



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 1, 2018 2:00 PM
State Capitol, Conference Room 325

By
Catherine H. Remigio
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 2024, Relating to Gun Violence Protective Orders

Purpose: Establishes a detailed process allowing law enforcement officers and family or household members to obtain a court order to prevent a person from accessing firearms and ammunition where the person poses a danger of causing bodily injury to oneself or another.

Judiciary's Position:

The Judiciary has serious concerns about this bill and respectfully suggests that the concept may benefit from further input and analysis. We offer the following comments:

1. Under HRS Chapters 586, 604 and 134, Respondents who are found to pose a threat of imminent bodily injury to others are already prohibited from owning or possessing firearms.
2. Whether a Petitioner law enforcement officer has standing to file an action on behalf of third parties may be challenged in court.
3. At page 4, from line 9, the bill requires the Family Court to “designate an employee or appropriate nonjudicial agency to assist the petitioner in completing the petition.” Meeting this requirement will require a significant influx of funds in addition to our currently proposed budget. We make this comment based on our experience from our



- responsibilities in HRS Chapter 586 (temporary and protective orders) informing us of the complexity of such applications and the time and human resources needed to assist pro se petitioners.
4. At page 5, from line 6, the judiciary is required to “verify the terms of any existing order governing the parties.” Parties could have several “existing orders,” including divorce, paternity, civil claims, and TROs/Protective orders. If the existing order issued from another circuit within the state, or from outside the state, the information may be difficult and time consuming to obtain. Also, federal law requires all states to give full faith and credit to protective orders from every other state. In the latter case, we would be unable to independently verify terms of an existing order on a timely basis.
 5. We are uncertain about the application, at page 6, from line 14, that aggregate statistical data “shall be made available to the public upon request.” Our aggregate statistical data report is published annually to the Legislature and accessible to the public. We do not have the resources to make data “available to the public upon request” without diverting resources already engaged in data related responsibilities to other agencies and entities of the state.
 6. Unlike the ex parte procedure in Chapter 586, at page 7, from line 14, this bill requires a hearing on the ex parte petition, and further requires the court to “examine under oath the petitioner and any witnesses the petitioner may produce.” This will require even more judicial resources in addition to the increased staff needed to assist petitioners as noted above in paragraph #3. Judges and staff are already constrained by Chapter 586 ex parte requests, which are reviewed and completed by judges without a hearing - in addition to their regularly assigned court calendars. It is reasonable to require an additional judge with the attendant staff members before this bill can be implemented.

Thank you for the opportunity to testify on this measure.

HB-2024

Submitted on: 1/30/2018 3:29:20 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

HB-2024

Submitted on: 1/30/2018 7:09:08 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Hawaii Sportsmen's Alliance	Oppose	No

Comments:



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
(916) 446-2455 voice ▪ (703) 267-3976 fax
www.nraila.org

STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, HAWAII STATE LIAISON

January 31, 2018

The Honorable Scott Y. Nishimoto
Chair, House Committee on Judiciary
Sent Via Email

Re: House Bill 2024 – OPPOSE

Dear Chairman Nishimoto:

On behalf of the Hawaii members of the National Rifle Association, we oppose House Bill 2024.

HB 2024 would allow for certain protective orders to remove your Second Amendment rights - not because of a criminal conviction or mental adjudication, but based on third party allegations and evidentiary standards below those normally required for removing constitutional rights. Additionally, these protective orders lack due process as firearms and ammunition are required to be surrendered well before a hearing may take place.

Constitutional rights are generally restricted only upon conviction of a felony. The reasons for this are two-fold. It limits restrictions on constitutional rights to only the most serious offenses, and, perhaps more importantly, felony convictions provide greater procedural protections to the accused, which results in more reliable convictions. The Right to Keep and Bear Arms should not be treated as a second-class right and should be restricted only upon conviction of a felony like other rights.

Further, if an individual is truly dangerous, existing law already provides a variety of mechanisms to deal with the individual, all of which can lead to firearm prohibitions in appropriate cases. The issuance of a protective order does nothing to deal with the underlying cause of dangerousness, nor does it subject the person to any actual physical restraint, ongoing reporting or monitoring requirements, or treatment for any underlying mental health condition.

Finally, this bill would do nothing to prevent future tragedies. This law is limited to firearms and ignores the fact that individuals can use other types of deadly weapons to inflict harm. Furthermore, no law can give police, or even family members, increased insight into human behavior and motivation.

Thank you for your attention and I ask that you please oppose this bill.

Cordially,

A handwritten signature in black ink, appearing to read "Daniel S. Reid". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.

