

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF H.B. NO. 426**

DATE: Tuesday, January 29, 2013

TIME: 2:00 pm

To: Chairman Karl Rhoads and Members of the House Committee on Judiciary:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in SUPPORT of H.B. No. 426, relating to Firearms.

The purpose of this measure is to repeal the exception for NRA certified firearms instructors currently codified in HRS § 663-9.5(f) relating to the use of firearms. HAJ supports this measure because there is no known liability crisis related to NRA certified firearms trainers nor is there sufficient data to justify departure from the basic principle that ultrahazardous activities require a corresponding higher standard of care. There is no doubt that the handling of firearms is an ultrahazardous activity deserving of the absolute liability provided in HRS § 663-9.5.

The liability of gun owners found in section 663-9.5 was codified in 1994. There has not been a single instance where an NRA certified trainer has been held liable under section 663-9.5 during the almost 20 year existence of the section. There is no reasonable basis for the sweeping exemption for NRA certified trainers. Firearms are extremely dangerous and require the highest care in their handling and use. This section serves to encourage safe handling of firearms. NRA certified trainers possess the highest degree of knowledge, skill and care in the safe handling of firearms such that the exception should not be required. The fact that no NRA certified trainer has ever been subject to liability under section 663-9.5 shows that the exemption is unnecessary for firearms courses properly taught by NRA certified trainers.

Under 663-9.5 (b) gun owner absolute liability applies only to his/her own shooting of the weapon and not 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) 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. The exemption thus currently applies to an NRA certified trainer for his/her own shooting of another individual. There is no compelling reason to relieve certified trainers from liability where they shoot others.

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 exemption.

Thank you for the opportunity to testify on this measure. Please feel free to contact me should there be any questions.



Committee on Judiciary (JUD)

Chair, Rep. Karl Rhoads

Vice Chair, Rep. Sharon Har

January 27, 2013

**Re: HB 426**

Good afternoon Chair **Rhoads** and Vice Chair Har,

My name is Bill Richter and I am an NRA certified firearms instructor and instructor trainer. I am also President of the not-for-profit organization, Lessons in Firearms Education (LIFE) and am here to speak in opposition to HB 426.

First, let me provide a little background. For the last 10 years, firearms purchases in Hawaii have reached record highs each year. Recently, the increased volume of firearms purchases has resulted in long lines at the Firearms Registration section at HPD, at times the lines have reached around the corner and waiting times have exceeded 6 hours.

At LIFE, our classes are always full, sometimes months in advance and students report difficulty finding the necessary State mandated training, either with us or other instructors across the State. Recently LIFE has worked with a business on Maui to bring much needed training to Maui but even that seems unlikely to keep up with the demand for training.

I bring this up because I believe HB 426 will discourage some NRA Instructors from providing this much needed training for fear of the potential liability. Fewer instructors mean fewer opportunities for new gun owners to obtain the State mandated training, which, as I am sure you would agree, is detrimental to everyone's goal of safer gun owners.

In Hawaii you may not purchase a handgun without first obtaining the State required training, yet are required to have 2 hours of live fire with handguns. This means that instructors must provide their own handguns for this training. One of the problems with providing firearms for training, is that the owner of any firearm is "absolutely liable"<sup>1</sup> for any damage or injury caused by their gun, even absent any negligence by the gun owner. The other, associated problem is that you are not allowed to "loan" your handgun to anyone. So, as an instructor, you can never really relinquish

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<sup>1</sup> HRS §663-9.5 Liability of firearm owners. (a) The owner of a firearm, if the discharge of the firearm proximately causes either personal injury or property damage to any person, shall be absolutely liable for the damage.

control (“Constructive possession”)<sup>2</sup> of your firearm, and therefore if anyone using your firearm, in the course of lawful activity, causes an injury or damages property, the firearm owner and not the person that actually fired the gun, is responsible for those injuries or damages.

NRA instructors have not always enjoyed this limited exemption to liability. In fact, we just received it July 9, 2012, when Governor Abercrombie signed HB 679 into law. Gov. Abercrombie must have agreed with me and other instructors that more firearms instructors mean more safety classes, which ultimately leads to more safe and trained new gun owners, which we all can agree is a good thing.

The argument against HB 679 last year, and one that will probably be used in supporting HB 426 now, is that there has never been an instance where an instructor was found liable under the circumstances related to teaching the State mandated training and therefore the exemption isn’t needed. That argument rings somewhat hollow in light of similar liability exemptions requested and received by the State and counties in regards to firearms owned by them, but issued to law enforcement officers.<sup>3</sup> Indeed, if the State and counties perceive a significant liability exposure related to the use of firearms by its law enforcement officers, then recognizing a similar exposure by NRA instructors isn’t really a big stretch.

If the goal is to foster continued and consistent, high caliber training for new gun owners in Hawaii, any efforts that might reduce the pool of instructors necessary to provide this training is a bad idea. I believe HB 426 will, if passed, reduce the number of instructors willing to provide this necessary training. We need to encourage more training, not less; and more learning opportunities, not fewer.

I humbly ask that you oppose HB 426.

Thank you for the opportunity to testify today.

Bill Richter, President  
Lessons in Firearms Education

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<sup>2</sup> Constructive possession is a legal theory used to extend possession to situations where a person has no hands-on custody of an object. Most courts say that constructive possession, also sometimes called “possession in law,” exists where a person has knowledge of an object plus the ability to control the object, even if the person has no physical contact with it (*United States v. Derose*, 74 F.3d 1177 [11th Cir. 1996]). For example, people often keep important papers and other valuable items in a bank safety deposit box. Although they do not have actual physical custody of these items, they do have knowledge of the items and the ability to exercise control over them. Thus, under the doctrine of constructive possession, they are still considered in possession of the contents of their safety deposit box.

<sup>3</sup> HRS §663-9.5 (d) The absolute liability under subsection (a) shall not apply to the State or counties for the use of a firearm owned by the State or county, as applicable, and used by a law enforcement officer employed by the State or county, outside of the course and scope of employment as a law enforcement officer; provided that this section shall not be construed to relieve the State and counties from any other tort liability that may be applicable to the State or counties.

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:44 PM  
**To:** JUDtestimony  
**Cc:** Chris@TheHDF.org  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher Baker	Hawaii Defense Foundation	Oppose	No

Comments: The State of Hawaii, like all other States in America, is ripe with gun ownership. In the last five years there has been a consecutive rise in firearm purchases, both in handguns and rifles; I can assure you that 2012 ended no differently. In order for people to purchase handguns within the State, they must attend a safety course instructed by a certified trainer. I personally am one of those trainers, and I also represent an organization that has numerous other trainers with us. The previous bill helps aid in our legal standing to prevent us, the instructors, for being held for reckless conduct beyond our control. There is absolutely no need to re-visit this legislation. We made good legislation. Legislation that promotes the health and safety of our community by aiding certified instructors in training individuals across the State in how to properly and safely use those firearms. Why cancel this now? What change is driving this? Why should we not have protection from liability? We already know that if we were grossly negligent in our training or duties that we can be held responsible - but we shouldn't be held responsible for the actions of others beyond our control. We encourage you to support common sense legislation; help us train and teach the gun owners in Hawaii to be safe and secure. Oppose HB 426.

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**har2-Vincent**

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**Sent:** Sunday, January 27, 2013 2:54 PM  
**To:** JUDtestimony  
**Cc:** Skipnalu@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen R. Skipper	Nalu Land and Safety Consulting LLC	Oppose	No

Comments: NRA Instructors should not be penalized while teaching required safety courses and should retain limited liability while teaching. Please do not pass this bill.

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To the honorable Chairman and Committee Members,

“Our gun safety instructors need limited immunity when teaching. Please kill this bill.”

My name is Devin Sasai and I am an NRA Certified Firearms Instructor and Range Safety Officer. I am one of those that this particular bill targets. I have a great responsibility when I instruct a group of students in the safe and proper handling of firearms. It is a responsibility that I thoroughly and very humbly accept with each class that I teach. Whether you are for gun rights or gun control, one thing that I truly believe that we all can agree on is that *everyone* that owns a firearm should be able to handle that firearm safely at all times. The Second Amendment of our Constitution gives us “the right to keep and bear arms”, but as responsible, law abiding citizens, it is up to us to guard that right, and to make sure that those who share it are aware of the great responsibility that comes when you exercise that right.

When I teach my classes, I have a favorite question that I like to ask my students when they pose a subjective question to me. Whether they ask what caliber is better, or what handgun is better, or what brands are better, I always ask them in return; “What is the end game?” What is the goal? What is the result that you in particular want to achieve? So I ask you all today. What is the end game?

By submitting this bill, what are we all really accomplishing? What we are accomplishing is making sure that instructors will become free targets because of the negligence of another. What we will accomplish is a group of instructors that may choose not to teach anymore for fear of liability suits against them. What we will accomplish is a public who will lack the proper knowledge of safe firearms handling because of the limited number of instructors brought on because those who can teach either choose not to or can’t afford the proper liability insurance that it requires.

We all know that in some way, shape, or form, there will be firearms amongst us. I for one would feel much safer knowing that those who have them have been properly trained to safely handle that firearm. For that to happen, we need to have trained competent instructors, and we need to make sure that if they are helping protect our community with their knowledge, their skills, and their passion, that we in return protect them by making sure they are afforded a certain amount of protection under the law.

I humbly ask that you kill this bill in committee, and allow all firearms instructors the protection that they so richly deserve. Allow them to continue to make our community safer by turning out the next generation of responsible firearm owners. I thank the committee Chairman and it’s Members for the opportunity and time to hear my testimony.

Sincerely,

Devin M. Sasai

NRA Certified Firearms Instructor and Range Safety Officer

Shooting Solutions Hawaii

# Valley Isle Sport Shooters

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P.O. Box 962 Puunene, HI. 96784

Telephone (808) 875-9085 / FAX 875-4531

E-mail: [bswink@hawaii.rr.com](mailto:bswink@hawaii.rr.com)

Cell no. 283-9377

**Burt Swink**

**President of Valley Isle Sport Shooters**

**NRA Training Counselor**

**NRA Certified Instructor**

**House Bill 426**

**Our gun safety instructors need limited immunity when teaching.**

**Please kill this bill.**

**Our instructors on Maui are all volunteer there time.**

**We teach 300 per year, and have been for the past 20 years.**

**Shoot sports are a great sport for all.**

**Thanks You,**

**Burt Swink**



## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:21 AM  
**To:** JUDtestimony  
**Cc:** adamrlipka@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Adam LIPKA	Individual	Oppose	No

Comments: Aloha, I oppose this bill entirely. Firearms are dangerous implements as we all know and the safe handling of such an item must be promoted. Would you hold the state or teacher liable for the actions of a student driver while attending a drivers education class and the student decides to purposely ignore the training and drive reckless? No the individual is liable. Or what about if a student athlete in any school gets injured during the athletic training while horse-playing when the coach told them to stop it? Is the coach and the school liable then? No the individual is liable. I could very likely come up with numerous analogies stating the same thing but ultimately we must conclude that the individual is responsible for their own actions especially in any activity where there is potential danger for serious injury if safety standards are not followed then that individual is responsible for their own actions not the person teaching them safety to help prevent such actions when it is done correctly and responsibly. In order to promote safe handling of firearms we must allow the instructors to be able to teach. By passing HB426 and repealing the partial immunity for instructors to teach safety classes we would only be serving to damage our community by having fewer people willing to take upon themselves the full liability of the actions of another during this activity and thereby offering fewer options to the community to learn to be safe with firearms. I urge you all as a registered voter who exercises that right regularly to not allow this bill to pass. Mahalo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 6:34 AM  
**To:** JUDtestimony  
**Cc:** acomilla@clear.net  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Adina Comilla	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:09 PM  
**To:** JUDtestimony  
**Cc:** vconcepts@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Lee	Individual	Oppose	No

Comments: As a responsible safety instructor and taxpayer I am opposed to HB426 as it is a step backwards from what was a good law in regards to liability. We need all the safety instructors we can get as the City and County of Honolulu has not fulfilled its obligation to help carry the burden of training lawful citizens who wish to qualify to purchase firearms. The training is a mandatory requirement put upon the citizens by the City and County police dept.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:35 PM  
**To:** JUDtestimony  
**Cc:** Milesanamedrano@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
AnaMarie Tauala	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:00 PM  
**To:** JUDtestimony  
**Cc:** anthonyfujii@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Fujii	Individual	Oppose	No

Comments: I vote in every election. I am a single issue voter. My sole issue is the 2nd amendment and the protection thereof. I will donate heavily and campaign heavily for any opponent in any future election for any member who votes to curb or repeal my 2A rights.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:13 AM  
**To:** JUDtestimony  
**Cc:** tktrailer@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
anthony k kaauwai	Individual	Oppose	No

Comments: our gun safty instructors need limited immunity when teaching, please kill this bill

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**Sent:** Sunday, January 27, 2013 9:10 AM  
**To:** JUDtestimony  
**Cc:** akluvo@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arthur A. Kluvo	Individual		No

Comments: I really don't understand the necessity for HB426 being introduced. Have there been past incidences that show we need "more government" control and restrictions placed on gun safety instructors? Or is this the first nefarious probe at future gun control? Please veto HB426. Thank you. A very concerned and law abiding citizen.

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To: Judiciary Committee

Re: Oppose HB426

Date: January 28, 2013

My name is Barry Aoki and I am a resident in Lahaina, Maui, HI.

I would like to register my opposition to HB426 and request that it not pass out of this committee.

HB426 will greatly discourage the NRA qualified trainers to provide safety training to those who want and need gun safety training.

It comes as no surprise; a member who is involved in civil litigation as a profession is introducing this bill.

I urge the committee to oppose HB426.

Sincerely,  
Barry Aoki  
Lahaina, Maui, HI



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:47 PM  
**To:** JUDtestimony  
**Cc:** barryf@hawaii.edu  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
barry Fitzgerald	Individual	Oppose	Yes

Comments: Firearm safety is vital and NRA Firearm Instructors are key to the promotion of safe and responsible gun handling. We must do all we can to retain immunity for NRA Instructors. Please don't allow this bill to go forward.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 8:24 PM  
**To:** JUDtestimony  
**Cc:** ekomomai@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bob Bretschneider	Individual	Oppose	No

Comments: Gun safety instructors need limited immunity when teaching. Please kill this bill. I don't quite know what would be accomplished by this bill - these are classes that are required by law. So why would you want to make it harder for the people giving these classes ??

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To the Hawaii Judiciary Committee:

Our gun safety instructors need limited immunity when teaching. Please do not pursue further legislation for House Bill 426 (HB426). In addition, please do not support the following Bills: HB30, SB36, SB219, and SB932. I feel that these Bills will not increase the safety of our state and only increase the burden of firearm ownership for law abiding citizens. Thank you for your consideration.

