hawaii also urges the imposition of regulations for law enforcement agencies that currently authorized to use Tasers.

The ACLU of Hawaii recommends several policy reforms including the following:

Pass Legislation. A law should be passed that would only allow Tasers to be used as an alternative to deadly force. The British Government currently employs such restrictions. Tasers are certainly a safer alternative to firearms, but until more independent safety studies are completed, law enforcement agencies should be restricted from using Tasers in non-life-threatening situations.

Adopt Stricter Policies. Local government and local law enforcement should each independently adopt Taser policies. If local law enforcement will not restrict its Taser use to life-threatening situations, agencies should, at a bare minimum, adopt policies to minimize the risk of death such as prohibiting repeated shocks and protecting vulnerable populations such as the very young, the elderly and pregnant women. Further, Taser policies should require more detailed reporting and mandatory medical treatment to those Tased, regardless of whether they were ultimately arrested.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Hon. Sens. Espero and Hee, Chairs, PSM/WTL and Members Thereof
February 11, 2010
Page 2 of 2

Revise Training Materials. Local law enforcement agencies should conduct comprehensive reviews of the Taser International training materials, revise them, and retrain all officers that have already completed the Taser International training.

For more information, please see American Civil Liberties Union of Northern California, *Stun Gun Fallacy: How the Lack of Taser Regulation Endangers Lives* (2005), available at http://www.aclunc.org/issues/criminal_justice/police_practices/asset_upload_file593_5242.pdf. Further, please see NC Taser Safety Project, *Not There Yet: The Need for Safer TASER Policies in North Carolina*, 2008, available at <http://acluofnc.org/files/NotThereYet.pdf>.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

From: Kevin O'GradyEsquire
Sent: Wednesday, February 10, 2010 1:16 PM
To: PSM Testimony
Subject: SB950

To the Chairmen of the Committees,

I am unsure why DLNR wishes to be able to utilize electric guns. However, if these weapons are useful for self defense, as apparently they are as they can already be used by police and sheriffs, and presumably DLNR advances the same argument for the change in the law, then all citizens, who have a natural right to self defense, ought to be able to acquire, own, carry and use these to protect themselves, their families, property, households and communities. Please amend the bill to allow all citizens, who are not otherwise prohibited by conviction of a violent felony or having been previously adjudicated as being mentally insane and a danger to themselves and others, to also possess these weapons.

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

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 10:52 AM
TO: PSM TESTIMONY

SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: HOWARD RODRIGUES
ORGANIZATION: INDIVIDUAL
ADDRESS: 420 KEA STREET KAHULUI, HI
PHONE: (808) 757-0326
E-MAIL: HJRODRIGUES048@GMAIL.COM
SUBMITTED ON: 2/10/2010

COMMENTS:

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 10:17 AM
TO: PSM TESTIMONY

SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: BROOKS TAMAYE
ORGANIZATION: INDIVIDUAL
ADDRESS: KOLO PL WAILUKU, HI
PHONE: 8082445751
E-MAIL: BKTAMFAM@MSN.COM
SUBMITTED ON: 2/10/2010

COMMENTS:
NOTHING FURTHER. THANK YOU

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 1:39 PM
TO: PSM TESTIMONY
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: JOHN YAMAMOTO
ORGANIZATION: INDIVIDUAL
ADDRESS: 35 MIKIOLA ST. MAKAWAO HI, 96768
PHONE: 808 870-1277
E-MAIL: NIGHTMENEHUNE@YAHOO.COM
SUBMITTED ON: 2/10/2010

COMMENTS:

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 12:21 PM
TO: PSM TESTIMONY
CC: KIEF808@HOTMAIL.COM
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: KIEF APO
ORGANIZATION: INDIVIDUAL
ADDRESS: 121 MOOMOMI AVENUE HOOLEHUA, HI
PHONE: (808) 567 6598
E-MAIL: KIEF808@HOTMAIL.COM
SUBMITTED ON: 2/10/2010

COMMENTS:

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 2:30 PM
TO: PSM TESTIMONY
CC: MAHIAI@SANDWICHISLES.NET
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: No
SUBMITTED BY: RANDY AWO
ORGANIZATION: INDIVIDUAL
ADDRESS: 643 KOHOMUA ST. WAILUKU, HAWAII
PHONE: 808 760-8318
E-MAIL: MAHIAI@SANDWICHISLES.NET
SUBMITTED ON: 2/10/2010

COMMENTS:

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 2:33 PM
TO: PSM TESTIMONY
CC: MAHIAI@SANDWICHISLES.NET
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: MOMI AWO
ORGANIZATION: INDIVIDUAL
ADDRESS: 634 KOHOMUA ST WAILUKU, HAWAII
PHONE: 808 760-8318
E-MAIL: MAHIAI@SANDWICHISLES.NET
SUBMITTED ON: 2/10/2010

COMMENTS:

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 3:04 PM
TO: PSM TESTIMONY
CC: JREZENTE@GMAIL.COM
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: JOSHUA REZENTES
ORGANIZATION: STATE OF HAWAII/DLNR-DOCARE
ADDRESS:
PHONE:
E-MAIL: JREZENTE@GMAIL.COM
SUBMITTED ON: 2/10/2010

COMMENTS:
DLNR OFFICERS NEED TASERS. THEY ARE STATE LAW ENFORCEMENT OFFICERS THAT WORK ALONE IN REMOTE AREAS. THEY ALSO WRITE CITATIONS AND EFFECT ARREST.

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 3:03 PM
TO: PSM TESTIMONY
CC: CAHILLRC@HAWAII.RR.COM
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: RONALD CAHILL
ORGANIZATION: STATE OF HAWAII/DLNR-DOCARE
ADDRESS:
PHONE:
E-MAIL: CAHILLRC@HAWAII.RR.COM
SUBMITTED ON: 2/10/2010

COMMENTS:
DLNR OFFICERS NEED TASERS. THEY ARE STATE LAW ENFORCEMENT OFFICERS THAT WORK ALONE IN REMOTE AREAS. THEY ALSO WRITE CITATIONS AND EFFECT ARREST.

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, FEBRUARY 10, 2010 3:02 PM
TO: PSM TESTIMONY
CC: RANDYINMAUI@YAHOO.COM
SUBJECT: TESTIMONY FOR SB950 ON 2/11/2010 1:30:00 PM

TESTIMONY FOR PSM/WTL 2/11/2010 1:30:00 PM SB950

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: RANDY DECAMBRA
ORGANIZATION: STATE OF HAWAII/DLNR-DOCARE
ADDRESS:
PHONE:
E-MAIL: RANDYINMAUI@YAHOO.COM
SUBMITTED ON: 2/10/2010