



# HB625 HD1

Measure Title:	RELATING TO FIREARMS.
Report Title:	Firearms Possession; Misdemeanor Stalking and Sexual Assault
Description:	Includes misdemeanor stalking and sexual assault among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. (HB625 HD1)
Companion:	
Package:	None
Current Referral:	PSM, JDL
Introducer(s):	C. LEE, Belatti, Evans, LoPresti

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE (808) 529-3111 · INTERNET: www.honolulu.org



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LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

March 15, 2016

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 625, H.D. 1, Relating to Firearms

I am Richard C. Robinson, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

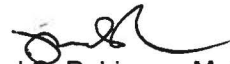
The HPD supports House Bill No. 625, H.D. 1, Relating to Firearms.

Currently, Section 134 of the Hawaii Revised Statutes articulates who may not own or possess a firearm. Within that section, there is a clear intent to provide greater protection to victims of domestic violence by removing firearms from the perpetrators of domestic violence. The proposed changes in this bill extend the prohibition of firearm ownership to those people who were convicted of stalking. In nearly all the stalking cases the HPD investigates, there is a domestic violence element. Additionally, this bill clarifies that Sexual Assault in the Fourth Degree is a covered offense that will prohibit the ownership of a firearm.

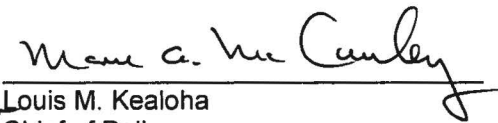
The HPD urges you to support House Bill No. 625, H.D. 1, Relating to Firearms.

Thank you for the opportunity to testify.

Sincerely,

  
Richard C. Robinson, Major  
Records and Identification Division

APPROVED:

  
Louis M. Kealoha  
Chief of Police



*25 Years*

TO: Chair Clarence Nishihara

Vice Chair Will Espero

Members of the Public Safety, Intergovernmental and Military Affairs

FR: Nanci Kreidman, MA

Chief Executive Officer

RE: HB 625 HD 1 Support

Aloha. Thank you for the opportunity to provide our perspective on this important Bill. Stalking is a very, very common tactic of perpetrators of domestic violence. The stalking escalates after the relationship is over, but certainly, often, occurs while the partners are still in a relationship. Access to a firearm increases in a very real way, the threat that is present when stalking behavior is a part of the pattern of abuse.

We are providing this testimony in enthusiastic support of the measure. Stalking should absolutely be on the list of offenses containing a prohibition from access to firearms.

The laws creating a prohibition for offenders of domestic violence and abusers who have a protective order against them were initiated for good reason. It is abundantly clear to anyone who has worked with survivors that their partners engage in a pattern of stalking that continues for a long time. Much beyond what others generally would assume. The only issue to consider is the very small number of abusers who are charged with or convicted of stalking.

In any case, the presence of a firearm increases danger and infuses immobilizing terror.

We shall look forward to favorable action on this Bill.

P. O. Box 3198 Honolulu, HI 96801-3198  
O'ahu Helpline: 808 531-3771 | Toll-free: 800 690-6200 | Administration: 808 534-0040 | Fax 808 531-7228  
dvac@stoptheviolence.org | www.domesticviolenceactioncenter |  
facebook.com/domesticviolenceactioncenterhawaii





March 14, 2016

Dear Chairman Nishihara and members of the Public Safety, Intergovernmental, and Military Affairs Committee:

I am writing in support of House Bill 625, a bill that would add important protections for Hawaii victims of sexual assault and stalking.

