



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 473, S.D. 1, RELATING TO FIREARMS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, February 24, 2015 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): WRITTEN TESTIMONY.

For more information call Deputy Attorney General, Laura Maeshiro, at 586-1160.

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General (“Department”) supports this measure.

The purpose of this measure is to authorize the Department to develop and implement a state program to allow qualified active and qualified retired law enforcement officers to carry a concealed firearm in Hawaii pursuant to the federal Law Enforcement Officers Safety Act of 2004 (LEOSA). The measure also grants authority for the Department to adopt rules pursuant to chapter 91 and makes a conforming amendment to chapter 134 of the Hawaii Revised Statutes (HRS).

The Department supports being granted the legislative authority to adopt administrative rules to establish the LEOSA program. The Department has prepared rules for a program that complies with the federal LEOSA statute and is prepared to commence rule making once this law is enacted.

The amendment in section 3 is a conforming one that appropriately excludes those persons qualifying under LEOSA from having to apply for a conceal carry license with the county chief of police.

Accordingly, the Department of the Attorney General respectfully requests the measure be passed.



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

Judicial Committee Chair, Vice Chair and Members,

Any law that does not provide all citizens of Hawaii with the legal right to exercise their natural, civil, individual, fundamental, inalienable, Constitutionally-guaranteed right to bear arms outside their homes and businesses only furthers the state's violation of our rights.

SB473, in any form, fails to legally recognize the civil rights of all citizens, and furthers the state's attempt to curtail our freedoms and liberties.

Please schedule hearings on the bills that recognize our right to bear arms, and not waste time on half-measures for some group selected by authorities that would somehow, without rational basis, set them apart from ordinary citizens, even though they face no greater risk of being targets of criminal activity, and if fact likely face a lower risk of such targeting compared to smaller, older, etc. individuals who are most commonly crime victims.

Thank you,

George Pace



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 22, 2015

Testimony IN OPPOSITION

SB473, SD1

Before JDL, Rm. 16, 2/24/2015 , 9:15 am

Hon. Chair, Co-Chair, and Members,

HRA supports the intent of LEOSA.

The current administrative rules for implementing LEOSA under the Hawaii Department of the Attorney General thwart that intent. Responsible retired officers who would otherwise qualify and provide significant benefit to the public safety do not apply.

This SD1 is a step backward from SB473 which HRA supported and which proposed to establish effective rules in statute. Please restore the original intent of the first draft and expand on it.

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

**Dr. Maxwell Cooper
HRA Legislative Liaison
808 225-6944**

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Cc:
Subject: Submitted testimony for SB473 on Feb 24, 2015 09:15AM
Date: Monday, February 23, 2015 8:52:11 AM

SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Shaheen Mulkern	Kevin J Mulkern ALLC Inc	Oppose	No

Comments: Please institute reasonable qualifications that follow those set forth in the 12 year old Federal Act.

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SB473

Submitted on: 2/20/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments: There are many active and retired county, state, and federal law enforcement officers that would provide an valuable service to the community by the proposed legislation. Please give the AG the guidance to fully comply with LEOSA. Mahalo

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Bowen Dickinson	Individual	Support	No

Comments: I support arming retired law enforcement officers who would be a valuable asset to the State of Hawaii. This would be easy to accomplish if it was not almost impossible for anyone to qualify by requiring a perfect score on the shooting practical exam along with passing a stringent physical. Ridiculous requirements for someone who is fully capable of carrying a weapon safely in public by virtue of their lifetime of training and service to the citizens of our state. Please create a realistic qualification process that complies with the intent of the 12 year old Federal act.
Thank You Bowen Dickinson

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LEO carry

Brendon Heal
Registered Voter
Ewa Beach, Hawaii

Citizens have the right to armed self protection. ALL citizens.

Government has no right to make the means of this self protection exceedingly difficult to qualify or obtain.
Courts have consistently ruled IN FAVOR of the 2nd Amendment to the Constitution.
Hawaii legislature needs to
revise their staunch opposition to this RIGHT, and come up with reasonable laws for the carrying of concealed firearms on one's person.

This means ALL citizens LEO and Law abiding Citizens.

Thank you for considering my testimony.

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Date: Saturday, February 21, 2015 3:21:48 PM

SB473

Submitted on: 2/21/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: Apparently in order to perpetuate the plantation paternalistic policy of micromanaging honest people, the AG's office has gutted a perfectly reasonable bill originally written to allow proven former law enforcement personnel to carry concealed in Hawaii and add to the police presence and public safety of our community in favor of the AG's unreasonable and obstructive requirements. Remove the AG's language, write the bill in line with the Federal statutes and make Hawaii a safer place to live. Allowing former law enforcement personnel to carry is cheap, cheap additional police protection and works just fine where it is implemented, why not here?

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: I strongly oppose this current bill. A rewritten bill is needed to fulfill the intent of this twelve year old federal act. Sincerely, Bruce Braun.

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: As a retired Law Enforcement Officer, I find it very difficult to understand why Hawaii has the most difficult requirements for retired Law Enforcement Officers. No other state that I know of has the requirements that Hawaii has. The firearm portion of the qualification is more difficult than officers that are in the police department who qualify once a year.

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SB473

Submitted on: 2/22/2015

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

Comments: Twelve years to implement this bill! Then you pervert the intent of this bill by making it subject to onerous terms of compliance. The intent is to get more guns in the hands of honest citizens. More guns equal less crime. I strongly oppose the bill in it's current form.

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SB473

Submitted on: 2/22/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Danny P Capps	Individual	Support	No

Comments:

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SB473

Submitted on: 2/21/2015

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

Comments:

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Revells	Individual	Oppose	No

Comments: I oppose SB 473.

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Janelle Dryden	Individual	Oppose	No

Comments: Janelle Dryden OPPOSES SB473, SD1--Request that the committee write into Hawaii Statute a reasonable qualification process which will fulfill the intent of this twelve-year old Federal Act. Janelle Dryden OPPOSES.

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
jason wolford	Individual	Oppose	No

Comments: I now oppose the changes made from the original bill it will give the AG the ability to keep officers from getting a permit. I would support if the bill went back to the original form so officers could obtain permits the AG could make standards so hard no one could obtain a permit.

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SB473

Submitted on: 2/22/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
John R Nazarchyk	Individual	Support	No

Comments:

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Keoni Ronald May	Individual	Comments Only	No

Comments: Greetings: I retired from NYS Law Enforcement and carried firearms throughout my career. *** In was involved with 3 LEO shootings. *** The criminal element, whom I had dealt with, visited Hawaii many times. *** I believe, that I should have the right, to concealed carry of a firearm. *** I am also a Viet Nam veteran, who believes that I fought for US Constitutional Rights.

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SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: Please write into Hawaii Statute a reasonable qualification process that fulfills the intent of LEOSA! Why was the original version of SB473 gutted and replaced with the language proposed by the Hawaii Attorney General's office? As written it will simply renew the AG's complete authority over the permit process, thus continuing the onerous qualification requirements currently in place. Please write into Hawaii Statute a reasonable qualification process that fulfills the intent of LEOSA.

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lenie Lawrence	Individual	Comments Only	No

Comments: The Attorney General has messed this program up. Their office should have no input into this bill. The attorney general is anti-gun and anti-police. I am a retired police lieutenant from maui pd and the first person on Maui to obtain a LEDOSA permit. The attorney general has done everything they can to subvert the federal law that lets us carry firearms.

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: I am a Big Island resident last 35 years & Strongly Oppose as it is written. I am also a long time member of the NRA. It must include citizens right to carry a concealed weapons permit. I have my right to STAND MY GROUND and will. The bill must include all residents of the State of Hawai'i and not just current or retired police. What's good for the goose is good for the gander.

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SB473

Submitted on: 2/22/2015

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

Comments: Please vote against this bill. Please rewrite this bill with qualifications that are resonable for our retired officers to be able to carry concealed firearms.

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SB473

Submitted on: 2/23/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Dryden	Individual	Oppose	No

Comments: Marvin Dryden OPPOSES SB473, SD1--Respectfully request that the committee write into Hawaii Statute a reasonable qualification process that fulfills the intent of this 12 year old Federal Act. Marvin Dryden OPPOSES SB473, SD1

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Overbay	Individual	Oppose	No

Comments: I oppose SB 473 because off-duty police officers, and especially retired police officers should obey the same laws as every citizen. There should be no special rights and privileges for anyone. It is an equal rights issue.

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mele Kahananui	Individual	Oppose	No

Comments: This bill creates barriers that impede the implementation of LEOSA in Hawaii. Hawaii should welcome the increased security that honest armed citizens provide to those of us who live here. I must oppose the bill as it currently stands.

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SB473

Submitted on: 2/22/2015

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

Comments: Please vote against this bill. Please rewrite this bill with qualifications that are resonable for our retired officers to be able to carry concealed firearms.

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SB473

Submitted on: 2/22/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Misae Wela	Individual	Oppose	No

Comments: LEOSA was passed by the Federal Government 12 years ago, it's intent was to get retired armed LEOs on the street because more guns in the hands of law abiding citizens is a key factor in the falling level of violent crime. The current bill places unrealistic barriers to easy compliance with LEOSA. I cannot support the bill as it currently stands.

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SB473

Submitted on: 2/21/2015

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

Comments: Opposed. Original intent has been completely destroyed by Amendments.

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Submitted on: 2/22/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments: i OPPOSE the amended bill i SUPPORTED the original wording the substitution of rules and regulations that basically make it next to impossible to fulfill the requirements is an effort to effectively kill/neuter the bill the state of HI MUST comply with LEOSA the state may face fines and penalties for not complying please reinstate original language that the vast majority of testimony supported

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SB473

Submitted on: 2/22/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
stuart saito	Individual	Oppose	No

Comments:

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Submitted on: 2/23/2015

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

Comments: Retired LEO in support of this measure.

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I WHOLE HEARTLY OPPOSE THIS BILL AS WRITTEN.

The AG's office has done a horrible job in establishing the current LEOSA requirements for current retired officers. Even to the point of contracting with a **private security firm** to conduct the required qualifications for what I consider a highly overpriced fee, payable on a yearly basis.

While I see no problem with successfully shooting course of fire, I do believe, as many states do, that any NRA Certified Law Enforcement Instructor (each agency has at least one on staff) should be able administer a State approved qualification course, rather than a private security company for profit. Under the current program, the cost to a retired officer, for the physical and the qual course could run as high as \$500.00 per officer, per year.

The course should be designed to be similar to the last course of fire completed when the officer was employed.

I would request that the current bill be rewritten lessening the power of AG's authority to conduct this program, based on their prior performance.

Regards, Tim Flourney

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SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

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

Comments: The bill, as rewritten, is bad. I oppose the restrictions imposed and the power granted the Attorney General's office in what should be a virtually automatic practice. The original intention, to comply with Federal law, is good. Hawaii needs to conform to the LEOSA.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB473 on Feb 24, 2015 09:15AM
Date: Sunday, February 22, 2015 8:29:15 PM

SB473

Submitted on: 2/22/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
W. Nick Cambra	Individual	Support	No

Comments: I support SB473 because we need to have a state wide procedure in place that is similar to the rest of the states. As it stands right now our retired law enforcement officers have to jump through hoops and submit the same tedious applications every year. I believe firearm qualifications and refiling every year should be done but much of the rest of the procedure is redundant. Thank you.

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TO:
THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, February 24, 2015
TIME: 9:15 am
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

FROM: William R Smith

DATE: February 22, 2015

RE: **Opposition to SB473, SD1**

Please note that I now **oppose SB473 in its current SD1 draft**. I had supported this bill before the recent amendments by the PSM committee removed most of the qualifying verbiage relating to implementation by Hawaii of the LEOSA. The previous draft qualifying standards for qualified retired law enforcement officers residing in the state of Hawaii was more in line with the intent of the LEOSA. **I would again be in support of this bill if the qualifying standards were amended back to those in the original bill.**

When I review testimony on this bill to date, I believe many of the individuals and agencies that were initially in support of the original draft form would now be in opposition, or in support if amended back to something closer to the original bill. I have no way of knowing this for sure, and unless new testimony is submitted by these individuals and groups, in light of current amendments, I don't believe your committee can accurately gage their current position now either.

It is my hope that those who previously provided testimony will either reconfirm their support for the current draft, or note their opposition as amended. They may not do so, and therefore their previous stance may incorrectly be assumed to be their current stance.

Please replace the original draft qualifying standards and other wording which existed in the original bill.

Thanks for considering my current testimony on the SD1 draft.

William R Smith February 22, 2015

From: mailinglist@capitol.hawaii.gov
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Subject: Submitted testimony for SB473 on Feb 24, 2015 09:15AM
Date: Saturday, February 21, 2015 2:49:14 PM

SB473

Submitted on: 2/21/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
william racoma	Individual	Oppose	No

Comments: Regarding SB 473, SD1 and it's affect on 18 USC § 926B(c), and 18 USC § 926C(c) noted below Unless as determined by the state of Hawaii. . . 1) shooting a perfect score is the established standard required by an HPD for a "qualified law enforcement officer", 2) shooting a perfect score is the established standard required by an HPD for a "qualified law enforcement officer", to regularly qualify in the use of a firearm; 3) The standards for qualification in firearms training for active law enforcement officers is at their own expense, and 4) completing a physical examination is at the expense of the officer, your proposed Amendment SB 473, SD1, would be a violation of this 12 yr old Federal Act. Besides, why would you not want law abiding current or retired law enforcement officers with firearm experience to carry a firearm in public? In 18 USC § 926B(c), "qualified law enforcement officer" is defined as an employee of a governmental agency who: is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest, or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice); is authorized by the agency to carry a firearm; is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers; meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm; In 18 USC § 926C(c), [11] "qualified retired law enforcement officer" is defined as an individual who: separated from service in good standing from service with a public agency as a law enforcement officer; before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice); before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency; during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement

agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State; Respectfully yours, Wm. F. Racoma

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Date: Monday, February 23, 2015 6:35:29 PM

SB473

Submitted on: 2/23/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Nagata	Individual	Support	No

Comments:

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