

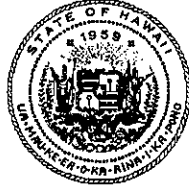
# **SB 2590**

## **RELATING TO FIREARMS**

Prohibits state and county law enforcement officers who are authorized to carry firearms from consuming alcohol or ingesting prescription medications that would impair the judgment or physical response of the employee while carrying a firearm. Prohibits the consumption of alcohol for an unspecified number of hours prior to carrying a firearm.

PSM/WTL, JDL

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

TED SAKAI  
DIRECTOR

Martha Torney  
Deputy Director  
Administration

Max Otani  
Deputy Director  
Corrections

Shawn Tsuha  
Deputy Director  
Law Enforcement

TESTIMONY ON SENATE BILL 2590  
RELATING TO FIREARMS

by  
Ted Sakai, Director  
Department of Public Safety

Senate Committee on Water and Land  
Senator Malama Solomon, Chair  
Senator Brickwood Galuteria, Vice Chair

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair

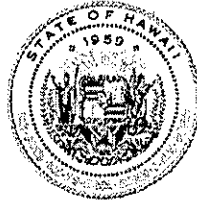
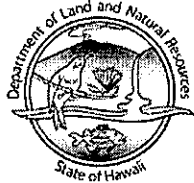
Friday, February 07, 2014; 1:00 p.m.  
State Capitol, Conference Room 225

Chairs Solomon and Espero, Vice Chairs Galuteria and Baker, and Members of the Committee:

The Department of Public Safety (PSD) **supports** this bill, which prohibits Law Enforcement Officers (LEOs) from carrying firearms after the consumption of intoxicating liquor or drugs that may impair judgment or physical response. This measure should take effect once language is drafted that would exempt certain criminal intelligence, surveillance, or undercover operations in order to minimize the liability to departments and personnel. In the past, LEOs have been compelled to take small amounts of alcohol/drugs during investigations to develop intelligence, or evidence, for criminal prosecutions that may conflict with policies or procedures based upon this proposed law.

Thank you for the opportunity to present this testimony.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the Senate Committees on  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS  
and  
WATER AND LAND

Friday, February 07, 2014  
1:00 PM  
State Capitol, Conference Room 225

In consideration of  
SENATE BILL 2590  
RELATING TO FIREARMS

Senate Bill 2590 proposes to prohibit state and county law enforcement officers from consuming alcohol or prescription medications that can mentally or physically impair their judgment while carrying a firearm. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments:**

The Department already prohibits its Conservation and Resources Enforcement Officers from possessing and using illegal narcotics, being under the influence of alcohol or otherwise intoxicated while on duty, and requires supervisory notification when using prescribed controlled substances by its Standards of Conduct for Conservation and Resources Enforcement Officers. Violations of the provisions of the Standards of Conduct may result in disciplinary action including employment termination. While the provisions of the Standards of Conduct are applicable, the Department recognizes the intent of the Legislature in providing for greater public safety.

The Department believes that certain portions of the bill in its current form are too vague. We suggest that the terms "certain prescription medication" be more specifically and clearly defined. By specifying the types of prescription medication or controlled substances that would be prohibited, the bill would allow law enforcement supervisors and managers better ability to insure subordinate personnel are in compliance. The Department also suggests that a specific hourly time restriction be defined in the bill, as the current language is unclear and ambiguous.

The Department respectfully requests consideration of these suggestions.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

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

# POLICE CHIEFS OF HAWAII ASSOCIATION

C/O 801 SOUTH BERETANIA STREET  
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TELEPHONE: (808) 723-3848

## POLICE CHIEFS

LOUIS M. KEALOHA  
Honolulu  
HARRY S. KUBOJIRI  
Hawaii County  
DARRYL D. PERRY  
Kauai  
GARY A. YABUTA  
Maui



## DEPUTY POLICE CHIEFS

MICHAEL M. CONTRADES  
Kauai  
PAUL K. FERREIRA  
Hawaii County  
DAVE M. KAJIHIRO  
Honolulu  
MARIE A. McCAULEY  
Honolulu  
CLAYTON N. Y. W. TOM  
Maui

OUR REFERENCE LMK/DMK/MAM-DK

February 7, 2014

The Honorable Malama Solomon, Chair  
and Members  
Committee on Water and Land  
The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
State Senate  
Hawaii State Capitol, Room 224  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Solomon and Espero and Members:

Subject: Senate Bill No. 2590, Relating to Firearms

I am Deputy Chief Dave M. Kajihiro of the Honolulu Police Department (HPD), City and County of Honolulu.