In November 2006, Daysha Aiona Aka was shot and killed in Hilo, Hawaii by her ex-boyfriend and the father of her child, Jeffrey Santos. Aiona Aka had survived six years of physical abuse and stalking by Santos, and had previously been granted two restraining orders against him. Because they had a child together, Aiona Aka would occasionally see Santos so that he could spend time with his son. After she failed to come home from a scheduled visit with Santos, Aiona Aka's family reported her missing. Shortly after, she was found dead from a gunshot wound to the head and Santos was convicted for her murder and sentenced to 50 years in prison.<sup>1</sup>

This story is not unique. Women in the United States face unparalleled risks of gun violence: Five women are murdered with a gun each day in the United States.<sup>2</sup> These are not random acts of violence, but often occur in the context of intimate partner violence. According to FBI data, from 2003 through 2012, more than 40 percent of women who were murdered in Hawaii were killed by an intimate partner. Access to firearms by abusers dramatically increases the risk that a woman will be killed. During the same period, 30 percent of these intimate-partner-related homicides of Hawaii women were committed with a gun.<sup>3</sup>

This increased risk of homicide by a domestic abuser when a gun is present has led to the enactment of laws at the federal and state level in many states, including Hawaii, to limit access to guns by some abusers. But despite the strength of these laws, gaps remain that fail to protect women who have been victims of the related crimes of stalking and sexual abuse—crimes that are too often part and parcel of the type of abuse experienced by victims of intimate partner violence.

Stalking is often the first step in an escalating pattern of dangerous and abusive conduct, particularly in the intimate partner context. A study of female murder victims in 10 cities found that 76 percent of murdered women and 85 percent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year prior to the murder.<sup>4</sup> Another study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.<sup>5</sup> These data demonstrate that while stalking may appear to be low-level, nonviolent behavior that does not warrant a strong response from the criminal justice system, this conduct is often the first step in an escalating course of conduct that too often tragically results in murder. This risk of stalker-turned-murderer has played out in a number of cases across the country. For example, In December 2014, Valerie Morrow was shot and killed in Glenolden, Pennsylvania by her ex-boyfriend, Stephen Rozniakowski, a police officer with a history of stalking behavior. Just hours before the shooting, Rozniakowski was issued a protective order to stay away from Morrow, and he was due in court later that week for a separate stalking investigation.<sup>6</sup> In July 2014, Amanda Salas was shot and killed by her ex-boyfriend in Ocean Springs, Mississippi after trying to obtain a protective order following weeks of escalating stalking.<sup>7</sup>

Hawaii has already enacted some strong laws to help keep guns out of the wrong hands, including by prohibiting individuals subject to domestic violence restraining orders from buying and possessing guns.<sup>8</sup> However, serious gaps remain that leave many women vulnerable to lethal violence at the hands of stalkers. With House Bill 625, Hawaii has the opportunity to close the loophole that increases the lethality of perpetrators of stalking and sexual assault misdemeanor crimes by allowing them access to guns. This bill would help protect both women and men from fatal gun violence by preventing individuals convicted of misdemeanor crimes of stalking or sexual assault from buying and possessing guns. This simple measure would be an important step forward in better protecting Hawaii's citizens from fatal gun violence.

Respectfully,

Chelsea Parsons  
Vice President, Guns and Crime Policy

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<sup>1</sup> Kevin Dayton, "Big Isle man charged in murder," *Honolulu Advertiser*, November 4, 2006, available at <http://the.honoluluadvertiser.com/article/2006/Nov/04/ln/FP611040353.html>; "Parole Authority reduces minimum murder sentence," *Hawaii News Now*, September 12, 2013, available at <http://www.hawaiinewsnow.com/story/23416697/parole-authority-reduces-minimum-murder-sentence>.

<sup>2</sup> Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System) Fatal Injury Reports," available at [http://www.cdc.gov/injury/wisqars/fatal\\_injury\\_reports.html](http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html).

<sup>3</sup> Chelsea Parsons and Arkadi Gerney, *Women Under the Gun* (Washington: Center for American Progress, 2014), available at <https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf>.

<sup>4</sup> Judith M. McFarland and others, "Stalking and Intimate Partner Femicide," *Homicide Studies* 3 (4) (1999): 300–316.

<sup>5</sup> Chelsea Parsons and Arkadi Gerney, *Women Under the Gun*, p. 13.

<sup>6</sup> "DA to Seek Death Penalty Against Former Officer Charged in Ex-Girlfriend's Death," *NBC News*, September 15, 2015; Laura McCrystal, "Ex-Delco officer, awaiting murder trial, admits stalking in separate case," *Philly.com*, November 11, 2015, available at [http://articles.philly.com/2015-11-11/news/68166470\\_1\\_murder-trial-stalking-case-murder-case](http://articles.philly.com/2015-11-11/news/68166470_1_murder-trial-stalking-case-murder-case).

