



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

ON THE FOLLOWING MEASURE:
H.B. NO. 625, RELATING TO FIREARMS.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Thursday, February 25, 2016 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Karen A. Droscoski, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and its amendment to section 134-7, Hawaii Revised Statutes (HRS), by expanding the list of offenses which are subject to the State's prohibition for individuals who may possess firearms.

The inclusion of Sexual Assault in the Fourth degree and Harassment by Stalking and comparable offenses is an appropriate extension of section 134-7, HRS, for the very reasons stated in the preamble of this measure. Indeed, the study cited by the bill's sponsors, found seventy-six percent of women murdered and eighty-five percent of women who survived a murder attempt by a current or former intimate partner, experienced stalking in the year preceding the murder.¹

The Department would encourage the Committee to adduce further evidence within the legislative history of this bill that documents the known causation between partner stalking sexual assaults² and the propensity for partner stalkers to use firearms against their victims.³

¹ Judith M. McFarland and others, Stalking and Intimate Partner Femicide, *Homicide Studies* 3 (4) (199):300-316

² Logan, T. & Cole, J. The Intersection of partner stalking and sexual abuse *Violence Against Women* (2011) vol 17 no. 7

³ See, e.g. Mohandie, K., Meloy, J., M., & Williams, J. (2006). The RECON typology of stalking: Reliability and validity based upon a large sample of north American stalkers *Journal of Forensic Science*, 51,1,147-155.

Including such evidence will support the measure by illustrating the connection between stalking sexual assaults and the use of firearms during commission of those crimes.

With such evidence placed within the legislative history, the Department believes stalking and its attendant consequences – specifically sexual assaults and use of firearms as a stalking tactic – should overcome potential legal or constitutional challenges.

Thank you for the opportunity to testify.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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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 25, 2016

RE: H.B. 625; RELATING TO FIREARMS.

Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submitting the following testimony supporting the intent of H.B. 625 with amendments.

The purpose of this bill is to protect the public against gun violence which is associated with individuals who have a history of dangerous behavior. This bill seeks to achieve this purpose by extending the reach of §134-7, H.R.S., to encompass misdemeanor stalking offenses, misdemeanor sexual assault offenses and individuals who conduct the illegal sale of any drug.

Many Americans have differing opinions on the scope of our current gun laws. However, nearly all of us would agree that many criminals – particularly criminals with a history of dangerous behavior towards others – should not have access to firearms. Currently, this bill seeks to limit five (5) classes of individuals from possessing firearms and ammunition; (1) individuals charged with or convicted of a felony, (2) individuals charged with or convicted of any crime of violence, (3) individuals charged with or convicted of sexual assault in the fourth degree, (4) individuals charged or convicted of harassment by stalking, and (5) individuals charged with or convicted of the illegal sale of any drug. Under subsection (2), §134-1, H.R.S., provides the definition of “crime of violence” to mean “any offense as defined in title 37, that involves injury or threat of injury to the person of another.” Our Department believes “crime of violence” in subsection (2) currently encompasses multiple misdemeanor and petty misdemeanor offenses that include but is not limited to sexual assault in the fourth degree (§707-733, H.R.S.), harassment by stalking (§711-1106.5, H.R.S.), as well as additional charges such as terroristic threatening in the second degree (§707-717, H.R.S.). Therefore, inclusion of these charges under subsection (3) and (4) in H.B. 625 is unnecessary and redundant. However, if this committee

feels that further clarification is essential, we believe that a suitable alternative would be to modify subsection (2) to read as follows:

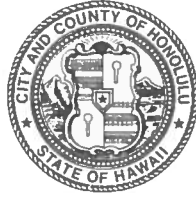
“(2) Any crime of violence, including but not limited to sexual assault in the fourth degree under section 707-733, harassment by stalking under section 711-1106.5, terroristic threatening in the second degree under section 707-717, and any comparable offenses under the laws of another jurisdiction; or”

Our Department acknowledges that the extra protections proposed in H.B. 625 are consistent with our Department’s ongoing concern with gun control and public safety. The purpose of this bill can be simply achieved by either removing subsection (3) and (4) as repetitive offenses covered under subsection (2) or alternatively providing clarification in subsection (2) which would ensure succinct language while still upholding the intent.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 625 with amendments. Thank you for this opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

February 25, 2016

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 625, 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, 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 Honolulu Police Department investigates, there is an intimate relationship 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, Relating to Firearms.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Robinson", is written over a horizontal line.

Richard C. Robinson, Major
Records and Identification Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha", is written over a horizontal line.

