



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Friday, February 26, 2016, 2:00 p.m.
State Capitol, Conference Room 325

by

R. Mark Browning

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: House Bill No. 2201, Relating to Criminal Procedure

Purpose: Prohibits deferred acceptance of a guilty or no contest plea where the defendant has been charged with committing an offense against a family or household member.

Judiciary's Position:

The Judiciary takes no position on this bill and respectfully offers the following comments.

Expanding the prohibition of a deferred acceptance of a guilty plea (DAG) and a deferred acceptance of a nolo contendere plea (DANC) to any other offense committed against family or household members, as defined by HRS Section 709-906, may result in an expansion that the Legislature does not intend. The definition found in HRS Section 709-906 is expansive:

“Family or household member” means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.”



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Including “any other offense” for such an expansive list would encompass a very large number of cases, some of which may not be related to family violence.

Another consequence may be the creation of backlogs in the felony criminal division, district court, and family court. If this comes about, victims will be negatively affected by delays, there will be procedural due process issues for defendants, and the risk of case dismissals due to the denigration of the right to speedy trial may increase.

Thank you for the opportunity to submit testimony on this bill.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

February 26, 2016

RE: H.B. 2201; RELATING TO CRIMINAL PROCEDURE.

Chair Rhoads, Vice-Chair San Buenaventura, members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong opposition to H.B. 2201.

The intent of H.B. 2201 is to limit domestic violence by making defendants ineligible for a deferred acceptance of guilty plea or nolo contendere plea based on the relationship to the victim and not by the type of offense that is being committed. Although the intent of this bill is well founded, the vehicle in which this bill attempts to implement such objectives is arbitrary in nature. Under §853-4 (a)(13)(N), H.R.S., Abuse of Family or Household Member (AFHM) is identified as a charge that the Legislature deemed to be disqualified from the deferral process. This bill seeks to expand the initial legislative intent, and to create unsubstantiated correlations between domestic violence and various other offenses in the Hawaii Revised Statutes by inserting the term “under section 709-906 or any other offense committed against a family or household member, as that term is defined in section 709-906.” This bill adopts the definition of “family or household member” from §709-906, which defines “Family or household member” as spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.

Hawaii is a unique place in which multi-generational families or extended families living together is not just commonplace, but at times a necessity. Application of this bill – using the definition for “family or household member” – to the unique complexity of living in Hawaii would lead to unintended consequences. Under H.B. 2201, roommates who commit a theft from

one another would be ineligible for a deferral. In comparison, a defendant who commits a theft against a stranger would be eligible for a deferral. Clearly, this is not the type of situations that the Legislature intended; however, this is the reality with H.B. 2201.

Currently, each subsection under §853-4, H.R.S., contains language which is clear cut for courts to determine eligibility for a deferral. This bill would create ambiguity in a number of cases that would then need to be litigated before a court could grant the defendant's motion for a deferral. This would arise in situations where a defendant denies a relationship under the definition of "family or household member", at which time the courts would require a hearing where evidence would be presented to confirm a relationship with the victim that would disqualify the defendant from §853-4, H.R.S.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly opposes H.B. 2201. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:01 PM
To: JUDtestimony
Cc: kimo501999@aol.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Revells	Valley Isle Sport Shooters	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 11:52 AM
To: JUDtestimony
Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/23/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Frey	Individual	Oppose	No

Comments:

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TESTIMONY OF THOMAS D. FARRELL
Regarding House Bill 2201 Relating to Criminal Procedure

Committee on Judiciary
Rep. Karl Rhoads, Chair

Friday, February 26, 2016, 2:00 p.m.
Conference Room 325, State Capitol

I support House Bill 2201, but it doesn't really go far enough.

This bill would prohibit a defendant from receiving a deferred acceptance of guilty plea when charged with ANY offense against a family or household member.

Now, if I were to punch the chair of this committee in the nose (something I have no intention of doing), I could get a DAG plea because he is not my family or household member. If I were to punch my wife in the nose (something I have even less intention of doing), I would not be eligible for a DAG plea. That is current law.