<sup>7</sup> "Alabama man dead after a murder-suicide in Mississippi," *WBRC*, March 30, 2014, available at <http://www.wbrc.com/story/25112410/alabama-man-dead-after-a-murder-suicide-in-mississippi>; "Shooting victim opens up about his girlfriend's murder," *World Now*, March 31, 2014, available at <http://raycomgroup.worldnow.com/story/25123392/shooting-victim-opens-up-about-the-shooting-that-took-his-girlfriends-life>.

<sup>8</sup> Law Center to Prevent Gun Violence, "Prohibited Purchasers Generally in Hawaii," available at <http://smartgunlaws.org/prohibited-purchasers-generally-in-hawaii/>.

**Legislation:** HB 625

**Prepared by:** Robin Lloyd, State Legislative Director, Americans for Responsible Solutions

**Support**

**Testimony Prepared for the Senate Public Safety,  
Intergovernmental and Military Affairs Committee**  
March 14, 2016

Thank you, Chairman Nishihara, Vice Chairman Espero, and members of the Public Safety, Intergovernmental and Military Affairs Committee for the opportunity to submit testimony in support of Representative Lee's bill, HB 625, which would expand the list of individuals prohibited from purchasing or possessing a firearm.

My name is Robin Lloyd and I am the State Legislative Director for Americans for Responsible Solutions. Former Congresswoman Gabby Giffords and her husband Captain Mark Kelly founded ARS to find commonsense solutions to gun violence in the United States. We work with advocates and legislators across the country, including here in Hawaii, to promote middle-of-the-road policies that will build safer communities.

Like federal law, Hawaii state law prohibits individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition. However, the state of Hawaii does not bar individuals convicted of misdemeanor stalking and sexual assault crimes from possessing firearms. The bill being considered today, HB 625, would do just that.

This bill is important to further address the problem of guns being used to target women and those in abusive relationships. Several states have taken action over the last few years to restrict stalkers' access to guns. For example, in 2012, Florida enacted a law prohibiting gun possession by anyone subject to a restraining order against stalking or cyberstalking. In 2014, Minnesota enacted a law prohibiting gun possession by convicted stalkers and people subject to anti-stalking protective orders.

The catalysts for many of these laws are news stories of particular women whose lives might have been saved if stronger laws had prevented the abusers from accessing guns. HB 625 follows this trend and would strengthen Hawaii's gun laws by prohibiting only those people who have been convicted of a crime from purchasing or possessing firearms. Research has shown that an individual's criminal history is a good indicator that a person is dangerous and shouldn't have a gun.

This bill also ensures that law enforcement has the authority to deny gun permits to people who have been convicted of certain crimes. These are crimes where the victim is often a woman. This bill would protect women from gun violence and prevent women from being put at risk by offenders with guns. In Hawaii, over 41% of homicides of

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# AMERICANS FOR **RESPONSIBLE** SOLUTIONS

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women in Hawaii are intimate partner and domestic violence related and of those, over 30% were committed with a gun.<sup>1</sup>

About 1 in 6 women and 1 in 19 men experience stalking at some point in their lifetime.<sup>2</sup> In many cases stalking is closely related to domestic violence: in 2010, slightly more than half of stalking victims were current or former intimate partners with the perpetrators.<sup>3</sup> The Department of Justice has estimated that about 139,000 stalking victims were attacked with a weapon in one 12-month period nationwide, and 23% of the weapons used were handguns.<sup>4</sup>

This bill, HB 625, is an important step forward to protect victims of stalking and sexual assault and ensure that the convicted perpetrators of these dangerous crimes do not have access to firearms. Americans for Responsible Solutions strongly supports this legislation. Thank you.

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<sup>1</sup> Gerney, A., & Parsons, C. (2014, June). *Women Under the Gun: How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them*. Center for American Progress.

