

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 8:40 AM
To: PSMTestimony
Cc: joel@prymis.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joel dela Cruz	Individual	Oppose	No

Comments: Removal of Constitutional rights without due process is illegal.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 7:05 AM
To: PSMTestimony
Cc: pitahui@yahoo.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Pearson	Individual	Oppose	No

Comments: I am in opposition to this bill as there is no way to know when or if you are on the list, and if on the list there is no way to get off the list.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 6:11 AM
To: PSMTestimony
Cc: rgklapp@yahoo.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Klapperich	Individual	Oppose	No

Comments: I oppose because there is no due process in the terrorist watch list that is guaranteed in the Fifth Amendment. The process is secret and there's no way to appeal the decision of mistakenly added to the list.

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Lessons In Firearms Education

P.O. Box 25271
Honolulu, Hawaii 96825

February 1, 2017

Re: SB 280

Dear Chair Nishihara and Vice Chair Wakai,

Criteria for inclusion on the “terror watch list” are undisclosed, even to those who may be erroneously on the list, does not reach the level of probable cause, is fraught with errors per a GAO report, and extremely difficult to be removed from. Individuals wrongly on the list have included an 8 year old child, active duty military members, and serving US legislators.

Imagine if instead of being barred from owning firearms the prohibitions for those on the list included being banned from voting or exercising your First or Fifth Amendment rights. Would you think that appropriate?

No one wants terrorists getting firearms, but this bill, if passed, will impose unacceptable restrictions on individuals without adequate due process. Two very basics of our legal system is the presumption of innocence until proven guilty and the ability to confront one’s accusers with any evidence they may have. This bill removes that presumption of innocence and turns that basic tenet on its head and presumes an individual on the list guilty. Furthermore, it makes the ability to confront the accuser nearly impossible and shields any evidence from production to the accused. That is not the way our legal system should work.

We urge you to NOT pass this bill.

Thank you.

Very kind regards,

Bill Richter, President
Lessons in Firearms Education

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 11:10 PM
To: PSMTestimony
Cc: koryohly@outlook.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments: HOW DARE YOU tell us the people on this list are SO DANGEROUS that they can't be trusted with a firearm, but YOU ARE ALLOWING THEM THE FREEDOM to continue living their daily lives among us? They can walk around, drive while children and elderly are in crosswalks, get on buses full of people? Continue to work at their jobs? Go to churches full of people? OUTRAGEOUS. ARREST THEM ALL TODAY! Ok, sorry, that was sarcasm. The people on the list are maybe not THAT dangerous, but they sound scary, and guns are scary, and the more guns we take away from bad guys, the better, so let's pretend this is a good idea, pretend it's just, and even mention that other states have paved the way with similar policy. Oops, a little more sarcasm. One more try: By all means WATCH the people on the WATCH list. But don't try to justify stripping them of their rights. Until that time when you have legitimate cause to arrest them, they continue to live their lives, innocent until proven guilty. Allow them the right to defend themselves in the event of an attempted home invasion, rape, or murder. Do not give up fundamental freedoms, even if they belong to others!

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Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety, Intergovernmental and Military Affairs

Todd Yukutake
(808) 255-3066
toddyukutake@gmail.com

February 2, 2017

Oppose SB No. 280 Relating to Firearms

I am opposed to SB280. I do not want bad people and criminals to have access to guns, however not at the expense of sacrificing due process rights.

SB280 would restrict peoples rights based on the secret terrorist watchlist. We do not know who is on the list. We do not know what criteria is used to place someone on the list. There are no procedures for an innocent person to be removed from the list.

Unlike a Temporary Restraining Order which also suspends a person's rights to firearms possession, SB280 removes a person's 2nd amendment rights without a judge or jury, without any evidence presented, and there is no opportunity to prove your innocence. Furthermore since there are no known procedures on how to be removed from the Terrorist Watchlist, it results in the permanent removal of a person's civil rights.

Please vote against SB 280.

Todd Yukutake

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 10:26 PM
To: PSMTestimony
Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for SB280 on Feb 2, 2017 13:15PM*

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 9:58 PM
To: PSMTestimony
Cc: haha@hawaii.rr.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kong	Individual	Oppose	No

Comments: Aloha. I will be tracking this bill if it proceeds from this hearing. I am strongly OPPOSE SB280 Mahalo nui.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 8:10 PM
To: PSMTestimony
Cc: campodpi@hawaiiantel.net
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Smith	Individual	Oppose	No

Comments: Please consider opposing SB 280 which would prohibit gun ownership to those placed on the "Terrorist Watchlist" without due process of the law. I do not want terrorists or dangerous people to have firearms; however, I'm opposed to the "Terrorist Watchlist" where a large number of Americans mistakenly end up on every year even though they are not dangerous but for some minor infraction. My brother has ended up on this list for a minor infraction when he was traveling to Hawaii. He hadn't traveled by air for over 10 years and because of a minor mistake on his part he is now on the list for some time. The list is being used to deny many honest individuals their constitutional rights. Thank you Gary Smith

