

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

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 2955, S.D.1, RELATING TO FIREARMS.

**BEFORE THE:**  
HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, March 18, 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

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) sees no legal or constitutional issues with this bill.

The purposes of this bill are to allow permanent resident aliens to receive a permit to acquire a firearm; requires the issuing authority for firearms permits to perform an inquiry on an applicant using the Criminal Justice Information System (CJIS), National Law Enforcement Telecommunications System (NLETS), National Crime Information Center (NCIC), National Instant Criminal Background Check System (NICS); adds permanent resident aliens to required background checks; and clarifies requirements for permanent resident aliens to obtain a firearms permit.

The United States District Court, District of Hawaii, has determined permanent resident aliens are entitled to Second Amendment protections and this bill attempts to effectuate those judicial determinations. There are no other legal or constitutional issues with the bill.

Thank you for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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**LATE**

KIRK CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

March 18, 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: Senate Bill No. 2955, S.D. 1, Relating to Firearms

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

The HPD supports Senate Bill No. 2955, S.D. 1, Relating to Firearms.

Currently, a through background check is conducted on all applicants to acquire a firearm. However, once the initial background check has been completed, no further checks are conducted on the firearm owner after the permit has been issued. As a result, the county police departments have no way of knowing if a current Hawaii firearm owner has been convicted of a crime in another state that would prohibit him or her from owning a firearm.

The proposed changes would allow county police departments to enroll new firearm applicants into the Rap Back program administered by the Federal Bureau of Investigation. The Rap Back program would provide a mechanism to alert the county police departments when the owner of a firearm is arrested for a criminal offense anywhere in the country. This notification will allow the county police departments to monitor the case and, upon conviction, evaluate if the firearm owner may continue to legally possess and own firearms.

This change will in essence provide an ongoing background check on firearm owners to determine their eligibility to own and possess a firearm.

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
March 18, 2016  
Page 2

We suggest that page 4, line 17, be amended to read as follows:

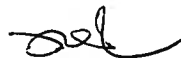
National instant criminal background check system and conduct a criminal history record check pursuant to section 846-2.7.

Additionally, we suggest incorporating the changes to Section 134-2, Subsections (e) and (i) in this bill into Senate Bill No. 2954, S.D. 2, Relating to Firearms. This change would allow the county police departments to enroll both in-state firearm applicants as well as those individuals bringing firearms into the state into the Rap Back program.

The HPD urges you to support Senate Bill No. 2955, S.D. 1, Relating to Firearms.

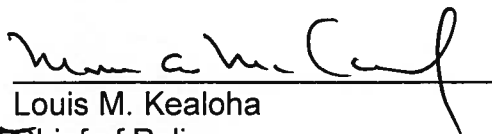
Thank you for the opportunity to testify.

Sincerely,



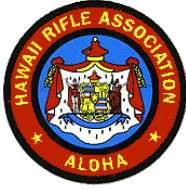
Richard C. Robinson, Major  
Records and Identification Division

APPROVED:



Louis M. Kealoha  
Chief of Police





# Hawaii Rifle Association

State Affiliate of the National Rifle Association

Founded in 1857

March 18, 2016

**LATE**

**Added Testimony on SB2955 SD1**

**IN OPPOSITION**

**In JUD, Friday March 18, 2016, 2pm, Rm325**

**Hon. Chair Rhoads, Vice Chair San Buenaventura, and Members,**

**HRA, on closer examination of the bill, changes it's position to opposition, because of the provisions requiring permit applicants to pay to the counties, in addition to the FBI fingerprint fees currently charged, \$14.75, an additional estimated \$50 fee for enrollment in Rap Back.**

**We request that the section of HRS134-2, (d) lined out in error, we believe, be left in statute. This language provides that the county police chiefs may issue permits to non-resident aliens temporarily in Hawaii for law enforcement, hunting, or competition purposes.**

**Thank you for the opportunity to testify on behalf of HRA.**

**Dr. Maxwell A. Cooper**

**225-6944**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2016 3:50 PM  
**To:** JUDtestimony  
**Cc:** bisaacso@hawaii.edu  
**Subject:** Submitted testimony for SB2955 on Mar 18, 2016 14:00PM

**SB2955**

Submitted on: 3/15/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

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

Comments: Registered aliens should have rights, too. Firearms registration (which won't catch anyone, because only honest people register guns, criminals don't, and legally, don't have to, according to SCOTUS) should apply to them, too.

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**Sent:** Wednesday, March 16, 2016 1:36 PM  
**To:** JUDtestimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** \*Submitted testimony for SB2955 on Mar 18, 2016 14:00PM\*

**SB2955**

Submitted on: 3/16/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:

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**To:** JUDtestimony  
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**SB2955**

Submitted on: 3/16/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

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**LATE**

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**To:** JUDtestimony  
**Cc:** HGHAWAII@GMAIL.COM  
**Subject:** Submitted testimony for SB2955 on Mar 18, 2016 14:00PM

**SB2955**

Submitted on: 3/18/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

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

Comments: The Hawaii Rifle Association is in SUPPORT of this bill, EXCEPT that the author removed the provision in current law allowing for alien visitors to receive a permit for long guns to participate in hunting and target shooting competitions. We would like this provision reinstated under this bill. Thank you, Harvey Gerwig, President, HRA

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