Daniel S. Reid
State Liaison

Educational Fund to Stop Gun Violence
805 15th St NW, Suite 502
Washington, DC 20005

Testimony of Adelyn Allchin, Public Health Analyst, Educational Fund to Stop Gun Violence
IN SUPPORT OF HB2024 RELATING TO GUN VIOLENCE PROTECTIVE ORDERS
Before the Hawaii House Committee on Judiciary
February 1, 2018

Chair Nishimoto and Vice Chair Buenaventura,

As a Public Health Analyst for the Educational Fund to Stop Gun Violence, I am writing today in support of **House Bill 2024 – Relating to Gun Violence Protective Orders**. This bill would prohibit a person who poses a danger to self or others from owning, purchasing, possessing, receiving, or having in the respondent’s custody or control any firearms or ammunition for a temporary period.

Though Hawaii has some of the most comprehensive gun laws in the nation, there are times when an individual may be at risk of harming themselves or others and has access to a firearm, yet they are not subject to a qualifying state or federal firearm prohibition. A **Gun Violence Protective Order** fills this gap.

Every day I examine the most current peer-reviewed research relating to risk of violence towards self or others, access to guns, and gun deaths. Using the best available evidence, we craft policies at the state and federal level to ensure individuals who are at highest risk of committing violent acts or harming themselves are prohibited from purchasing and possessing firearms while they remain in a high-risk period. From this research, we have learned that family and law enforcement are often first to know when an individual is in crisis and may be at risk of harming themselves or others, and that policies similar to the proposed **Gun Violence Protective Order** can save lives.

Research shows that easy access to firearms increases the risk of dying by suicide.¹ Eighty-five percent of suicide attempts using firearms are lethal, whereas by comparison, more common suicide attempt methods such as poisoning and overdose are lethal only 2% of the time.² Consequently, reducing access to firearms increases the probability that an individual in crisis will survive a suicide attempt.

¹ Miller, M., Barber, C., White, R. A., & Azrael, D. (2013). Firearms and suicide in the United States: Is risk independent of underlying suicidal behavior?. *American journal of epidemiology*, 178(6), 946-955.

² Miller, M., Azrael, D., & Barber, C. (2012). Suicide mortality in the United States: the importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual review of public health*, 33, 393-408.

Research also shows that temporarily restricting access to firearms to individuals at a high risk of dangerous behavior is an effective policy. Notably, an evaluation of Connecticut's risk-warrant law, a law that is similar to the proposed legislation, estimated that for every 10 to 20 risk-warrants issued, one life is saved. Moreover, nearly one-third of risk-warrant subjects received treatment in the public behavioral health system in the year following the issuance of a risk-warrant.³ This means that temporary risk-based firearms removal policies can not only save lives, but can also serve as a catalyst for individuals to receive desperately needed mental health and substance use disorder treatment.

The proposed **Gun Violence Protective Order** legislation is based on a policy recommendation from the Consortium for Risk-Based Firearm Policy (Consortium), a group of the nation's leading researchers, practitioners, and advocates in gun violence prevention and public health. The 2013 report by the Consortium recommends Gun Violence Protective Orders (known as Gun Violence Restraining Orders in the report) as a state-level strategy to reduce firearm violence towards self or others.⁴ And we agree wholeheartedly with this recommendation. The evidence is clear: access to guns while an individual is in crisis can create a deadly situation.

The proposed bill requires that firearms be temporarily removed for the duration of a **Gun Violence Protective Order** to address this dangerous time where individuals are at a high risk of harming themselves or others. As the risk of violence diminishes and the order expires, the respondent may request the return of their firearms.

The cost of doing nothing is too great to bear. Over the last decade (2007-2016), more than 350 people from Hawaii lost their lives to firearm suicide.⁵ The map on the following page shows the extent of firearm suicide in Hawaii from 2008-2014. The Island of Hawaii had the highest rate of firearm suicide.