Louis M. Kealoha
Chief of Police



25 Years

TO: Chair Karl Rhoads
Vice Chair Joy San Buenaventura
Members of the Judiciary Committee
FR: Nanci Kreidman, MA
Chief Executive Officer

RE: HB 625 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.

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dvac@stoptheviolence.org | www.domesticviolenceactioncenter |
facebook.com/domesticviolenceactioncenterhawaii



From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 2:20 AM
To: JUDtestimony
Cc: ilojerry@gmail.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ilo	Babooze Bowstrings	Oppose	No

Comments: We already have laws that forbid felons from owning Firearms. Misdemeanors are just that. Misdemeanors. While I can appreciate the intent of this bill it is far too over reaching. Strongly oppose!

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 1:42 PM
To: JUDtestimony
Cc: dreid@nrahq.org
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/24/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Reid	NRA	Oppose	No

Comments: The NRA opposes the expansion of prohibited possessors to misdemeanor crimes including something as simple as sending an unwanted text message or email.

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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LATE

Legislation: HB 625

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

Support

Testimony Prepared for the House Judiciary Committee

February 25, 2016

Thank you, Chairman Rhoads, and members of the Judiciary 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 women in Hawaii are intimate partner and domestic violence related and of those, over 30% were committed with a gun.¹

¹ 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.

About 1 in 6 women and 1 in 19 men experience stalking at some point in their lifetime.² 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.³ 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.⁴

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.

² 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>.

³ *Id.*

⁴ 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

LATE

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

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Robert H. Pantell, MD

Joshua A. Wisch

DATE: February 25, 2016

TO: The Honorable Karl Rhoads, Chair
The Honorable Joy San Buenaventura, Vice Chair
House Committee on Judiciary

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

RE: Testimony Supporting the Intent of H.B. 625, with Proposed Amendments
Relating to Firearms

Good afternoon Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary.

The Sex Abuse Treatment Center (SATC) supports the intent of H.B. 625, which would specify that misdemeanor harassment by stalking and sexual assault are among the offenses that disqualify a person from owning, possessing or controlling any firearms or ammunition. However, we would like to offer the following comments, and suggest a friendly amendment for a possible H.D. 1.

It is SATC's understanding that misdemeanor harassment by stalking, described in H.R.S. § 711-1106.5, and sexual assault in the 4th 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.

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 4th 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.

We therefore respectfully ask that the Committee adopt the proposed friendly amendment to H.B. 625 enclosed as Exhibit A, with amendment language highlighted. This proposed amendment 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

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.



LATE

February 25, 2016

Dear Chairman Rhoads and members of the Judiciary 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.¹

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.² 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.³

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.⁴ Another study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.⁵ 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.⁶ 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.⁷

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.⁸ 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

¹ 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>.

² 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.

³ 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>.

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

⁵ Chelsea Parsons and Arkadi Gerney, *Women Under the Gun*, p. 13.

⁶ "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.

⁷ "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>.

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

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 6:43 AM
To: JUDtestimony
Cc: david.bradyhawaii@gmail.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

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

Submitted By	Organization	Testifier Position	Present at Hearing
David Bearden	BradyHawaii.org	Support	Yes

Comments: We at BradyHawaii, the local chapter of the Brady Campaign to Prevent Gun Violence in America, strongly support this bill. HB625

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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LATE



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

TESTIMONY FOR HOUSE BILL 625, RELATING TO FIREARMS

**House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Joy A. San Buenaventura, Vice Chair**

**Thursday, February 25, 2016, 2:00 PM
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in support of House Bill 625, relating to firearms.

Stalking is sexual assault. As this bill's preamble notes, low-level criminal behavior often escalates to physical assault. Criminal terminology aside, however, we do an injustice to victims of stalking—and similarly “nonviolent” crimes, like revenge porn—when we fail to acknowledge that the trauma that comes from intimidation and privacy violation corresponds to the trauma associated with physical violence.

According to the National Center for Victims of Crime, 73 percent of intimate partner stalkers verbally threaten victims with physical violence, while 46 percent of stalking victims report being physically assaulted. Many of these victims are concurrently targets or survivors of sexual exploitation, including sex trafficking. Pimps often stalk their victims during predation, while survivors are frequently stalked when their histories of sexual trauma are nonconsensually disclosed.

