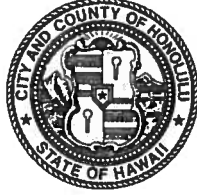


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

March 8, 2018

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol, Room 429
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

SUBJECT: House Resolution No. 29 and House Concurrent Resolution No. 37,
Requesting the Congressional Delegation of Hawaii and the United States
Congress to Oppose "Concealed Carry Reciprocity"

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

The HPD supports House Resolution No. 29 and House Concurrent Resolution No. 37, Requesting the Congressional Delegation of Hawaii and the United States Congress to Oppose "Concealed Carry Reciprocity."

Hawaii has carefully crafted its own laws relating to the concealed carry of firearms. These laws grant the county chiefs of police the authority to issue a license to carry a concealed firearm in exceptional cases where the applicant shows reason to fear injury to their person or property. These licenses are only valid within the county where they are granted. Honolulu currently has no active concealed carry licenses.

Hawaii's concealed carry laws are specifically tailored to our needs and our desires in creating a safe community. Forcing Hawaii to accept the lowest minimum standard for concealed carry creates a contradiction between the standards required for state residents and visitors to the state. This is not in the interest of public safety for the people of Honolulu. Additionally, the numerous local permit formats would make enforcement virtually impossible, as officers would have great difficulty determining the validity of a permit issued in another state or locality.

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety
House of Representatives
Page 2
March 8, 2018


We believe that the proposed "concealed carry reciprocity" legislation is both impractical and contrary to the interest of public safety for the people of Honolulu and, therefore, strongly oppose them.

Thank you for the opportunity to testify.

Sincerely,


David P. Nilsen, Captain
Records and Identification Division

APPROVED:


Susan Ballard
Chief of Police

LATE

HR-29

Submitted on: 3/8/2018 1:56:37 AM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON PUBLIC
SAFETY REPRESENTATIVES THE HOUSE OF
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Thursday, March 8, 2018
9:30 a.m.
Hawaii State Capitol, Conference Room 329

RE: Testimony in Support of **HR29**

To the Honorable Gregg Takayama, Chair; the Honorable Cedric Asuega Gates, Vice-Chair and the Members of the Committee on Public Safety:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HR29** which REQUESTS THE CONGRESSIONAL DELEGATION OF HAWAII AND THE UNITED STATES CONGRESS TO OPPOSE "CONCEALED CARRY RECIPROCITY" LEGISLATION.

The OCC Legislative Priorities Committee is in favor of **HR29** and supports its passage.

HR29 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it opposes federal "concealed carry reciprocity" legislation, such as S. 446, 115th Cong. 2017; H.R. 38, 115th Cong. 2017; and other similar legislation that proposes to: (1) Remove state and local police power to set public safety standards for who may carry a concealed firearm in public; and (2) Put local law enforcement at risk when encountering an armed out-of-state visitor who may be carrying with no permit

whatsoever - often leaving police and sheriffs with no means to verify whether the person is carrying lawfully.

Specifically, the Platform of the Democratic Party of Hawai'i provides that "[w]e believe in a government that will adequately, efficiently, courteously, openly, ethically and fairly administer to the needs of the people." (Platform of the DPH, P. 5, Lines 245-246 (2016)).

Many issues can only be addressed at the national level. As American citizens and Hawai'i Democrats we have the right and the duty to express our views on these issues to our Congressional delegation, as well as to the representatives we send to the Democratic National Convention and the Democratic National Committee. (Platform of the DPH, P. 9, Lines 486-489 (2016)).

Given that **HR29** opposes federal "concealed carry reciprocity" legislation, such as S. 446, 115th Cong. 2017; H.R. 38, 115th Cong. 2017; and other similar legislation that proposes to: (1) Remove state and local police power to set public safety standards for who may carry a concealed firearm in public; and (2) Put local law enforcement at risk when encountering an armed out-of-state visitor who may be carrying with no permit whatsoever - often leaving police and sheriffs with no means to verify whether the person is carrying lawfully, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889



NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

(916) 446-2455 voice ▪ (703) 267-3976 fax

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STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, HAWAII STATE LIAISON

March 7, 2018

The Honorable Gregg Takayama
Chair, House Committee on Public Safety
Sent Via Email

Re: House Concurrent Resolution 37 and House Resolution 29 – OPPOSE

Dear Chairman Takayama:

On behalf of the Hawaii members of the National Rifle Association I write to express our opposition to House Concurrent Resolution 37 and House Resolution 29.

HCR 37 and HR 29 would urge the Congress of the United States to not enact S. 446, H.R. 38, or any other similar “concealed carry reciprocity” legislation that would require the State of Hawaii to recognize the concealed carry permits of every other state.

In the past 30 plus years America’s experience with concealed carry has been a resounding public safety success. As the number of carry permits has soared to more than 16 million, violent crime rates have dropped. Law-abiding citizens have proven to be just that, law abiding. Unfortunately in Hawaii and some other states, the ability for a law-abiding individual to cross state lines and exercise their inherent right to self defense is severely limited. Currently, Hawaii very rarely issues any concealed carry permits and fails to recognize any out of state permits.

Federal law already prohibits dangerous persons from possessing firearms, including those who are convicted of any felony or a misdemeanor crime of domestic violence, unlawful users of controlled substances, adjudicated mentally defective or committed to a mental institution, dishonorably discharged from the armed forces, citizens who have renounced their citizenship, and fugitives from justice. National reciprocity would not change that. It would recognize the ability of law-abiding citizens, who are eligible to carry firearms in other states throughout the country, to continue to exercise that right across state lines.

