

TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO H.B. NO. 679

Date: Thursday, February 16, 2012

Time: 9:00 am

To: Chairman Henry Aquino and Members of the House Committee on Public Safety and Military Affairs:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in OPPOSITION to H.B. No. 679, relating to Firearms.

It is unclear what this measure seeks to accomplish. The language of the bill suggests that its intent is to encourage NRA certified instructors to provide gun training required to obtain a handgun permit by exempting certified instructors from the liability currently found in HRS section 663-9.5. However, the reason that this exemption is required or desirable is not clear.

Under 663-9.5 the gun owner is only liable for his/her own shooting of the weapon and is not liable if others shoot the gun. So in a gun training class the NRA certified trainer would only be liable if he/she shot someone. The NRA trainer is not liable under 663-9.5 if the person being trained shoots another person with a gun provided by the trainer or brought by the trainee. In other words, if the NRA certified trainer brings extra guns for trainees to use during the training session, the trainer is not liable for the trainee's use of the gun under 663-9.5(b)(1) because liability when the gun is not in the possession of the owner is specifically exempted. Similarly, the trainer is not liable when the trainee brings and uses their own gun because 663-9.5(a) only applies to the trainer's own gun. Since the trainer is only liable under the statute if he/she shoots

someone, and would be liable under other principles of law anyway, the exemption makes no difference and only creates an ambiguity and confusion whether this amendment is intended to provide an NRA certified trainer with immunity from his/her own shooting of another individual.

If there are specific circumstances related to NRA certified training sessions that merit exceptions to an owner's responsibility to properly handle their weapons, these circumstances should be addressed specifically and dealt with narrowly rather than with a broad and complete exemption from liability.

Thank you very much for allowing me to testify in OPPOSITION to this measure. Please feel free to contact me should you have any questions or desire additional information.



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 14, 2012

Testimony on HB679 IN STRONG SUPPORT

Before: PBM, Thurs Feb 16, 9am, Rm 309

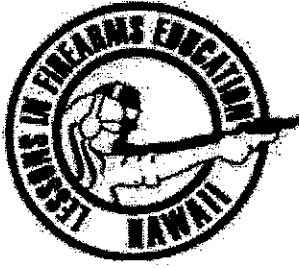
Hon. Chair, Co-Chair, Members,

HRA strongly supports this bill. The NRA Certified Instructors in HI should have this protection from civil liability. They provide their own personal firearms for public use to obtain safety training per HRS 134-2(g)(4) a pre-requisite for obtaining a permit to acquire a handgun.

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

Dr. Maxwell Cooper

225-6944



Good Morning Chair Aquino, Vice-Chair Cullen,

My name is Bill Richter and I am the President of Lessons in Firearms Education (LIFE). I am here to express my support of HB 679.

LIFE is a non-profit organization committed to the safe firearms training of Hawaii's citizens and over the years has trained thousands of individuals. LIFE probably trains more individuals than any other organization or person in the state of Hawaii. Over the last several years we have seen an ever-increasing interest in firearms and the subsequent need for training. There are many reasons for this increase, but regardless of the reason, one thing is clear: all of these new gun owners required some type of training before they could purchase their firearm.

Hawaii law requires that training be provided by NRA instructors. As you well know, the litigious nature of our society forces everyone to evaluate their actions with consideration toward their liability exposure. Our instructors are no different. I have had qualified NRA instructors express concerns that they feel their liability exposure is too high with Hawaii's current absolute liability statute and have decided not to teach. As concerns for liability heightens, the number of instructors willing to teach declines. As the number of instructors diminishes, the ability to provide the much needed (and required) basic safety training becomes more difficult and many students get frustrated and don't get the training they deserve.

Help us continue providing readily available, high quality training that ultimately results in better educated, safe, and responsible gun owners. Pass HB 679 and let our instructors worry about teaching instead of excessive liability exposure while they provide State mandated training.

Thank you.

Bill Richter

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2012 1:44 PM
To: PBMtestimony
Cc: steven.schutte@verizonwireless.com
Subject: Testimony for HB2769 on 2/16/2012 9:00:00 AM

Testimony for PBM 2/16/2012 9:00:00 AM HB2769

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: steven schutte
Organization: verizon wireless
E-mail: steven.schutte@verizonwireless.com
Submitted on: 2/14/2012

Comments:

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2012 1:05 PM
To: PBMtestimony
Cc: lorendd@yahoo.com
Subject: Testimony for HB679 on 2/16/2012 9:00:00 AM

Testimony for PBM 2/16/2012 9:00:00 AM HB679

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Loren C. Divers
Organization: Individual
E-mail: lorendd@yahoo.com
Submitted on: 2/15/2012

Comments:

Dear Committee Members:

The NRA program is proven top notch organization, and House Bill 679 ensures high quality, reliably consistent and thorough firearms training. There is no "downside" to this bill. Please do a much as you can to see that this bill is signed into law.

PBMtestimony

From: Melanie Kuroiwa-Steiner on behalf of Rep. Linda Ichiyama
Sent: Wednesday, February 15, 2012 8:21 AM
To: PBMtestimony
Subject: FW: HB679

-----Original Message-----

From: kevin imai [mailto:kimai687@gmail.com]
Sent: Wednesday, February 15, 2012 8:14 AM
To: Rep. Linda Ichiyama
Subject: HB679

With respect, I urge you to support HB679. Thank you Kevin Imai.
Citizen and voter.