Sincerely,

Bradford Davis

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 8:12 PM  
**To:** JUDtestimony  
**Cc:** fcaihifi@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Boyl	Individual	Oppose	No

Comments: I am writing in opposition of the repeal of this bill for the following reasons. First and foremost is the fact that the classes these instructors teach are vitally important to citizens in educating them on the proper safe handling and use of firearms. A often overlooked factor of gun ownership I have witnessed more times than I care to recall is people who are simply un-educated about safe gun handling and use. These classes help prevent that. In addition it is a requirement for anyone in this state to purchase a handgun and if this bill is repealed many instructors will no longer wish to offer these classes to the public. The fact of the matter is this, we do not live in a perfect world and sometimes unexpected events can and will occur. A trained and certified NRA instructor should not be able to be held liable in the event of an equipment malfunction, deranged person malfunction or anything else of that nature. Our society has turned into one where nobody is willing to accept accountability and time and time again there are those who seek lawsuits over the most trivial happenings. We should not be putting people who are actively trying to educate others on proper firearms handling and safety in a position where they no longer wish to offer such services, instead we should be promoting these classes and the people willing to teach them.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:23 AM  
**To:** JUDtestimony  
**Cc:** kardonius2002@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Kang	Individual	Oppose	No

Comments: Our gun safety instructors need limited liability while teaching. Please kill this bill.

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**Sent:** Saturday, January 26, 2013 5:19 PM  
**To:** JUDtestimony  
**Cc:** b.leong1851@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Leong	Individual	Oppose	No

Comments: I am a certified NRA instructor for pistol, rifle, and shotgun, and I volunteer for LIFE (Lessons In Firearms Education). What is going on at our legislature? Last year this bill was passed and now you want to strip the portion of the bill that protects NRA instructors from liability when they are teaching a firearms safety class in the event of a negligent discharge that damages private property or another individual. It's ironic that you (the legislators) push for and go on the record to promote safety. Now (in a non-election year) you are trying to take away portions of the bill that will make it impossible to promote safety. I choose to volunteer because it is critical to teach people proper and safe gun handling skills and practices. Why would anyone want to volunteer their time, expertise, and equipment when there are no assurances? If passed, this bill will hurt the entire community. Instructors (myself included) will have no choice but to cease teaching safety courses. The onus is on you. Choose safety first.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 10:18 PM  
**To:** JUDtestimony  
**Cc:** Bsindakit@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Shimabukuro	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:41 AM  
**To:** JUDtestimony  
**Cc:** heaviescc@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM  
**Attachments:** repelletter.wps

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brendon Heal	Individual	Oppose	No

Comments: I fully oppose this repeal measure and wish for all those who value public safety to do the same.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:58 AM  
**To:** JUDtestimony  
**Cc:** brentobento@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brent Ching	Individual	Oppose	No

Comments:

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January 27, 2013

To our legislators,

I urge all of you to oppose this bill to repeal protection for our firearms safety instructors. This bill enables these instructors to effectively conduct firearms SAFETY courses with out fear of incidents that my cause liability. The SAFETY course is mandated by law, thus requires trainers. By having the protection of this law that is in the very interest of PUBLIC SAFETY. The more qualified safety instructors are available, the safer the public will be in acquiring firearms.

I fully oppose repeal, and urge you to do the same. In these times, common sense dictates that the safer we are, the better we will all be.

Thank you

Brian Lau

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:39 AM  
**To:** JUDtestimony  
**Cc:** byon@ameritonemaui.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Byon Nakasone	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 3:24 AM  
**To:** JUDtestimony  
**Cc:** icuryy2c@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. E. Willson	Individual	Oppose	Yes

Comments: I wish to speak in OPPOSITION to House Bill 426 (HB426). The Hawaii Legislature passed a law in 2012 to give firearms Instructors partial immunity from incidents during the safety classes offered, and REQUIRED BY LAW, for a handgun permit. This law provides a measure of protection against lawsuits under Hawaii's "absolute liability" law for gun owners. This bill would undo that important law. Because these safety classes are MANDATORY, there needs to be a provision to insure that instructors remain available to teach these classes, unless the legislature simultaneously provides funding and directs public servants to teach these courses, and has the state assume that liability itself, or eliminates the requirement for live fire practice as part of the class requirement. Any provisions that would prevent these classes from being readily available would introduce constitutional issues under the 2nd and 14th amendments, which is probably not the intent of the legislature. In particular, the Privileges or Immunities Clause (Amendment XIV, Section 1, Clause 2 of the United States Constitution) states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." If classes are required, a pattern of laws which serve to make these classes unavailable would constitute a clear infringement of a protected right which has been affirmed in numerous court challenges. It would also be appropriate to review District of Columbia v. Heller, 554 U.S. 570 (2008), where the Supreme Court affirms an individual right, McDonald v. Chicago, 561 U.S. 3025 (2010), where state and local governments are limited to the same extent as the federal government, and Ezell v. Chicago, decided July 6, 2011, where the Seventh Circuit found unconstitutional a City of Chicago law requiring firearms training at a shooting range to obtain a gun permit, but made this range training unavailable within the City. Please reject this regressive bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 8:50 PM  
**To:** JUDtestimony  
**Cc:** ckealoha3@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CALVIN KEALOHA	Individual	Oppose	No

Comments: The qualified people who are teaching the safe and proper handling of firearms are not a detriment to society. Neither is the positive contribution to learn safe, respectful, and knowledgeable aspects of firearms. The many years and students that have passed through the taught courses are a direct testimony to the important values that hinge upon our individual rights under the Constitution of the United States of America. I humbly ask for your consideration to dismiss this Bill, in favor of support for the positive work that is being done to spread safety through the thousands of law-abiding citizens of Hawaii. Thank you for respecting my opportunity for testimonial.

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28 January 2012

Re: HB 426 (AGAINST)

Aloha,

As an NRA Certified Instructor and Range Master for many years, I want to ensure that you **DO NOT MOVE THIS BILL FORWARD.**

95% of all NRA Instructors are volunteers who pay to keep their certifications and training up to date out of their own pocket. We volunteer hundreds of hours per year at no cost to teach NRA firearms safety classes to our neighbors and ohana.

We believe that everyone who possesses or handles firearms "MUST" have property training to ensure that they can safely handle and store firearms. Without NRA Instructors, you will see increases in accidents and improper use, storage and transportation of firearms.

**Lastly, you do realize that all law enforcement firearm instructors, Boy Scout Rifle Instructors and range masters in Hawaii are NRA Certified Instructors,** so you would also be withdrawing coverage for these public law enforcement officers and Boy Scout volunteers.

This bill serves no purpose but to punish a group of volunteers who devote their own uncompensated time to ensure public safety by offering proper firearms training to the citizens of Hawaii.

Thanks you for your time and attention in this matter,

Sincerely,  
s/s

Jeff Brown  
Kihei, Hawaii

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 3:41 AM  
**To:** JUDtestimony  
**Cc:** johnandcarlina@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlina McCue	Individual	Oppose	No

Comments: I am writing In Opposition of bill number HB426. Thank you in advance for your time and attention to my testimony.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:17 PM  
**To:** JUDtestimony  
**Cc:** kaneohecarol@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CAROL THOMAS	Individual	Oppose	No

Comments: Kill this Bill! Our gun safety instructors need limited immunity when teaching. Having taken the course, I know these instructors are efficient, knowledgeable, and well trained.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 9:20 AM  
**To:** JUDtestimony  
**Cc:** hi0050@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Hirata	Individual	Oppose	No

Comments: Strongly oppose.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 3:20 AM  
**To:** JUDtestimony  
**Cc:** drastik\_69@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chester Desiderio	Individual	Oppose	No

Comments: As a Certified NRA Instructor, it is important to be protected from any lawsuit. Every NRA instructor out there are the safest instructors you could ever find.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:48 PM  
**To:** JUDtestimony  
**Cc:** ArnieMaui@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Arnold	Individual	Oppose	No

Comments: We believe in our country. We believe in our Bill of Rights. And we believe in our Second Amendment, all of our Second Amendment. Because we believe in the freedom and safety that it, and it alone, guarantees absolutely.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:07 AM  
**To:** JUDtestimony  
**Cc:** Barbozac001@Hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Barboza	Individual	Oppose	No

Comments: Our gun safety instructors need limited liability protection. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:37 AM  
**To:** JUDtestimony  
**Cc:** cls@chrisshaefter.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM  
**Attachments:** HB426-2013-testimony.doc

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Shaeffer	Individual	Oppose	No

Comments:

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To our legislators,

I urge all of you to oppose this bill to repeal protection for our firearms safety instructors. This bill enables these instructors to effectively conduct firearms safety courses with out fear of incidents that may cause liability. These courses are required by law, and rely on certified trainers who can conduct said course. In what situation would having an increase of certified instructors present a threat to public safety? The more qualified safety instructors are available, the safer the public will be when acquiring firearms.

I oppose repeal, and urge you to do the same. I do not believe this law creates a threat to public safety.  
Thank you.

Clinton Bodley

January 28, 2013

RE: HB 426 Absolute Liability Exemption for NRA Instructors

Dear Committee on Judiciary,

I am against repealing the absolute liability for injury or damage for NRA firearm instructors:

We have always encourage our citizens to get educated. We are doing a great service in instructing and teaching our citizens to the safe practices, correct use, and the laws regarding firearms and the responsibility of owning a firearm. Why would we not support this legislation. Firearm ownership will be with us, it is a 2nd Amendment right and we need to educated and teach our citizens the proper use, responsibility and ethics in owning a firearm.

As a police officer I have seen actions from our citizens involving anything from driving to working on their home that are detrimental to their health and safety due to not being informed and educated .

I am against any repeal to HB 426 and support the exemption to absolute liability.

Thank you for your service and your consideration to our letter.

Dan Goo (retired Honolulu Police Sergeant)

Phone 808-371-9408

Current residence of 1919 Paula Drive, Honolulu, Hawaii 96816

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:29 AM  
**To:** JUDtestimony  
**Cc:** chinooker@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Alvarez	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:25 AM  
**To:** JUDtestimony  
**Cc:** kaneohegs@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Oshima	Individual	Oppose	No

Comments: Please kill House Bill 426. Firearms instructors should continue to have limited immunity when teaching others about firearm usage and safety. Thank you, Daniel

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**We must promote safety and our gun safety instructors are essential to this end and should not be held strictly liable. We must encourage people to be qualified instructor not deter them for teaching safety. They need limited immunity which they have now. Please kill this bill.**

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:08 AM  
**To:** JUDtestimony  
**Cc:** dcerny8310@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Cerny	Individual	Oppose	No

Comments: I am oppsed to this bill as it helps to deny potentuial lawful firearms owners from receiving the proper State mandated training by making it difficult for instructors to conduct classes. By requiring this, many will be discouraged. When the Governor signed the Bill enacting some relief, I believe he did the right thing. To turn around and repeal it is going backwards and does not promote firearm safety.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:49 AM  
**To:** JUDtestimony  
**Cc:** dave@heavydutydogs.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Hayashi	Individual	Oppose	No

Comments: This bill is irrelevant. We should be looking for more ways to incentivize our educators (even the NRA instructors) to teach those willing to learn. This bill punishes those looking to help with the teaching process. I do not support HB 426.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:49 PM  
**To:** JUDtestimony  
**Cc:** Ddukehud@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Huddleston	Individual	Oppose	No

Comments: Previously, we needed this instructor liability help and it was enacted. Firearm instructors should be able to educate without additional pressures to graduate a qualified student. I truly hope this bill will not see the legislative light of day. Mahalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:47 AM  
**To:** JUDtestimony  
**Cc:** david-weeks@earthlink.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Weeks	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill House Bill 426. Thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:55 PM  
**To:** JUDtestimony  
**Cc:** dennis.djou@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dennis Djou	Individual	Oppose	Yes

Comments: I do not support this bill. Firearms instructors who are educating the proper and safe use of firearms, only benefit the community.

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Members of the Judiciary Committee:

I am an NRA-certified pistol safety instructor, and I am writing to voice my strong opposition to HB246, the repeal of liability protection for NRA-certified firearms instructors.

Everyone supports the ideal that all firearms owners be properly trained in the use of their firearms. This is a singularly common sense idea about gun ownership, and has been embraced by both pro- and anti-gun communities as a way to enhance public safety.

As such, NRA instructors providing state-mandated training offer a public service, as gun owners who have completed an NRA-approved firearm safety curriculum are safer than their counterparts who have not. Those instructors, who take to our state's ranges every weekend with new and inexperienced shooters, are undertaking enough risk as it is. Many of us provide training on a volunteer basis, to keep the cost to the student as low as possible. In return, we are being offered the repeal of a statute which provided reasonable protection against frivolous lawsuits.

The passage of this bill would have a chilling effect on Hawaii's firearms instructors, and will lead to long wait times to schedule an open seat in a safety class, spiraling cost for attending those classes, and will very likely lead some individuals to skip the class entirely and obtain a firearm through illegal channels.

This bill is bad for Hawaii's firearms safety instructors, it's bad for Hawaii's gun owners, and it's bad for Hawaii residents in general. It would serve no public safety purpose whatsoever, and in fact would have the effect of degrading public safety. I urge you, in the strongest possible terms, to vote against repealing this statute.

Very Respectfully,

Derek Scammon



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:51 PM  
**To:** JUDtestimony  
**Cc:** dtakai@u.washington.edu  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Derek Takai	Individual	Oppose	No

Comments: I think instructors are needed to provide a safe learning experience.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:26 AM  
**To:** JUDtestimony  
**Cc:** blizz808@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Derek	Individual	Oppose	No

Comments: I urge all of you to oppose this bill to repeal protection for our firearms safety instructors. This bill enables these instructors to effectively conduct firearms SAFETY courses with out fear of incidents that my cause liability. The SAFETY course is mandated by law, thus requires trainers. By having the protection of this law that is in the very interest of PUBLIC SAFETY. The more qualified safety instructors are available, the safer the public will be in acquiring firearms.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 4:48 AM  
**To:** JUDtestimony  
**Cc:** dvljr1@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Domingo V. Layugan Jr	Individual	Oppose	No

Comments: Members of the Committee on Judiciary, I am against repealing the exemption of NRA certified firearm instructors. Please kill this bill. Mahalo, Domingo Layugan Jr.

