



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Friday, March 31, 2017 9:30 AM
State Capitol, Conference Room 016

WRITTEN TESTIMONY ONLY

By

Sidney Nakamoto

Probation Administrator, First Circuit

Bill No. and Title: House Bill No. 459, House Draft 1, Relating to Firearms.

Purpose: Requires law enforcement agencies to be notified of the identity of a firearms permit applicant whose application is denied because of firearm prohibitions established under federal or state law. (HB459 HD1)

Judiciary's Position:

The Judiciary supports the intent of this bill which is to identify firearms permit applicants whose applications are denied because of firearms prohibitions established under federal or state law. This bill will not allow a person to acquire the ownership of a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person first procures from the chief of police of the county of the person's residence a permit of ownership.

When a permit application is denied because the applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the respective county will send notice of the denial within 24 hours, including the identity of the applicant and reason for denial, to the prosecuting attorney where the permit was denied,



House Bill No. 459, House Draft 1, Relating to Firearms.
Senate Committee on Judiciary and Labor
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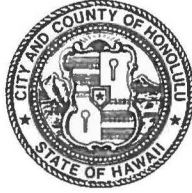
Attorney General, U.S. Attorney for the District of Hawai‘i, and the Director of Public Safety. The chief of police is also required to notify the court that issued the order within 24 hours.

After receiving notice that an applicant has been denied a permit because of a prior criminal conviction and is currently serving a term of probation, the Director of Public Safety is required to notify the probation officer assigned supervision of the applicant. The probation branch will now be able to identify clients who should not have a firearm and may take appropriate measures.

Thank you for the opportunity to testify on House Bill 459, House Draft 1.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulu.police.org



KIRK CALDWELL
MAYOR

~~LOUIS M. KEALOHA~~
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE **DN-DNK**

March 31, 2017

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: House Bill No. 459, HD1, Relating to Firearms

I am David Nilsen, Acting Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 459, HD1, Relating to Firearms, with suggested amendments to coincide with Senate Bill No. 1037, SD2, Relating to Firearms.

House Bill No. 459, HD1, Relating to Firearms, requires the counties to report a firearms permit that has been denied within 24 hours to the county Prosecuting Attorney, the state Attorney General, the United States Attorney for the District of Hawaii, the Department of Public Safety, and to any court which has issued a restraining order that is still in effect.

Senate Bill No. 1037, SD2, Relating to Firearms, eases these reporting requirements by allowing ten business days to report a firearms permit that has been denied to the county Prosecuting Attorney, the state Attorney General, the United States Attorney for the District of Hawaii, and the Department of Public Safety. This bill allows for three business days to report a denial of a firearms permit to any court which has issued a restraining order that is still in effect.

The HPD believes that the reporting periods allowed in Senate Bill No. 1037, SD2, are more realistic and would be able to be met by the department.

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
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The HPD urges you to support House Bill No. 459, HD1, Relating to Firearms, with the suggested amendments.

Thank you for the opportunity to testify.

Sincerely,


David P. Nilsen, Acting Major
Records and Identification Division

APPROVED:



Cary Okimoto
Acting Chief of Police

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB459 on Mar 31, 2017 09:30AM
Date: Tuesday, March 28, 2017 11:39:14 AM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments: I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that’s a red flag, and it’s also illegal. State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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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Date: Tuesday, March 28, 2017 3:39:23 PM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Winternitz	Individual	Support	No

Comments: My name is Elizabeth Winternitz and I reside in Honolulu. I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that’s a red flag, and it’s also illegal. State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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Date: Thursday, March 30, 2017 1:28:19 PM

HB459

Submitted on: 3/30/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
emily Heiferman	Individual	Support	No

Comments:

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March 29, 2017

Hope Busto-Keyes, ARNP

Wailuku, HI 96793

**Honorable Chairman Keith-Agaran, Vice Chair Rhoades and
Committee Members**

**My name is Hope Busto-Keyes and I reside in Wailuku. I strongly urge
you to support and vote in favor of HB 459. When dangerous
people in Hawaii who are prohibited from buying guns – like
felons, domestic abusers and people with severe mental
illness – try to buy a gun and are denied a permit to purchase,
that's a red flag, and it's also illegal.**

**State background check systems should alert appropriate law
enforcement that these “denied and dangerous” people are
trying to buy a gun and walking free in their community.**

Please support HB 459.