<sup>2</sup> Office on Violence Against Women, *The Office on Violence Against Women's Grant Funds Used to Address Stalking: 2012 Report to Congress*, 3 (2012), at

<http://www.justice.gov/sites/default/files/ovw/legacy/2013/04/22/2012-stalking-rpt.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Dep't of Justice, *Stalking Victimization in the United States* (Jan. 2009), at

<http://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.



# THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

*Executive Director*  
Adriana Ramelli

*Advisory Board*  
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Andre Bisquera  
Marilyn Carlsmith  
Dawn Ching

DATE: March 15, 2016

TO: The Honorable Clarence Nishihara, Chair  
The Honorable Will Espero, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of H.B. 625 H.D. 1  
Relating to Firearms

*Senator*  
Suzanne Chun Oakland  
Monica Cobb-Adams

Good afternoon Chair Nishihara, Vice Chair Espero, and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs.

Donne Dawson  
Dennis Dunn  
Councilmember  
Carol Fukunaga

The Sex Abuse Treatment Center (SATC) supports H.B. 625 H.D. 1, which would specify that misdemeanor harassment by stalking and sexual assault are crimes of violence that disqualify a person from owning, possessing or controlling any firearms or ammunition.

David I. Haverly

It is SATC's understanding that misdemeanor harassment by stalking, described in H.R.S. § 711-1106.5, and sexual assault in the 4<sup>th</sup> degree, described in H.R.S. § 707-733, should already be considered "crimes of violence" that disqualify offenders from ownership, possession or control of any firearm or ammunition.

Linda Jameson  
Michael P. Matsumoto  
Robert H. Pantell, MD  
Joshua A. Wisch

Under the current Hawai'i Revised Statutes (H.R.S.) § 134-7(b), no person who is under indictment, waived indictment, is bound to circuit court, or convicted for any "crime of violence" is prohibited from ownership, possession or control of any firearm or ammunition. H.R.S. § 134-7(d) further provides that no person who is less than 25 years old and has been adjudicated by the family court of two or more "crimes of violence" may own, possess, or control any firearm or ammunition. A "crime of violence" is further defined in H.R.S. § 134-1 as any offense defined in Title 37 (the Hawai'i Penal Code), that involves injury or threat of injury to the person of another.

Harassment by stalking and all forms of sexual assault, including those described in the offense of sexual assault in the 4<sup>th</sup> degree such as unwanted sexual contact or exposure of genitals, cause or threaten injury to their victims. For stalking such injuries may include fear, feelings of vulnerability, difficulty trusting others, anxiety, depression, disrupted sleeping and nightmares, disrupted eating and other physical consequences. Likewise, sexual assault causes a wide range of physical, emotional, cognitive and social injuries to victims.



H.B. 625 H.D. 1 would clarify that these offenses and other misdemeanors like them are already examples crimes of violence that are disqualifying conditions for firearm ownership, possession or control.

Thank you for this opportunity to testify.

## EXHIBIT A

HOUSE OF REPRESENTATIVES  
TWENTY-EIGHTH LEGISLATURE, 2015  
STATE OF HAWAII

H.B. NO. 625

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# A BILL FOR AN ACT

RELATING TO FIREARMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that section 134-7, Hawaii Revised Statutes, as a matter of public safety, prohibits the possession of firearms and ammunition by criminal offenders who have committed any felony, a crime of violence, or the illegal sale of drugs; substance abusers; persons diagnosed with a mental or emotional disorder; and persons who are subject to a restraining order or protective order. However, the prohibition does not expressly apply to perpetrators of certain misdemeanor offenses, such as stalking, who may pose a significant risk of harm to others if allowed to possess firearms. A study of female murder victims in ten cities published in 1999 found that seventy-six per cent of women murdered and eighty-five per cent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year preceding the murder. This data demonstrates that while stalking may appear to be low-level, nonviolent behavior, it is often the first step in

an escalating course of conduct that too often results in murder.