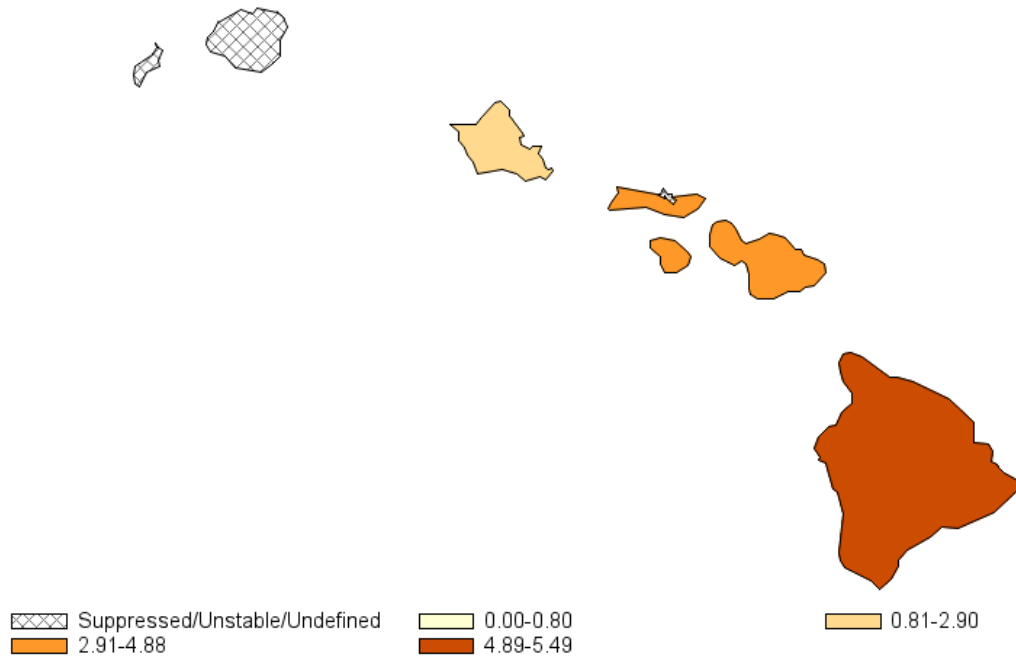
³ Swanson, JW, Norko, M, Lin, HJ, Alanis-Hirsch, K, Frisman, L, Baranoski, M, Easter, M, Gilbert, A, Swartz, M, & Bonnie, RJ. Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). Law and Contemporary Problems. Available at SSRN: <http://ssrn.com/abstract=2828847>

⁴ Consortium for Risk-Based Firearm Policy. (2013). Guns, Public Health, and Mental Illness: An Evidence-Based Approach to State Policy. Available: <http://efsgv.wpengine.com/wp-content/uploads/2014/10/Final-State-Report.pdf>

⁵ National Center for Injury Prevention and Control, CDC. Fatal Injury Reports 2007-2016, for National, Regional, and States (RESTRICTED). Retrieved January 31, 2018 from <https://www.cdc.gov/injury/wisqars/>

2008-2014, Hawaii
Death Rates per 100,000 Population

Firearm, Suicide, All Races, All Ethnicities, Both Sexes, All Ages
Annualized Crude Rate for Hawaii: 2.56



Reports for All Ages include those of unknown age.

* Rates based on 20 or fewer deaths may be unstable. These rates are suppressed for counties (see legend above); such rates in the title have an asterisk.

Produced by: the Statistics, Programming & Economics Branch, National Center for Injury Prevention & Control, CDC
Data Sources: NCES National Vital Statistics System for numbers of deaths; US Census Bureau for population estimates.

Fortunately, **House Bill 2024** has the opportunity to reduce the burden of firearm suicide in Hawaii, as well as prevent firearm homicides. With the passage of this legislation, Hawaii would fill a gap in their laws by providing law enforcement and those closest to individuals at risk of harming themselves or others with the tools they need to save lives.

The evidence is clear: temporarily removing firearms from those at a high risk of committing violence will save lives and make the community safer. Hawaii has the opportunity to establish this evidence-based law, and I urge you to support **House Bill 2024**, which creates a process for obtaining a **Gun Violence Protective Order**.

Sincerely,
Adelyn Allchin, MPH
Public Health Analyst
Educational Fund to Stop Gun Violence

HB-2024

Submitted on: 1/31/2018 3:27:43 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

This bill lacks due process and I believe violates the 4th Amendment. Anyone could use this bill to seek vengeance or ill intent (including blackmail) on someone, or the acquaintance could request an ex parte hearing to allege DM and have their firearms taken away (which is a 2nd Amendment violation) without due process or representation. This is pretty much what the English King James did to the Protestants that inspired the US 2nd Amendment in the first place. Stop enacting tyranny on the citizens by proposing these obtrusive bills.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

LATE

DATE: JANUARY 31, 2018

TO: STATE OF HAWAII
HOUSE COMMITTEE ON JUDICIARY
REP. SCOTT Y. NISHIMOTO, CHAIR
RE. JOY A. SAN BUENAVENTURA, VICE CHAIR
REP TOM BROWER
REP. GREGG TAKAYAMA
REP. CHRIS LEE
REP. BOB MCDERMOTT
REP. DEE MORIKAWA
REP. CYNTHIA THIELEN

FROM: STACEY MONIZ, EXECUTIVE DIRECTOR
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

RE: TESTIMONY IN SUPPORT FOR HB2024
RELATING TO GUN VIOLENCE PROTECTIVE ORDERS

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony in SUPPORT of HB2024 which establishes a process allowing law enforcement officers and family members to obtain a court order to prevent a person from accessing firearms and ammunition where that person poses a danger of violence to themselves or others.

