



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2632, H.D. 2, S.D. 1, RELATING TO FIREARMS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, March 30, 2016 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): WRITTEN TESTIMONY ONLY.

(For more information, contact Karen Droscoski,
Deputy Attorney General, at 586-1160.)

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General (Department) continues to support the intent of the measure, but has concerns and provides the following comments.

The purpose of this measure is to require firearm owners who are disqualified from owning, possessing, or controlling firearms and ammunition under section 134-7(c), Hawaii Revised Statutes (HRS), or who underwent an emergency hospitalization under section 334-59, HRS, to immediately surrender their firearms or ammunition to the chief of police upon written notification from the chief of police of the disqualification and requirement to immediately surrender all firearms and ammunition.

The Department is concerned about the provision on page 3, line 8, of the bill, which includes individuals who underwent an emergency hospitalization under section 334-59, HRS, to come within the immediate surrender requirements. Not all of those individuals may be disqualified from owning, possessing, or controlling firearms and ammunition under section 134-7(c)(3), HRS.

The Department is also concerned about the proposed amendment to section 134-7.3, HRS, on page 3, line 15, of the bill, which provides, "Except as provided in subsection (c)" The amendment is unclear, and could be interpreted to exclude from the provisions of subsection (b), which establishes a general duty to surrender firearms, those individuals disqualified from possession of firearms pursuant to section 134-7(c), HRS. It could be interpreted that those individuals disqualified pursuant to section 134-7(c), would only be subject to the immediate

surrender provisions under the proposed subsection (c) on page 4 of the bill, at lines 3-19. Their duty to immediately surrender their firearms would only be triggered by written notification from the chief of police. But in many instances of section 134-7(c) disqualifications, the chief of police may not be aware of the disqualifications and would not be able to issue the written notifications.

Thank you for the opportunity to testify.

LATE TESTIMONY



Wednesday, March 30, 2016

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

Subject: **Support HB2632, HD2, SD1**

Dear Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee on Judiciary and Labor

The Injury Prevention Advisory Committee **supports HB2632, HD2, SD1** that would require firearms owners who have been disqualified from owning a firearm and ammunition due to mental illness to surrender their firearms and ammunition to the Chief of Police after receiving notice of disqualification.

Established in 1990, the Injury Prevention Advisory Committee (IPAC) is an advocacy group committed to preventing and reducing injuries in Hawai'i. IPAC members include representatives from public and private agencies, physicians and professionals working together to address the eight leading areas of injury, including violence prevention.

The current gun registration law helps ensure that people who apply for guns are legally entitled to own them.

Hawaii has one of the lowest violent crime rates and gun firearm homicide rates in the nation because there are comprehensive firearm laws in place, including the current gun registration system that works effectively. Why take the risk of changing it and risking the safety of Hawaii's people.

We urge you to support HB2632, HD2, SD1 to help ensure the safety of Hawai'i residents and visitors.

Thank you for the opportunity to testify.

Sincerely,



David Kingdon, MPH, Paramedic
Co-Chair, IPAC



Deborah Goebert, DrPH
Co-Chair, IPAC

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for HB2632 on Mar 30, 2016 09:30AM
Date: Wednesday, March 30, 2016 2:07:46 AM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
aaron shefte	Individual	Comments Only	No

Comments: Senator, in my view current laws are adequate and I oppose this bill. Additionally the constitution states clearly that the right of the people to keep and bear arms shall not be infringed. As an elected official you swore an oath and are required uphold the Constitution and I expect you to do so. thank you for your kind attention.

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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Subject: Submitted testimony for HB2632 on Mar 30, 2016 09:30AM
Date: Tuesday, March 29, 2016 9:19:25 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Bill needs to be amended to specify that a court order must be obtained for hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law.

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Subject: Submitted testimony for HB2632 on Mar 30, 2016 09:30AM
Date: Tuesday, March 29, 2016 6:26:32 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Due process. If they are truly mentally ill, then yes, but due process needs to be done prior.

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Subject: *Submitted testimony for HB2632 on Mar 30, 2016 09:30AM*
Date: Wednesday, March 30, 2016 2:12:21 AM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Oshima	Individual	Oppose	No

Comments:

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Date: Tuesday, March 29, 2016 4:19:59 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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Date: Wednesday, March 30, 2016 10:12:12 AM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: House Bill 2632 would expand the list of possible prohibited possessors of firearms and could cause a person who has suffered something as common as diabetic shock to suddenly lose their Second Amendment rights, without due process of the law, simply for receiving care.

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Date: Tuesday, March 29, 2016 7:27:53 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: As you are well aware by the oath you swore when you took office. To uphold and defend the constitution of these United States from enemies foreign and domestic. As an elected official you are required to operate within the confines of the law of the land the constitution and I require that you do exactly that. Paraphrasing, the right of the people to keep and bare arms shall not be infringed. Mahalo for your kind attention

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Date: Tuesday, March 29, 2016 6:21:09 PM

HB2632

Submitted on: 3/29/2016
Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Goo	Individual	Oppose	No

Comments: There must be due process in order to take a persons 2nd Amendment right. I am against this bill.

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Date: Wednesday, March 30, 2016 12:14:44 AM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Oppose	No

Comments:

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Date: Wednesday, March 30, 2016 1:28:03 AM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: I oppose HB2632. Do not take away a person's fundamental 2nd amendment rights without due process. I would also suggest that if a person is not sufficiently mentally capable to be trusted with a firearm, we should consider how to take extra care of them in some way. All innocent and free citizens deserve the right to life, liberty, and property, and have the right to self-defense. If they cannot fend for themselves, we should care for them.

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Subject: *Submitted testimony for HB2632 on Mar 30, 2016 09:30AM*
Date: Tuesday, March 29, 2016 4:37:43 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lyle Hlromoto	Individual	Oppose	No

Comments:

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Date: Tuesday, March 29, 2016 6:20:43 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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Date: Wednesday, March 30, 2016 10:38:08 PM

HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Tong	Individual	Oppose	No

Comments: Oppose. Lack of due process/court order. This is not some banana republic where you can just send in your boy and violate people's rights.

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HB2632

Submitted on: 3/30/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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Date: Tuesday, March 29, 2016 10:29:47 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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Date: Tuesday, March 29, 2016 10:27:26 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: We don't need any more laws that affect firearms. Emergence Admittance to a hospital might actually be due to a medical condition such as low blood sugar where one can be recovered completely with orange juice. These bills are ALL DESIGNED TO CREATE A REASON TO REMOVE FIREARMS UNNECESSARILY from lawful gun owners. Please Table or Kill this bill. Much Aloha, Tom Lodge

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Date: Tuesday, March 29, 2016 5:25:29 PM

HB2632

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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