



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 603, RELATING TO THE USE OF DEADLY FORCE.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**LATE**

**DATE:** Tuesday, February 26, 2013

**TIME:** 2:05 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lance M. Goto, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General opposes section 2 of this bill, which adds a new section to chapter 703, Hawaii Revised Statutes (HRS), (General Principles of Justification).

Section 2 of this bill would justify the use of deadly force, in protecting a person's primary dwelling, if another had entered the dwelling without invitation, is in the dwelling when the deadly force is used, and is not a law enforcement officer.

The Department opposes section 2 of this bill because it is overbroad and, most importantly, unnecessary as there is a "use of deadly force" justification in section 703-306(3), HRS, for the protection of property. As this section of the bill is written, a tenant who did not want to have the landlord come onto the property would be justified in using deadly force against the true owner of the property. Furthermore, a person's simple presence would justify the use of deadly force even if the person was mistakenly in the dwelling.

Section 703-306(3), HRS, justifies the use of deadly force for the protection of property if force is being used to take the property (other than under a claim of right) or if the "intruder" is attempting to commit felonious property damage, burglary, robbery, or felonious theft and has employed or threatened deadly force or force that would expose the owner of the property to substantial danger of serious bodily injury.

Accordingly, the Department of the Attorney General respectfully opposes section 2 of this bill.



## Lessons In Firearms Education

P.O. Box 25271  
Honolulu, Hawaii 96825

**LATE**

February 25, 2013

COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

Re: HB 603

Good afternoon Chair Rhoads and Vice Chair Har,

My name is Bill Richter and I am the President of the Not-for-Profit Lessons in Firearms Education and am testifying in opposition to HB 603.

The current bill may be well intentioned as a mechanism to expand the rights of self-defense to homeowners, but the current language is problematic and would need considerable work to make it acceptable.

We believe the current language in HRS 663 offers superior language.

Thank you for this opportunity to testify.

Very Best Regards,

Bill Richter,

President, Lessons In Firearms Education



46-063 Emepele Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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**TESTIMONY FOR HOUSE BILL 603, RELATING TO THE USE OF DEADLY  
FORCE**

**House Committee on Judiciary  
Hon. Karl Rhoads, Chair  
Hon. Sharon E. Har, Vice Chair**

**Tuesday, February 26, 2013, 2:05 PM  
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in opposition to HB 603, relating to the use of deadly force.

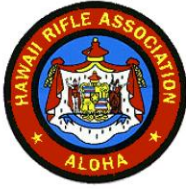
Currently, HRS Section 703-306 authorizes the use of force in conjunction with the protection of property to prevent the commission of criminal trespass or burglary in a building or upon real property in the actor's possession or in the possession of another person for whose protection the actor acts, to prevent unlawful entry upon real property in the actor's possession or in the possession of another person for whose protection the actor acts, or to prevent theft, criminal mischief, or any trespassory taking of tangible, movable property in the actor's possession or in the possession of another person for whose protection the actor acts. Most pertinently for this bill, §703-306 authorizes the use of *deadly* force for the protection of property if the person against whom the force is used is attempting to dispossess the actor of the actor's dwelling, or the person against whom the deadly force is used is attempting to commit felonious property damage, burglary, robbery, or felonious theft *and* has either a) employed or threatened deadly force against or in the presence of the actor; or b) the use of force other than deadly force to prevent the commission of the crime would expose the actor or another person in the actor's presence to substantial danger of serious bodily injury. In our view, this statute appropriately limits the use of deadly force for the protection of property to circumstances involving the threat of serious physical harm, whereas the proposed

statute would permit the use of deadly force in any circumstance in which a person enters another person's primary place of lodging without invitation. We can envision this expanded proposal being misapplied to situations in which, for example, two neighbors are engaged in a heated discussion outside one or the other's front door, whereupon one person unwittingly enters the other's domicile in a heated manner, prompting a rash, emotional use of deadly force by the owner of the domicile. If this measure becomes law, the owner would not be liable for the death of his or her neighbor because, in the aforementioned scenario, no invitation was extended prior to the neighbor's entrance, despite or regardless of the lack of an imminent threat to the owner's person (or property, for that matter).