In recent years we have seen too many instances throughout our country of horrific violence perpetrated by individuals who should never have had access to firearms but did, most of whom also had histories of domestic violence. In many of these cases there were indicators that perpetrators were planning violence where family or household members or even law enforcement were concerned but had no effective way to intervene. This law will allow individuals to alert police and the courts about their concerns and to take action to protect themselves, other family members, law enforcement or the community at large. Our hope is that this will prevent gun related violence in the State of Hawaii.

As stated above, HSCADV supports HB2024.

Thank you for your consideration of our testimony. If you would like to discuss this or have any questions, I can be reached at 808.832.9613x4 or via email at smoniz@hscadv.org.

~ Together we can do amazing things ~



TESTIMONY IN SUPPORT OF H.B. 2024 (LEE)

TO: MEMBERS OF THE HOUSE COMMITTEE ON JUDICIARY
SUBMITTED BY: NICO BOCOUR, STATE LEGISLATIVE DIRECTOR, GIFFORDS
DATE: JANUARY 31, 2018

Chair Scott Y. Nishimoto and members of the House Committee on Judiciary:

On behalf of Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords and her husband Captain Mark Kelly, I would like to state our support for House Bill 2024, which would establish a Gun Violence Protective Order in Hawaii. H.B. 2024 would provide families and law enforcement with a critical tool that will allow them to help prevent tragedies by temporarily removing firearms from those who are a danger to themselves or others.

The Gun Violence Protective Order [GVPO] is a civil order that is issued by a judge when he/she finds that there is a preponderance of the evidence that a person is at risk of harming him/her self or another. The GVPO is based on the infrastructure and procedure of Hawaii’s domestic violence protection orders and will help empower families to protect their loved ones and communities.

Family is often the first to know when a person they love is in crisis. The GVPO gives family members a chance to take action to prevent a tragedy, and possibly save the life of their loved one. The GVPO also gives law enforcement legal authority to seek a temporary removal of firearms in certain dangerous situations. In fact, research on the impact of a similar law in Connecticut estimates that one life is saved for every 10 - 20 risk-warrants issued.¹

Hawaii now has the opportunity to join other states that have recently taken action and lead the nation by enacting this important law. In 2014, California enacted a Gun Violence Protective Order-style law, and Washington and Oregon also now have similar laws. Giffords is pleased to support Representative Lee and leaders in Hawaii to pass this critical gun safety legislation to establish a GVPO. We urge you to support H.B. 2024, and help protect Hawaiians from preventable gun violence.

ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.

¹ Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). Law and Contemporary Problems, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847>

HB-2024

Submitted on: 1/30/2018 3:18:31 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	No

Comments:

HB-2024

Submitted on: 1/30/2018 5:33:33 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonagustine Lim		Oppose	No

Comments:

I strongly oppose this bill. This is confiscation of personal property without even a hearing or notification. This bill is a serious violation of rights.

HB-2024

Submitted on: 1/30/2018 5:44:38 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado		Oppose	No

Comments:

HB-2024

Submitted on: 1/30/2018 6:15:22 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
chris burner		Oppose	No

Comments:

This bill will not stop a person conducting illegal activity with an illegal gun.

It opens the door to false Accusations for vindictive people to inflict disruption in people's lives.

This bill will allow someone who is in no way or form in danger to create a false Statement for vindictive purposes

HB-2024

Submitted on: 1/30/2018 6:25:46 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli		Oppose	No

Comments:

HB-2024

Submitted on: 1/30/2018 6:31:47 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
D. H. Kondo		Oppose	No

Comments:

I oppose this bill.

HB-2024

Submitted on: 1/30/2018 7:03:18 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jack Covington		Oppose	No

Comments:

This Bill takes away the right of individual without due process of the law. All it takes is one individual coming forward and make a claim that the individual in question is a danger to himself and the public. Who's to say that the person making the charge is giving false accusation just to get even because of a disagreement. There should be other steps taken before stripping the individual of his Constitutional Right. If the individual in question has a known record for breaking the law then such action maybe warranted.

HB-2024

Submitted on: 1/30/2018 7:33:08 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin J. Cole		Oppose	No

Comments:

Aloha,

I wish to express my strong opposition of HB 2024. "No person shall be deprived of property without due process of law" is what America is founded on. The notion that anyone can just say that they feel someone is a danger to others or themselves without any investigation or legal recourse flies in the face of everything the Constitution and common sense stands for. Such a measure would lead to innocent people having their private property taken from them by force. Worse yet the "SWATing" of people could occur. Although well meaning, this initiative is rife with problems and would in the long run protect the citizens of Hawaii.