The legislature further finds that stalking and related acts of domestic abuse have been linked with gun violence. According to the Johns Hopkins Center for Gun Policy and Research, having a gun in the home increases the risk of homicide of an intimate partner by eight times compared to households without guns and by twenty times when there is a history of domestic violence in the family. In *United States v. Castleman*, 134 S.Ct. 1405 (2014), the United States Supreme Court noted that "Congress enacted [the misdemeanor domestic violence gun ban], in light of these sobering facts, to 'close a dangerous loophole' in the gun control laws: While felons had long been barred from possessing guns, many perpetrators of domestic violence are convicted only of misdemeanors." Currently, at least eleven states bar some or all individuals convicted of misdemeanor stalking from possessing firearms.

The purpose of this Act is to enhance protections against gun violence committed by individuals with a history of dangerous behavior, by including misdemeanor stalking and sexual assault among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition.

SECTION 2. Section 134-7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) No person who is under indictment for, or has waived indictment for, or has been bound over to the circuit court for, or has been convicted in this State or elsewhere of having committed [a]:

(1) A felony~~[, or any]~~;

(2) Any crime of violence~~[, or an]~~, including but not limited to sexual assault in the fourth degree under section 707-733, harassment by stalking under section 711-1106.5, and terroristic threatening in the second degree under section 707-717, and comparable offenses under the laws of other jurisdictions; or

~~(3) Sexual assault in the fourth degree under section 707-733 or a comparable offense under the laws of another jurisdiction;~~

~~(4) Harassment by stalking under section 711-1106.5 or a comparable offense under the laws of another jurisdiction; or~~

(35) An illegal sale of any drug,  
shall own, possess, or control any firearm or ammunition therefor."

2. By amending subsection (d) to read:

"(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed [a]:

(1) A felony~~[, or two]~~;

(2) Two or more crimes of violence~~[, or an]~~;

(3) Sexual assault in the fourth degree under section 707-733 or a comparable offense under the laws of another jurisdiction;

(4) Harassment by stalking under section 711-1106.5 or a comparable offense under the laws of another jurisdiction; or

(5) An illegal sale of any drug,  
shall own, possess or control any firearm or ammunition therefor."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

**Report Title:**

Firearms Possession; Misdemeanor Stalking and Sexual Assault

**Description:**

Includes misdemeanor stalking and sexual assault among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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## **HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Reid	NRA	Oppose	No

Comments: NRA opposes HB 625 because it would expand the class of prohibited possessors to include certain misdemeanor crimes. Constitutional rights are generally restricted only upon conviction of a felony. The reasons for this are two-fold. It limits restrictions on constitutional rights to only the most serious offenses, and, perhaps more importantly, felony convictions provide greater procedural protections to the accused, which results in more reliable convictions. The right to keep and bear arms should not be treated as a second-class right and should be restricted only upon conviction of a felony like the right to vote, to serve on a jury, and to hold public office. Under this bill, sending unwanted text messages and emails could qualify someone for misdemeanor stalking and possibly result in an individual being denied a constitutional right. Further, by including a new category of prohibited possessors for certain misdemeanor crimes some citizens who may have taken a plea deal years ago will also become prohibited overnight and not been apprised of this additional penalty when taking their deal or fighting their case. Gun owners may not even know they are prohibited under this new statute until they renew their permit and discover that they are now in violation of the law due to a misdemeanor crime that occurred many years ago.

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**HB625**

Submitted on: 3/11/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Please continue support. Assaulters & stalkers do not need to have guns  
Mahalo, Mike Moran Kihei

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexander C. "Sandy" Brodie	Individual	Support	No

Comments: I support the bill ONLY if the 4th degree "stalking" is removed. If that is included, I OPPOSE the bill

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Strongly support.

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**HB625**

Submitted on: 3/11/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Justice Thomas, in his first question in the court in ten years on the bench, asked whether or not a basic civil right should be lost permanently for a conviction of a misdemeanor, and whether or not any other basic civil right can be lost due to a misdemeanor conviction. Passing this law would be an invitation to a constitutional challenge likely to cost the Hawaii taxpayers a significant amount of money to work through the courts. In the end, it is likely that SCOTUS will determine that a felony conviction is justification for the loss of a basic civil right, not a misdemeanor conviction. Though well-meaning, this bill should be deferred, at least until that determination has been made.