Put simply, the use of deadly force to protect a person's dwelling or property should only be permissible if the person is facing or is likely to face an imminent threat of bodily injury. To assert otherwise is to value property over life. Moreover, the provisions of §703-306 already define the use of deadly force with regard to the protection of property—including to protect against such crimes as criminal trespass, burglary, or unlawful entry upon real property, when such crimes involve the threat of deadly force or serious bodily injury against the property owner or the a person in the owner's presence—making this measure duplicative, at best.

Mahalo for the opportunity to testify in opposition to this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance



# **Hawaii Rifle Association**

State Affiliate of the National Rifle Association

Founded in 1857

January 28, 2013

Testimony on HB603  
Before JUD, Tuesday Feb 26, 2013  
IN OPPOSITION

Hon. Chair and Members,

HRA opposes this bill. The current statutes are sufficient.

Thank you for the opportunity to testify.

Dr. Maxwell Cooper, HRA Legislative Liaison  
225-6944

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO H.B. NO. 603**

Date: Tuesday, February 26, 2013

Time: 2:05 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 OPPOSITION to H.B. No. 603, relating to the use of deadly force.

Current law strikes a reasoned balance between the use of deadly force in circumstances where a felony is being or about to be committed involving violence or serious risk of harm on the one hand, and the protection of innocent bystanders or killings in circumstances where there is no threat of physical harm. Under §663-1.57 deadly force is allowed in connection with violent felonies where the use of deadly force is necessary to prevent a criminal from harming or injuring others.

This measure proposes the repeal of §663-1.57 and permits the use of deadly force in any situation where someone enters a dwelling without an invitation. Absolute immunity is given whether or not there was any reasonable belief that the person killed posed any danger to the shooter or anyone else. This measure is much too broad and establishes bad public policy in encouraging killings in circumstances where there may be no threat of harm to anyone or where there may be a simple mistake. In addition, the protection to innocent bystanders who may be unintentionally shot which is currently included in §663-1.57 is not included in this measure.

This measure permits the killing of anyone who enters a dwelling without an invitation under any circumstance. If a 3 year old child wanders into a neighbor's dwelling that child can be shot on sight. If a pizza delivery person sees an open door and mistakenly steps in to lay the pizza on a table he can be shot dead. If a divorced wife enters in an attempt to collect child support without an invitation she can be gunned down with impunity. There is simply no justification for permitting the killing of others in circumstances where there is no threat of harm sufficient to invoke deadly force.

Unlike law enforcement officers, most of the general public are not trained to properly assess the need for deadly force, consider the risk of harm to bystanders and safely discharge weapons in residential settings. A law that encourages the unnecessary firing of weapons places everyone in the vicinity at risk of serious injury or death. For example, if a 200 lb. male discovers a petite 13 year old girl committing a property crime in an apartment complex he can open fire with a high powered semi-automatic weapon and unintentionally shoot innocent neighbors. Under this bill, the shooter "shall be immune from civil liability for injuries or damages, or both, resulting from the use of that deadly force." Because the injuries or death to innocent neighbors was "resulting from the use of that deadly force" allowed because the girl had entered without invitation, the shooter is immune from liability.

Our civilized value system requires that the punishment fit the crime. As much as a 13 year old girl should not be condoned for petty property theft, it is hardly in the best interest of society as a whole to allow the shooter to be judge, jury and executioner in circumstances that pose no risk of serious harm to others. The current law strikes a reasoned balance and should be retained.

Thank you very much for allowing me to testify in OPPOSITION to this measure.

Please feel free to contact me should you have any questions or desire additional information.



**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Abraham rodriguez	Individual	Support	No

Comments: I think it should be legal to protect my family from any intruders. Considering the rise of drug use and straight up crazy people. I would like this law to pass so I can protect my family and belongings. I am a tax paying voting citizen and think it should be legal to protect my household

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I support this bill. I believe that one should not have to worry about being sued when protecting their family in their own home against unwanted intruders. I understand that the opposition may propose a retreat or flee option but me personally, I have my wife and 3 children in the house. Retreat or flee is not really an option. Sure, I could get out myself, but what about them? Someone that decides to intrude needs to have something like this bill as a deterrent. Think twice before you break in to someone's house. By not passing this bill, it would seem you are encouraging criminals because it gives them the upper hand in the situation. Please pass this bill to make it safer for the residents of Hawaii to a)be in their homes and b)to defend their families against unwanted intrusions by criminals.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dayne Kato	Individual	Support	No

Comments: I absolutely support this bill. I feel that is important to be able to protect my life, and the lives of my family, without fear of civil liability. Without this bill, criminals are able to hold us liable if they are injured while breaking into our homes, in a sense victimizing us twice. Please don't let me be a victim. Please support this bill.

