



LATE TESTIMONY

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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Tuesday, February 3, 2015

TIME: 1:15 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): RUSSELL A. SUZUKI, Attorney General, or
Laura Maeshiro, Deputy Attorney General

Chair Espero and Members of the Committee:

The Department of the Attorney General (“Department”) supports the intent of this measure, but recommends amendments.

The purpose of this measure is to codify the federal Law Enforcement Officers Safety Act of 2004 (“LEOSA”) in title 18 United States Code sections 926 B and C, and to authorize the department of the attorney general to develop and implement a state program to allow certain active and retired law enforcement officers to carry a concealed firearm in Hawaii. The measure also amends sections of the firearms law in chapter 134, Hawaii Revised Statutes (HRS), to exempt persons qualifying under LEOSA from certain provisions of the chapter.

The Department supports the intent of this bill in giving the Department the authority to implement the program and adopt rules. But it is concerned about 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, resulting in a lack of notice and confusion for the applicants until the HRS can be updated during the following legislative session.

The Department recommends that, rather than having the entire LEOSA codified into the HRS, this bill should be limited to: (1) authorizing the Department to implement the LEOSA

program; and (2) granting the Department the authority to adopt rules pursuant to chapter 91, HRS. These provisions recommended below can achieve this.

"PART IV. CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS

§ 134-__ Purpose. It shall be the duty of the attorney general 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 Law Enforcement Officers Safety Act of 2004 as codified in title 18 of the United States Code, section 926.

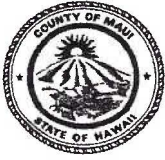
§ 134-__ Rules. The department of the attorney general shall adopt rules pursuant to chapter 91 to effectuate the purposes of this part."

In addition, conforming amendments in this measure should be made, such as in section 6 of the bill, on page 23, line 3 to page 25, line 6, which excludes those persons qualifying under LEOSA from having to apply for a conceal carry license with the county chief of police.

The Department is strongly opposed to the proposed amendments in section 5 of the bill, on page 22, lines 10-21 and page 23, lines 1-2. Section 5 will allow those qualified to carry a concealed firearm under LEOSA to possess detachable ammunition magazines that have a capacity of over ten rounds, which is currently prohibited by Hawaii law. This exception is unnecessary to comply with the federal law and should not be enacted. This amendment carves out an exception for prohibited conduct that is unrelated to the issue of conceal carry. All civilians and those law enforcement persons who are not active or not on duty must adhere to our state firearms laws. LEOSA does not supersede or limit Hawaii's firearm laws.

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

LATE TESTIMONY



POLICE DEPARTMENT COUNTY OF MAUI

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

February 2, 2015

The Honorable Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, HI 96813

RE: S.B. No. 473, RELATING TO FIREARMS

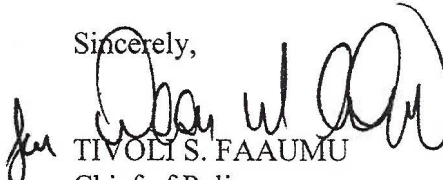
This proposed bill codifies federal law to authorize the department of the attorney general to develop and implement a state program to allow active and retired law enforcement officers to carry a concealed firearm in Hawaii pursuant to the federal Law Enforcement Officers Safety Act of 2003.

The Maui Police Department does not believe that codifying the federal statute is necessary. We agree that the Department of the Attorney General should continue to run the LEOSA program under its general law enforcement authority, but they should also be allowed rulemaking authority to better handle this task.

The Maui Police Department asks your committees to consider our comments regarding this S.B. No. 473.

Thank you for the opportunity to testify.

Sincerely,


TIVOLI S. FAAUMU
Chief of Police



Lessons In Firearms Education

LATE TESTIMONY

P.O. Box 25271

Honolulu, Hawaii 96825

February 2, 2015

Re: SB 473

Chair Espero and Vice Chair Baker,

Lessons in Firearms Safety (LIFE) supports SB 473.

LIFE supported the original Law Enforcement Officer's Safety Act (LEOSA) and continues to support off-duty and retired Law Enforcement officers carrying concealed firearms. Requiring the Attorney General's office to create processes that conform to the 2003 LEOSA act should have been implemented years ago.

We urge you to pass this bill.

Very kind regards,

Bill Richter, President
Lessons in Firearms Education

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2015 4:38 PM

To: PSMTestimony

Cc: dgoo@djspec.com

Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Goo retired HPD	Individual	Support	No

Comments: As a retired law enforcement officer, it is very difficult to obtain the LEOSA, much more difficult than any other state. No other State makes it as difficult as here in Hawaii. We support this bill

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2015 7:45 AM

To: PSMTestimony

Cc: mimiface@aol.com

Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

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

Comments: Please pass this bill.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 3:24 PM
To: PSMTestimony
Cc: bhunter808@hotmail.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley Mendes	Individual	Support	No

Comments: SUPPORT

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 3:21 PM
To: PSMTestimony
Cc: ken@kenkelson.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015
Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Kelson	Individual	Support	No

Comments: The Hawaii legislation is 12 years behind on this and should pass this to become compliant with the federal act.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 8:20 PM
To: PSMTestimony
Cc: hundhammer@hawaiiantel.net
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015
Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hundhammer	Individual	Support	No