Mahalo,

Kevin J. Cole, Col USAF ret.

Mililani HI.

HB-2024

Submitted on: 1/30/2018 7:43:28 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Kelson		Oppose	No

Comments:

Where is the due process in this bill?

HB-2024

Submitted on: 1/31/2018 1:48:30 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Trevor Tamura		Oppose	No

Comments:

I oppose this bill as there are already measures in place for this.

HB-2024

Submitted on: 1/30/2018 7:44:03 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Arakawa		Oppose	No

Comments:

Strongly OPPOSE this bill as it takes away a basic Constitutional Right without due process.

HB-2024

Submitted on: 1/30/2018 7:52:00 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Kacatin		Oppose	No

Comments:

This bill may provide a "weapon" to abuse and falsly accuse a law abiding gun owner by a malicious and vindictive party. DUE PROCESS must be adhered to in the court of law before one is stripped of their constitutional rights.

HB-2024

Submitted on: 1/30/2018 8:10:43 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Fowler	Individual	Oppose	No

Comments:

With all, due respect, I must strongly oppose this measure

Just look at it on the surface. Where is the due process?

A person's rights may be taken away exparte? on the word or unsworn testimony of any individual?

No appeal? No crime committed?

This is just not the American Way. This is Police State stuff. It shreds the 4th and 5th ammendments.

Thank you and Aloha

Gordon Fowler

HB-2024

Submitted on: 1/30/2018 8:11:33 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Savard		Oppose	No

Comments:

I strongly oppose this bill, it unjustly takes away your rights without due process.

HB-2024

Submitted on: 1/30/2018 8:25:07 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Mattimoe	Mr.	Oppose	No

Comments:

HB 2024 would allow for certain protective orders to remove an individual's Second Amendment rights - not because of a criminal conviction or mental adjudication, but based on third-party allegations and evidentiary standards below those normally required for removing constitutional rights. Please do not erode the U.S Constitution that I support and have defended for over 22 years as a National Guardsman by passing this bill.

Mahalo,

Sean Mattimoe

HB-2024

Submitted on: 1/30/2018 8:32:18 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Renny		Oppose	No

Comments:

Dear Legislators,

This bill is poorly written and overrides the current TRO process where the accused has a voice in a court hearing. This bill unjustly strips an individual of their right to a fair hearing and their constitutional second amendment right.

Respectfully,

Renny Chee

HB-2024

Submitted on: 1/30/2018 8:39:09 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

I oppose this bill. It is an inexcusable attempt to circumvent due process. It will accomplish nothing other than making the writers feel good. And it could endanger free citizens by depriving them of the ability to defend themselves.

I read this phrase in the bill: "if the person poses a danger of causing bodily injury to the person or another ... "

Why is this phrase used in an attempt to justify taking away a firearm? Will that prevent injury to the body? Will pen and paper (law) stop a bullet? Do pen and paper prevent all murders by knife or other means? No.

An act should be made criminal only if punishing the act is just. When a person's actions harm another, it is just to punish that person. Owning a firearm is not an act that harms another, and it should not be punished. Bodily harm is of course illegal already, and should remain subject to punishment.

The phrase "if the person poses a danger of causing bodily injury to the person or another ... " could arguably be used as justification for locking the person up, after a guilty verdict in a trial by jury. Until arrest, no excuse should be made nor shortcut taken to deprive a free citizen of his or her essential, constitutionally protected freedom of owning a firearm. If she is truly dangerous, it is futile because she can find another way to harm, and if she is falsely accused, it is unfair because she will be limited in her provision for her own self-defense.

Let your free (innocent until proven guilty) citizens remain armed for protection against wrongdoers. Please do not deprive a single free, innocent citizen of an essential freedom until you are willing to deprive that person of absolute freedom. Then and only then, lock them up for the safety of all, and also provide the protection for the imprisoned that they are no longer able to provide for themselves.

HB-2024

Submitted on: 1/30/2018 8:43:49 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel Webb		Oppose	No

Comments:

I oppose this bill, because it will allow a court to confiscate your firearms without notification and will not let you transfer them to a gun store or another person for holding until you have cleared your name.