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Submitted on: 2/22/2013

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

Comments: This bill should be passed. A homeowner cannot be expected to wait until an intruder has committed such acts as murder or serious bodily injury or determining whether the intruder has committed a Class A or Class B felony with which he will be charged before taking defensive action. A homeowner should have the basic right to protect his or her self and family if an intruder enters their home. Intruders should know if a homeowner is armed, the homeowner has the right to defend themselves under the protection of law. When seconds count, help is only minutes away. What is the average response time to a police 911 call ?

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeremy Van	Individual	Support	No

Comments: This bill will help to deter crime, and make sure that justice will be on the side of the innocent.

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**HB603**

Submitted on: 2/22/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keola Esperas	Individual	Support	No

Comments: I am in support of this bill because I think it will reduce crime. Criminals will think twice about invading a home with the possibility of facing bodily injury.

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Submitted on: 2/22/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristin Mack	Individual	Support	No

Comments:

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

Comments:

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Submitted on: 2/22/2013

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

Comments: I wish to thank the JUD Committee this opportunity to submit testimony on HB 603. I SUPPORT this bill. I believe it protects all homeowners and occupants from the unjustified harassment and legal liability of civil lawsuits filed by criminal perpetrators or others on their behalf against the very victims of the perpetrators' criminal acts of home break-ins or home invasions, etc. for the justifiable acts of self defense against the very perpetrators. People who are injured in the act of committing a crime must NOT be allowed to sue the innocent victims for their own injuries nor should their families, friends, or greedy attorneys be allowed to file civil lawsuits against the innocent victims.

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Submitted on: 2/22/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Phil Ramil	Individual	Support	Yes

Comments: I support this bill, and I believe it will lower crime. Criminals would be more apt to think twice if they know unlawfully entering a dwelling could cause them harm.

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Submitted on: 2/22/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sheldon miyakado	Individual	Support	No

Comments: I support this bill and I believe it will reduce crime. Criminals would be more apt to think twice of invading a home if they feel they may be harmed.

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**HB603**

Submitted on: 2/22/2013

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

Comments: This is an excellent bill, one that is long overdue. Anyone who has been forced to use deadly force in self defense has already been traumatized. Particularly in the clear case of a home invasion, the idea that subsequent civil liability is permissible is repugnant. Please support and pass this application of good sense.

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**HB603**

Submitted on: 2/22/2013

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

Comments: I support HB603 as written.

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**HB603**

Submitted on: 2/22/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Austin McCullough	Individual	Support	No

Comments: I support this bill--in the situations for which it is written, legal uncertainty should not work to force the law-abiding to hesitate to act.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
B. Willauer	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments:

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Isaacson	Individual	Support	No

Comments: One of our most fundamental rights is being able to secure our safety and that of our family and friends in our home against intruders bent on harming us. The law should not raise impediments in the face of our taking the necessary actions to keep us safe while under attack. Many of us live in isolated areas, where a police presence typically arrives too late to be of practical use, and thus must fend for ourselves if needs be. Let us do so, if justified, without fear of prosecution.

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**HB603**

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Lau	Individual	Support	No

Comments: I support this bill. This will protect law abiding citizens who should at least have the right to defend themselves in their own homes.

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

Comments:

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl Matthew Jellings	Individual	Support	No

Comments:

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Among Jr	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chester daoang	Individual	Support	Yes

Comments: It's a common sense thing. Why be punished for hurting someone who intends to do harm on you or your family in your personal home.

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Testimony in **support** of HB 603, 2013.

Aloha,

I am writing to voice my support for HB 603.

Hawaii has a good balance of laws that make it difficult for potentially dangerous people to legally acquire firearms. This bill closes a hole that our current laws leave open: the unpleasant fact that criminals know they have the legal upper hand should a victim chose to defend themselves with a firearm – the most effective defense and deterrent.