This bill takes it to the next step. Absolutely any crime committed against a family or household member would be ineligible for a DAG. So if, for example, I hid my wife's car keys, that's "Criminal Tampering in the Second Degree," a petty misdemeanor (see, §708-827 Haw. Rev. Stat.). That's certainly an acceptable choice for the legislative branch to make, and doing so certainly makes a statement about how families have all got to get along with and be nice to each other. Who could be against that?

Now what happens every day in our Family Court is that defendants are arrested and charged with Abuse of a Family or Household Member, but before some cases come to court, the Prosecuting Attorney realizes that the evidence is weak, and a jury is unlikely to convict. So the Prosecutor recharges the defendant with Harassment, which is a petty misdemeanor in which the defendant is not entitled to a jury. Harassment is much easier to prove, but a defendant charged with Harassment is eligible for a DAG plea. So many defendants take the DAG, and get court ordered into the Domestic Violence Counseling Course as a condition. Would they plead guilty to Harassment with no chance of a DAG? Perhaps some would, but not many. If there's no incentive to plead, why not go to trial and see what happens?

So I like this bill because it's good for business. There will be more trials---fortunately our family court has lots of time on its calendars for all of them---and lawyers will make more money. Thank you.

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*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

Testimony of Thomas D. Farrell
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February 9, 2016
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However, you really haven't gone far enough. What needs to happen is that when a defendant is charged by the police with Abuse of a Family or Household Member, then that's what he ought to stay charged with. Don't let the Prosecutor dumb down the charge. If the police made the arrest for Abuse, then either the defendant pleads guilty or the prosecutor takes it to trial as Abuse. How about this language: "A defendant arrested for Abuse of a Family or Household Member shall either plead guilty or be tried on that charge, and no lesser offense."

Let's do it. Let's show Hawaii that this legislature will stop at nothing when it comes to domestic abuse.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:43 PM
To: JUDtestimony
Cc: mauiarms@maui.net
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Genovese	Individual	Oppose	No

Comments: Please stick to what you know, not guns. :)

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:30 PM
To: JUDtestimony
Cc: boobobear26@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Okamura	Individual	Oppose	No

Comments:

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I, Sean Dupuis, a resident of Kahaluu and an upstanding law abiding citizen, oppose HB2201. Conviction is a very serious matter, and there stands the simple fact that not every domestic disturbance case requires it. I submit that it is not the place of the house committee to decide the best action for a judge, but rather the judge's place. With all due respect, should you vote to pass this bill, you express the hubris to tell a judge how to best do his or her job. This is a gross breach of separation of powers and frankly I'm abhorred you would consider it. Kindly leave well enough well alone, thank you very much.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:26 AM
To: JUDtestimony
Cc: rickbratt@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Bratt	Individual	Comments Only	No

Comments: Please vote no on this bill, if the legal system worked as it should then this bill is unnecessary. If the system doesn't work the way it should...then that needs to be fixed rather than add superfluous rules, regulations and statutes.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 10:04 AM
To: JUDtestimony
Cc: schick.jason.a@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Schick	Individual	Oppose	No

Comments: I oppose this bill on the grounds of due process. The Fifth Amendment affords us the right to defend ourselves against criminal prosecution.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:29 AM
To: JUDtestimony
Cc: tom1.galli@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:27 AM
To: JUDtestimony
Cc: arniemaui@yahoo.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Arnold	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:22 AM
To: JUDtestimony
Cc: kevinjmulkern@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Mulhern	Individual	Oppose	No

Comments: STRONGLY OPPOSED. This legislation denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse short of a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:21 AM
To: JUDtestimony
Cc: susan.mulkern@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Shaheen Mulkern	Individual	Oppose	No

Comments: STRONGLY OPPOSED. This legislation denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend with no recourse short of a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:56 AM
To: JUDtestimony
Cc: danmorris@outlook.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Morris	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:36 AM
To: JUDtestimony
Cc: koakahu@yahoo.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
T. Merrill	Individual	Oppose	No

Comments: Oppose. This makes yet even more minor offenses that have a permanent negative effect the reputation and potential future employability of a person. Let the Prosecutors continue to handle minor offenses based on the facts and circumstances of each individual case. Thank you!