Hope Busto-Keyes, ARNP

Wailuku, HI 96793

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Subject: Submitted testimony for HB459 on Mar 31, 2017 09:30AM
Date: Tuesday, March 28, 2017 2:14:21 PM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

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

Comments: Our names are John and Debra Nix and I reside in Kihei, Maui. We strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that’s a red flag, and it’s also illegal. State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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Date: Tuesday, March 28, 2017 11:27:34 AM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Yudis	Individual	Support	No

Comments: Here's my testimony: My name is Jonathan Yudis and I reside in Kula, Maui, HI. I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that's a red flag, and it's also illegal. State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joyce Jeffers	Individual	Comments Only	No

Comments: My name is Joyce Jeffers and I reside in Pukalani, Maui. I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that’s a red flag, and it’s also illegal. State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459

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Date: Friday, March 24, 2017 12:36:37 PM

HB459

Submitted on: 3/24/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Oppose	No

Comments: Only because the bill has "unusable" guns as something that needs to be reported to the Chief, before acquiring. Which, if a gun is unusable as in can not be made usable by any means, will never be able to fire a round, find that if a gun is harmless, shouldn't be included with harmful, potentially dangerous in the wrong hands, etc.

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Date: Tuesday, March 28, 2017 1:46:33 PM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

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

Comments: I strongly support this bill HB 459 and hope you will too. As a voting resident of Hawaii, I believe that if a person is prohibited from purchasing a gun (domestic abuser, mental health issues, felon), and they attempt to purchase or apply for a license, appropriate people should be notified, such as law enforcement, parole officers, prosecutors, family members, or those who had been abused by this person. State background check systems should alert appropriate law enforcement, and perhaps those who have a restraint order against these people, that these "denied and dangerous" people are trying to buy a gun and walking free in their community. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Shimata	Individual	Support	No

Comments: I am surprised this is not already the law.

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Date: Tuesday, March 28, 2017 10:58:57 AM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Middleton	Individual	Comments Only	No

Comments: This bill is necessary to provide protection to victims of sexual abuse and violence by identifying potential repeat offenders.

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HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marcy Wilhelm	Individual	Support	No

Comments: My name is Marcy Wilhelm and I'm a lifelong resident of Hawaii, now living in Waipahu, on the island of Oahu. I urge you to support and vote in favor of HB 459. There is no doubt that strong background check systems help keep communities safe from gun violence, and this bill will give law enforcement more tools to keep us all safer. Mahalo!

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3/29/17
Aloha,

My name is Melinda Carroll and I reside in Kula, Maui. I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – and are denied a permit to purchase, that's a red flag, and it's also illegal.

State background check systems should alert appropriate law enforcement that these “denied and dangerous” people are trying to buy a gun and walking free in their community.

To help us better protect our mothers and their families, Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

Thank you!
Melinda Carroll

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Subject: Submitted testimony for HB459 on Mar 31, 2017 09:30AM
Date: Thursday, March 30, 2017 10:59:59 AM

HB459

Submitted on: 3/30/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Gring-Fee	Individual	Comments Only	No

Comments: I support the strongest gun control policies possible, in fact I would like to see general gun ownership outlawed!

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HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Russell F. Jones	Individual	Support	No

Comments:

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Date: Tuesday, March 28, 2017 4:44:33 PM

HB459

Submitted on: 3/28/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Tizard	Individual	Support	No

Comments: I have lived in Kailua for over 50 years, and have watched - especially lately - the deterioration of ALOHA & the increasing incidences of hatred, poor judgment and gratuitous violence in our once-peaceful home. Granted, we have the best laws & enforcement in the USA on gun control, but we are seeing more & more people, who may have just "beefed" before, now waving guns & harming or killing others, whether in "road rage" or in commission of crimes. NOW is the time to further build on our already-great control of weapons & further insure our safety. PLEASE support this timely, important bill.

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Date: Thursday, March 30, 2017 3:45:25 PM

HB459

Submitted on: 3/30/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Yamauchi	Individual	Support	No

Comments: Aloha, I'm Erica Yamauchi and I live in the Kaimuki area with my family, including two young children. I strongly urge you to support and vote in favor of HB 459. When dangerous people in Hawaii who are prohibited from buying guns – like felons, domestic abusers and people with severe mental illness – try to buy a gun and are denied a permit to purchase, that's a huge red flag, and it's also illegal. Therefore, state background check systems should alert appropriate law enforcement that these "denied and dangerous" people are trying to buy a gun and walking freely. Moms Demand Action for Gun Sense in America is working around the country with state legislators and executives from both parties to give law enforcement the tools they need to investigate these dangerous people when they try to buy guns. Enforcing existing gun laws is critical for public safety. Please support HB 459.

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