As the law currently stands a single mother, for example, could be sued by a would-be rapist if she used a gun, even if she doesn't shoot the intruder, to keep him from raping her. Since the violent felony did not occur the mother is in the extremely unfortunate position of being held liable for use of deadly force due to the success of her self defense.

No one wants to shoot an intruder. What we want is for the intrusion to never happen in the first place. Removing the ambiguity around whether a home owner is protected from civil liability when using a firearm for defense in their own home will have the effect of reducing home break ins and related violent crime because such crimes will become orders of magnitude more dangerous for the criminals.

For this reason I strongly support this bill and urge you to do the same.

Mahalo for your time and service,

Chris Shaeffer



**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kaauamo	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM 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	Support	No

Comments: Honorable Chair and Members of the JUD Committee. I am in support of this bill. If I protect my family in my home and found not guilty of any wrongdoing, then it would make sense that I shouldn't be sued by the bad guy or their family for injuries. Thank you for your time. Domingo V. Layugan, Jr.

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**HB603**

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donald Salvador	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dustin Salsido	Individual	Support	No

Comments: Aloha! I support this bill. I feel that an individual should feel safe in his home without the thought of being arrested for protecting him or herself. Mahalo, Dustin

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Nugent	Individual	Support	No

Comments: Aloha, I SUPPORT this Bill and I believe it will reduce crime. This Bill will make criminals think twice before invading a home. Mahalo for your time and hope that you will all vote to support this bill.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen Forster	Individual	Support	No

Comments: Homeowners should not have to fear civil liability when protecting their home and family. This is our Constitutional right. Laws should not be made to protect criminals, but to protect law-abiding citizens. I live in a rural area of the Big Island, which is why I support this measure, but can not be present at the hearing.

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gindalle Page	Individual	Support	No

Comments:

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

24 Feb, 2013

Representative Karl Rhoads, Chairman, and the House Judiciary Committee;

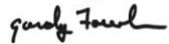
I am writing in full support of the premises set out in HB603

A citizen has no greater responsibility than to protect him or herself and loved ones from those that would do them harm.

I feel that the use of deadly force is absolutely justified where there is a perception that our lives are threatened, especially in our homes. The idea that someone should be held civilly liable for injury and damage to the perpetrator in this case is unconscionable.

From all the way back in old English law, a man's home is his castle.  
Please allow this bill to become the law of the land.

Thank you and Aloha



Gordy Fowler



**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J. Alexander		Support	No

Comments: Self Defense Solutions Hawaii supports protecting yourself, your home/property, and your family by any means necessary when threatened by criminal activity.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: Dear Chairman Rhoads and members of the House Judiciary Committee, I am writing in support of HB 603. I believe this bill is a common sense measure that is long overdue. For far too long Hawaii has extended rights to criminals at the expense of law abiding citizens. Without this bill, law abiding citizens can be victimized twice; once by a criminal, and the second time by the court system. Please pass this measure as it gives the 95% of citizens in this State who are hard-working, honest, and law abiding the respect and dignity they deserve. Please put them first. Thank you, Jacob Han Lifelong Resident and Voter

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeremy Dowling	Individual	Support	No

Comments: Aloha, I am writing to voice my support for HB 603. Hawaii has a good balance of laws that make it difficult for potentially dangerous people to legally acquire firearms. This bill closes a hole that our current laws leave open: the unpleasant fact that criminals know they have the legal upper hand should a victim chose to defend themselves with a firearm – the most effective defense and deterrent. As the law currently stands a single mother, for example, could be sued by a would-be rapist if she used a gun, even if she doesn't shoot the intruder, to keep him from raping her. Since the violent felony did not occur the mother is in the extremely unfortunate position of being held liable for use of deadly force due to the success of her self defense. No one wants to shoot an intruder. What we want is for the intrusion to never happen in the first place. Removing the ambiguity around whether a home owner is protected from civil liability when using a firearm for defense in their own home will have the effect of reducing home break ins and related violent crime because such crimes will become orders of magnitude more dangerous for the criminals. For this reason I strongly support this bill and urge you to do the same. Mahalo for your time and service, Jeremy Dowling

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I don't see how this is not already a law. How can the government expect us to not protect ourselves and our loved ones as best we can when we are attacked in our own homes? This law would make us more safe and the only people which would not allow this to pass are those which would see harm come to innocent people!