The members of the Police Chiefs of Hawaii Association (PCHA) strongly oppose Senate Bill No. 2590, Relating to Firearms. This bill prohibits state and county law enforcement officers from consuming alcohol while carrying a firearm. It also prohibits them from carrying a firearm after consuming alcohol within a specified time period or ingested prescription medications that would impair their judgment or physical response.

The requirements outlined in this bill are vague and ambiguous. It does not provide exceptions that would consider the successful integration of an undercover officer to avoid detection and still be able to protect him or herself from death or serious bodily injury. The absence of an exception would also have an adverse impact on the emergency response of off-duty officers, which the State and Counties have come to rely upon for mass evacuations and traffic control. Under this bill, an officer who has consumed any amount of alcohol would be subject to a waiting period, although mentally and physically able to perform his or her duties. As the primary first responders in emergency situations, the safety of the public would be adversely affected with the reduced ability to activate personnel resources.

The Honorable Malama Solomon, Chair  
and Members  
Committee on Water and Land  
The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
February 7, 2014  
Page 2

The PCHA fully recognizes the purpose of this bill and the diminished mental and physical capacity resulting from the consumption of alcohol and prescribed medication that may adversely affect a person's judgment. As such, all of the county police departments already have administrative restrictions incorporated into their policies that prohibit the possession of firearms while impaired.

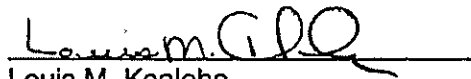
The PCHA strongly urges you to oppose Senate Bill No. 2590.

Thank you for the opportunity to testify,

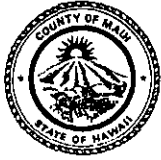
Sincerely,

  
Dave M. Kajihira  
Deputy Chief of Police

Approved:

  
Louis M. Kealoha  
Chief of Police

cc: Chief Harry S. Kubojiri  
Chief Darryl D. Perry  
Chief Gary A. Yabuta



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 4, 2014

The Honorable Malama Solomon, Chair  
And Members of the Committee on Water and Land  
The Senate  
State Capitol  
Honolulu, HI 96813

The Honorable Will Espero, Chair  
And Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
The Senate  
State Capitol  
Honolulu, HI 96813

RE: Senate Bill No. 2590 – Relating to Firearms

Dear Chairs Solomon and Espero, and Members of the Committees:

The Maui Police Department opposes SB No. 2590. This bill prohibits state and county law enforcement officers who are authorized to carry firearms from consuming alcohol or ingesting prescription medications that would impair the judgment or physical response of the employee while carrying a firearm. It also prohibits the consumption of alcohol for an unspecified number of hours prior to carrying a firearm.


There are numerous laws in place to regulate these behaviors for the general public. State and county law enforcement officers are already held accountable because of internal policies that could result in internal discipline for violating them.

Also, passage of this bill could potentially be a safety issue for off-duty officers that are at an establishment where alcohol is served, but they themselves may not be drinking. Criminals may feel that it would be an opportune time to attack an officer and his/her family because they have now been cited by this bill as being unarmed and vulnerable.

The Maui Police Department strongly asks for your opposition to SB No. 2590.

Thank you for the opportunity to testify.

