

SB 2975

RELATING TO FIREARMS

Description:

Requires the loss or theft of a firearm to be reported to the police within a certain time after discovery. Exempts persons who comply with the reporting requirement from the penalties for improper storage and other firearms violations.



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 8, 2012

Testimony on SB2975 IN OPPOSITION .

Before: PGM, Feb 9, 2012, 2:45pm Rm 224

Hon. Chair, Co-Chair, Members,

HRA opposes this bill. It is yet another example of laws that burden the law-abiding gun owner and have no significant impact on scofflaws and outlaws. The current statute, with "absolute liability" a consequence for failure to report a missing or stolen firearm before it is used improperly or illegally is sufficient motivation for early reporting.

The 72 hour requirement is too short. Reporting within 3 days could be difficult. This year alone we have 10 three-day weekends. A theft discovered on Friday could not reasonably be reported or logged into PD records until Tuesday, and the owner would be in violation. Responsible gun owners would hesitate to clog the 24 hour 911 system with these reports.

The penalty is harsh. A full misdemeanor is one year jail and a \$2000 fine and the defendant is entitled to a jury trial. It is doubtful the prosecutor would be able to get a conviction. The added cost of a jury trial on the judiciary, state and public defender should be considered .

If passed, the time to report should be lengthened to 5 days to accommodate three day weekends and the penalty should be a petty misdemeanor or a violation subject to a fine only.

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

Dr. Maxwell Cooper

225-6944

From: Brendon K Heal
91-682 Kilinahe St
Ewa Beach, HI 96706

Subject: SB2975

Honorable Senators,

I am opposed to this bill that requires persons to report stolen firearms within 72 hours under penalty of law.

It make no sense to criminalize a person that has already been a victim of a crime.

Instead the legislature should concentrate on putting the real criminals in jail, and stop the criminalization of law abiding, responsible citizens, who seek to protect themselves and their families.

There could be many reason one might not be able to report a stolen firearm.

Just a few examples.

Suppose a person is on a vacation or the person is deployed military; how then would they be able to know if their firearm is stolen and report it within 72 hours?

What if a person has a sizable collection of firearms and one or two of them is stolen. It may not be noticed within 72 hours.

Now if the criminal is caught with the firearm, the person who owned it will be penalized, because it was stolen?

I realize that the law, as written, states that the theft must be reported 72 hours from the time of discovery, and that there are many exemptions, however, this law is very open ended, therefore, innocent lawful citizens could be prosecuted on the whims and biases of law enforcement and the judiciary. This is unacceptable, there are much too many of these types of open-ended, confusing, and vague laws already on the books.

Any responsible person will report a firearm stolen as soon as it is possible. As such, there is no need for this law to be written in to the books. The law as written seem to be unenforceable in any case, unless fore mentioned biases are taken into account. There may be cases in which a person may be an accessory to a crime, and they may not report the firearm stolen in a reasonable manner. These cases should be considered on a case by case basis.

We do not need a law that states a person WILL report the firearm stolen within 72 hours.

With respect,
Brendon K Heal

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Friday, February 03, 2012 3:26 PM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB2975 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB2975

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jim Q. Huynh
Organization: Individual
E-mail: [REDACTED]
Submitted on: 2/3/2012

Comments:

I don't see any point in having such a law like this. Law abiding citizens who own firearms are very responsible and are well aware as to where their firearms are.

If for some reason a firearm was to wind up missing, usually by a robbery or a burglary, the police would already have a report stating a firearm already went missing.

The police already has the firearms on file at headquarters as well for whom owns which firearm. If the fire arm were misplaced, and the owner couldn't find it within at most 24 hours, a call would to the police would be made already.

Why add a new law that potentially punishes law abiding citizens? Criminals wouldn't register their firearms. They certainly wouldn't tell the police that they lost a firearm. So why are you making law abiding citizens have to worry about getting charged with a misdemeanor? Does the citizens of Hawaii look like criminals in your eyes?

From: mailinglist@capitol.hawaii.gov
[mailto:mailinglist@capitol.hawaii.gov]
Sent: Friday, February 03, 2012 6:59 PM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB2975 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB2975

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Brandon Reynon
Organization: Individual
E-mail: [REDACTED]
Submitted on: 2/3/2012

Comments:

Committee Members,

I strongly oppose this legislation. This bill would criminalize lawful gun owners and essentially penalize the innocent. Please do not allow this bill to pass, as it serves absolutely no purpose in fighting crime or the criminals who would be stealing the lawfully owned property of law abiding citizens.

respectfully,

Brandon Reynon

From: mailinglist@capitol.hawaii.gov
[mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 06, 2012 8:12 AM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB2975 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB2975

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Brian Isaacson
Organization: Individual
E-mail: [REDACTED]
Submitted on: 2/6/2012

Comments:

This bill seems unnecessary and a burden on honest gun owners. Any honest gun owner who discovers the theft of a firearm will report it as soon as they can, as they understand the dangers of firearms in the wrong hands, they will want to reduce their liability by reporting that they are no longer in control of the firearm, and the loss of a firearm usually means the loss of substantial monetary value. Someone who has a gun illegally can't be required to incriminate themselves by reporting that their illegal gun has been stolen. Why make honest gun owners' lives more difficult at a time when they are already dealing with the shock of having their property stolen by making them criminals if they aren't able to report the loss in time to the police, who are already overburdened.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 3:21 PM
To: PGM Testimony
Cc: MolokaiMAN@basicisp.net
Subject: Testimony for SB2975 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB2975

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Peabody
Organization: MolokaiAdvertiserNews.com
E-mail: MolokaiMAN@basicisp.net
Submitted on: 2/7/2012

Comments:

We are law abiding sovereign United States Citizens who support and defend the Constitution for the United States of America which prohibits creating us into criminals with this anti-gun legislation that would mandate that all Hawaii gun owners report the theft of a stolen firearm within 72 hours of discovering that theft.

This legislation serves to penalize us who are already victims of theft, burglary or robbery crimes by making us criminals for failing to file a report. Such legislation has no impact on real crime fighting, serves to slow down law enforcement and holds gun owners responsible for the criminal actions of criminals who steal our guns.

Instead, you should amend this legislation to impose mandatory serious penalties against CRIMINALS who steal guns. And honor and uphold our right to keep and bear arms in Hawaii the 50th State of the Union without infringement from new legislation or old legislation such as Chapter 134 which is all ultra vires infringement of 2nd Amendment.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 07, 2012 4:54 PM
To: PGM Testimony
Cc: tom1.galli@gmail.com
Subject: Testimony for SB2975 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB2975

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: tom galli
Organization: Individual
E-mail: tom1.galli@gmail.com
Submitted on: 2/7/2012

Comments:

This bill will do nothing to increase public safety. It only offers the opportunity to penalize gun owners. Automobiles cause more deaths than firearms; shall we expect to see legislation criminalizing those who fail to report auto thefts in 72 hours? Cigarettes kill more people than firearms; why not legislate a penalty on people who lose a pack but don't report it?