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 8:03 PM
To: PSMTestimony
Cc: hawaiianmantis@gmail.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clinton Bodley	Individual	Oppose	No

Comments: Without more transparency regarding the Terrorist Watch List as well a method of due process for removing oneself from the list, I do not support this bill. Address the above and I would have no complaints.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 7:44 PM
To: PSMTestimony
Cc: oldmanbru@gmail.com
Subject: *Submitted testimony for SB280 on Feb 2, 2017 13:15PM*

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 7:08 PM
To: PSMTestimony
Cc: mauiarms@maui.net
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments: Please no more mindless anti gun bills.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 7:04 PM
To: PSMTestimony
Cc: pwegesen@hawaii.edu
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Pablo Wegesend	Individual	Oppose	No

Comments: This bill would prohibit gun ownership to those placed on the "Terrorist Watchlist" without due process of the law. The "Terrorist Watchlist" is a secret government list, which a large number of Americans mistakenly end up on every year, being used to deny individuals their constitutional rights. Please not rely on a secret list that wasn't compiled with due process. Please allow those accused to have the right to challenge their accusations.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 6:59 PM
To: PSMTestimony
Cc: orrm002@hawaii.rr.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments: I strongly urge you to oppose this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 6:43 PM
To: PSMTestimony
Cc: mimiface@aol.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

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

Comments: I strongly urge you to oppose this bill. Respectfully Michael Orr Lahaina

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 5:46 PM
To: PSMTestimony
Cc: onederful100@aol.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gavin Lohmeier	Individual	Oppose	No

Comments: I do not want terrorists or dangerous people to have firearms; however, I am strongly opposed to a secret government list, which a large number of Americans mistakenly end up on every year, being used to deny individuals their constitutional rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 5:16 PM
To: PSMTestimony
Cc: stevisu@gmail.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Yip	Individual	Oppose	No

Comments: Dear Senator's I oppose Senate Bill SB280 which would prohibit gun ownership to those placed on the "Terrorist Watchlist" without due process of the law. There is no transparency on how people are placed on this list nor how they can get off the list if erroneously placed there. Because of that this is an unconstitutional bill. I believe that this bill has no merit until proper controls can be put in place. People placed on the list must be able to contest being placed there. Historically there has been people unjustly placed on this list and it is very hard for them to get off of it. Once again please oppose this bill at this point because this is an unconstitutional bill. Sincerely, Steven Yip

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 9:13 AM
To: PSMTestimony
Cc: heatherwalker8@yahoo.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Walker	Individual	Oppose	No

Comments: I oppose this bill as it does not allow due process of law. This controversial, arbitrary, secret government list, in which it is documented that a large number of Americans mistakenly end up on every year, should not be used to deny individuals their constitutional rights. SB280 denies due process of law and therefore is an UNCONSTITUTIONAL bill and should be tossed out.

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Andrew Namiki Roberts
3018 Hinano St
Honolulu, HI 96815

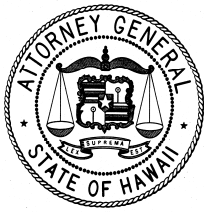
My Name is Andrew Namiki Roberts and I have been a resident in the state of Hawaii now for 10 years. As time progresses I see more and more gun laws come into effect with zero impact on the levels of crime happening within the state. I am testifying today in Opposition to SB280

This Bill is written in violation of the Constitution and will have ZERO effect on criminal matters within the state of Hawaii. It is written in violation of the 2nd, 4th, 5th and 14th amendments, it denies a person their right to bear arms, their right to due process and their right to be secure in their persons and property. The only action this bill will bring is a lengthy and expensive legal suit that neither the city's, county's or state can afford.

People added to the so called Terrorist watch list are done so based on a possibility of crime and not actual suspicion or evidence that a person is or has committed a crime. The list is a secret government list that by the creators own admission is full of errors and contains people that have no reason to be on the list, Not only this but innocent people are also caught up in the list because of similar names or fabricated links. This has been shown by children, senators and Military members being added to the list.

I once again state that I am in Opposition to SB280 and hope that you take my comments to heart when further considering this bill

Thanks
Andrew Namiki Roberts



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

S.B. NO. 0280, RELATING TO FIREARMS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

DATE: Thursday, February 2, 2017 **TIME:** 1:15 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Karen A. Droscoski, Deputy Attorney General

Chair Nishihara and Members of the Committee:

The Department of the Attorney General (Department) supports this measure. In line with other jurisdictions implementing similar legislation, the Department supports this bill to further local and national security concerns. While there are currently no definitive legal decisions addressing potential constitutional challenges, legal challenges remain a possibility.