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Chong	Individual	Support	No

Comments: I support Bill HB603 and the right to protect my family and belongings without misguided repercussions for doing so.

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Date: February 25, 2013

Subject: Testimony in strong support of HB 603

Dear Members of the Judiciary Committee:

First of all, I want to thank you for introducing and hearing HB 603 which exempts victims of home invasions from legal action by criminals.

I am writing in **strong support to HB 603**, RELATING TO THE USE OF DEADLY FORCE. Allows the use of deadly force when protecting one's primary dwelling against an intruder who enters the primary dwelling without invitation. Exempts the actor from civil liability for injuries or damages resulting from the use of deadly force. Repeals section 663-1.57, HRS.

No one deserves to be victimized by criminals in their own homes. When criminals get injured or killed during a home invasion, they or their families should not be able to further victimize their intended victim by allowing them to take legal action. As Hawaii laws currently do not protect victims of home invasions from ridiculous civil lawsuits by criminals, I urge that you consider passing HB 603. Doing so would also provide a strong deterrent against future home invasions and makes everyone safer in their own homes.

Thank you for your consideration of my testimony. I respectfully ask that you **vote YES** on HB 603.

Sincerely,

Jonagustine Lim  
4348 Waialae Ave Suite 124  
Honolulu, HI 96816

**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Alexander Jr.	Individual	Support	No

Comments: We 100% support the use of any means necessary (deadly force) to protect ones life, family, or personal property from criminals.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I believe that you should have the right to defend yourself. If someone is in your home you should be able to defend you and your love ones. They have made the choice to enter your house. There is no reason that only police have the right to defend them selfs. You should not have to hide until the police get there. A private civilian should be able to defend ones home.

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**HB603**

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I suspect that this is a gun lobby bill that will have the same unintended consequences as the "Stand Your Ground" laws did (namely the death of innocent people and subsequent inability to prosecute their killers) One can already use deadly force if one believes their life to be in dangered. To extend this is going to result in people who do not pose a deadly threat being shot dead. We don't need a law like this. I hope you folks will vote it down.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Matsumiya	SGRC	Support	No

Comments: I support this bill..responsible gun owners protect thier family and property..being responsible means trained in the safety,safety,safety and being capable, efficient with all your firearms..if everybody was armed,the bad boys would think twice..recent accidental shooting of 3yr boy..number 1 rule..CLEAR YOUR WEAPON..NO EXCUSE..PLEASE PAS THIS BILL!!don't punish responsible gun owners who follow the rules..

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**HB603**

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kurtis Brown	Individual	Support	No

Comments: Aloha, I am writing in support of HB 603. Nobody wants to ever have to use deadly force against another person. But when the time comes that deadly force is necessary, the citizens of Hawaii should not have to worry they will be put in jail for defending themselves. Hawaii's current requirement of running away as far as possible, instead of using a proven effective means of self defense such as a firearm, is very encouraging to criminals to do as they please without fear of retaliation from homeowners. For example my mother lived in a 1 bedroom apartment in Saltlake. Unfortunately criminals broke into her apartment and gagged and tied her to a chair while they robbed her of all her jewelry and possessions. Thankfully she was not raped that day, but when the intruders left she was still gaged and tied up. Had she not been found she would have died in that chair. Id like to think had this bill been passed sooner she would have been able to lawfully defend herself with a firearm. Or that the intrusion would have been prevented in the first place by the would-be criminals fear of deadly retaliation I Hope the right thing is done and this bill is passed Mahalo

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Yokota	Individual	Support	No

Comments: Aloha, I would like to voice my support for HB603. I believe that while we enjoy a largely idyllic life here in hawaii I believe that it is only a matter of time before we start to see crime patterns that mirror major cities on thr mainland. I hope this doesn't happen for many years, or even decades, we as good citizens deserve the right to defend ourselves and our families. Some might argue that this is what the police are for - to protect us from crime. I would argue that the police can't be there to stop every crime from happening. As law abiding citizens without the ability to defend ourselves in our own homes, and with the threat of liability hanging over our heads we are merely sheep hoping the wolf picks another hapless sheep. I would like to thank you for your time and hope that you will all vote to support this bill. Respectfully, Mark Yokota

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: do not allow criminals to collect \$ for their crimes.