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:49 AM  
**To:** JUDtestimony  
**Cc:** davisd7796@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Don Davis	Individual	Oppose	No

Comments: Increasing disproportionately the liability of NRA instructors in the State of Hawaii can only have the effect of eliminating NRA-Certified Firearms Instructors from working in the state, thereby negatively impacting the overall public safety by compromising the standard of training in the community for safe firearms handling. Better training and cultivating a culture of safe, ethical firearms handling is the best that can be achieved by a legislative body. A society cannot grow and advance in a positive direction by failing to comprehend and cope with the power of various technologies. On the contrary, the litmus test for any legislation must be whether the proposed statute errs on the side of individual freedoms most cherished by the Founders of our system, and whether it empowers the individual Citizen to leverage the extent of these technologies most responsibly.

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 5:50 AM  
**To:** JUDtestimony  
**Cc:** ed.abbot@ses.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Abbot	Individual	Oppose	Yes

Comments: Please kill this bill. The law it attempts to repeal was good legislation when it passed and is still good legislation. The fact that some lawyers see it as a loss of potential revenue is not a reason for repeal. I plan to attend the hearing if I am able to get time off from work.

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Tuesday, January 29, 2013

2:00 p.m.

Conference Room 325

To: House Committee on COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

From: Elizabeth Kellam

Date and time: 1/27/13 2:35 PM

Re: HB426 RELATING TO FIREARMS.

In Support or In Opposition

Chairs & Committee Members:

I oppose for the following reasons:

The Repeal of exemption of National Rifle Association certified firearms instructors from absolute liability for injury or damage caused by discharge of their firearms during the course of providing firearms training at a firing range to persons seeking to acquire a firearms permit is a deterrent for NRA Instructors, who in most cases volunteer their time and pay out of pocket, to help train and promote Firearms Safety in storage and handling to legal US citizens in Hawaii.

The State of Hawaii requires the course taught by the Instructors in order to legally own a firearm. Many individuals take this course just to learn the safety protocols and never even intend to own a firearm; they just want to be safe around them. If there are deterrents such as this bill placed in the way of the NRA Instructors, fewer people will be aware of firearms safety.

Thank you for the opportunity to submit testimony.

Elizabeth Kellam

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:51 PM  
**To:** JUDtestimony  
**Cc:** emndme@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Leong	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:21 PM  
**To:** JUDtestimony  
**Cc:** ehkaneshiro@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Kaneshiro	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:20 PM  
**To:** JUDtestimony  
**Cc:** iaorana\_7@msn.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Frank Mulec	Individual	Oppose	No

Comments: "Our gun safety instructors need limited immunity when teaching. Please kill this bill."

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:26 PM  
**To:** JUDtestimony  
**Cc:** gary\_zukeran@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gary Zukeran	Individual	Oppose	No

Comments: Firearm safety is essential for the safe and conscientious application of safe firearm handling practices. HB426 will negatively impact this ideal as firearm safety instructors will less likely be inclined to put themselves at risk of suits arising out of teaching firearm safety classes! All firearm safety instructors need limited immunity when teaching classes. Please do not let this bill pass. From a responsible citizen, gary zukeran

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Gordon R Fowler, Jr.  
99-040 Kaupili Pl.  
Aiea, HI 96701

26 January, 2013

Representative Karl Rhoads, Chair  
And the members of the House Judiciary Committee.

Sir:

Thank you for the opportunity to present an opinion on HB 426.

This bill seeks to repeal the legislation that was passed last session, to protect firearms instructors from liability in the course of their teaching duties.

I must point out that one of the pedestals of firearms safety is formal training. These selfless folks go the extra mile to train themselves as instructors, then step up to pass this knowledge on to entry level shooters provide a valuable service to the community at large.

This service is heavily relied on by the State additionally in way of providing at no cost to the taxpayer, as a supplement to DOCARE's Hunter Education Classes, training required by law in order to possess a handgun.

Should they lose the indemnification from liability currently provided fewer of them will rise to the occasion and firearm safety will be compromised.

Aloha

A handwritten signature in black ink that reads "Gordy Fowler". The signature is written in a cursive, slightly slanted style.

Gordy Fowler

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:59 PM  
**To:** JUDtestimony  
**Cc:** kshi93@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jack Kawika Schwab	Individual	Oppose	No

Comments: We need more instructors for continued safe instruction on firearm usage. This bill will make that even harder to find them.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:51 PM  
**To:** JUDtestimony  
**Cc:** Jjhan808@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacob Han	Individual	Oppose	No

Comments: Dear Chairman Rhoads and members of the House Judiciary Committee, Please do not pass HB 426. Increasing liability to firearm instructors will only decrease the amount of people willing to provide firearms training in Hawai'i. Firearms training should be encouraged and readily available to all the citizens of Hawai'i as it increases public safety in this State. Limiting the amount of firearm instructors in Hawai'i will have the opposite effect. Thank you for your service, Jacob Han Hawai'i Resident and Voter

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 1:01 AM  
**To:** JUDtestimony  
**Cc:** jan.schwarzenberg01@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jan Schwarzenberg	Individual	Oppose	No

Comments: As a certified instructor for the NRA for over 25 years, this bill is onerous and unnecessary. It does nothing to alleviate any crime. It does propose to absolve responsible parties from any culpability for their actions. Rather than holding accountable the perpetrator of an act this bill attempts instead to shift "blame" to an innocent third party. It is akin to holding liable the surfing instructor for the injury suffered when the student fell off the board. The result in passing this bill will be a DECLINE in certified instructors available to teach firearm safety, including those courses required by the state, and a consequent RISE in firearm mishaps. It's passage will achieve exactly the opposite of the proposer's intent.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 10:23 AM  
**To:** JUDtestimony  
**Cc:** hisurfdog@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Ball	Individual	Oppose	No

Comments: Eliminating the absolute liability exemption clause of this law for NRA instructors would decrease the incentive to have NRA instructors teach these mandated classes because of perceived liability. NRA instructors frequently provide their own guns for use by students and would therefore be liable if a student was grossly negligent. This would decrease the number of classes available. Ultimately this would make for a less safe environment due to fewer people being able to access firearms safety courses. The law provides for regular tort recourse if the instructor was grossly negligent so there is no need to amend it in the proposed manner.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 8:12 PM  
**To:** JUDtestimony  
**Cc:** wangj003@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Wang	Individual	Oppose	No

Comments: Kill this bill. It does nothing to help safety.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:43 PM  
**To:** JUDtestimony  
**Cc:** jhanlin@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry Hanlin	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. This bill will not improve gun safety, will potentially reduce the number of instructors, and will drive up the costs of taking the mandatory class. I will hold legislators voting for this bill accountable if they do vote for it. I view this as an assault on the 2nd Amendment, infringing on the right to bear arms by making gun ownership even more difficult than it currently is here in Hawaii.

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**Sent:** Sunday, January 27, 2013 9:57 PM  
**To:** JUDtestimony  
**Cc:** Buddah1076@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jesse Lamos	Individual	Oppose	No

Comments:

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**Sent:** Sunday, January 27, 2013 1:57 AM  
**To:** JUDtestimony  
**Cc:** carneeednow@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jim	Individual	Oppose	No

Comments: I don't believe this bill should be passed because it makes no sense and would only limit the amount of knowledgable people teaching classes. We need more people which know correctly know how to handle firearms and not less!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:59 PM  
**To:** JUDtestimony  
**Cc:** sunkow@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacqueline Kowrach	Individual	Oppose	No

Comments: Please kill this bill. The current instructor liability protection is a "GOOD" thing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:05 PM  
**To:** JUDtestimony  
**Cc:** Joel@prymis.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joel dela Cruz	Individual	Oppose	No

Comments: Please kill this bill. It is a bad bill and only further limits our 2nd amendment rights by discouraging firearms instructors,

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 4:48 PM  
**To:** JUDtestimony  
**Cc:** illestjp@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Gopwani	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:46 PM  
**To:** JUDtestimony  
**Cc:** john@tchoe.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Tchoe	Individual	Oppose	No

Comments: I oppose this amendment because I believe its intent, purpose, and effect is to make it financially and legally untenable to be NRA instructor, and by chasing out NRA instructors, make it more difficult if not impossible for citizens to acquire firearms lawfully in the state of Hawaii. It is clearly an end run around the right to bear arms and unconstitutional.

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Date: January 27, 2013

Subject: Testimony in strong opposition to HB426

Dear members of the Judiciary committee:

I am writing in **STRONG OPPOSITION** to HB426, RELATING TO FIREARMS, Repeals exemption of National Rifle Association certified firearms instructors from absolute liability for injury and damage caused by discharge of their firearms during the course of providing firearms training at a firing range to persons seeking to acquire a firearm permit.

Providing firearm safety classes to law abiding citizens in Hawaii is a needed service that teaches gun owners how to safely use their guns and understand Hawaii's firearm laws. It is also a necessary service because it is only through taking a firearm safety class is a person able to meet the requirements to legally acquire and own a firearm.

We need to support firearm instructors in Hawaii. Our firearm safety instructors need limited immunity when teaching.

Please kill this bill.

Sincerely,

Jonagustine Lim  
4348 Waiialae Ave Suite 124  
Honolulu, HI 96816



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:53 PM  
**To:** JUDtestimony  
**Cc:** nifepartie@aol.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josh Larson	Individual	Oppose	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:39 PM  
**To:** JUDtestimony  
**Cc:** j\_jopling@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Jopling	Individual	Oppose	No

Comments: Every accident cannot be prevented. If passed this bill would cause many of the few qualified NRA instructors in the state to cease teaching a needed firearm safety course in fear of liability. I oppose this bill without reservation.

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:10 AM  
**To:** JUDtestimony  
**Cc:** darkprophit@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joshua landry	Individual	Oppose	No

#### Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:14 PM  
**To:** JUDtestimony  
**Cc:** ethans76@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Shaughnessy	Individual	Oppose	No

Comments: HB 426 Testimony I am a certified NRA instructor for pistol, rifle, and shotgun, and I volunteer for LIFE (Lessons In Firearms Education). What is going on at our legislature? Last year this bill was passed and now you want to strip the portion of the bill that protects NRA instructors from liability when they are teaching a firearms safety class in the event of a negligent discharge that damages private property or another individual. It's ironic that you (the legislators) push for and go on the record to promote safety. Now (in a non-election year) you are trying to take away portions of the bill that will make it impossible to promote safety. I choose to volunteer because it is critical to teach people proper safe gun handling skills and practices. Why would anyone want to volunteer their time, expertise, and equipment when there are no assurances? If passed, this bill will hurt the entire community. Instructors (myself included) will have no choice but to cease teaching safety courses. The onus is on you. Choose safety first.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 10:03 AM  
**To:** JUDtestimony  
**Cc:** joshuay@hawaii.edu  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joshuay	Individual	Oppose	No

Comments: By reinstating the absolute liability it will ultimately make for a less safe environment with fewer people taking the class and being able to buy handguns.

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## **HB426**

I believe that HB426 will hamper firearm safety . Protection should be given to certified NRA instructors since past firearms laws make them an integral part of the process of obtaining a permit to obtain a firearm. Since the current law reasonably directs liability to the owner of the firearm unless other conditions have occurred I do not see a reason to eliminate the NRA instructors from liability during training.

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:06 AM  
**To:** JUDtestimony  
**Cc:** drjekl77@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalani Corpuz	Individual	Oppose	No

Comments: I'm strongly opposed of this bill, Hawaii already has one of the strictest gun regulations in the nation we don't suffer from violent crimes resulting from firearms so why is the legislature going after the citizens who own and want to own firearms like we're the problem. Gun regulations do not work, it causes lawful citizens like me to be treated like a criminal. Please don't infringe on our 2nd amendment.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:18 AM  
**To:** JUDtestimony  
**Cc:** Keith\_Nakanishi@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Nakanishi	Individual	Oppose	No

Comments: I strongly oppose this bill. Our 2nd amendment rights are continually eroded by legislation such as this. Please kill this bill.

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January 28, 2013

Re: HB 426 (Relating to Firearms)

Dear State of Hawaii House of Representatives of the 27<sup>th</sup> Legislature,

I am a citizen of this great state of Hawaii. I am also a life member of the National Rifle Association and also a NRA Certified firearms instructor. As a gun safety instructor we need limited immunity when teaching. Please kill this bill!

Respectfully,

Kelika L. Ragraola

## HB426

I am **strongly opposed** to HB426 because it does nothing for the greater good of the public. In fact it would have a negative impact on firearms safety for the citizens of Hawaii.

Here are my thoughts on the subject:

HRS 134-2 states that to acquire a handgun permit you must have proof of Hunter Education Course or other authorized Handgun Safety Training for example a NRA Pistol Safety Course taught by a Certified NRA Instructor to acquire a pistol permit..

Having been through both courses I can give you a comparison.

The Hunter Education Course is a wonderful course which I completely enjoyed and learned about hunting Hawaii's species and the proper use of firearms in general while hunting. Most of the emphasis was placed on long guns. However at no time did we receive any hands on training or any specific training on the pistol. This was all classroom instruction. I only wished that the course was longer and was more accessible. It turns out that there is a very long waiting list to get into this course.

When I purchased my first hand gun I was in my fifties and had not used a firearm since I was a soldier in the Viet Nam war. I was very happy to get the personal hands on training. I was able to ask questions that meant something to me personally. The NRA instructor presented me with a range of pistols to test fire and helped me choose the firearm best suited for my needs. If this had not been the case how would I have made an educated choice of pistol?

After acquiring my pistol I still sought out qualified people to help me improve my skills with the pistol. Within a few years this led me to be a NRA Certified Instructor. Now I volunteer most of my time to promoting firearms safety. I have not taken any compensation as of yet.

I would be very happy if members of the committee would join me for a day at the range. This would give you a firsthand look at the gun safety issue and responsible gun ownership.

In closing I would have to ask this question? Who would benefit from this proposed law? Certainly not the citizens of Hawaii as this would degrade the quality of firearm safety instructions without serving any purpose.

Mahalo,

Kenneth J. Archer  
NRA Certified Instructor  
Range Safety Officer  
Retired Aloha Airline Captain  
[kenarcher@ironwoodobservatory.com](mailto:kenarcher@ironwoodobservatory.com)  
59-495 Hoalike Rd,  
Haleiwa, HI  
808-375-3060

1/29/2013, 2:00pm, Conference Room #325

To: House Committee on Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

Kevin M. Schleicher

Re: HB426 RELATING TO FIREARMS; Firearms Instructors; Exemption from Liability; Repeal

In Opposition

Chairs & Committee Members:

I oppose HB426 for the following reasons:

1. Each adult is liable for his/her own actions.
2. It is an attempt to limit firearms acquisition and further encumber the initial ownership of firearms.
3. It may force firearms instructors to acquire liability insurance which in-turn may drive up the cost of firearms safety courses which in-turn may cause trainees to attempt to circumvent the safety course in the acquisition of a firearm.