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: As amended, I still OPPOSE this bill.

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I Oppose passage of this bill. "Can you give me another area where a misdemeanor violation suspends a constitutional right?" -Justice Thomas Thank you

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Kill the bill all together

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I OPPOSE this bill as written, It is too broad reaching and could result in wrongly denying a constitutionally protected right. Includes misdemeanor stalking among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. Good intentions, but the potential for abuse by a spiteful accuser is frightening. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon. Support if 4th degree stalking removed.

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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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I OPPOSE HB625 unless amended to remove misdemeanor stalking as an offense disqualifying a person from owning a firearm. There should be a high hurdle to infringe upon a right guaranteed, not granted, by the US Constitution.

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I'm opposing this bill due to the fact that it allows the state to permanently take away a person's right to own firearms for only a misdemeanor charge. This could be something as inconsequential as sending a text. A felony conviction should continue to be the threshold.

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I oppose this bill unless the 4th degree stalking is "removed."

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## **HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: In regards to HB625 which includes misdemeanor stalking among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon (was this bill written by a tyrant?). The question that you need to ask yourself is, "Would you be able to deprive an individual of their 1st Amendment right to free speech; 4th Amendment right to be secure in their persons, houses, against unreasonable searches and seizures without warrant and probable cause; 6th Amendment Right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; or any other unalienable right for stalking someone?" The answer is simply no, because that would be illegal and unconstitutional. Please remember the oath you took stands to protect the constitution of the United States of America. You must therefore oppose such legislation.

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/12/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Bill is too broad. Reconsider if 4th degree stalking is removed.

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Please, stick with what you know NOT gun bills.

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Shaheen Mulkern	Individual	Oppose	No

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I could support this bill if 4th degree stalking was removed

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: The punishment for misdemeanors is excessive and does not fit the crime. Only felons have their rights taken away.

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: If the fourth degree stalking is removed, I will support the bill.

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**HB625**

Submitted on: 3/13/2016

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I Strongly Opposed

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I Strongly Opposed

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I strongly oppose !!!!!

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I OPPOSE this measure. I can recognize the inclusion of higher degrees of stalking. However, to include 4th degree is going too far particularly since conviction can result in the permanent loss of gun rights, quite severe for this low level of the offense.

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: i am testifying in opposition to this bill. as you are well aware that the right of the people to keep and bare arms shall not be infringed. i expect you to uphold the law of the land the constitution. anything less than that is unacceptable. thank you for you kind attention.

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**HB625**

Submitted on: 3/13/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/13/2016

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

Comments:

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**HB625**

Submitted on: 3/13/2016

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

Comments: Fourth degree stalking can consist of as little as sending unwanted text or emails. This goes too far.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: If prosecution can't get a conviction for felony stalking, then chances are whatever the person did doesn't warrant permanently taking away their ability to own firearms. What high school kid hasn't called a phone number a few too many times or sent an email or text that they later regretted? People make mistakes, but that doesn't mean they are an imminent danger to society. Of course people who serially threaten or harass others should face the consequences of their actions, but this bill casts the net way too wide by including misdemeanors.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Support if 4th degree stalking removed.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I oppose this measure. Please do not waste taxpayer monies by monitoring those not convicted of any crime.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I get "annoying" unsolicited unwanted "electronic communications" (the standard that creates the crime of "stalking" included in this bill) from legislators all the time. The difference between me and those of you who'd vote FOR such a bill is that I don't want to take away any of your natural fundamental individual enumerated Constitutionally-guaranteed civil rights just because you are misdemeanor annoying.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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Testimony on HB 625 HD1

Before PSM 1:20 pm, Rm 229, March 15, 2016

IN OPPOSITION

Hon. Chair, Vice Chair, Members,

**[HB625](#) Includes misdemeanor stalking among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon. OPPOSE. Support if 4th degree stalking removed.**

Mahalo,

Dr. Maxwell Cooper

225-6944

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I strongly OPPOSE this bill. This measure is precisely what is being questioned by Judge Clarence Thomas in a case currently before the Supreme Court. The precedent is that " a misdemeanor violation suspends a constitutional right." This bill should be deferred pending a decision from the Supreme Court.