HB-2024

Submitted on: 1/30/2018 8:44:20 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sterling Luna		Oppose	No

Comments:

As a law-abiding Second Amendment supporter in Hawaii, and voter, I urge you to please oppose house Bill 2024. This bill would strip a Citizen of basic constitutional rights. Thank you

HB-2024

Submitted on: 1/30/2018 8:53:40 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Abbott		Oppose	No

Comments:

I strongly oppose this bill, not in its intention to help prevent violence against the most vulnerable but because it fails to provide adequate protection of the rights of the accused. Due process and the right to face one's accusers is a pillar of our legal system. This proposed legislation undermines this fundamental principle and replaces it with stripping a person's rights with a mere insinuation.

Even worse, the accused doesn't even have to be present for this verdict of assumed guilt to be adjudicated. This legislation is ripe for abuse by anyone with a grudge against another, for personal or business reasons. As representatives, you need to look at how easily this legislation can (and will) be abused and hold that in weight against the rights of an innocent person caught up in this legalized net of lies.

I strongly urge you to oppose this knee jerk legislation and seek a solution that respects the rights of both parties and decides on the removal of rights ONLY with the presence of evidence that supports the claim.

HB-2024

Submitted on: 1/30/2018 8:57:53 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

Should people lose their constitutional rights without committing a crime? What other rights should be swept away on the testimony of a single individual? This bill is ripe for a due process challenge in the courts which the public will have to pay for when a little study of constitutional law could prevent the passage of clear violations of rights.

HB-2024

Submitted on: 1/30/2018 9:01:11 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Fujii	Individual	Oppose	No

Comments:

I am an individual citizen, but also a lawyer, an NRA Safety Instructor and a gun enthusiast. Gentlemen, please let this bill FAIL.

I see, daily, how the court system is abused for political gain. I further see how, for example, the TRO is abused and used for reasons it was never intended. Family Court clerks and staff often comment about how the TRO is used as a device or a "shortcut" to custody matters. In that way, it is abused. I have seen the TRO used, actually abused, by citizens against law enforcement to take the law enforcement officer's rights to carry a firearm and, eventually, leading to their termination from the police force.

This is foremost a denial of due process with great potential for abuse by those with an anti-gun political agenda to steal a God given right right from innocent citizens.

Please let this bill FAIL.

Anthony Fujii

HB-2024

Submitted on: 1/30/2018 9:09:53 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Soon		Oppose	No

Comments:

I strongly oppose this.

This measure deprives a person of due process and is therefore unconstitutional.

It would allow anyone to file a complaint, even maliciously, causing summary confiscation of private property.

HB-2024

Submitted on: 1/30/2018 9:14:42 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mario C Yano		Oppose	No

Comments:

HB-2024

Submitted on: 1/30/2018 9:40:44 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

HB-2024

Submitted on: 1/30/2018 9:44:45 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
PJ Long III		Oppose	No

Comments:

I strongly oppose this bill, not in its intention to help prevent violence against the most vulnerable but because it fails to provide adequate protection of the rights of the accused. Due process and the right to face one's accusers is a pillar of our legal system. This proposed legislation undermines this fundamental principle and replaces it with stripping a person's rights with a mere insinuation.

Even worse, the accused doesn't even have to be present for this verdict of assumed guilt to be adjudicated. This legislation is ripe for abuse by anyone with a grudge against another, for personal or business reasons. As representatives, you need to look at how easily this legislation can (and will) be abused and hold that in weight against the rights of an innocent person caught up in this legalized net of lies.

I strongly urge you to oppose this knee jerk legislation and seek a solution that respects the rights of both parties and decides on the removal of rights ONLY with the presence of evidence that supports the claim.

HB-2024

Submitted on: 1/30/2018 10:40:24 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

HB-2024

Submitted on: 1/30/2018 10:54:38 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oshiro		Oppose	No

Comments:

I, Ryan S. Oshiro, completely and whole heartedly oppose this Bill. This Bill totally violates my rights to due process. In no way should my right to own firearms be revoked just because someone decides to make a complaint against myself and not have any evidence or investigation into myself or the plaintiff. I am innocent until proven guilty and that also applies to my 2nd Amendment right to bear arms.

HB-2024

Submitted on: 1/31/2018 1:52:28 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bradd Haituka		Oppose	No

Comments:

I strongly oppose this bill. I do support the protection of victims of domestic violence, however I see a major flaw in this bill, this bill violates the accused of their due process rights, someone can stand accused of a crime and have their firearms seized without even being able to face their accuser. I strongly oppose this bill and would hope that this bill could pass corrected and without violating law abiding citizens rights.

HB-2024

Submitted on: 1/31/2018 7:03:46 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allan Bacon		Oppose	No

Comments:

The fact that a person has no right to be present at or defend themselves against the motions included in this law is a complete perversion of personal liberties and justice.