Thank you for the opportunity to submit testimony.

Kevin M. Schleicher

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:43 AM  
**To:** JUDtestimony  
**Cc:** ktanlim@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristine	Individual	Oppose	No

Comments: To our legislators, I oppose this bill. This bill enables the instructors to effectively conduct firearms SAFETY courses without fear of incidents that may cause liability. I have personally been taught by these firearms instructors and I can tell from personal experience, they take their responsibility of Teaching and SAFETY very seriously. I don't see the need to repeal this law and believe in personal responsibility and safety.

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Dear Esteemed Judiciary Committee Members;

Anyone who has instructed the general public in any activity will tell you to expect anything, especially the unexpected. These men and women are providing a valuable service to our state by teaching those would legally own a firearm about firearms and, more importantly, the safe handling of firearms. Deleting this single exemption can only cause these volunteers' numbers to fall, thereby making less safe knowledge available in the operation of firearms.

Firearms, in and of themselves, are not dangerous. They are only machines that do the bidding of the person in control of them. These dedicated volunteers provide valuable information and handling practices of firearms. Exposing them to liability, as HB 426 would, because a student cannot follow instructions will only persuade many to quit providing these valuable lessons.

This proposal must fail.

Thank you for your time and consideration on this matter.

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 3:01 PM  
**To:** JUDtestimony  
**Cc:** laughlin@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laughlin Tanaka	Individual	Comments Only	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:12 AM  
**To:** JUDtestimony  
**Cc:** kamlauri@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Pang	Individual	Oppose	No

Comments: This would discourage people from becoming qualified instructors. Not having adequate instructors would increase danger to the public.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:07 AM  
**To:** JUDtestimony  
**Cc:** larry@lawrencehoover.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lawrence Hoover	Individual	Oppose	No

Comments: Gun safety instructors need limited immunity when teaching. Please kill this bill. Thanks, Larry.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:56 PM  
**To:** JUDtestimony  
**Cc:** lshazama@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Layne Hazama	Individual	Oppose	No

Comments: I strongly oppose HB 426, which repeals the exemption for NRA Certified Instructors from absolute liability during the course of providing firearms safety courses or safety training. I am an NRA Certified Instructor and I volunteer with the Hawaii Rifle Association and LIFE (Lessons in Firearm Education) to provide handgun safety courses for those in our community who wish to acquire a permit for handgun acquisition or for training in the safe handling of firearms. I am also a NRA Certified Range Safety Officer and as an NRA Certified Instructor, safety is always the top priority. During the handgun safety course, the students are allowed to shoot the instructor's personal firearms in order to satisfy the live fire requirement per the HRS. The exemption of NRA Certified Instructors allows the instructors to effectively conduct firearms safety courses without fear of incidents that may cause liability, to no fault of their own.

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 9:30 PM  
**To:** JUDtestimony  
**Cc:** roselee485@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lee Aldridge	Individual	Oppose	No

Comments: I oppose this bill as it removes the liability exemption previously accorded NRA firearm trainers involved in firearms training and certification. This bill is clearly designed to intimidate and to reduce the number of qualified firearms training instructors available by making them liable for any accidental gun discharges with subsequent property damage or personal injury. The fewer the number of trainers, the more difficult and perhaps nearly impossible it will become for ordinary law-abiding citizens to be certified in firearms use and safety and therefore to own registered firearms in Hawaii.

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To whom it may concern,

Thank you for attention to this matter. I know you are busy so I will keep this brief. I would like respectfully request that you not support HB 426.

I am a volunteer instructor at the Lessons in Firearms Education events. Firearms is a hobby that I and my fellow instructors enjoy and we would like to share our knowledge. Volunteers like myself, are actively engaged in teaching safe gun handling to individuals within our community. Public awareness of safe gun practices such as storage and handling will reduce gun related accidents.

People who are new to firearms need qualified instructors. These instructors provide live, hands on training, which is essential to handling firearms safely. HB 426 will be a burden on instructors and discourage more people from instructing. This in turn will not promote quality gun instruction which will not promote public gun safety.

If you have the time, please join us for a class. It would be free of charge.

Sincerely yours,

Lyle Hiromoto

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:49 AM  
**To:** JUDtestimony  
**Cc:** marcus\_hannah@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marcus Hannah	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:41 PM  
**To:** JUDtestimony  
**Cc:** mcchun@juno.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Chun	Individual	Oppose	No

Comments: We must promote safety and our gun safety instructors are essential and should not be held strictly liable. We must encourage people to be qualified instructor not deter them for teaching safety. They need limited immunity which they have now. Please defeat this bill. Respectfully submitted.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 9:05 PM  
**To:** JUDtestimony  
**Cc:** mark.plischke@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Plischke	Individual	Oppose	Yes

Comments: Strong Opposition. Qualified firearms instructors are required to provide adequate training to fulfil requirements of current laws. HB426 would remove protection for instructors to perform their necessary functions. There has not been any issues that have made the removal of current laws necessary. It isn't broken, don't try to fix it. Mark Plischke Aiea, HI

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**Mark W. Robinson**

**PO Box 613 Sunset Beach, Hawaii 96712**  
**Residence: (808) 638-7679 Work: (808) 638-8920 Fax: (808)638-8348**

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January 28, 2013

Dear Legislators,

It is important to maintain the liability limits we have now for firearms instructors in order to promote safety.

This should not be about providing personal injury lawyers with more clients.

Please oppose HB 426.

Aloha,

Mark Robinson



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 25, 2013 11:04 PM  
**To:** JUDtestimony  
**Cc:** williamsm081@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/25/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Williams	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 9:42 PM  
**To:** JUDtestimony  
**Cc:** misko31@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marko Mijuskovic	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 4:11 PM  
**To:** JUDtestimony  
**Cc:** orrm002@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marlene Orr	Individual	Oppose	No

Comments: Please kill this bill. It is important for the NRA instructors to operate without these incumbrances.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 4:44 AM  
**To:** JUDtestimony  
**Cc:** matt@islanddivershawaii.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew J. Zimmerman	Individual	Oppose	No

Comments: Firearms safety and good, reliable firearms instruction should be a goal of all who value human life. Repealing this legislation will just make it harder for law abiding professionals like myself to find quality firearm instruction. This legislation is a poor idea regardless of what side of the gun control debate you fall on. It is clearly not well thought out. Passing it means that the only people willing to teach firearms safety will be those with little to lose, OR those completely committed to firearms ownership. Personally, I'd prefer a moderate professional who is doing it as a community service (that person will only teach if he is not in danger of losing his house and savings in a law suit). This legislation has very negative consequences. Opposed.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:48 AM  
**To:** JUDtestimony  
**Cc:** marbluesky9@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maury Pendleton	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill."

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:22 PM  
**To:** JUDtestimony  
**Cc:** mahanlin@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Megan Hanlin	Individual	Oppose	Yes

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. HB 426 will not improve gun safety, will potentially reduce the number of experienced gun instructors, and will drive up the cost of taking the mandatory class further burdening the good people of Hawaii. I view this as an assault on the 2nd amendment by infringing upon it by making gun ownership harder than it already is here in Hawaii. I will hold those who work for the people, the legislators, voting for this bill accountable if they do vote for it.

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**Cc:** mahn12345@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Ahn	Individual	Oppose	No

Comments: "We must promote safety and our gun safety instructors are essential and should not be held strictly liable. We must encourage people to be qualified instructor not deter them for teaching safety. They need limited immunity which they have now. Please kill this bill."

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**To:** JUDtestimony  
**Cc:** bfdhack@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MICHAEL G HACK	Individual	Oppose	No

Comments: AS A PSD OFFICER I RECIEVE AUTOMATIC YEARLY TRAINING AND QUALIFICATIONS...HOWEVER THERE ARE TOO FEW QUALIFIED INSTRUCTORS IN THIS STATE AND THOSE THAT ARE SHOULD BE ABLE TO TEACH WITHOUT ONEROUS AND AMBIGUOUS STANDARDS

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**Cc:** ishiim001@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Ishii	Individual	Oppose	No

Comments:

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**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Orr	Individual	Oppose	No

Comments: Thank you for the chance to express my opinion on HB426. I strongly oppose this bill to repeal NRA safety officers from immunity from liability while teaching gun safety courses. We are trying to teach the general public firearm safety to try to eliminate or reduce the number of gun related accidents. By not giving these valued NRA approved safety officers immunity we will be reducing the number of qualified instructors in the field. This will produce exactly the opposite effect needed. We will have less people properly trained in gun safety and more individuals will suffer accidental injuries. This bill is ilconcieved and should be struck down.

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**To:** JUDtestimony  
**Cc:** mauimike808@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael VanDoorne	Individual	Oppose	No

Comments:

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House of Representatives  
The Twenty-Seventh Legislature  
Regular Session of 2013  
Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice-chair

Michael W. Sawamoto  
PO Box 60382  
Ewa Beach HI 96706

Hearing date: Tuesday, January 29, 2013, 2:00 p.m.  
Conference Room 325  
State Capitol  
415 South Beretania St

Testimony in Opposition to H.B. No 426 Relating to Firearms

I am testifying in opposition to H.B. No. 426 Relating to Firearms which would amend Section 663-9.5, Hawaii revised Statutes as follows:

Repeal(s) exemption of National Rifle Association certified firearms instructors from absolute liability for injury or damage caused by discharge of their firearms during the course of providing firearms training at a firing range to persons seeking to acquire a firearms permit.

We must promote firearms safety and our National Rifle Association certified firearms instructors are essential to this task and should not be held strictly liable. These instructors voluntarily take on this task to ensure that lawful firearms owners are taught the safe and responsible handling of firearms.

We must encourage people to be qualified instructors - not deter them from teaching safe and responsible handling of firearms.

Please vote "No" on HB426.

Thank you for your time and consideration.

Michael W. Sawamoto

**har2-Vincent**

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**Sent:** Sunday, January 27, 2013 7:33 PM  
**To:** JUDtestimony  
**Cc:** Spreelite@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Miles Medrano	Individual	Oppose	No

Comments:

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**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Myron P. Hoefer	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. They are the gateway to the exercise of an important civil right. Please kill this bill and protect our second amendment rights. Thank you.

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**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Neal Iha	Individual	Oppose	No

Comments:

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**Sent:** Monday, January 28, 2013 8:31 AM  
**To:** JUDtestimony  
**Cc:** nzimecki@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nick Zimecki	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 1:31 AM  
**To:** JUDtestimony  
**Cc:** nimaiwong@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nimai Wong	Individual	Oppose	No

Comments: Our gun safety instructors need and deserve limited immunity when teaching. Kill this bill.

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**Cc:** ncote@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Normand A Cote	Individual	Oppose	Yes

Comments: Dear Judiciary Committee, "Our gun safety instructors need limited immunity when teaching. Please kill this bill." Respectfully, Normand A Cote Hawaii Resident

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**Sent:** Monday, January 28, 2013 7:58 AM  
**To:** JUDtestimony  
**Cc:** pastordennisjr@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pastor Dennis Martin	Individual	Oppose	No

Comments: HB426 Our gun safety instructors need immunity when teaching. Please kill this bill."  
Pastor Dennis Martin 808-887-0541 808-960-2791

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**Sent:** Monday, January 28, 2013 7:51 AM  
**To:** JUDtestimony  
**Cc:** painouye@usfca.edu  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick Allen Inouye	Individual	Oppose	No

Comments: This is a correction to my original post on 1/26/13; I DO NOT support this bill, I fully oppose it. "Our gun safety instructors need limited immunity when teaching. Please kill this bill."

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**Sent:** Monday, January 28, 2013 7:39 AM  
**To:** JUDtestimony  
**Cc:** inouyeph@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
PATRICK H. INOUE	Individual	Oppose	No

Comments: OUR GUN SAFETY INSTRUCTORS NEED IMMUNITY WHEN TEACHING. PLEASE KILL THIS BILL HB426.

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**Sent:** Sunday, January 27, 2013 10:41 AM  
**To:** JUDtestimony  
**Cc:** mackeeby@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Mackeeby	Individual	Oppose	No

Comments: Please kill this bill

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**To:** JUDtestimony  
**Cc:** paulalullm@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
PAULA INOUYE	Individual	Oppose	No

Comments: I OPPOSE THIS BILL426. OUR GUN SAFETY INSTRUCTORS NEED IMMUNITY WHEN TEACHING. PLEASE KILL THIS BILL HB426.

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**To:** JUDtestimony  
**Cc:** kepsabraham@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter B. Abraham	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**To:** JUDtestimony  
**Cc:** ptong8@sbcglobal.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip Tong	Individual	Oppose	No

Comments: Aloha: I oppose this bill! We need to continue to encourage firearms education and safety here in Hawaii and the HRA/NRA has been doing an outstanding job of it. The near non-existence of any incidents is proof. Please continue to support not penalize their efforts. Mahalo, Philip Tong NRA Handgun Course graduate Aiea, HI

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**To:** JUDtestimony  
**Cc:** rmatthewwilliamson@sbcglobal.net  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R M Williamson	Individual	Oppose	No

Comments:

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**Sent:** Sunday, January 27, 2013 7:42 AM  
**To:** JUDtestimony  
**Cc:** raui@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raui Nakayama	Individual	Oppose	No

Comments: I OPPOSE HB426. Current Hawaii law requires gun permit applicants to obtain certified firearms training. HB426 removes current liability protection for certified instructors and is a blind side attempt to stop legal gun ownership. Would passage of HB426 also apply to HPD firearm instructors? Further, Representative Saiki, himself a personal injury lawyer is a biased and therefore 'bigoted' individual who introduces this bill for self serving intentions. How else are we to interpret his motivations? More importantly, what is the purpose of HB426? How does it make our City any safer? HB426..a self serving bill for Mr. Saiki.

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**Sent:** Sunday, January 27, 2013 6:12 PM  
**To:** JUDtestimony  
**Cc:** Rayleo808@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ray	Individual	Oppose	No

Comments: Please kill the bill which further infringe my second amendment right. Thank you.

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**REED COPSEY**  
45-001 Lilipuna Road Unit A  
Kaneohe, HI 96744  
Phone: (808) 447-9751  
e-mail: reed@ctech.com

January 28, 2013

Subject: House Bill 426

To Whom It May Concern:

Our gun safety instructors need limited immunity when teaching. Please kill this bill.

I moved to Hawaii from California where I have had guns for 50+ years. Because I brought guns from California, I was not required to take any gun safety training here until I wanted to buy a handgun here in Hawaii.

I'll admit that I was frustrated at the need to take a class when I already owned guns in California which could be registered here without the need for a class.

However, after taking the class, I strongly feel that the class was an asset to my safety training and have recommended my instructor to many friends and relatives.