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Page	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip Sedenio	Individual	Support	No

Comments: I strongly support this bill, because I hope that I am never forced to use a firearm on another person. I believe this bill will create a strong deterrent to anyone that contemplates breaking into a home.

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Raymond Doherty  
46-1018 Emepela Way  
Apt 21c  
Kaneohe, HI 96744

I, Raymond Doherty, support HB603:

Regarding "Use of Force"

Measure Title: RELATING TO THE USE OF DEADLY FORCE.

Report Title: Justification; Use of Deadly Force

Description: Allows the use of deadly force when protecting one's primary dwelling against an intruder who enters the primary dwelling without invitation. Exempts the actor from civil liability for injuries or damages resulting from the use of deadly force. Repeals section 663-1.57, HRS.

I believe this will protect the the law abiding defender from unnecessary legal action when defending ones home. This will also help unclog the court systems with frivolous law suites because it puts it clear in writing that the owner cannot be held liable. This is why I support and urge the committee to support HB603

**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert McCarthy	Individual	Support	No

Comments:

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I fully support this bill.

In many ways, there should be no need for it. It is just common sense that a person should be able to defend themselves and family in the sanctity of their home with all the means available to them.

As a person approaching senior citizen status, deadly force is the only means left to me that is sure to stop a threat posed by younger, larger criminals that have chosen to invade my home for whatever reason. The criminals have chosen to step over a line that they should never have approached.

**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Arakawa	Individual	Support	No

Comments: I support this bill. People need to take responsibility for protecting themselves. When seconds count - calling 911 does nothing.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Bell	Individual	Support	No

Comments:

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Dear Committee members,

Please SUPPORT the passage of HB603-RELATING TO THE USE OF DEADLY FORCE. Passage of this measure would make defense of one's self and primary dwelling simpler, and therefore safer, for Hawaii's citizens, especially our elderly, disabled and women.

As you know, crystal methamphetamine and other drugs make criminals violent and very hard to deal with even for well trained law enforcement officers or other able-bodied persons. Less capable people would be hard pressed to deal with such a perpetrator while attempting to mentally navigate the complexities of Hawaii's "Use of Force" under the various sections of HRS 703, especially if suddenly confronted by such a situation in what is supposedly the safety of their home.

I humbly ask for your support of this bill.

Shelton P. Yamashiro

**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I support this bill. We should feel safe at home.

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM 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	Support	No

Comments:

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I am in support of HB603 as it gives the homeowner the ability to protect home and family from criminals without hesitation. It will also reduce home invasions because criminals can no longer have the upper hand against the homeowner.

Respectfully,

Thomas P.



**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom markson	Individual	Support	No

Comments: I support this bill because I believe it will make Hawaii safer and reduce the number of home invasion robberies which occur on this Island. Criminals can break into a home and rob the home even threaten the owner with non deadly force and the home owner is powerless to stop them. Allowing a home owner to defend their home will level the power between the law abiding citizen and the criminal. This is particularly important with woman and the elderly members of our community.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: Gives a person the ability to protect themselves without hesitation.

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/22/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ty Johnson	Individual	Support	No

Comments: I support this bill and think it may reduce Home invasion type crimes, because criminals will now they have a chance of being harmed.

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**HB603**

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Quinn	Individual	Support	No

Comments: I totally support this bill.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clark Camp	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick Baltazar	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: Dear Chair, Vice Chair, and Committee Members: Please permit this correspondence to serve as my support of HB 603. Thank you for your consideration. Best Regards, Warren Yamamoto

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daren Kaneshiro	Individual	Support	No

Comments: I fully support the public's right to defend their dwellings against unlawful or uninvited entry by use of lethal force, with no civil liability. I further propose that tasers or other non-lethal types of defense weapons be legalized and made a part of this legislation.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Adam Lipka	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alvin Miyatake	Individual	Support	No

Comments: I support HB603 to protect my 2nd amendment rights to protect my home. If an intruder enters my home, I wish to protect myself at all costs without worrying about possible repercussions if my life is at stake.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bart A Canada	Individual	Support	No