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## **HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr Marion Ceruti	Individual	Oppose	No

Comments: I strongly oppose HB625. This bill includes misdemeanor stalking among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by governor's pardon. Instead of strengthening our constitutional rights, the bill threatens to undermine them by expanding the list of disqualifying conditions to the point where it could include anyone at any time. Not only will this bill have a negative effect on our gun rights while solving no problem, it will serve to dampen our right of free speech. An unwanted text or email could be anything. There is no legally recognized test for "unwanted" as it is in the eye of the receiver, which is totally subjective. There is no objective way to know a priori whether or not a message would be deemed "unwanted." This bill is not necessary, as criminals convicted of felonious assault already are prohibited from possessing guns. The bill refers to a "dangerous loophole" in gun-control laws. We have too many gun-control laws to erode our freedoms and not enough laws supporting our rights to keep and bear arms. What the legislators call a "loophole" is what the people call "freedom." The bill states, "1999 found that seventy-six per cent of women murdered and eighty-five per cent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year preceding the murder." However, the legislation fails to indicate the percentage of stalking episodes that do NOT escalate into real attacks. Maybe this is because the statistic does not support the anti-gun agenda of the liberal left. Society is safer when criminals don't know who is armed. We all want to reduce the number of stalking incidents but the best way to do it is by allowing the potential victims to carry concealed weapons. How many of these attacked women cited in the study were armed with a legally obtained and permitted concealed, loaded handgun? If the legislature really wanted to prevent murders and other attacks on women, it would pass legislation to convert Hawai'i from a "may-issue" to "shall-issue" state for concealed-carry permits. Everyone familiar with concealed carry in Hawai'i knows that "may issue" is de facto "no issue." The majority of states in the US have shall-issue concealed carry weapons laws, which include firearms. The State of Alabama recently (within the last 2 years) converted its concealed-carry laws from "may issue" to "shall issue." It's time for Hawai'i to join the club. This could be accomplished by simply recognizing permits and licenses issued in other state,

such as Arizona, Florida, and Virginia. Many of the states that have shall-issue concealed carry laws require training, fingerprinting, and background checks. As it stands now, most states require the same amount or less scrutiny to obtain a concealed-carry license as the State of Hawai'i requires for the mere acquisition of a handgun. Why does Hawai'i continue to swim against the current of proactive self defense? In conclusion, this bill can do no good and has the potential for doing great harm. Please withdraw it from consideration.

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Hawaii State Legislature  
State Senate  
Committee on Public Safety, Intergovernmental and Military Affairs

State Senator Clarence K. Nishihara, Chair  
State Senator Will Espero, Vice Chair  
Committee on Public Safety, Intergovernmental and Military Affairs

Wednesday, March 15, 1:20 p.m. Room 229  
House Bill 625 HD 1 Relating to Firearms

Honorable Chair Clarence K. Nishihara, Vice Chair Will Espero, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs,

My name is Russel Yamashita and appreciate the opportunity to testify in opposition to House Bill 625 HD 1 Relating to Firearms. As well intentioned as the purpose of this legislation may be it would be provides a problem in that it does not address the specific issue of “stalking” which is a particularly dangerous situation which no one should be subject to.

I would like to suggest that the subject or issue of “stalking” be deleted from the definition of “Sexual Assault in the Fourth Degree” and be given a separate section in the penal code which this bill can refer to. The reason is that in practical terms, “Sexual Assault in the Fourth Degree” covers a wide number of activities which “stalking” is just one prohibited activity.

For instance, if someone is intoxicated and decides to relieve themselves in what they may believe to be in a private manner and is observed by a member of the public who calls the police, the officers normally would cite the person under “Sexual Assault in the Fourth Degree”. If someone were to go “skinny dipping” on a beach and is viewed, the police have cited the individuals under “Sexual Assault in the Fourth Degree”.