We note that today this committee is also hearing SB 898, an administration measure. We believe that SB 898 and SB 280 likely would achieve many of the same goals. We prefer SB 898, however, because it includes protections that make it more likely to survive any potential legal or constitutional challenges.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 3:12 PM
To: PSMTestimony
Cc: edeliogerola@gmail.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Edelio Gerola	Individual	Oppose	No

Comments: Aloha, I would like to express my opposition to this bill because law abiding citizens may be included in this list without due process. This is indeed repugnant to the Constitution of the United States. Thank you, Edelio

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:08 PM
To: PSMTestimony
Cc: paul.bueltmann@gmail.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Bueltmann	Individual	Oppose	No

Comments: Aloha, I oppose this bill it is against our very bill of rights. Our own citizens are deprived of due process under the no fly list using that as an indicator of safety is political ineptitude. Mahalo

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Sent: Thursday, February 2, 2017 12:08 PM
To: PSMTestimony
Cc: ceruti@earthlink.net
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Oppose	No

Comments: SB 280 is unconstitutional because deprives citizens of due process. It is not likely to withstand a challenge at the US Supreme Court level. Our precious right to keep and bear arms should not be subject to a secret government list for which no due process exists either to get on, or to get off the list. The list contains errors, which no individual can either examine or correct. The terrorist watch list consists of three groups: foreign nationals, convicted felons, and US citizens who fall into neither of the other two categories. The first two groups already are prohibited. Anyone in the third group does not deserve to have any firearms or ammunition confiscated just because of an error on the list, such a name that is similar to that of a known terrorist. Suspected terror cells have been reported for all US states. We need firearms and ammunition to protect ourselves from terrorists. Now is exactly the wrong time to disarm citizens, especially without due process. Please vote NO on SB280.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 11:25 AM
To: PSMTestimony
Cc: Ryanmyam@gmail.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Yamashiro	Individual	Oppose	No

Comments: I oppose this bill, SB280. It ignores due process. It will lead to violations of 2nd and 4th Amendment rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 11:19 AM
To: PSMTestimony
Cc: HGHAWAII@GMAIL.COM
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Gerwig	Hawaii Rifle Association	Oppose	Yes

Comments: The Hawaii Rifle Association and the National Rifle Association STRONGLY OPPOSE this measure. This measure is highly likely to affect law-abiding individuals who have been erroneously placed on this list. The Federal Auditor has repeatedly notified the FBI that Terrorist Screening Database is full of errors, listing persons who should not be on the list and failing to provide an adequate mechanism for those falsely placed on the list to get themselves off of the list. A Federal judge ruled in June that the FBI must develop a new system for those erroneously placed on the list to be removed. The Judge's statement was that the system is "wholly ineffective". Please do not move this unconstitutional bill forward. Thank you, Harvey Gerwig, President, Hawaii Rifle Association.

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Sent: Thursday, February 2, 2017 11:41 PM
To: PSMTestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM



SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments: As a fellow resident of Hawaii, I ask you to please oppose Senate Bill 280. SB 280 would prohibit gun ownership to those placed on the "Terrorist Watchlist" without due process of the law. No one wants terrorists or dangerous people to have firearms; however, a secret government list, which a large number of Americans mistakenly end up on every year, should not be used to deny individuals their constitutional rights. Once again, I ask you to please oppose SB 280. Mahalo.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 9:56 PM
To: PSMTestimony
Cc: geli.bean@yahoo.com
Subject: Submitted testimony for SB280 on Feb 2, 2017 13:15PM

SB280

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Castro	Individual	Oppose	No

Comments: I strongly oppose Senate Bill 280. I do not want terrorists or dangerous people to have firearms, any suggestion otherwise is offensive and wrong. However, I am opposed to a secret government list, which a large number of Americans mistakenly end up on every year, that is used to deny individuals their constitutional right without proper due process of the law. This legislation would affect law-abiding individuals who mistakenly end up on the list for unbeknownst reasons. The terrorist watchlist is not public record; both the list of individuals and the criteria which is used to determine who is added to the list is secret. Additionally, there is no know process for being taken off the list. Due process is a pillar of the American justice system, and a constitutionally protected right cannot and should not be taken away on the basis of a secretive or unsubstantiated accusation. When utilizing the National Instant Check System (NICS), individuals on the terrorist watchlist are already queried and denied a firearm if they are found to be a prohibited person. Additionally, law enforcement is already notified every time a person on the terrorist watchlist attempts to purchase a firearm. Law enforcement is then able to make a case by case determination on the appropriate follow-up for each circumstance. Thank you for your attention and I ask that you oppose this unnecessary and unconstitutional piece of legislation. Sincerely, Linda A.M. Castro

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