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Sent: Thursday, February 25, 2016 8:32 AM
To: JUDtestimony
Cc: info@roby-inc.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Byon Nakasone	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:25 AM
To: JUDtestimony
Cc: macooper.1941@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Max Cooper	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:19 AM
To: JUDtestimony
Cc: laughlin@hawaii.rr.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laughlin Tanaka	Individual	Oppose	No

Comments: I strongly oppose this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:14 AM
To: JUDtestimony
Cc: bizkellam@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kellam	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:03 AM
To: JUDtestimony
Cc: lanimauikau@yahoo.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:24 AM
To: JUDtestimony
Cc: mamalukino@msn.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Riley	Individual	Oppose	No

Comments: I am STRONGLY OPPOSED. This will deny a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse short of a Governor's pardon to regain rights. Thank You, Michael Riley

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:24 AM
To: JUDtestimony
Cc: cvaldez001@hawaiiantel.net
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Lee Valdez	Individual	Oppose	No

Comments: I strongly apposed

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:13 AM
To: JUDtestimony
Cc: davidty49@hotmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
DAVID	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:10 AM
To: JUDtestimony
Cc: mauifarrier@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gretchen Cardoso	Individual	Oppose	No

Comments: The "no contest" plea needs to remain an option. Please to not revoke a 2nd amendment right with no recourse. A non-violent interaction could leave a law abiding citizen stripped of their 2nd amendment rights. Thank you for hearing my testimony. Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:07 AM
To: JUDtestimony
Cc: drakiir@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kainoa Kaku	Individual	Oppose	No

Comments: A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse short of a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:04 AM
To: JUDtestimony
Cc: ned@geochemist.net
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
WILLIAM MURPHY	Individual	Oppose	No

Comments: This bill removes Judicial discretion and undermines the Constitutional separation of powers with Legislatively mandated requirements. I oppose this measure. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:22 AM
To: JUDtestimony
Cc: surfgeorge@yahoo.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
George Pace	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 5:49 AM
To: JUDtestimony
Cc: aliomanual@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Morgan	Individual	Oppose	No

Comments: I strongly oppose this bill. As worded it could affect forever the rights of an individual unnecessarily.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:28 AM
To: JUDtestimony
Cc: davebrilliant@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Brilliant	Individual	Oppose	No

Comments:

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Sent: Thursday, February 25, 2016 4:20 AM
To: JUDtestimony
Cc: auscadog@Gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Okamura	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 4:09 AM
To: JUDtestimony
Cc: williamrandysmith@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William R Smith	Individual	Oppose	No

Comments: I am opposed to this bill. It denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse short of a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 3:53 AM
To: JUDtestimony
Cc: shyla.moon@ymail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Oppose	No

Comments:

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To: JUDtestimony
Cc: pcramil@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Ramil	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:40 AM
To: JUDtestimony
Cc: jkjworld@yahoo.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Chang	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 12:36 AM
To: JUDtestimony
Cc: fchantavong@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Francis Chantavong	Individual	Oppose	No

Comments: I STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse short of a Governor's pardon to regain rights.

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February 24, 2016

To the Honorable Karl Rhoads and members of the Judiciary Committee

I am writing concerning HB 2201 relating to firearms. I am strongly opposed to this bill. It denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girl or boyfriend, with no recourse short of a Governor's pardon to regain rights.

This body should not be in the process of incrementally taking rights away from citizens. Is this your purpose? On the face of it the bill seems to make sense but what about situations where people have been victimized by the bureaucratic process? What about cases where a person has merely texted a girl or boy friend? What about mistakes made by employees of a hospital or government? Nameless and unelected government officials refuse to correct their mistakes and are unaccountable to the people. Due process requiring judicial input in a court of law should be required for all bills such as these which take away the peoples rights. Please do not pass this bill. I believe you should make your time worthwhile by repealing bills such as these and implementing the spirit and letter of the law in our US Constitution for the people of Hawaii. Thank you.