Comments: A person should have the legal right to protect himself, his family, and his personal belongings, without reprisals from law enforcement and/or society, from unlawful, unwanted, uninvited intruders that seek only to exploit, harm, deny and/or deprive another of their freedom and safety within their own home. Intruders must know that their unlawful, intentional, harmful acts come with grave consequences, and the proposed House Bill should set a new standard within society that unlawful advances will not be tolerated by a homeowner and/or the community, and should discourage would be intruders from recklessly engaging in such heinous conduct. Respectfully, Bart A. Canada Honolulu Police Officer - Retired/Private Citizen

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**HB603**

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

Comments:

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**HB603**

Submitted on: 2/25/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Goo	Individual	Support	No

Comments: As a retired Honolulu Police Detective I support this bill. We should be able to protect ourselves within our home against intruders who wish to do us harm.

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**LATE**

**HB603**

Submitted on: 2/26/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: I oppose this bill. Seems to allow self-defense in only specific way.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Leeson	Individual	Support	No

Comments: Hello, I feel that a person should be able to defend themselves and their home, to the greatest extent, without fear of liability. In the heat of the moment, a person will react and do what they need to do to protect their family. It would be a shame for a father or mother to go to jail, for defending their family. Not supporting this proposal would be direct support of criminal home invasion. Very respectfully, Eric P. M. Leeson

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**HB603**

Submitted on: 2/26/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments: Of course, one cannot use deadly force JUST because an intruder has entered the property uninvited. There must be evidence of imminent death or serious bodily injury on the part of the home-owner. However, in keeping with Castle Doctrine legislation passed in many states, there should be no duty or obligation for a home-owner to abandon their residence, surrendering it to the illegal predator. Passing this law will relieve the home-owner of spurious and specious claims that they should have retreated from a felonious assault in their home, brought by the criminal offender attempting to claim compensation for injuries suffered in an incident the offender initiated! A grand jury will determine the justification of any force used. If the force was excessive or unwarranted, the home-owner will be held accountable for that. But the home-owner should not have to suffer double-jeopardy, when cleared by the state, in a civil suit brought by a criminal who invaded the home with purely criminal intent!

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Tomita	Individual	Support	No

Comments:

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Reed	Individual	Support	No

Comments: Please pass this. We need to be able to defend ourselves without worrying about lawsuits!

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**HB603**

Submitted on: 2/25/2013

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

Comments: This bill would exempt homeowners from liability caused by criminals seeking treasure whether they succeed in robbing your home or not. If they dont and a homeowner hurts or kills them they cannot sue for liability. Excellent bill. I give calvin say credit for doing the right thing. This will deter crime in homes and dwellings. I hope it includes cars and places we rent or stay at for work or business. Thank you Calvin Say.

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**HB603**

Submitted on: 2/25/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
phil branch	Individual	Support	No

Comments: Please pass this bill. The thought of potential civil liability may cause one to lose focus and mindset possibly resulting in one failing to adequately defending themselves or thier family.

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**HB603**

Submitted on: 2/26/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Jenks	Individual	Support	No

Comments: I support this bill because of all the home invasions that came to the publics attention had resulted to injuries to the dweller. The dweller has the right to protect themselves against an intruder, especially when there is the intention by the intruder of bodily harm.

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**HB603**

Submitted on: 2/25/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Lillie	Individual	Support	No

Comments: I support the right of a person to defend him or herself with whatever means possible in order to protect both themselves and their family from intruders while on their own property.

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**HB603**

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

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

Comments:

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**HB603**

Submitted on: 2/26/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325



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

Comments: Please support this bill. If there is one place a man or woman should feel safe and secure, it is in their own home.

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**HB603**

Submitted on: 2/26/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DARRYL MACHA	Individual	Support	No

Comments:

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**HB603**

Submitted on: 2/26/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
kim	Individual	Comments Only	Yes

Comments: I support this bill it will make Hawaii safer and reduce the number of home invasion robberies which occur on this Island. Criminals can no longer have the upper hand against the homeowner. This will give the homeowner the ability to protect and defend his/her (particularly important with woman and the elderly members of our community) home and will level the power between the law abiding citizen and the criminals without hesitation. Legal uncertainty should not work to force the law-abiding to hesitate to act."

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**HB603**

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

Comments: It just makes sense...enough said!

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