HB-2024

Submitted on: 1/31/2018 7:04:16 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kainoa Kaku		Oppose	No

Comments:

This bill can take away your Constitutional Rights without any judicial findings of "guilty". It only takes one person to say that they think you are a danger to yourself, or others. What happened to due process and being innocent until proven guilty?

HB-2024

Submitted on: 1/31/2018 7:06:08 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy Inouye		Oppose	No

Comments:

Oppose. I respectfully oppose this measure because of its inherent flaws. The measure references disqualifiers that would prevent the respondent from owning or possessing a firearm in the first place, making the bill mute; the bill is redundant to existing laws on the ability to possess. Focus should be on mental health laws which will have a much wider impact. Secondly, there would be no due process; as an example any claim could be made out of revenge to say a person subjectively felt threatened. There are constitutional issues on search and seizure pretext. Finally, criminal elements will not abide by any gun law as reflected by the violence in recent local news.

HB-2024

Submitted on: 1/31/2018 7:20:45 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Shimabukuro		Oppose	No

Comments:

I strongly oppose this bill because it violates Constitutional principles of due process.

HB-2024

Submitted on: 1/31/2018 7:29:24 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon		Oppose	No

Comments:

HB-2024

Submitted on: 1/31/2018 7:37:53 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
George Pace	n/a	Oppose	No

Comments:

Stongly Oppose.

Please vote NO.

Obvious unconstitutional violation of the right to due process.

HB-2024

Submitted on: 1/31/2018 7:54:32 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Kitchens		Support	No

Comments:

I support this bill. Thank you.

HB-2024

Submitted on: 1/31/2018 8:13:11 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Kanemori		Oppose	No

Comments:

Poorly written; violates individual's right of due process.

HB-2024

Submitted on: 1/31/2018 8:24:00 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Carroll		Oppose	No

Comments:

I STRONGLY OPPOSE HB2024. This bill takes away my Constitutional Rights without any judicial findings of "guilty". It only takes one person to say that they think you are a danger to yourself, or others. This violates any kind of concept of Due Process. Please do not support this bill.

HB-2024

Submitted on: 1/31/2018 8:33:39 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Allen Kainoa Leong	Mr.	Oppose	No

Comments:

I strongly oppose HB2024. The seizure firearms from a person that has not been found guilty of a disqualifying crime or has not been deemed mentally unfit to own a firearm by a doctor or a court is a violation of that person's Constitutional Rights.

Thank you for your time,

Brandon Leong

HB-2024

Submitted on: 1/31/2018 8:40:40 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Kaku		Oppose	No

Comments:

HB-2024

Submitted on: 1/31/2018 8:41:09 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka		Oppose	Yes

Comments:

this bill is unnecessary since we already have a temporary restraining order (TRO) system in place. why not enforce/strengthen TROs instead of creating a new protective order simply because the accused owns firearms and ammunition?

this is prejudicial action against someone simply because of what they own, and creates more government costs when there is already a system in place that is clearly not working correctly

HB-2024

Submitted on: 1/31/2018 9:04:23 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael W Sawamoto		Oppose	No

Comments:

HB-2024

Submitted on: 1/31/2018 9:26:36 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Abelaye		Oppose	No

Comments:

This Bill is too broad that it may include competition triggers, muzzle breaks, and ergonomics changes to a firearm that are commonly done by law abiding gun owners to make their firearm more suitable for self defense, competition, hunting, or even overcoming disabilities.

HB-2024

Submitted on: 1/31/2018 9:29:49 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barry P Fitzgerald	Mr	Oppose	Yes

Comments:

HB 2024 is not Constitutional as it eliminates one right of due process in the courts.

HB-2024

Submitted on: 1/31/2018 9:43:38 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew E. Sutton		Oppose	No

Comments:

Basic civil rights are not considered in this bill. I'm a firm believer and protector of due process. If the proper due process is ignored and a constitutional right can be taken away from a U.S. citizen, it will be a slippery slope for other civil rights at the whim of our elected officials. I implore you to protect our rights by applying a due process mechanism. It's a very basic principle, but very important to all of us--regardless of political party

HB-2024

Submitted on: 1/31/2018 10:10:25 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert		Oppose	No

Comments:

Thank you for your time and for your service. I am writing you in OPPOSITION of HB2024. While I can understand that we all want to keep firearms out of the hands of those who shouldn't be in possession of them, the enforcement of HB2024 is both problematic and unconstitutional.

This bill can take away your Constitutional Rights without any judicial findings of "guilty". It only takes one person to say that they "think" you are a danger to yourself, or others.

I strongly oppose this Bill and I hope you will do the same. Thank you for your time and consideration.

Robert

HB-2024

Submitted on: 1/31/2018 10:23:14 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
		Oppose	No

Comments:

I oppose this bill. Confiscation without legal due process.