Sincerely,

Larry Fenton

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:47 PM
To: JUDtestimony
Cc: koryohly@outlook.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kory Ohly	Individual	Oppose	No

Comments: I am opposed to HB2201. This bill would effectively take away the option to accept a no contest plea in family violence cases instead of conviction. Judges should be able to accept a no contest plea at their discretion.

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I am STRONGLY OPPOSED to HB2201.

This bill denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person would lose gun rights forever if convicted of as little as sending unwelcome texts to a girlfriend, with no recourse short of a Governor's pardon to regain rights.

Sincerely

Shelton Yamashiro

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:30 PM
To: JUDtestimony
Cc: heaviescc@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:16 PM
To: JUDtestimony
Cc: k3014@yahoo.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keola	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:07 PM
To: JUDtestimony
Cc: astin.crawford@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
astin crawford	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:26 PM
To: JUDtestimony
Cc: ceruti@earthlink.net
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Oppose	No

Comments: I STRONGLY OPPOSE this bill because it denies a judge the option to accept a no-contest plea in family violence cases instead of conviction. A person could lose his or her gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:46 PM
To: JUDtestimony
Cc: dandeknis@gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Frank D Deknis	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:48 PM
To: JUDtestimony
Cc: oldmanbru@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce F Braun	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:47 PM
To: JUDtestimony
Cc: ramironoguerol@hotmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ramiro Noguero	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:23 PM
To: JUDtestimony
Cc: rage50rider15@yahoo.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Elizares	Individual	Oppose	No

Comments: I strongly Oppose...

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 5:59 PM
To: JUDtestimony
Cc: c_t210@yahoo.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Moore	Individual	Oppose	No

Comments: The audacity of some legislators is beyond words. WHERE IS THE DUE COURSE OF THE LAW? This is just another feeble attempt at gun control from the liberal minded crowd. This has absolutely nothing logical to connect it with legal gun ownership. This too, must be stopped.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 5:55 PM
To: JUDtestimony
Cc: shreda58@aol.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Asuncion	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:57 PM
To: JUDtestimony
Cc: mimiface@aol.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Orr	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 4:56 PM
To: JUDtestimony
Cc: orrm002@hawaii.rr.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marlene Orr	Individual	Oppose	No

Comments: STRONGLY OPPOSED. Denies a judge the option to accept a no contest plea in family violence cases instead of conviction. A person could lose his gun rights forever if convicted of as little as sending unwelcome texts to a girl friend, with no recourse other than a Governor's pardon to regain rights.

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To: JUDtestimony
Cc: AKOE002@hawaii.rr.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ako DVM	Individual	Oppose	No

Comments:

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Sent: Thursday, February 25, 2016 3:57 PM
To: JUDtestimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments: Many domestic disputes are complex and we should leave judges leeway to use various options as they deem necessary, given the specifics of the case. This measure would reduce the options open to judges. Why tie their hands?

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LATE

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Sent: Thursday, February 25, 2016 11:39 PM
To: JUDtestimony
Cc: Geebumboy@yahoo.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/25/2016
Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edward	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 7:37 PM
To: JUDtestimony
Cc: wekeis333@gmail.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

LATE

HB2201

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Individual	Oppose	No

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 8:05 AM
To: JUDtestimony
Cc: jan.schwarzenberg01@Gmail.com
Subject: Submitted testimony for HB2201 on Feb 26, 2016 14:00PM

HB2201

Submitted on: 2/26/2016
Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Schwearzenberg	Individual	Oppose	No

Comments: A "CONVICTION" of domestic violence, already encompassed in the Lautenberg Amendment, warrants suspension of gun ownership. But this bill would allow a jilted lover to merely make accusations which would deprive a law abiding gun owner of due process. It is unconstitutional.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 12:08 PM
To: JUDtestimony
Cc: rglivinghi@aol.com
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/26/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald G Livingston	Individual	Oppose	No

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 26, 2016 11:22 AM
To: JUDtestimony
Cc: Freediving@earthlink.net
Subject: *Submitted testimony for HB2201 on Feb 26, 2016 14:00PM*

HB2201

Submitted on: 2/26/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Glennon T. Gingo	Hawaii Rifle Association	Oppose	Yes

Comments:

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