Sincerely,

*for*   
GARY A. YABUTA  
Chief of Police

# SHOPO



**PRESIDENT**  
Tenari R. Ma'afala

**VICE PRESIDENT**  
Malcolm Lutu

**TREASURER**  
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**MAUI CHAPTER CHAIR**  
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**TO:** The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Intergovernmental  
And Military Affairs

The Honorable Rosalyn H. Baker, Vice Chair  
Senate Committee on Public Safety, Intergovernmental  
And Military Affairs

Members of the Senate Committee on Public Safety,  
Intergovernmental and Military Affairs

**FROM:** Tenari Ma'afala, President   
State of Hawaii Organization of Police Officers

**DATE:** February 6, 2014

**SUBJECT:** Testimony on S.B. No. 2590, Relating to Firearms

**HEARING DATE:** Friday, February 7, 2014  
1:00 p.m. Conference Room 225

Thank you for the opportunity to testify on this bill. The State of Hawaii Organization of Police Officers ("SHOPO") provides comments regarding Section 5 of this bill, "§52D-6 Police force; employees." First, if the wheel is not broken, don't fix it. To our knowledge, for at least the last several decades, there has not been an issue involving city and county police officers and the improper use of their firearms while under the influence of alcohol or prescription drugs.

Second, these issues are already addressed and have been for many years, in the Honolulu Police Department, Hawai'i Police Department, Maui Police Department and Kauai Police Department's policies and/or standards of conduct. The processes with checks and balances are already in place.

We thus respectfully recommend that Section 5, regarding "§52D-6 Police force; employees," be deleted from this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 30, 2014 3:03 PM  
**To:** PSMTestimony  
**Cc:** adamrlipka@hotmail.com  
**Subject:** Submitted testimony for SB2590 on Feb 7, 2014 13:15PM

**SB2590**

Submitted on: 1/30/2014

Testimony for PSM/WTL on Feb 7, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Lipka	Individual	Oppose	No

Comments: Departments in Hawaii already have policies and procedures in place dealing with this subject already, is the legislature suggesting that the local law enforcement officers have been acting without proper discretion and self control and the departments they work for have failed to implement and enforce proper policies to prevent dangerous behavior with firearms that laws like this need to be made to regulate law enforcement. I know that Honolulu Police Officers are required to keep their firearms readily accessible at all times and are paid to follow the department's standards of conduct off duty as well as on. So this law would make it illegal for any police officer in Honolulu to legally be allowed to drink alcohol ever until after they retire or resign as they can't not possess a firearm per policy and they aren't allowed to possess it if they drink due to this law. How is this fair and why is this necessary? Also this law is vague in that it doesn't define how many hours after drinking or taking prescription medication till they would be allowed to carry again. It also does not clearly define in what way prescription medication affecting the individual would be considered as the limit to make it illegal. Codeine for instance which is routinely prescribed for a fever or cough in cough syrup can cause, blurred vision, headache, drowsiness and other side effects. But if it is not causing these effects and the officer is still fit to work this law would require the officer to be placed on light duty as they couldn't carry a firearm. This could have the effect potentially of decimating the ability of departments locally to fill their manpower requirements making an unsafe condition for the public as there wouldn't be enough police available to patrol safely. Another consideration, a law enforcement officer could be at home and decides to drink a beer. That officer takes a sip or two from their beer and someone perhaps who wants to cause harm to that officer because of their status as law enforcement or simply a home invasion scenario to steal. If that officer picked up their firearm to defend themselves they would be guilty of breaking this law and would face criminal prosecution for it because of the actions of a criminal intending to do them harm when they clearly were not intoxicated or impaired yet. This seems to me that this was written to try and address the situation that happened with the federal agent Deedy a while ago and yet would not apply in that situation as he was a federal agent which this law will not apply to. It should be left up to the local departments to create policies and procedures for this and not the legislature to over regulate when they perhaps do not understand fully. I respectfully request that you immediately stop this legislation as it will not help the people of Hawaii.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.



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**SB2590**

Submitted on: 2/5/2014

Testimony for PSM/WTL on Feb 7, 2014 13:00PM in Conference Room 225

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

Comments: I support the bill in that no person should operate a firearm while intoxicated, However, the levels of intoxication should be noted in the bill. HPD officers are required to be 'on call' at all times, even when off duty therefore, one can assume the officer may have a drink when not actually on duty. The unacceptable level of intoxication should be similar to that of operating a motor vehicle. Other wise, I do not support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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