If these instructors are not afforded legal protection, two negatives outcomes are certain:

1. Hawaiian residents will be discriminated against and will likely be paying much higher prices for poorer training if it is available at all.
2. Guns will legally enter Hawaii from out of state in the hands of individuals with an unknown level of safety training. Their ability to get safety training will be diminished if not eliminated.

Sincerely,

A handwritten signature in blue ink that reads "Reed". The signature is stylized with a long horizontal stroke at the beginning and a loop at the end.

Reed Copsey

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 2:48 PM  
**To:** JUDtestimony  
**Cc:** renny.chee@us.army.mil  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Renny Chee	Individual	Oppose	No

Comments: There is no valid reason to appeal the section that pertains to NRA certified instructors. There has been no history to my knowledge of accidents or situations related to a safety course or other courses taught by NRA certified instructors. If subsection f is repealed then it is prudent that subsection e be repealed as well.

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## TESTIMONY IN OPPOSITION TO HAWAII HB426 Hawaii State Capitol - January 29, 2013

HB426 seeks to repeal partial immunity (hereinafter noted only as 'immunity') of National Rifle Association (NRA) certified firearms instructors against lawsuits under Hawaii's "absolute liability" law for gun owners. However, HB426 has no merit, as Hawaii Revised Statutes (HRS) Title 36, Chapter 663, Section 9.5 - *Liability of Firearm Owners* - Paragraph (d), specifically states: **"This section does not apply when the discharge of a firearm was legally justified."**

1. HRS Title 10, Chapter 134, Section 2 - *Permits to Acquire*, Paragraph (g) makes it mandatory that an applicant for a handgun or revolver permit **MUST COMPLETE APPROVED EDUCATION OR TRAINING PRIOR TO ISSUANCE OF A PERMIT TO ACQUIRE.**
2. Paragraph (g), Subsection (4) of HRS 134-2 further states that the mandatory training may be accomplished by a firearms training or safety course conducted by a National Rifle Association certified firearms instructor, **WHICH TRAINING INCLUDES, AMONG OTHER REQUIREMENTS, A MINIMUM OF TWO HOURS OF FIRING TRAINING AT A FIRING RANGE.**
3. Since the permit applicant seeking mandatory training obviously does not yet have a permit to acquire a firearm, he *necessarily* relies on the instructor to provide the training firearm.
4. Therefore, when a National Rifle Association certified firearms instructor (or any authorized instructor) is engaged in mandatory training of a citizen in fulfillment of Hawaii state law prior to issuance of a pistol or revolver permit to acquire, **discharge of the trainer's firearm is legally justified, indeed required, and therefore exempt from the absolute liability clause under Paragraph (d).**

Paragraph (f) of HRS 663-9.5 merely serves to affirm the intent of Paragraph (d) as it applies specifically to NRA certified firearms instructors. The expenditure of limited legislative time and resources in pursuit of HB426 proposing to strike paragraph (f) makes no sense in light of the broader immunity conferred by paragraph (d). Further, the attempt to appeal the immunity conferred to National Rifle Association certified firearms instructors is grossly inconsistent with the intent of Hawaii's mandatory firearms training, as it serves to discourage highly qualified NRA certified instructors from sharing their considerable knowledge and providing the hands-on training the state requires. HB426 should be immediately withdrawn without further consideration.

Thank you,  
Reva Hamilton



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 7:36 AM  
**To:** JUDtestimony  
**Cc:** refrey2001@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Frey	Individual	Oppose	No

Comments:

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ATTN: Chairman of the House Judiciary Committee Chair, Rep. Karl Rhoads

From:

Robert F. Kay  
3663 Lilinoe Place  
Honolulu, HI 96816

January 29, 2013

My name is Robert F. Kay and I am a member of the Hawaii Rifle Association. I am submitting this testimony in opposition to House Bill 426.

If this bill were to pass it would essentially deter gun safety instructors from providing much needed services to prospective gun owners and their family members.

There is no doubt that guns are extremely dangerous if not properly handled. Everything must be done to encourage the safe handling of firearms. HB426 in effect discourages those who make little or no money teaching gun safety from practicing.

Given the choice, why on earth would a safety instructor want to increase their liability?

HB426 needs to be torpedoed.

Respectfully yours,

Robert F. Kay

"Our gun safety instructors need limited immunity when teaching. Please kill this bill."

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:22 PM  
**To:** JUDtestimony  
**Cc:** rfarm21@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Farm	Individual	Oppose	No

Comments: TO: JUDICIARY COMMITTEE FROM: ROBERT FARM SUBJECT: HB 426 Measure Title: RELATING TO FIREARMS. Report Title: Firearms Instructors; Exemption from Liability; Repeal Description: Repeals exemption of National Rifle Association certified firearms instructors from absolute liability for injury or damage caused by discharge of their firearms during the course of providing firearms training at a firing range to persons seeking to acquire a firearms permit. Companion: Package: None Current Referral: JUD Introducer(s): SAIKI TESTIMONY: Our gun safety instructors need limited immunity when teaching. Please kill this bill. The classroom portion of a firearms safety course is very thorough. Hours are spent teaching firearms safety and that practice is echoed on the live-fire range. Students who make it to the range portion of the class should be very knowledgeable of firearms safety. It would be similar to a driving instructor teaching safety to a new driver. You can only pass on the knowledge, and cannot always control what the student will do with it. I, personally, have not seen a single firearms safety course where someone has been injured due to negligence. Please kill this bill. Thank you for your time, Robert Farm

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:40 AM  
**To:** JUDtestimony  
**Cc:** robertxbow70@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert G. Dela Cruz	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:27 AM  
**To:** JUDtestimony  
**Cc:** Rgerwig@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert gerwig	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**Sent:** Sunday, January 27, 2013 9:24 AM  
**To:** JUDtestimony  
**Cc:** rob-l@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Loui	Individual	Oppose	No

Comments: I oppose this bill. It will do nothing to insure public safety.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 8:08 PM  
**To:** JUDtestimony  
**Cc:** jingkieandrobin@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Sunio	Individual	Oppose	Yes

Comments: Please terminate this bill, Thank you for your time.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:01 AM  
**To:** JUDtestimony  
**Cc:** rondavis@prettyrocks.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Davis	Individual	Oppose	No

Comments: Please reject this bill we do not need any more restrictions on our right to own or use our guns

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HB426.txt

Hello, my name is Ross Mukai, I am an NRA certified Firearms instructor living in Honolulu. I oppose HB 426: the amendments to section 663-9.5 that strike the NRA Certified instructor absolute liability provisions for the following reasons:

1. The actions of an individual are the responsibility of that individual, not the owner of the inanimate firearm. To pass absolute liability to the owner is to neglect the liability of the actor.
2. Firearm instructors have the training to safely conduct classes, and do so in accordance with nationally vetted NRA class policies.
3. Firearm instructors spend a great deal of time with very little compensation educating the public about safe gun handling.
4. The legislature recently approved the measure in the last session. To spend any additional time backtracking now would be wasteful.

Thank you for your time,

Ross Mukai

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:52 AM  
**To:** JUDtestimony  
**Cc:** rpangelinan@rlp-hi.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rudolph Pangelinan	Individual	Oppose	No

Comments: I am opposed to this house bill.

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HB426.txt

Sirs,

I feel strongly that our firearms safety instructors  
SHOULD be afforded limited liability when teaching.

Please kill this bill.

Thank you.

Sincerely,

Russell

**House Committee on Judiciary**

**H.B. 426, Relating to Firearms**

**Testimony of Russell S. Takata**

**(P.O. Box 971488, Waipahu, HI 96797)**

**January 29, 2013**

I **STRONGLY OPPOSE** this measure to repeal the exemption of absolute liability for National Rifle Association Certified Instructors.

The proposal completely reverses a positive accomplishment of the 2012 Legislature, and is contrary to supporting the improvement of public health and safety in our community. Many of these instructors are volunteers who are not compensated, yet dedicated to providing essential training to Hawaii residents in the proper handling and use of firearms. Considering the increasing number of firearms owners in the community and the importance of optimal and available firearms safety training, this measure is regressive and inappropriate.

I am a retired public health professional and retired Army officer who has over 40 years of experience in firearms use, competition, and range safety. I have no financial interest in firearms training.

Thank you for the opportunity to testify on this measure.

Committee on Judiciary (JUD)

Chair, Rep. Karl Rhoads

Vice Chair, Rep. Sharon Har

January 28, 2013

**Re: HB 426**

Good afternoon Chair **Rhoads** and Vice Chair Har,

My name is Ryan Arakawa and I'm writing to you to voice my opposition to HB 426.

I believe that certified instructors provide an invaluable and much needed service to the public and shooting community. This bill, if enacted will discourage instructors from teaching.

There has been a tremendous increase in the amount of fist-time buyers of firearms in Hawaii. It is in the public's interest to allow these new owners, any everyone else – an opportunity to learn how to safely handle a firearm.

I humbly ask that you oppose HB 426.

Thank you for the opportunity to testify.

Ryan Arakawa

Aiea, HI

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 7:26 AM  
**To:** JUDtestimony  
**Cc:** rmaeda2@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Maeda	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 6:44 AM  
**To:** JUDtestimony  
**Cc:** rylo1996@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rylan Oshiro	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:35 AM  
**To:** JUDtestimony  
**Cc:** mrskippyster@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mr. S Nicholas	Individual	Oppose	No

Comments: To Whom It May Concern: I respectfully request our representative not support HB426. It is unfair to punish the very people who instruct the safe use of firearms to be held accountable for individuals who misuse those fire arms, during a training session. Individuals participating in a firearms training or safety class should be held responsible for their own actions and not the instructor who allows/supplies them firearms to use. Here is my suggestion. Individuals who are taking the firearms safety classes should have in their possession and present to the instructor (1) the original of the State of Hawaii/HPD long gun permit - which thru the acquisition/screening process of a long gun permit should have already had medical screening, (2) individuals who apply and are accepted to a firearms training class should have signed a waiver - exempting the instructor from any and all liabilities should the student misuse the fire arm. (3) Individuals who wish to own a firearm (pistol or rifle) in the state of Hawaii, should be no younger than 25 years old unless they are a law enforcement personnel, and have passed the long gun screening process permit to acquire.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:56 AM  
**To:** JUDtestimony  
**Cc:** Sndy828rms@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra ramos	Individual	Oppose	No

Comments: "Our gun safety instructors need limited immunity when teaching. Please kill House Bill 426."

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 25, 2013 8:36 PM  
**To:** JUDtestimony  
**Cc:** swill34124@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/25/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharon Williams	Individual	Oppose	Yes

Comments:

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Dear Representative Har,

I am writing as one of your constituents in Kapolei (and a Life NRA member and gun owner) to ask your assistance in stopping House Bill 426. The State of Hawaii rightly insists that individuals who seek to own handguns first participate in safety training by a certified instructor as part of its acquisition and registration system. The NRA and LIFE certified firearms instructors provide a very valuable service to both our citizens and the State by providing the necessary training at low cost and with high frequency. Those who wish to lawfully own a handgun are provided with every opportunity to meet the State requirements for safety training at minimal cost to themselves and no cost to the State (or City/County). It is also important to keep in mind that most instructors do not offer this service as their primary employment, but out of love for the sport and out of concern that new owners learn how to safely handle a firearm so that neither they nor their family and friends will be injured by unsafe handling practices.

In 2012 the legislature wisely recognized the value of the safety training being provided by NRA and LIFE certified firearms instructors and granted them a limitation of liability to lawsuit for accidents which occur during such training. Given the poor safety awareness most new gun owners exhibit, accidents WILL happen and it is important that the firearms instructors not be held liable when they have exercised due caution with inexperienced gun handlers. Quite frankly, given our litigious society I am not sure if I admire the certified instructors or consider them crazy for undertaking such an activity without the limit of liability as they did prior to 2012 and as they would be expected to do if HB426 is passed into law.

It is my personal belief that individuals interested in acquiring handguns will find a way to do so. I would rather that they do so within the safety training and registration process already in place. If safety training becomes relatively unavailable due to the liability aspects of providing that service, the whole system will break down. Frustration and fear will drive many to acquire handguns outside the legal framework, particularly in the current environment, and those guns will remain unregistered, defeating the whole purpose of the current system.

Please consider for a moment who HB426 will benefit. It will not benefit the instructors, it will not benefit prospective gun owners, it will not benefit the police and it will not benefit the State of Hawaii, which has one of the more effective safety training and registration systems in effect today. The only beneficiaries will be the Hawaii plaintiff lawyers, who opposed the limited liability legislation passed last year. Was their opposition based in principle? No, it was based on financial self-interest. Limiting liability limited what they could seek in damages and, therefore, what they could extract in fees. It also meant that they couldn't reach for the deeper pockets, those who certified the firearms safety instructors.

Lastly, I am a Libertarian by political philosophy and a strict Constitutionalist. Seldom have I been able to convince myself to vote for a Democrat as I did when I voted for Mike Gabbard and as I did this year when I voted for you. I did not vote for you in 2010 because you were an unknown quantity, but I considered your record when I voted this year and found that you seemed to be fair-minded. I also found that your opponent and her spouse were running for office for reasons of financial self-interest that violated my sense of ethics in the same way that Representative Saiki now violates my sense of ethics.

I personally find it offensive and a sanctionable conflict-of-interest for Representative Scott Saiki (Moiliili, McCully, Kaimuki), himself an active personal injury lawyer, to have introduced HB426. It is CLEARLY in his own personal financial interest to drive this Bill forward in an effort to increase the potential for large personal injury awards. I would ask that you refer him to the Ethics Committee for, at minimum, censure in engaging in an action that promoted his own self-interest. I also ask that you work with the other members of the Judiciary Committee to either remove this Bill from the calendar for this ethics violation or work to defeat it.

Thank you for your consideration.

Sincerely,  
Siegfried T Runge

91-205 Louluhiwa Place  
Kapolei, HI 96707

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 1:53 PM  
**To:** JUDtestimony  
**Cc:** srm0032@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stan Mull	Individual	Oppose	No

Comments: I oppose this bill. This will limit the number of instructors and classes and training. Less people getting trained how to use their firearms is not a good thing. We want more instructors teaching safety classes.

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**Sent:** Sunday, January 27, 2013 11:44 PM  
**To:** JUDtestimony  
**Cc:** polarbare@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen Kircher	Individual	Oppose	No

Comments:

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**Sent:** Saturday, January 26, 2013 4:28 PM  
**To:** JUDtestimony  
**Cc:** sthazam@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen T Hazam	Individual	Oppose	Yes

Comments: I respectfully oppose this bill to repeal the partial immunity given to NRA Instructors during their classes that are mandatory safety classes for those seeking a handgun permit. If passed, HB426 will undermine efforts to promote safety education for legal gun owners.