HB-2024

Submitted on: 1/31/2018 10:51:46 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Parrish		Oppose	No

Comments:

It seems to me that there is much potential for abuse should this become law. In the US, a citizen should not lose a basic civil right based upon the word of one person and without a trial or due process. Thank you for considering my view point.

HB-2024

Submitted on: 1/31/2018 11:02:28 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lyle Hiromoto		Oppose	No

Comments:

I oppose this bill because there is no due process.

Thank you,

Lyle Hiromoto

HB-2024

Submitted on: 1/31/2018 12:15:56 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Folk		Oppose	No

Comments:

HB-2024

Submitted on: 1/31/2018 12:43:00 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcus Tanaka		Oppose	No

Comments:

This bill will take away "due process". Just someone accusing you of something will leave the judgement call up to the police officer that comes by. Isn't there something in the constitution about due process and the right to a fair and speedy trial?

HB-2024

Submitted on: 1/31/2018 1:33:33 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Layne Hazama		Oppose	No

Comments:

This proposed measure serves to bypass the TRO system and can be imposed without the individual being present in a hearing or even notification. This measure lacks the protection of due process.

Strongly oppose.

HB-2024

Submitted on: 1/31/2018 1:49:47 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Ball		Oppose	No

Comments:

This bill does an end around on due process and violates the constitution all legislators are sworn to uphold.

it allows a person to lose their constitutional rights based on the feelings of another person, even if unfounded. It also allows for the loss of rights without notice or the aforementioned due process.

please do not support this bill.

jeff Ball

Aiea, HI

HB-2024

Submitted on: 1/31/2018 1:45:57 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
joshua		Oppose	No

Comments:

I oppose this bill. It takes away your constitutional rights without due process and without you committing any crime

HB-2024

Submitted on: 1/31/2018 2:04:40 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keola		Oppose	No

Comments:

I strongly oppose this bill.

LATE

HB-2024

Submitted on: 1/31/2018 3:45:30 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Goo		Oppose	No

Comments:

Where is the due process on this. The person involved is not even notified.

LATE

HB-2024

Submitted on: 1/31/2018 4:12:08 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cecil E. Haverty		Oppose	No

Comments:

LATE

HB-2024

Submitted on: 1/31/2018 4:21:22 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Hampton		Oppose	No

Comments:

While I can appreciate the intent of this bill, I must oppose it. We all know that our laws are sometimes abused out of spite, or to extract revenge. The nature of this law would be to rely on hearsay evidence, and condemning someone as "Guilty" and worthy of punishment without being charged with a crime, much less successfully prosecuted. It is unconstitutional, and as far as I can see unnecessary, since we already have one of the lowest rates of violent crime in the nation.

LATE

HB-2024

Submitted on: 1/31/2018 5:01:24 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

The fact that the accused does not have to have an opportunity to defend themselves at their own hearing is unacceptable. Additionally, the accused should have the opportunity to dispose of the firearms by other means then just surrendering them to the Chief of Police.

LATE

HB-2024

Submitted on: 1/31/2018 7:42:04 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal		Oppose	No

Comments:

There is no due process to remove one's constitutional rights. Please OPPOSE this legislation.

LATE

HB-2024

Submitted on: 1/31/2018 9:30:43 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

This legislation circumvents the due process clause of our Constitution. It would allow for certain protective orders to remove an individual's Second Amendment rights - not because of a criminal conviction or mental adjudication, but based on third party allegations and evidentiary standards below those normally required for removing constitutional rights. Strongly Oppose. Brett Kulbis Chairman, Honolulu County Republican Party.

LATE

HB-2024

Submitted on: 2/1/2018 6:40:21 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Yukutake		Oppose	No

Comments:

LATE

HB-2024

Submitted on: 2/1/2018 7:13:43 AM
Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jorge		Oppose	No

Comments:

Constitutional Rights cannot be taken away without due process.

LATE

HB-2024

Submitted on: 2/1/2018 9:32:41 AM
Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay		Support	No

Comments:

LATE

HB-2024

Submitted on: 2/1/2018 10:55:37 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments:

LATE

HB-2024

Submitted on: 2/1/2018 10:57:35 AM
Testimony for JUD on 2/1/2018 2:00:00 PM

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

Comments:

Dear JUD Committee,

I strongly oppose HB 2024!

We as a country, have a Constitution. For only one person to declare anything against me and have my Constitutional Right violated without any due process is a slipeery slope for all.

Respectfully,

Normand A Cote

Law Abiding Citizen

LATE

HB-2024

Submitted on: 2/1/2018 2:12:24 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Seth Addison		Oppose	No

Comments: