

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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 473, S.D. 2, RELATING TO FIREARMS.

**BEFORE THE:**

HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

**DATE:** Friday, March 20, 2015

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Laura Maeshiro, Deputy Attorney General

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Chair Nakashima and Members of the Committee:

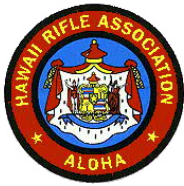
The Department of the Attorney General (Department) supports this measure.

This measure authorizes the Department to develop and implement a state program to allow active and retired law enforcement officers to carry a concealed firearm in Hawaii pursuant to the federal Law Enforcement Officers Safety Act of 2004. The measure also makes a conforming amendment to exempt those persons qualifying under LEOSA from section 134-9, Hawaii Revised Statutes (HRS).

Currently, the Department has not formally established firearm qualification standards for qualified retired law enforcement officers residing in our State or sought a statutory framework to permit active and qualified retired law enforcement officers to carry a concealed weapon in Hawaii pursuant to LEOSA, as amended, and supports being granted the legislative authority to implement the program and adopt rules.

The Department, however, does not support codifying LEOSA in its entirety into the HRS. This may pose problems if Congress makes further amendments to LEOSA. It is important to note that LEOSA, enacted in 2004, is relatively new, and has already been amended by Congress twice - once in 2010, and most recently in 2013 - and will likely be amended again in the future. Codifying it under state law would likely result in inconsistent federal and state provisions, with resulting lack of notice and confusion for the applicants until the HRS can be updated during the following legislative session. Moreover, the LEOSA application process to determine whether an individual is qualified is highly procedural in nature, and would be more effectively established through administrative rules.

Accordingly, the Department of the Attorney General respectfully requests the measure be passed and be effective upon approval.



# Hawaii Rifle Association

State Affiliate of the National Rifle Association  
Founded in 1857

**March 19, 2015**

**Testimony IN OPPOSITION TO SB473, SD2  
Before LAB, Rm 309, 3/20/2015, 10am**

**Hon. Chair, Co-Chair, and Members,**

**HRA opposes this SD2.**

**Senate JDL gutted the original Senate bill that established Hawaii statutory language for qualified retired law enforcement officers to carry concealed. The Senate instead passed amendments to continue the administration of the program entirely by the AG's office, where it has languished for 9 years.**

**Only about 40 retired officers statewide have permits because the requirements established by the AG are designed to discourage applicants. A yearly complete physical is required at the expense of the applicant, and a perfect qualifying score must be shot. Qualifications are held only annually on the Big Island, bi-annually on Maui, and not at all on Kauai.**

**Obviously the Senate JDL Committee doesn't appreciate that concealed carry is an important effective violent crime deterrent. LEOSA passed 14 years ago. It was amended in 2010 and 2013 to expand it to military and additional federal law enforcement officers. There is virtually no abuse. Aside from the public safety value of the program, these retired officers are subject to retaliation and do receive threats by some very bad people they have helped put away who are approaching release at about the time they retire.**

**HRA asks that you remove any authority to administer LEOSA from the AG except for processing of applications and issuing of licenses in strict compliance to the Federal Act. Add instead to HRS 134 the requirements for LEOSA applicants as prescribed in best practices model policy [http://crpoa.org/pdfs/LEOSA\\_Model\\_policy.pdf](http://crpoa.org/pdfs/LEOSA_Model_policy.pdf) with no added restrictions on applicants.**

**Specifically: 1. no physical examination. 2. required annual course of fire to be conducted by any NRA Certified Law Enforcement Instructor, not limited to contractors specified by the AG, 3. No restriction of firearm or ammunition to be carried other than HRS 134 requirements to acquire and possess. 4. Reduction of redundant re-certification paperwork.**

**Please insert language compatible with the intent of this 14 year old federal mandate, incorporating it into Hawaii Statute, instead of leaving it to the whims of the AG's Deputies.**

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

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

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, March 19, 2015 9:41 AM  
To: LABtestimony  
Cc: russell.takata@yahoo.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: Authorizing the role of the Department of the Attorney General does nothing to improve safety in our State, but only bureaucratizes the process to achieve less public safety.

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To: LABtestimony  
Cc: rob.grover2010@gmail.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: I ask that the bill be amended by re-inserting language compatible with the intent of this 12 year old federal mandate " shall issue" and incorporating it in Hawaii Statute instead of leaving it to the whims of the AG's Deputies. Senate JDL Chair Gilbert Keith- Agaran gutted the original Senate bill that establishing HRS "shall issue" language for qualified retired law enforcement officers to carry concealed and turned administration of the program back again entirely to the AG's office, where it has languished for 7 years. Only about 40 officers statewide have permits because the requirements established by the AG are designed to discourage applicants. A yearly complete physical is required, and an annual perfect qualifying score must be shot, all at the expense of the applicant. Qualifications are held only annually on the Big Island, bi-annually on Maui, and not at all on Kauai.

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Sent: Wednesday, March 18, 2015 9:53 PM  
To: LABtestimony  
Cc: laub008@hawaii.rr.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: The current revision of this bill is completely unsatisfactory and does not follow the intent of the federal LEOSA mandate. Please amend this bill to return it to it's original intent; to allow law enforcement officers to be armed in any jurisdiction in the United States as long as they meet the definition of a law enforcement officer.

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Sent: Wednesday, March 18, 2015 4:14 PM  
To: LABtestimony  
Cc: sthazam@yahoo.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <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 the LEOSA, SB473 as amended, since it is not in accordance with the letter or spirit of the federal Law Enforcement Officers Safety Act of 2004. I cannot support the current bill unless amended to make it compatible with the federal mandate cited above. I have never been a law enforcement officer, nor do I own a firearm, but I feel safer knowing that experienced and qualified law enforcement officers may carry concealed weapons. The failure to support the federal mandate, is not based on science, but rather on the ignorance and whims of the uninformed. Please place no more obstacles to this common sense approach to public safety. Restore appropriate language to enact the federal mandate. Respectfully, Stephen T Hazam

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 3:06 PM  
To: LABtestimony  
Cc: heatherwalker8@yahoo.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Heather Walker      | Individual          | Oppose                    | No                        |

Comments: I oppose this current bill. It needs to be rewritten to fulfill the intent of the federal act...twelve years after it was passed! No other state has these types of requirements for retired law enforcement officers. I oppose this bill.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 12:12 PM  
To: LABtestimony  
Cc: brandon.reynon@gmail.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: I think it makes the public safer to have more trained people in our state carrying concealed firearms. I oppose this bill.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 11:12 AM  
To: LABtestimony  
Cc: susan@mulkernlandscaping.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| Submitted By          | Organization                  | Testifier Position | Present at Hearing |
|-----------------------|-------------------------------|--------------------|--------------------|
| Susan Shaheen Mulkern | Mulkern Landscaping & Nursery | Oppose             | No                 |

Comments: I strongly oppose this bill. I respectfully ask that the bill be amended by re-inserting language compatible with the intent of the 12 year old federal mandate and incorporated into Hawaii Statute.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 9:06 AM  
To: LABtestimony  
Cc: bisaacso@hawaii.edu  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| 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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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 9:00 AM  
To: LABtestimony  
Cc: macsak@gmail.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: i oppose the current draft please restore original language that would bring hawaii into compliance with federal law

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Sent: Thursday, March 19, 2015 11:34 AM  
To: LABtestimony  
Cc: data35@hawaii.rr.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Marvin Dryden       | Individual          | Oppose                    | No                        |

Comments: I oppose this bill in its currently modified condition. It should be rewritten to fulfill the intent of the federal act, which was passed twelve years ago! No other state has these types of requirements for retired law enforcement officers. I oppose this bill.

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Sent: Thursday, March 19, 2015 11:37 AM  
To: LABtestimony  
Cc: beadg4bus@hawaii.rr.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Janelle Dryden      | Individual          | Oppose                    | No                        |

Comments: I oppose this bill in its currently wording. It needs to be rewritten to comply with the intent of the federal act, which was passed twelve years ago!! No other states have these types of requirements for retired law enforcement officers. I oppose the bill.

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Sent: Thursday, March 19, 2015 12:23 PM  
To: LABtestimony  
Cc: welam001@hawaii.rr.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Daniel Wela         | Individual          | Oppose                    | No                        |

Comments: I strongly oppose the current draft of this bill. The bill should reflect the intent of LEOSA by providing statutory shall issue permits without unnecessary meddling from the AG's office. More guns in the hands of honest citizens equal less crime.

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To: LABtestimony  
Cc: refrey2001@yahoo.com  
Subject: \*Submitted testimony for SB473 on Mar 20, 2015 10:00AM\*

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <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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Sent: Thursday, March 19, 2015 5:44 AM  
To: LABtestimony  
Cc: thebowen@hawaiiantel.net  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: Comments: Hawaii should move out of the dark ages and become a progressive state regarding firearms and enjoy the benefits of permitting properly trained and licensed retired law enforcement personnel to carry firearms in support of lawful order? The more qualified people we have carrying guns, particularly those trained in law enforcement, the greater the deterrent will be to crime. States with "shall issue" laws have seen drops in crime rates and shifts from crimes against persons to crimes involving property. Armed citizens scare criminals and make them insecure. States with "shall issue" laws have seen virtually no problems with those individuals issued CC permits. Hawaii should come into the modern world where citizens can exercise their constitutional rights.

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To: LABtestimony  
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Subject: \*Submitted testimony for SB473 on Mar 20, 2015 10:00AM\*

**SB473**

Submitted on: 3/18/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Kenny Wusstig       | Individual          | Support                   | No                        |

Comments:

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Sent: Thursday, March 19, 2015 7:42 AM  
To: LABtestimony  
Cc: mimiface@aol.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

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

Comments: Please pass this bill. Please develop reasonable requirements for law enforcement retirees to carry concealed weapons. It will put more "good guys" out there. Make it easier, not more difficult for ex police to carry.

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To: LABtestimony  
Cc: orrm002@hawaii.rr.com  
Subject: Submitted testimony for SB473 on Mar 20, 2015 10:00AM

**SB473**

Submitted on: 3/19/2015

Testimony for LAB on Mar 20, 2015 10:00AM in Conference Room 309

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Marlene Orr         | Individual          | Support                   | No                        |

Comments: Please pass this bill. We need these ex police officers and law enforcement retirees out there to be able to conceal carry. Make reasonable, accessible training available at a reasonable cost.

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The Honorable Mark M. Nakashima  
Chair, Committee on Labor and Public Employment  
Hawaii State Capitol, Room 309  
Honolulu, Hawaii 96813

RE: SENATE BILL 473 RELATING TO FIREARMS

Dear Representative Nakashima:

My name is Charles Hirata and I am currently retired after having served 32 years in the Maui Police Department. During my time in the department, I was a firearms instructor and armorer. Since retiring, I have qualified annually under the Federal Law Enforcement Officers Safety Act (LEOSA) to carry a firearm. The purpose of this law is to allow persons with a lifetime of law enforcement experience to continue to protect the public.

The State of Hawaii, which administers this program in collaboration with the police chiefs of all of the counties, has made the process difficult and onerous. Many retirees are discouraged from even attempting to apply under this federal law. Here are some of the roadblocks placed in our path:

1. No renewal process: the same paperwork including notarized forms, copies of registrations, and signed releases must be submitted every year, regardless if the applicant currently holds a permit.
2. An annual qualification course that requires applicants to shoot a perfect score using a course of fire that was created specifically to deter as many applicants as possible. You only have one chance to qualify and if you fail to qualify with a perfect score, you forfeit your \$104.00 fee. The 2010 Amendment to LEOSA specifies using the qualification course used by the agency the applicant retired from. I doubt if there are ANY law enforcement agencies in the state that mandates a perfect score in order to pass. Despite the change in the law, the course of fire remains the same and the Attorney General's office failed to comply with the new law.
3. Applicants are required to pay \$104.00 to a contractor, who conducts the qualification, prior to shooting the qualification course. That amount is forfeited if the applicant cannot pass with a perfect score and no retries are allowed. I have been a firearms instructor for 30 years and have yet to encounter a qualification course such as the one we are required to shoot every year.

4. Applicants must supply the envelopes and postage, to include certified mail with return receipt.
5. Applicants must have a physical done at their own expense every two years.
6. The State process allows only one specific firearm be allowed to be carried by the retired law enforcement officer.

Ironically retired mainland officers, many of whom are spared a lengthy and difficult application process, can carry a firearm in Hawaii under LEOSA while officers who retired in-state face unfair obstacles.

To remedy this situation, I am recommending the following:

- Require the Attorney General's Office to adopt changes as outlined in the LEOSA amendments and to follow federal law.
- Require the use of qualification standards used by police departments.
- Create a renewal process that reduces the amount of redundant paperwork currently required.
- Allow for the use of any legally registered firearm of the type used by the retiree's agency.
- Allow retired law enforcement officers who possess the LEOSA certification to carry pistol magazines that exceed ten cartridges.
- Limit liability to county police departments who allow retired law enforcement officers to use their pistol ranges for the purpose of qualifying under LEOSA.

We ask that the law be applied equally and that the unreasonable conditions arbitrarily enacted by the State and Counties be amended. The AG's current rules must be changed and we can do this by conforming state law to federal law.

Respectfully,

Charles M. Hirata