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**Sent:** Monday, January 28, 2013 8:50 AM  
**To:** JUDtestimony  
**Cc:** stevep2p@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Thatcher	Individual	Oppose	No

Comments: Aloha Legislators. Please vote NO on HB 426 with regards to the denial of liability protection to NRA firearms instructors. NRA Instructors volunteer their time and skills to insure SAFE, legal, and skillful firearms handling- which is what THE PEOPLE want and need. This bill is totally going down the wrong path for firearms safety in Hawaii. BTW, has anyone actually studied the statistics on student accidents at NRA sanctioned training events, say, in the last 20 years? Is this another totally unwarranted law based on a non-event? Again, please vote NO on HB 426. Thanks for your consideration. Steve Thatcher

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To Whom it may concern:

I, Steve Von Hargett, resident of Kailua Kona, HI, strongly oppose H.B.426. It is ridiculous to place the responsibility of actions of others onto instructors. This appears to be a blatant attack against the NRA from the gun-control advocates who dislike them. We are a nation based on the rule of law and of personal responsibility. Please do not skew this principle with twisted logic to punish those who support our constitution.

These instructors are highly trained in order to help create a code of ethics and safety when it comes to law abiding citizens exercising their second amendment rights. When they choose, as individuals, to take a course in firearm handling and safety, they do so as individuals who are responsible for their own actions. It would be unconstitutional to try to make a new law that would make someone an adult responsible for another adult's actions.

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 12:18 PM  
**To:** JUDtestimony  
**Cc:** macsak@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
steven a kumasaka dds	Individual	Oppose	No

Comments: i oppose the repeal of the recently approved law nra instructors teach gun safety courses that are required for legal registration of legal firearms if this law is repealed, there will be fewer instructors that are willing to teach these courses, making it even more difficult to legally register weapons in HI this will lead to more illegal weapons purchases and decreased public safety due to decreased training opportunities mahalo for your time

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:04 AM  
**To:** JUDtestimony  
**Cc:** kiamanu@hawaiiantel.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
T. Merrill	Individual	Oppose	No

Comments: Please let this bill die in committee. It does nothing to alleviate crime and is only an outright harassment of law-abiding firearms instructors whose only intent is to do the 'right thing' by making gun owners safe in their practices and legal in their conduct. Thank you!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 11:12 PM  
**To:** JUDtestimony  
**Cc:** tedrbittner@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ted bittner	Individual	Oppose	No

Comments:

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Allard  
 91-179 Makalea Street  
 Ewa Beach, HI 96706  
 Phone: 1-808-685-3430  
 Fax: 1-808-683-1037

# Allard

January 28, 2013

Name  
 Street Address  
 City, State zip

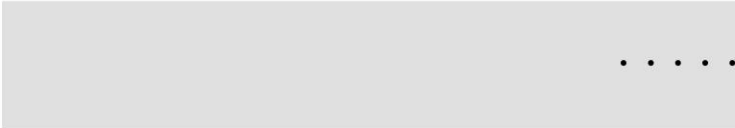
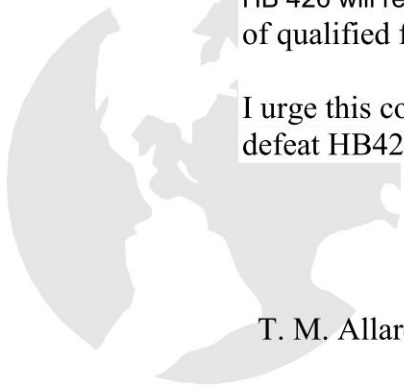
Subject: HB426

HB426 is a blatant grab, not for guns, but for money. This bill will only benefit personal injury lawyers, not the public. Lawyers like Representative Scott Saiki are apparently willing to trample on the graves of children merely to enrich themselves.

HB 426 will reduce the number of firearms instructors. Depriving law-abiding citizens of qualified firearms instructors is not the way to safe-guard people.

I urge this committee to defeat this display of greed and to protect the public: defeat HB426.

T. M. Allard



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 26, 2013 4:44 PM  
**To:** JUDtestimony  
**Cc:** mooret014@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/26/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terry D Moore	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. I would be there in person but, unfortunately, I have to work. Please kill this bill, and protect those individuals working to ensure everyone's safety. thank you.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 8:38 AM  
**To:** JUDtestimony  
**Cc:** jtbmp@hawaiiantel.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
thomas p.	Individual	Oppose	No

Comments: I oppose hb426 as it will make it nearly impossible for the residents of the state of Hawaii to practice their 2nd amendment right to keep and bear arms. This bill will drive out NRA instructors making it difficult, if not impossible for law abiding citizens to obtain a handgun. I strongly urge the Hawaii legislature to vote no on HB426. Thank you Thomas P. Nanakuli,Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 7:36 AM  
**To:** JUDtestimony  
**Cc:** reed@oicinc.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Reed	Individual	Oppose	No

Comments: Please kill this bill. We must promote safety and our gun safety instructors are essential and should not be held strictly liable. We must encourage people to be qualified instructors and not deter them for teaching safety. They need limited immunity which they have now. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 9:34 PM  
**To:** JUDtestimony  
**Cc:** Tikitim2@me.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Timothy Knight	Individual	Oppose	No

Comments: Please keep the great state of Hawaii a free state that trusts in citizens.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:48 PM  
**To:** JUDtestimony  
**Cc:** Tom1.galli@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Galli	Individual	Oppose	No

Comments: Since Hawaii state law requires citizens to obtain training before purchasing handguns, yet the state fails to offer such training, offering liability protection to people who offer their time helping others become safe, responsible gun owners is a reasonable thing to do. We want every incentive to help ensure that proper safety training is available to the public.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 12:57 PM  
**To:** JUDtestimony  
**Cc:** Tony@lippertohana.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tony H Lippert	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 8:59 PM  
**To:** JUDtestimony  
**Cc:** ling0821@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tony lee	Individual	Oppose	Yes

Comments: I strongly oppose this bill as it was just pass as an existing law. Liability should not be on an instructor.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:03 PM  
**To:** JUDtestimony  
**Cc:** Makanakylee@aol.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Travis Au Young	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 10:11 PM  
**To:** JUDtestimony  
**Cc:** royboy96712@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trevor	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 3:22 PM  
**To:** JUDtestimony  
**Cc:** AusCaDog@Gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vernon Okamura	Individual	Oppose	No

Comments: My Wife and I believe in firearms safety and this bill is unnecessary. Please KILL HB425

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:35 PM  
**To:** JUDtestimony  
**Cc:** whiga.mkha@att.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wade Higa	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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HB 426

Dear Sir:

With record number of gun sales in Hawaii, it is important to promote gun safety particularly with people new to the shooting sports. It is important to understand gun safety and trained instructors are essential in this process and should not be held strictly liable in providing essential services. Please kill HB 426.

Respectfully,

Wade Ho

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 9:09 AM  
**To:** JUDtestimony  
**Cc:** warren.yamamoto@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Yamamoto	Individual	Oppose	Yes

Comments: Strongly oppose this proposed measure.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:52 AM  
**To:** JUDtestimony  
**Cc:** boxer750il@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wesley J. Sugai MD	Individual	Oppose	No

Comments: As a pediatrician in Kona, I'm constantly counseling parents about safety for their children. As a hunter and firearms expert, I also would like firearm instructors to be able to teach about safety without fear of litigation. We must promote safety and our gun safety instructors are essential and should not be held strictly liable. We must encourage people to be qualified instructor not deter them for teaching safety. They need limited immunity which they have now. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 27, 2013 6:43 AM  
**To:** JUDtestimony  
**Cc:** bill5297@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/27/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Kikuta	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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**Sent:** Monday, January 28, 2013 5:38 AM  
**To:** JUDtestimony  
**Cc:** billjulie@hawaiiantel.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William L Doar	Individual	Oppose	No

Comments: It appears this bill will force many instructors to quit, due to liability imposed by this bill. I was in a similar situation with a safety product and decided to quit because I was liable for the actions of former students. I strongly oppose this bill. Our feeling of security within our own homes is essential to the well-being of our community.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:14 AM  
**To:** JUDtestimony  
**Cc:** brian@brianteeter.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Teeter	Individual	Oppose	No

Comments: Aloha, I do not support the House Bill 426. Removing liability protection from instructors teaching firearm safety courses makes no sense whatsoever. This will only serve to limit or prevent instructors from wanting to teach safety courses in Hawaii. I do not see how that serves the public good at all. If anything we should encourage firearms safety courses to be MORE available. We should not make it harder for those interested in learning safety, and we should not make it harder for instructors who teach classes who usually do so for a tiny fee. Please reconsider this bill. It is not good for Hawaii or its people. Sincerely, Brian Teeter

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:22 AM  
**To:** JUDtestimony  
**Cc:** chanlin@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christine Hanlin	Individual	Oppose	Yes

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. They need limited immunity as instructors may quit due to the cost of liability insurance. This added cost will be passed onto the already expensive, mandatory class. The higher cost limits people's access to this class. This encroaches on our 2nd amendment rights and the legislators need to uphold and protect those rights.

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**Sent:** Monday, January 28, 2013 11:45 AM  
**To:** JUDtestimony  
**Cc:** haemeister@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hae Kim	Individual	Comments Only	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill House Bill 426

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:07 AM  
**To:** JUDtestimony  
**Cc:** jhanlin@hawaii.edu  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Hanlin	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. I will hold those voting in favor of this bill accountable as they work for the people.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:38 AM  
**To:** JUDtestimony  
**Cc:** jkmoorej@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Moore	Individual	Oppose	No

Comments: Gun safety instructors can and should not be held liable for the inability of people to follow simple instructions.

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HB426Oppose.txt

To the legislators,

I recommend that you oppose this bill, HB426. HB426 seeks to repeal a previously passed legislation that enables firearms instructors to effectively conduct firearms safety courses without fear of incidents that may cause liability. In Hawaii, the current laws mandate that individuals attend the safety course as part of the firearm permit requirements. This naturally requires qualified safety trainers. As HB426 seeks to repeal the protection that these safety trainers have, it would most likely result in less trainers willing to conduct classes and thus a smaller number of the public with adequate knowledge of proper firearm safety measures.

I fully oppose HB426, and recommend you to do the same.

Thank you,  
Jonathan Mita  
Voter and Citizen

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:49 AM  
**To:** JUDtestimony  
**Cc:** savardm001@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Savard	Individual	Oppose	No

Comments: Please kill House Bill 426

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:26 AM  
**To:** JUDtestimony  
**Cc:** nstickel@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Stickel	Individual	Oppose	Yes

Comments: As a gun safety instructors I support limited immunity when teaching. Please do not pass this bill.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:54 AM  
**To:** JUDtestimony  
**Cc:** De\_vizio@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nha reznikov	Individual	Oppose	No

Comments:

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SUBJ: HB426

Our firearms safety instructors need limited immunity when teaching. Please kill this bill.

As an NRA certified Law Enforcement Instructor for Pistol and Shotgun, current volunteer Lessons In Firearms Education (LIFE) instructor for the Basic Firearm Safety course as required by HRS, and current firearms instructor for the United States Navy, I see the consequences of the proposed bill as follows:

1. **Education:** Decreased access to education in proper firearms safety and awareness, possibly resulting in an increase of mishaps due to negligence and ignorance.
2. **Restriction:** Decreased availability of firearms safety courses such that the limitation becomes a restriction to otherwise lawful purchase of a firearm, possibly resulting in an increase of violent encounters in which the victim is unable to adequately defend themselves or loved ones against a larger attacker, more physically capable attacker or several attackers, a disparity of force scenario.
3. **Disenfranchisement:** Decreased ability to attend a firearms safety course due to increased cost of the class. This disenfranchisement of a sector of population, unable to afford a firearms safety class, could lead to an increased population of victims of violent crime in depressed neighborhoods.
4. **Response:** Since typically violent encounters only last for seconds, calling 911 and the subsequent response will be time late, and definitely not in time to stop the criminal actions.
5. **Crime:** The law will not deter, decrease the propensity, or hamper the ability of criminals to commit crimes with firearms.
6. **Citizens lose:** The law will not decrease the number of firearms in the possession of criminals; only law abiding citizens will be negatively affected.
7. **Criminals win:** The law does not deter those that are going to commit crimes, only guarantees that bystanders will become victims.
8. **Crime continues:** Likelihood of increase in disparity of force situations during home invasions and/or burglaries, when the homeowner is home. The criminal has nothing to fear from the homeowner, and has a better chance of success, and will continue to commit crimes.

In short, this law is intended to make it more difficult to lawfully obtain a firearm, which will not allow the law abiding citizen to adequately defend themselves and loved ones, will give carte blanche to criminals, leading to increased rates of violent crimes or crimes against the person.

**Kill this bill!**

Phil Branch

pabbranch@hawaii.rr.com



# Robert Denbigh

5633 Dovekie Ave • Ewa Beach, HI 96706 • Phone: (808) 397-4442  
E-Mail: robert.denbigh@yahoo.com



Date: 28 January 2013

House Judiciary Committee  
Hawaii State Legislature

Re: HB426

Distinguished Members of the Committee:

Last year's law providing limited immunity for NRA-certified firearms safety instructors was a step in the right direction in protecting the 2<sup>nd</sup> amendment rights of Hawaii residents. As an NRA-certified pistol safety instructor I oppose this new bill that would repeal that protection. I volunteer my time to teach the state required safety course; I do not do it expecting anything in return other than the satisfaction of seeing another person realize they can master the demanding discipline of firearms marksmanship. I ask that you do not jeopardize my ability to provide that training to the residents of this great state.

Sincerely,

Robert Denbigh

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:15 AM  
**To:** JUDtestimony  
**Cc:** robokuda002@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Okuda	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:50 AM  
**To:** JUDtestimony  
**Cc:** rko2323@aol.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Oyadomari	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:42 AM  
**To:** JUDtestimony  
**Cc:** moch23@msn.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheri Mochizuki	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 10:42 AM  
**To:** JUDtestimony  
**Cc:** ted\_salmon@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ted Salmon	Individual	Oppose	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:01 AM  
**To:** JUDtestimony  
**Cc:** tcccc2009@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tim Laborte	Individual	Oppose	No

Comments: I'm against because it would discourage people from being qualified instructors and how would this bill make the public safer?

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Our gun safety instructors need limited immunity when teaching. They are providing a service to paying customers.

Please kill House Bill 426.

Respectfully,

Wolcott Beard

Dear Legislators,

I am opposed to HB 426.

I believe that this bill to repeal the law concerning NRA instructors is misguided.

The NRA instructors are important and needed here in Hawaii. There are not enough instructors for the safety need and most do their work on a volunteer or minimal compensation basis.

This bill will effectively reduce the availability of firearms safety classes and not benefit the citizens.

I also believe that the legislation may be targeting individuals who are active in the legislative process and happen to be NRA instructors that teach firearms safety.

Is it a coincidence? I am a resident of Hawaii for over 50 years and have seen legislation targeting individual citizens for their lawful activities for political advantage.

On it's merit, the proposed bill, HB 426, legislation is not helpful to the citizens of Hawaii. It will needlessly reduce the number of firearms safety classes in the state.

Respectfully,

Erik V Rogers  
Honolulu, Hawaii



**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:18 PM  
**To:** JUDtestimony  
**Cc:** ypeia01@yahoo.com  
**Subject:** Submitted testimony for HB249 on Jan 31, 2013 14:05PM

**HB249**

Submitted on: 1/28/2013

Testimony for JUD on Jan 31, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine johnson	Individual	Support	No

Comments: Recognizing that true predators most often disobey restraining orders, this bill at least shows them they will be held accountable if they disobey and should never be trusted again to obey.. it is sad to me though how many domestic violenc victims have been killed while a restraining order was in place.. thank you for taking this step in recognition of this serious horrible prolem.. christine johnson, makaha 96792

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:06 PM  
**To:** JUDtestimony  
**Cc:** bambam\_689@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Sumikawa	Individual	Oppose	No

Comments:

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:07 PM  
**To:** JUDtestimony  
**Cc:** efreitax@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ernest J. Freitas, Jr.	Individual	Oppose	No

Comments: I am adamantly opposed to any more gun control legislation. Why don't you elected representatives do your job and ensure that the many gun control laws that are already on the books are properly enforced instead of further hampering law-abiding citizens' Second Amendment constitutional rights. Therefore, I'm strongly opposed to repealing the immunity for NRA-certified gun instructors, especially since Hawaii law presently requires such certification or safety training before being able to obtain a handgun acquisition permit. Why don't you'all concentrate on having the plethora of gun ownership restrictions already enacted enforced properly so that the people who shouldn't have them don't. It is fundamentally unfair to continue to erode legitimate gun owners' rights and make it more than onerous to comply with gun control legislation already enacted.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:01 PM  
**To:** JUDtestimony  
**Cc:** braddahwaiks01@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Federico	Individual	Oppose	No

Comments: We don't need anymore gun laws, It infringes my 2nd amendment rights.

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January 28, 2013

Rep. Karl Rhoads, Chairman  
House Judiciary Committee  
State of Hawaii  
415 South Beretania Street  
Honolulu, HI

FAXNO 586-8504  
PAGES 1

Re: OPPOSITION to House Bill 426 (HB426) Relating to Firearms  
Public hearing Jan 29, 2013, 2pm; Committee on Judiciary (JUD), Rm 325

Dear Rep. Rhoads,

As an unpaid volunteer NRA certified instructor, not only do I pay for training, but I also pay for personal liability insurance specifically to protect me while instructing. I appreciated the acknowledgement of my donation when the Legislature enacted the limited liability law last year. Please continue the exemption.

As chair of the Koko Head Shooting Complex's range improvement committee, instructors would benefit from an indoor classroom and shooting range that could be used by both the public and law enforcement. Upgrading Koko Head Shooting Complex to a "world class" facility would promote public safety.

Thank you

  
Kevin J. Mulkern

Kevinjmulkern@gmail.com

January 29, 2013; 2:00 PM; Conference Room 325

To: House Committee on Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Sharon Har, Vice Chair

From: James Geiger

Re: HB 426 Relating to Firearms

In Opposition

Chairs and Committee Members:

I oppose HB 426 which seeks to repeal H.Rev.Stat. § 663-9.5(f) which provides an exemption for certified firearms instructors from absolute liability under limited circumstances for the following reasons:

First, the provision was adopted by the 2012 legislature with significant supporting testimony, very limited opposing testimony and almost unanimous support by the House and Senate members who voted on the bill. No event has occurred in Hawaii since the adoption of Act 301 of the 2012 Legislature which would cause the wisdom of the law to be questioned. Accordingly, adopting the old adage, if it isn't broke, don't fix it. Until there is a reason to address this law, the law should be left in place.

Second, the exemption is very limited in scope. It is applicable only to (1) certified instructors (2) who provide instruction at a firing range (3) to persons who seek a permit to acquire a handgun. This is a very limited exemption which should have the effect of increasing the number of certified instructors who can provide the instruction that the legislature deems necessary for the acquisition of handguns.

Thank you for allowing me the opportunity to testify in opposition to HB 426.

Respectfully submitted

James Geiger

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:30 PM  
**To:** JUDtestimony  
**Cc:** jeanettetam808@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanette Tam	Individual	Oppose	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:21 PM  
**To:** JUDtestimony  
**Cc:** Nick.matsumoto@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas matsumoto	Individual	Oppose	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 11:58 AM  
**To:** JUDtestimony  
**Cc:** Rcool808@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roman Reznikov	Individual	Oppose	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:04 PM  
**To:** JUDtestimony  
**Cc:** cooper.1@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott L. Cooper	Individual	Oppose	No

Comments:

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My Testimony Regarding HB426  
To repeal exemption of liability

Dear Committee Members,

Please let common sense prevail in this matter.

I do not understand why anyone would want to repeal this exemption.

They provide training MANDATED by the laws of this state.  
They provide a public service by teaching firearms safety.  
NRA certified instructors work hard to achieve their certification.  
They enjoy little or no financial gain for all of their hard work.

**We must promote safety and our gun safety instructors are essential and should not be held strictly liable. We must encourage people to be qualified instructors, not deter them for teaching safety. They need limited immunity which they have now. Please kill this bill.**

David Soon  
[dsoon@aol.com](mailto:dsoon@aol.com)  
671-7873

January 28, 2013

Rep. Karl Rhoads, Chairman  
House Judiciary Committee  
State of Hawaii  
415 South Beretania Street  
Honolulu, HI

FAX NO 586-8504  
PAGES 1

Re: OPPOSITION to House Bill 426 (HB426) Relating to Firearms  
Public hearing Jan 29, 2013, 2pm, Committee on Judiciary (JUD), Rm 325

Dear Rep. Rhoads,

As an unpaid volunteer NRA certified instructor, not only do I pay for training, but I also pay for personal liability insurance specifically to protect me while instructing. I appreciated the acknowledgement of my donation when the Legislature enacted the limited liability law last year. Please continue the exemption.

Thank you,



Susan Shaheen Mulkern

susan.mulhern@gmail.com

3138 Waiialae Ave.  
Apt. 1107  
Honolulu, HI 96816-1545  
Jan. 28, 2012

House Judiciary Committee  
State Capitol Room 325  
415 S. Beretania St.  
Honolulu, HI 96813

h. (808) 735-1969

Subject: Opposition to House Bill 426 (HB 426)

Dear Mr. Chairman:

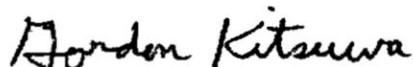
I oppose House Bill 426 because it puts us all in jeopardy.

About thirty years ago I attended a luncheon for Dr. Edward Teller, developer of the High Frontier (nicknamed Star Wars) antiballistic missile (ABM) system. He was asked how a system that was never built could win the Cold War. Teller replied that the Soviets counted on using guided missiles to destroy the United States without any loss to themselves. Then came Star Wars. The Soviets paused to think, and we won the Cold War.

Today thousands of Hawaii people are learning to use guns safely and reducing crime, demonstrating Prof. John Lott findings in, "More Guns, Less Crime." (3<sup>rd</sup> edition now available in the Legislative Reference Library.) They are making the bad guys pause to think about the risk to themselves.

Partial immunity for NRA instructors encourages safety instruction and makes us even safer, like the Good Samaritan Law helped the public through Hawaiian Electric employees like me. Every year we were trained and certified in first aid, Heimlich, and CPR, and taught to render aid and not worry about lawsuits. Today though, I am retired, no longer covered by the Good Samaritan Law, and caregiver for my disabled wife. I dare not help strangers because I do worry about lawsuits. If I witness an accident involving you or your family, I will call 911 but dare not render aid. Is this what you want? For these reasons partial immunity for instructors should be kept, and HB 426 should be defeated.

Yours truly,



Gordon Kitsuwa

HB 426

Please kill this Bill

Kesloha Martin

938-4306

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:39 PM  
**To:** JUDtestimony  
**Cc:** Dare\_n\_808@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Derryn Oshiro	Individual	Oppose	No

Comments: I strongly oppose HB 426.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:54 PM  
**To:** JUDtestimony  
**Cc:** Suvvx470@me.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JOVENCIO Luga	Individual	Oppose	No

Comments: Please support our instructor so that they can continue to provide firearm safety class

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**Sent:** Monday, January 28, 2013 12:47 PM  
**To:** JUDtestimony  
**Cc:** momor@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Phil	Individual	Oppose	No

Comments: I believe that our gun safety instructors need limited liability when teaching. Guns used in the safety courses (usually) belong to the instructors. If a student causes harm to someone or their property, they should be held responsible, not the instructor. Please kill HB426.

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 12:49 PM  
**To:** JUDtestimony  
**Cc:** amazeyn@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zey Tong	Individual	Oppose	No

Comments: To our legislators, I urge all of you to oppose this bill to repeal protection for our firearms safety instructors. This bill enables these instructors to effectively conduct firearms safety courses without unnecessary fear of incidents that may cause liability. The safety course is mandated by law, thus requires trainers. The more qualified safety instructors are available, the safer the public will be in acquiring firearms. Therefore, I believe the protection of this law is in the very interest of public safety. I fully oppose HB246, and urge you to do the same. Thank you, Zey Tong Voter and Citizen

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1212 Nuuanu Avenue, No. 810  
Honolulu, Hawaii 96817  
January 28, 2013

The Honorable Karl Rhoads, Chairman  
House Judiciary Committee  
Hawaii State Legislature  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject: Testimony in Opposition to HB 426, Relating to Firearms

Dear Chairman Rhoads and Members:

Our NRA certified gun safety instructors need limited immunity when teaching.

Please kill HB 426.

Sincerely,



Antonie Wurster

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:00 PM  
**To:** JUDtestimony  
**Cc:** kevin@jenkinsmauilaw.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J. Kevin Jenkins	Individual	Oppose	No

Comments: I am a Hawaii licensed attorney and a volunteer hunter education instructor teaching hunting regulations and firearms laws. I also volunteer to teach firearms laws every other month to facilitate responsible individuals obtaining permits to acquire handguns. Volunteer instructors provide an extremely valuable service to individual firearms owners as well as the community at large by instructing on safe firearms handling and the requirements of the law. Firearms education courses have a proven record of dramatically reducing firearms accidents, and the instructors need limited immunity if they are to continue being effective. Please vote against this bill.

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Hawaii State Legislature  
State House of Representatives  
Committee on Judiciary

State Representative Karl Rhoads, Chair  
State Representative Sharon E Har, Vice Chair  
Committee on Judiciary

Tuesday, January 29, 2013, 2:00 p.m. Room 325  
House Bill 426 Relating to Firearms

Honorable Chair Karl Rhoads, Vice Chair Sharon E. Har and members of  
the House Committee on Judiciary,

My name is Russel Yamashita and I appreciate the opportunity to testify in opposition of House Bill 426 Relating to Firearms. The bill before you today would seek to strip away the provision providing immunity from liability for those persons who provide firearms training to the public. As it stands now, thanks to the ambulance chasing trial lawyers, the cost of insurance is skyrocketing for any and all people who provide services to the community ranging from little league coaches to those who sit on nonprofit agencies which many of you may serve on. Thankfully, the legislature in the past has seen fit to provide some protection from the hungry lawyers with HRS Chapter 662D which provides volunteers immunity under certain circumstances.

The elimination of this immunity from liability will only serve to increase the cost of insurance, provide new feeding grounds for trial attorneys, provide less opportunities to provide safety training for the public and ultimately seek to inhibit those who legitimately wish to lawfully exercise their constitutional right to own and use a firearm in the State of Hawaii. This type of legislation can be only deemed to be the equivalent of throwing a drowning man an anchor, you aren't doing him any favors.

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:45 PM  
**To:** JUDtestimony  
**Cc:** ardie.cooper@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ardath Cooper	Individual	Oppose	Yes

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:43 PM  
**To:** JUDtestimony  
**Cc:** acc@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brad Oyama	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:43 PM  
**To:** JUDtestimony  
**Cc:** deankanes@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dean Kaneshiro	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:27 PM  
**To:** JUDtestimony  
**Cc:** duchi@aol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dean uchimura	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. I do NOT support any further meaningless restrictions or laws on firearms or ownership of firearms. Stop wasting time on these issues and additional unenforceable laws. Inanimate tools are not the problem. Focus on why parenting is so poor and as a result, why youths' have more and more "issues". Legislation and poor federal and municipal budgeting is creating tomorrows criminals.

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January 28, 2013

## Oppose HB426

This bill would unfairly penalize NRA instructors who are only doing their job of promoting safety and proper use of firearms. This bill would further discourage people from becoming instructors resulting in a shortage of qualified firearms instructors in our community. For increased safety we must encourage more people not less to become qualified firearms instructors.

We all agree that firearms safety benefits the public. This bill is counter productive for public safety.

Please kill this bill.

## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:28 PM  
**To:** JUDtestimony  
**Cc:** ancheta05@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Herman Ancheta	Individual	Oppose	No

Comments: I am a responsible, law abiding gun owner and I oppose HB426. Passing this bill will infringe on our 2nd Amendment right by reducing the amount of qualified instructors because of fear of incurring liability. Less instructors means less law abiding citizens getting proper firearms training which will infringe on an honest citizen's ability to exercise their 2nd Amendment rights.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:40 PM  
**To:** JUDtestimony  
**Cc:** deanandjenni@aol.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Kaneshiro	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:45 PM  
**To:** JUDtestimony  
**Cc:** perreiraj001@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John H. Perreira	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:52 PM  
**To:** JUDtestimony  
**Cc:** jonathanwolff@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Wolff	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:42 PM  
**To:** JUDtestimony  
**Cc:** judyg@djspec.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judy Goo	Individual	Oppose	No

Comments: My family and I are opposed to this repeal of this good law. We strongly agree that we should educate people in the proper use of firearms and allow instructors to be liable free. We oppose HB426

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:47 PM  
**To:** JUDtestimony  
**Cc:** hiratakk@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Hirata	Individual	Oppose	No

Comments:

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**Sent:** Monday, January 28, 2013 1:20 PM  
**To:** JUDtestimony  
**Cc:** tomitak001@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Tomita	Individual	Oppose	No

Comments: Testimony submitted in a previously sent email.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:33 PM  
**To:** JUDtestimony  
**Cc:** mauiarms@bigplanet.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark A. Genovese	Individual	Oppose	No

Comments: please kill hb 426 we need limited immunity for our instructors. Mark Genovese PO box 1001 Haiku, HI 96708

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:21 PM  
**To:** JUDtestimony  
**Cc:** mark@ee3.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Ibara	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:41 PM  
**To:** JUDtestimony  
**Cc:** lasersgopewpew77@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
matt oamilda	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:51 PM  
**To:** JUDtestimony  
**Cc:** dasa3055@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Dasalla	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please do not pass House Bill 426 If this bill passes there will be less certified instrutors, making it more difficult for law abiding citizens to obtain permits to protect themselves.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:38 PM  
**To:** JUDtestimony  
**Cc:** mikeandlucinda@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael W. Gunter	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:41 PM  
**To:** JUDtestimony  
**Cc:** Lamiglass78@yahoo.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rolly raquel	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:39 PM  
**To:** JUDtestimony  
**Cc:** sean.goo23@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Goo	Individual	Oppose	No

Comments: I am opposed to this bill, we need to help educate the people on gun safety, ethics and the proper use and storage of guns. I oppose the passage of HB426

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:22 PM  
**To:** JUDtestimony  
**Cc:** Sheldon@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheldon Miyakado	Individual	Oppose	No

Comments: To our legislators, I urge all of you to oppose this bill to repeal protection for our firearms safety instructors. This bill enables these instructors to effectively conduct firearms SAFETY courses with out fear of incidents that my cause liability. The SAFETY course is mandated by law, thus requires trainers. By having the protection of this law that is in the very interest of PUBLIC SAFETY. The more qualified safety instructors are available, the safer the public will be in acquiring firearms. I fully oppose repeal, and urge you to do the same. In these times, common sense dictates that the safer we are, the better we will all be. Thank you. Sheldon Miyakado Voter and Citizen

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:36 PM  
**To:** JUDtestimony  
**Cc:** tom@twilight.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Markson	Individual	Oppose	No

Comments: I cannot imagine the reasoning behind this bill. We want people to handle firearms safely and have competent teachers to train them. Glving instructors liability protection is a way of saying thank you for making us all safer. Please kill this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:14 PM  
**To:** JUDtestimony  
**Cc:** bye\_bye\_si@hotmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trevor Tamura	Individual	Oppose	No

Comments: I oppose this bill since it targets those who are trying to educate people on safety.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:40 PM  
**To:** JUDtestimony  
**Cc:** bill.wise@maryl.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Wise	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:33 PM  
**To:** JUDtestimony  
**Cc:** Kaohik001@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Kaohi	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:02 PM  
**To:** JUDtestimony  
**Cc:** MILLERJ079@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James M. Miller	Individual	Support	Yes

Comments: Please no new restrictions on guns and their owners. Enforce existing gun laws. Thank you. James Miller

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:04 PM  
**To:** JUDtestimony  
**Cc:** anndel@hawaiiantel.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DELWYN W.M. CHING	Individual	Oppose	No

Comments: The NRA Firearms instructors trains the individual on the proper and safe use of a firearm. It is up to the individual whether to follow those procedures or not. The NRA Certified Instructors should not be held liable or responsible for the individual who discharges a firearm in an unsafe manner or with intent to cause bodily harm or property damage. That responsibility should be held to the individual.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:59 PM  
**To:** JUDtestimony  
**Cc:** edgum@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edsel Gum	Individual	Oppose	No

Comments:

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**Sent:** Monday, January 28, 2013 2:00 PM  
**To:** JUDtestimony  
**Cc:** flyngino808@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eugene Pellecchia	Individual	Oppose	No

Comments: Holding Certified instructors liable for an accidental discharge during a course of instruction is a truly horrible idea. It is akin to holding a flying instructor liable for a students first solo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:02 PM  
**To:** JUDtestimony  
**Cc:** MILLERJ079@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James M. Miller	Individual	Oppose	Yes

Comments:

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:56 PM  
**To:** JUDtestimony  
**Cc:** midpacoffice@mauipestcontrol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Fonville	Individual	Oppose	No

Comments: Along with bills SB219, SB36 and HB30 I feel that this is a direct attack on our 2nd amendment rights and do not understand why the state government is going to such extremes to infringe on our rights in this state when we have some of the most restrictive laws in the union. Please do not allow this bill to move forward.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:01 PM  
**To:** JUDtestimony  
**Cc:** perreiraj001@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John H. Perreira	Individual	Oppose	No

Comments: I am opposed to HB 426. The firearms instructors are necessary to promote safety, and have been mandated to exist because of prior legislation making such training necessary to acquire handgun permits. Putting them in harms way as per this proposed bill only defeats the reason that they teach these classes. Thank you and Aloha, John H. Perreira

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 1:59 PM  
**To:** JUDtestimony  
**Cc:** mark@mauipestcontrol.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Redeker	Individual	Oppose	No

Comments: This will only degrade the quality of gun safety classes now being taught.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:02 PM  
**To:** JUDtestimony  
**Cc:** paulap808@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paula Pellecchia	Individual	Oppose	No

Comments: I do not support this legislation.

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**Sent:** Monday, January 28, 2013 2:04 PM  
**To:** JUDtestimony  
**Cc:** midpac@maui.net  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roberta Redeker	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:00 PM  
**To:** JUDtestimony  
**Cc:** scoutkailua64@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
rudy aquino jr.	Individual	Oppose	No

Comments:

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Members of the Committee on the Judiciary,

As a certified NRA instructor I strongly oppose HB426.

NRA instructors are trained to administer firearms training with the goal of encouraging SAFE AND LAWFUL firearms use. At all times during training, the safety of the shooter and the public is the foremost concern. Your opposition to HB426 encourages NRA instructors, and those who would become instructors, to continue providing training in safe firearms usage to citizens new to gun ownership. Your opposition to HB426 would show your understanding of the responsibilities and sacrifices NRA certified instructors endure to provide citizens with safe firearms training.

Thank you for your time,  
Shelton Yamashiro

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:05 PM  
**To:** JUDtestimony  
**Cc:** garciata@earthlink.net  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Garcia	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:11 PM  
**To:** JUDtestimony  
**Cc:** alexredeker68@gmail.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
alex redeker	Individual	Oppose	No

Comments: Please stop this bill. It is designed to help people to learn safely and aquire guns leagally. Let's not fixed a wheel that's not broken. I am a instructor and the program is very successful with some of the lowest gun related crimes. I urge you to please not reverse this, Thank you for your time Alex Redeker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:17 PM  
**To:** JUDtestimony  
**Cc:** barbara.ross@hawaii.edu  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Ross	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:11 PM  
**To:** JUDtestimony  
**Cc:** barbratompkins@yahoo.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbra Tompkins	Individual	Oppose	No

Comments: This bill is absurd- whether we like guns or not, we definitely need as much training as possible, and this bill would obviously do away with that training. Unfortunately, people who want to shoot will do so with or without training!

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:18 PM  
**To:** JUDtestimony  
**Cc:** dreid@nrahq.org  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM  
**Attachments:** HB 426 Letter of Opposition.doc

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Reid	National Rifle Association	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:15 PM  
**To:** JUDtestimony  
**Cc:** data35@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marvin Dryden	Individual	Oppose	Yes

Comments: I am opposed to HB426 because it is an infringement on the Second Amendment.

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**To:** JUDtestimony  
**Cc:** Hawaiianways@gmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fred Clark	Individual	Oppose	No

Comments:

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**Sent:** Monday, January 28, 2013 2:36 PM  
**To:** JUDtestimony  
**Cc:** joe\_arceneaux@hotmail.com  
**Subject:** \*Submitted testimony for HB426 on Jan 29, 2013 14:00PM\*

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joe Arceneaux	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:32 PM  
**To:** JUDtestimony  
**Cc:** michelle.yee@hawaii.rr.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle EL Yee (R, CRS)	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill.

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## har2-Vincent

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**To:** JUDtestimony  
**Cc:** rhacker@aloha.net  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

### **HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
richard hacker	Individual	Oppose	No

Comments: Bad proposed law. Discourages firearms instruction which, in the long term, may cause an increase in firearm accidents. Would we consider the same law for driving (automobile or motorcycle) instructors? More people are hurt/killed by motor vehicle accidents than firearms. However, drivers education has made a significant contribution in reducing motor vehicle accidents/injuries/deaths. Same goes for firearm education.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 2:34 PM  
**To:** JUDtestimony  
**Cc:** tim.yee@ferguson.com  
**Subject:** Submitted testimony for HB426 on Jan 29, 2013 14:00PM

**HB426**

Submitted on: 1/28/2013

Testimony for JUD on Jan 29, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Timothy K. Yee	Individual	Oppose	No

Comments: Our gun safety instructors need limited immunity when teaching. Please kill this bill. A safety instructor is providing a public service meant to educate and protect the general public.

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January 28, 2013

Testimony on HB426

Before: JUD, Jan. 29, 2pm, Rm 325

IN STRONG OPPOSITION

Hon. Chair, Co-Chair, Members,

History: HRS §663-9.5 (d) in 2008 was amended, exempting the counties from absolute liability when an enforcement officer uses his gun "outside of the course and scope of employment as a law enforcement officer" showing that the counties were worried about government liability for a police officer's gun when he was in possession, because the gun is owned by the county. The amendment was proposed after an off duty Maui PD used his duty pistol to kill his wife. Former State Senator and Judiciary Chair Andy Levin testified for the Mayor of Maui. The plaintiff bar supported it as did HRA. We discussed a possible similar bill for NRA Instructors teaching the state-mandated safety course with the plaintiff bar representative at that time, and in 2009 a limited immunity bill was introduced, opposed by the plaintiff bar, but eventually passing last year. We are disappointed that it is challenged again so soon.

We are also disappointed in the referral for this bill. The issue is about teaching the public firearms safety. Why was the PBS Committee bypassed?

The NRA classes are quite low risk. The only injury in the class seen with any frequency is staple cuts from stapling targets to cardboard. Over the many years and thousands of graduates since the State mandated training, I am aware of no injuries requiring an emergency room visit and certainly no gunshot wounds. NRA instruction nationally has the same very low incidence of injury, and shooting as a sport is very safe. As an example, my personal insurance coverage for teaching shooting lessons is \$120 per year for a \$250,000 liability policy. The current statute does not take much business away from personal injury lawyers. There are fewer than 100 NRA instructors active in Hawaii.

The limited liability provided under the current language relieves instructors of the special absolute liability created by HRS663-9.5, but they could still be sued in ordinary actions for negligence.

As an NRA Certified Senior Training Counselor, I can assure you that the classes mandated as a requirement for application for a handgun permit under HRS 134.2 and conducted by NRA Certified Instructors and Training Counselors are designed by extremely capable national level firearms educators, many with a law enforcement or military background. The classes are highly structured, as safe as humanly possible, and carefully assessed and periodically updated by the NRA Training Department in Fairfax, Virginia, Training Counselors in Hawaii, and local Instructors themselves. Instructor candidates are experienced gun owners and shooters pre-selected using strict pre-qualification guidelines and hands-on testing for safe handling including live fire. The Basic Pistol Instructor training course is 2 days of intensive instruction in teaching

methods, and hands-on instruction of beginning students in nomenclature, safety, parts and operation, ammunition, the basics of dry-firing, firearms laws, and live fire, safe storage, range safety, and proper maintenance of firearms. To be certified they must demonstrate throughout the course the required knowledge, skills, and attitude required to teach basic handgun skills to beginning shooters, and pass a 50-question written test with a 95% score. Certified Instructors must report their instructor activity to NRA Training Department within 10 days of every class. Inactive Instructors lose their certification and must re-train. As well as Basic Pistol classes, NRA Instructors may also be certified to teach NRA classes in Rifle, Shotgun, Muzzleloading Rifles, Pistols and Shotguns, Personal Protection Inside the Home, Personal Reloading Ammunition, and Range Safety Officer. They teach Boy Scouts, Girl Scouts, FFA programs, child safety programs (Eddie Eagle) and community crime prevention courses (Refuse to Be a Victim). NRA's Law Enforcement Training and Coaching Divisions are separate.

Under the current statute, the gun owner is "absolutely liable" and can only raise an affirmative defense that the firearm was not in his possession. This means that at the very least, an instructor could be forced to defend a civil suit to make the argument that he didn't possess the gun. In many cases, that argument would fail because, the law recognizes the possibility of constructive possession without direct physical control. The Hawaii courts frequently cite Black's Law Dictionary:

"A person who knowingly has direct physical control over a thing at a given time is then in actual possession of it. A person who, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion over a thing, either directly or through another person or persons, is then in constructive possession of it."

In all the Basic classes mandated for permits, the Instructors furnish their own firearms for the students to use. In such an NRA class where the instructor is supposed to direct the students as to exactly what they're supposed to be doing with the guns at any given time, an instructor certainly could be held to be in constructive possession of the guns at all times.

State v. Taylor, 2011 ICA No. 28904; CR. No. 07-1-0253). Intermediate Court of Appeals RECKTENWALD, C.J., NAKAYAMA, DUFFY, and McKENNA, JJ., with ACOBA, J., concurring and dissenting separately. This was a recent case about who possessed stolen Hawaiian artifacts. Also:

*State v. Mundell*, 8 Haw.App. 610, 617, 822 P.2d 23, 27 (1991);

*State v. Jenkins* 93 Hawai'i 87, 110, 997 P.2d 13, 36 (2000)

STATE OF HAWAII#1, Respondent/Plaintiff-Appellant, vs. RAYMOND L. FOSTER, also known as "RAY," Petitioner/Defendant-Appellee. NO. SCWC-29799 CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (ICA NO. 29799; CR. NO. 06-1-0449) CONCURRING OPINION BY ACOBA, J.

The affirmative defense for non-possession only applies if the firearm wasn't in the owner's possession because it was stolen. Under existing language, the elements of subsection (b) are connected by an "and," meaning that they all have to apply for the affirmative defense to be valid. The second and third elements of subsection (b) both indicate the defense only applies

when the firearm was taken without the owner's permission and the owner either reported the "theft" to police or would not have discovered the theft in the exercise of reasonable care at the time of the incident giving rise to liability.

We recommend you replace the language of this bill with the language in SB 248, extending the immunity to classroom situations not on an actual shooting range, the preferred circumstances for instructing the didactic and dry-fire portions of the classes.

Thank you for the opportunity to testify.

Dr. Maxwell Cooper,  
NRA Certified Senior Training Counselor