Comments: I am in agreement of this bill. Please vote for this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 4:11 PM
To: PSMTestimony
Cc: jingkieandrobin@yahoo.com
Subject: *Submitted testimony for SB473 on Feb 3, 2015 13:15PM*

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robin	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 5:47 PM
To: PSMTestimony
Cc: Twelve1665@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Latosynski	Individual	Support	No

Comments: It is absolutely imperative that this bill be passed. The purpose of the Law Enforcement Officers Safety Act was to simplify the training and identification procedures for active and retired law enforcement officers. This is not an issue of whether these officers should be allowed concealed carry or not. They Should and it is up to the state to implement a program that complies with the Federal law to ensure that these officers are protected legally while providing protection for our families and our communities while in an off duty status.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 5:09 PM
To: PSMTestimony
Cc: islandsoljahz@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Fernandez	Individual	Support	No

Comments: In addition law abiding citizens of Hawaii should have the right to also carry a concealed firearm with the proper training.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 7:23 PM
To: PSMTestimony
Cc: nstickel@gmail.com
Subject: *Submitted testimony for SB473 on Feb 3, 2015 13:15PM*

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Stickel	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 5:29 AM
To: PSMTestimony
Cc: win734440@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nelson.C	Individual	Support	No

Comments: I am in agreement of this bill. Please vote for this bill, This bill will put more trained/ better armed persons on the streets able to act and respond quicker if a need should arise.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 3:23 AM
To: PSMTestimony
Cc: ling0821@hotmail.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
tony lee	Individual	Support	No

Comments: Federal laws under LEOSA ; HPD and other local CLEO has completely denied CCW to any individuals .. In fact, retired officers from other States are legally allowed to carry in Hawaii, but retired officers are not allowed to carry within its own State.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 1:31 AM
To: PSMTestimony
Cc: ehkaneshiro@gmail.com
Subject: *Submitted testimony for SB473 on Feb 3, 2015 13:15PM*

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Kaneshiro	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 12:00 AM
To: PSMTestimony
Cc: paakahili@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

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

Comments: Please change Page 14, Line 12 to 'shall issue'. The Federal law doesn't specify 'may issue', but mandates that the State grant the certifications is the person meets the qualifications. Thank you!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:37 PM
To: PSMTestimony
Cc: jonagustine_lim@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

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

Comments: Please vote YES for this bill. This is a step in the right direction to correct Hawaii's restrictive gun laws. Thank you for your support.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:30 PM
To: PSMTestimony
Cc: tribaldread@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Derek A Buendia Jr	Individual	Support	No

Comments: I am in agreement of this bill. Please vote for this bill SB473

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:39 PM
To: PSMTestimony
Cc: ncote@hawaii.rr.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Normand A Cote	Individual	Support	No

Comments: I support SB473 which would create an simple mechanism for our retired trusted police officers to have a conceal carry permit. The Law Enforcement Officers Safety Act passed the U.S. Congress 12 years ago. Hawaii must move forward with this act to assist the active duty police protect our community.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:27 PM
To: PSMTestimony
Cc: dctactical@hawaii.rr.com
Subject: *Submitted testimony for SB473 on Feb 3, 2015 13:15PM*

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Lim	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 8:38 PM
To: PSMTestimony
Cc: dreid@nrahq.org
Subject: *Submitted testimony for SB473 on Feb 3, 2015 13:15PM*

SB473

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 8:41 AM
To: PSMTestimony
Cc: buildingdesigns@hawaii.rr.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Arnold	Individual	Support	No

Comments: I am in agreement of this bill. Please vote for this bill. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 9:28 AM
To: PSMTestimony
Cc: rudi@rudikingdesign.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rudi King	Individual	Support	No

Comments: Please vote for this bill.

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 10:12 AM
To: PSMTestimony
Cc: c9b03fb4@opayq.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Jodi Zender	Individual	Support	No

Comments: SB 473... I SUPPORT... The Law Enforcement Officers Safety Act (LEOSA), requiring the states to issue permits to carry concealed to retired law enforcement officers, passed the U.S. Congress 12 years ago. Hawaii still has not implemented a satisfactory mechanism for issuing those permits. The current system is burdensome, defeating the intent of the Federal Act. This bill will help...

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 10:29 AM
To: PSMTestimony
Cc: sip@maui.net
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Arnold	Individual	Support	No

Comments: I am in agreement of this bill. Please vote for this bill. Thank you.

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Sent: Tuesday, February 03, 2015 11:15 AM
To: PSMTestimony
Cc: berniceeclipse@yahoo.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bernice Eclipse	Individual	Support	No

Comments: "I am in agreement of this bill. Please vote for this bill"

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Sent: Tuesday, February 03, 2015 9:43 AM
To: PSMTestimony
Cc: marshall8ness@gmail.com
Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Marshall Ness	Individual	Support	No

Comments: This is a common sense measure to bring our firearms laws into line with rational approaches working quite well across the country.

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2015 1:02 PM

To: PSMTestimony

Cc: kimo501999@aol.com

Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

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

Comments: Please vote against this bill (SB 463).

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 03, 2015 11:40 PM

To: PSMTestimony

Cc: teresa.parsons@hawaii.edu

Subject: Submitted testimony for SB473 on Feb 3, 2015 13:15PM

SB473

Submitted on: 2/3/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: As a family member of law enforcement officers, I support this legislation.