Therefore, the devil is in the details and in this case, this bill creates a host of problems for people who are not the intended focus of this legislation. If the language of this bill cannot be “tightened” up to target those who are the real problem, then this committee should hold this bill until adequate language can be developed.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Please oppose this bill. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon. This is not reasonable I oppose this bill.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Respectfully request removal of 4th degree stalking as grounds for suspension of a constitutional right.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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Carl Sobrado, R.N.  
105 Lilioukalani Lane  
Hilo, HI 96720  
(808) 769-1021

14 March 2016

Honorable Representatives:

My name is Carl Sobrado, and I am a constituent of Hilo, Hawai'i. I would like to take this opportunity to rise in opposition to HB625.

In regards to HB625 which includes misdemeanor stalking among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon.

The question that you need to ask yourself is, "Would you be able to deprive an individual of their 1st Amendment right to free speech; 4th Amendment right to be secure in their persons, houses, against unreasonable searches and seizures without warrant and probable cause; 6th Amendment Right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; or any other unalienable right for stalking someone?"

The answer is simply no, because that would be illegal and unconstitutional.

Rights cannot be denied without due process. Please remember the oath you took to protect the constitution of the United States of America. You must therefore oppose such legislation.

Respectfully submitted,

Carl Sobrado

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**Date:** Monday, March 14, 2016 12:03:37 PM

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Too broad a definition.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I strongly oppose this bill.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: OPPOSE but may support if 4th degree stalking removed. It seems to be too small of an infringement to take basic constitutional rights away.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I view this bill as a threat to my constitutional rights. Please oppose it.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: I oppose HB625 which makes a 4th degree stalking misdemeanor disqualify a person from owning, possessing, or controlling any firearm or ammunition. 4th degree stalking can be as little as sending unwanted texts or e-mails, and conviction means permanent loss of gun rights, restorable only by Governor's pardon. I believe this is too harsh in scope and the 4th degree stalking misdemeanor needs to be removed from this bill. Thank you. Sincerely, Gary Smith

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Keep the laws to felonies only, not misdemeanors.

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**HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: Aloha, HB625 is too restrictive. The 4th Degree provision should be removed. Such minor infractions could just be done in the heat of the moment and someone should not be held to such a high degree for such a minor action. V/R  
Kevin J. Cole Mililani

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## **HB625**

Submitted on: 3/14/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: House Bill 625 violates 2nd Amendment; What do you not understand about these words THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED, AND ALL OF HRS CHAPTER 134 IS UNCONSTITUTIONAL AND MUST BE REPEALED AND THIS BILL REJECTED; and, House Bill 625 would expand prohibited possessors to include certain misdemeanor crimes. Under this bill, sending unwanted text messages and emails could qualify someone for misdemeanor stalking and possibly result in an individual being denied a constitutional right. Constitutional rights are generally restricted only upon conviction of a felony. The reasons for this are two-fold. It limits restrictions on constitutional rights to only the most serious offenses, and, perhaps more importantly, felony convictions provide greater procedural protections to the accused, which results in more reliable convictions. The right to keep and bear arms should not be treated as a second-class right and should be restricted only upon conviction of a felony like the right to vote, to serve on a jury, and to hold public office. Further, by including a new category of prohibited possessors for certain misdemeanor crimes some citizens who may have taken a plea deal years ago will also become prohibited overnight and not been apprised of this additional penalty when taking their deal or fighting their case. Gun owners may not even know they are prohibited under this new statute until they seek a permit to purchase and discover that they are now in violation of the law due to a misdemeanor crime that occurred many years ago. Who ever supports this flawed bill must have an agenda against 2nd Am, and is violating their Oath of Office to support and defend the Constitution FOR the united States of America. ARREST Barack Obama the usurper of the Office of POTUS, to NDAA Prison, now!

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**HB625**

Submitted on: 3/15/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

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

Comments: The right to keep and bear arms should not be treated as a second class right and should only be restricted upon conviction of a felony like the right to vote, to serve on a jury, and to hold public office.

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**HB625**

Submitted on: 3/15/2016

Testimony for PSM on Mar 15, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harvey Gerwig	Individual	Oppose	Yes

Comments: This bill needs serious changes to remove disqualification of firearm rights for 4th Degree Stalking, including unwanted texts, emails, and phone calls

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