Stalking, today, is made easier by technology. Anti-cyberstalking advocacy group Working to Halt Online Abuse notes that 15 percent of cyberstalkers are online acquaintances with their victims, 30 percent of cyberstalking incidents are facilitated by email, and another 30 percent occur on Facebook. HRS §711-1106.5 criminalizes all forms of stalking, including cyberstalking, as a misdemeanor offense. Cyberstalking is exacerbated, particularly on social media, when the stalker posts pictures of guns, thereby heightening victim intimidation. Traditional

stalking, too, is made more traumatic by the prospect of a stalker possessing a deadly weapon, which may be deployed in an instant to render bodily harm or death.

Finally, sexual assault in the fourth degree under HRS §707-733 involving nonconsensual sexual contact, genital exposure, or trespassing for the purpose of recording surreptitious surveillance often telegraphs intent to commit further sex crimes, including rape. A 2013 criminal history narrative study performed by psychologists from Canada's Ryerson University revealed an escalation in sexual offender behavior from non-contact to contact offending, and then to an ever-increasing likelihood of sexual violence and homicide.

We must sanctify the safety of likely victims of sexual and physical violence by preventing perpetrators from carrying guns, which only increase the threat and likelihood of increased violence during patterns of escalation. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 12:28 PM
To: JUDtestimony
Cc: hisurfdog@yahoo.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Ball	Individual	Oppose	No

Comments: The bill is too far reaching.

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: Tuesday, February 23, 2016 11:56 AM
To: JUDtestimony
Cc: davebrilliant@gmail.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

Testimony for JUD on Feb 25, 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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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 10:51 AM
To: JUDtestimony
Cc: ptong8@sbcglobal.net
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

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

Comments: I oppose this as too broad reaching which could result in wrongly denying a constitutionally protected right.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 10:29 AM
To: JUDtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 9:33 AM
To: JUDtestimony
Cc: Dnrhand@aol.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

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

Comments: Good intentions, but nearly impossible to enforce. The potential for abuse by a spiteful accuser is frightening.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 8:07 AM
To: JUDtestimony
Cc: onederful100@aol.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Gavin Lohmeier	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 7:42 AM
To: JUDtestimony
Cc: scott_shimoda@hotmail.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
scott shimoda	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 7:37 AM
To: JUDtestimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

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

Comments: Certainly stalking and sexual assault are serious matters, but basic civil rights should be forfeit due to felony convictions, not misdemeanors. Adding unusual punishments to the list of misdemeanors (which is what the loss of a Constitutionally enumerated civil right is - an unusual punishment) is a step towards a society that enacts severe punishments for the slightest offense. Loss of a basic civil right should be the result of due process for the most serious offenses, i.e., punishments should be scaled to fit the crime.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 12:26 AM
To: JUDtestimony
Cc: heaviescc@gmail.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

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

Comments: Yet another bill that makes sense on the surface, but as we know, legislators like to make bills so openly vague that they can be used against the public at the whim of liberal interpretation. That means they are more worried about LEGAL gun owners, more than ACTUAL CRIMINALS. Work on prosecuting CRIMINALS, NOT law abiding citizens. Thank you

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 12:20 AM
To: JUDtestimony
Cc: jonagustine_lim@yahoo.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jonagustine Lim	Individual	Oppose	No

Comments: I oppose this bill. Unwelcomed text messages can be counted as misdemeanor stalking and this bill can be easily abused to rob someone of their constitutional right to firearms and self defense. Please kill this bill. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2016 6:18 PM
To: JUDtestimony
Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/22/2016

Testimony for JUD on Feb 25, 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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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 8:07 AM
To: JUDtestimony
Cc: surfgeorge@yahoo.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/24/2016

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 9:54 PM
To: JUDtestimony
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 7:20 PM
To: JUDtestimony
Cc: atanaka808@yahoo.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/23/2016

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 7:08 PM
To: JUDtestimony
Cc: williamrandysmith@gmail.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

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

Comments: I oppose this bill. The wording for "unwanted texts" as well as other wording issues are among the reasons I oppose.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2016 6:33 PM
To: JUDtestimony
Cc: gordyf@hawaii.rr.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/23/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Fowler	Individual	Oppose	No

Comments: You folks have gone far enough on gun legislation. Every year more bills come up that further restrict our rights under the second amendment. While the rest of the country has gone the other way on possession of firearms, Hawaii seems fixated on restricting our rights further. While stalking and such are a problem, The simple act of allowing someone being stalked to carry a defensive firearm would virtually eliminate this problem, but this will likely never be here in our State. Rather than make new laws each session, perhaps making enforcement of the many laws already in place should be a priority. Certainly there are more important things for the legislature tho do with the short session Enough is enough! Thank you and Aloha Gordon Fowler

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 10:33 AM
To: JUDtestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/24/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: This is long overdue. The public must be protected and loopholes closed. Thank you for your consideration. lynne matusow

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LATE

To the members of the Judiciary Committee,

My name is Bennett Cale I live in Kula, Maui and I'm a volunteer with the Hawaii chapter of Moms Demand Action for Gun Sense in America. We're a grassroots movement of American parents fighting for public safety measures that respect the Second Amendment and protect people from gun violence. We campaign for strong solutions to lax gun laws that put the safety of our families and communities at risk.

I'm writing today in support of HB 625, which would prohibit convicted stalkers and sexual abusers from having guns. This bill is not only common-sense, it's extremely important.

Domestic violence is an enormous problem in our country, and guns in the wrong hands increase the danger that abuse will turn deadly. American women are 11 times more likely to be murdered with a gun than women in other high-income countries,¹ and the presence of a gun in a domestic violence situation makes it 5 times more likely that a woman will be shot and killed.²

Right now, our federal and state laws forbid many domestic abusers from having guns. These are critical provisions that save women's lives. But the current laws leave out an important group of dangerous people: convicted stalkers.

Studies show that nearly 9 in 10 attempted murders of women involved an incident of stalking in the year before the attempted murder.³ But right now, our laws do nothing to stop stalkers from having guns. These women are our family members and our friends. They deserve to have our legislature stand up and keep them safe.

Keeping guns out of the hands of convicted stalkers is an important step forward for the safety of victims of abuse in Hawaii. I urge the committee to vote for HB 625.

Sincerely,

Bennett Cale
808.268.5068

¹ D. Hemenway and E.G. Richardson, Homicide, Suicide, and Unintentional Firearm Fatality: Comparing the United States with Other High-Income Countries, 2003, 70 JOURNAL OF TRAUMA 238-42 (2011).

² J.C. Campbell, D. Webster, J. Koziol-McLain, et. al., Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study, 93 AMER. J. OF PUBLIC HEALTH 1089-97 (2003).

³ Judith MacFarlane, Jacquelyn Campbell, et. al., Stalking and Intimate Partner Femicide, 3 Homicide Studies No. 4, 300-16 (Nov. 1999).

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:25 AM
To: JUDtestimony
Cc: gabbyanderman@gmail.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

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

Submitted By	Organization	Testifier Position	Present at Hearing
Gabrielle Anderman	Individual	Support	No

Comments: To the members of the Judiciary Committee, My name is Gabrielle Anderman and I'm a volunteer with the Hawaii chapter of Moms Demand Action for Gun Sense in America. We're a grassroots movement of American parents fighting for public safety measures that respect the Second Amendment and protect people from gun violence. We campaign for strong solutions to lax gun laws that put the safety of our families and communities at risk. I'm writing today in support of HB 625, which would prohibit convicted stalkers and sexual abusers from having guns. This bill is not only common-sense, it's extremely important. Domestic violence is an enormous problem in our country, and guns in the wrong hands increase the danger that abuse will turn deadly. American women are 11 times more likely to be murdered with a gun than women in other high-income countries, and the presence of a gun in a domestic violence situation makes it 5 times more likely that a woman will be shot and killed. Right now, our federal and state laws forbid many domestic abusers from having guns. These are critical provisions that save women's lives. But the current laws leave out an important group of dangerous people: convicted stalkers. Studies show that nearly 9 in 10 attempted murders of women involved an incident of stalking in the year before the attempted murder. But right now, our laws do nothing to stop stalkers from having guns. These women are our family members and our friends. They deserve to have our legislature stand up and keep them safe. Keeping guns out of the hands of convicted stalkers is an important step forward for the safety of victims of abuse in Hawaii. I urge the committee to vote for HB 625. Sincerely, Gabrielle Anderman Kula, Hawaii

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 8:16 AM
To: JUDtestimony
Cc: bennettcale@yahoo.com
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

Submitted on: 2/25/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Bennett Cale	Individual	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 6:50 PM
To: JUDtestimony
Cc: pitahui@yahoo.com
Subject: Submitted testimony for HB625 on Feb 25, 2016 14:00PM

HB625

Submitted on: 2/24/2016
Testimony for JUD on Feb 25, 2016 14:00PM in Conference Room 325

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

Comments: I am in opposition to this bill as it is written. Misdemeanor stalking is too broad and can include un-welcomed text message.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:43 AM
To: JUDtestimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for HB625 on Feb 25, 2016 14:00PM*

HB625

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

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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