Thank you for your consideration and we ask that you oppose both HCR 37 and HR 29.

Sincerely,

Daniel Reid
State Liaison



LATE

Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

Re: HR29

House Committee on Public Safety

Gregg Takayama, Chair
Cedric Asuega Gates, Vice Chair
Richard P. Creagan
Lynn DeCoite
Kaniela Ing
Calvin K.Y. Say
Cynthia Thielen

DATE: Thursday, March 8, 2018

TIME: 9:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Please vote **NO** on HCR37

Not only should Hawaii legislators vote NO on HCR37, they should instead, in light of the facts regarding public safety, do the exact opposite and immediately enact either “shall issue” or “permitless” open and concealed carry for law-abiding citizens.

Here's why:

The entire false underlying assumption and premise of this entire resolution is that law-abiding citizens who carry arms in public are dangerous to public safety. That this assumption and premise is false is clearly borne out by numerous analyses of the 16 million current concealed carry weapons permit or license holders and of those states that have no requirement at all in order for law-abiding citizens to bear arms in public for self-defense (See basic statistics and references below).

Nowhere is the erroneous assumption more egregiously present than in “Whereas” number two:

WHEREAS, the State of Hawaii has allowed the concealed carry of firearms and has always applied its own standards, including authorizing issuers to deny permits to people who lack good moral character or good moral cause to carry concealed handguns;

This is not just a “misstatement of facts”, this is not merely a facade or charade or misrepresentation, this is a lie. More specifically a “lie of omission”.

The facts are that Hawaii DOES **NOT** ALLOW CONCEALED CARRY OF FIREARMS. Anyone who would claim otherwise is either woefully ignorant or deliberately obfuscating or plain lying about the facts.

Hawaii has “granted” four (4) CCW licenses in the past eighteen (18) YEARS since record keeping was mandated. Maui PD claims that the records for the two issued by them in 2001 are no longer extant, so we have no information at all about who received those licenses or why. The other two were issued by Kauai PD, one in 2006 to a judge, and one in 2013 to an apparent active duty military member or a member of their family (that was valid for 12 DAYS). By the way, both of these licenses were issued outside the bounds of the legal requirements of the HRS definitions regarding issuing and renewing CCW licenses. In other words the only two licenses that we know about, issued to government agents by government agents, were issued illegally. Please contact me if you want to see the supporting documentation for those claims that I acquired via the Uniform Information Practices Act and my appeal under that statute after KPD refused to issue any information at all regarding their illegal issuance.

So the only two people in 18 years that we know of who were “granted” licenses to bear arms in public for self-defense were both agents of the government. In other words, not one single “ordinary citizen” of the state has been granted a license in all those years, and possibly never as far as we can determine.

In a personal communication from Hawaii County Police Chief Kubojiri in response to my queries he stated that as Chief he never granted any licenses, and that in the 25 years he served on the force he never heard of any licenses being issued, including prior to the mandatory reporting in 2000, and that he had never heard of any license EVER being issued in the county.

So the above information and facts put the lie to the claim that “**the State of Hawaii has allowed the concealed carry of firearms**”, unless someone would want to disingenuously claim that issuing two licenses in 15 years to government agents proves that “**the State of Hawaii has allowed the concealed carry of firearms**”. I believe any half-way honest person would conclude that is deceptive at best if not an outright lie.

So what does that mean given the stated criteria that Hawaii supposedly applies in determining the fitness of a citizen to bear arms in public for self-defense? Just look at what this resolution claims in the second half of that sentence claiming that Hawaii allows the concealed carry of firearms:

...authorizing issuers to **deny** permits to people who **lack good moral character or good moral cause** to carry concealed handguns...

We must conclude that not one single ordinary person (not an agent of the state) in the entire state of Hawaii is of “good moral character” or has “good moral cause”. Is that what the government of Hawaii thinks of its law-abiding citizens? Apparently so. Is that sad or reprehensible? I have repeatedly asked various government agents in the legislature, executive branch, and law enforcement to please explain what it is about the people of Hawaii that would make them so “dangerous” to carry arms in public while in 42 other states there are no law enforcement problems with licensees, and likewise no problems with people allowed to carry in states that have no requirements at all, i.e. so-called

“permitless” or “Constitutional carry” states. No one will answer that question. Why? Why are the people of Hawaii too immature or irresponsible or incompetent when we see no such evidence in any other state? In fact, CCW **permit holders are convicted of misdemeanors and felonies at less than a sixth the rate for police officers.** (See below for full stats and links to original documentation.) How is it that Hawaii officials responsible for subverting the right to bear arms outside the home for self-defense have come to the exact opposite conclusion of the known facts?

Nor will Hawaii legislators, executive branch members and law enforcement answer how it is that they are not violating their sworn (or affirmed) oaths of office to uphold both the Constitution of the United States of American and the Constitution of the State of Hawaii regarding the “right to keep and bear arms” when no one is allowed to bear arms outside the home for self-defense, and self-defense having been determined to be “the core of the Second Amendment”. Hawaii's constitution has the identical wording as the U.S. Constitution, and is ironically entitled “THE RIGHT TO **BEAR ARMS**”, in a state where not one single person is allowed to bear arms in the connotation made clear by history and the Supreme Court of the United States (SCOTUS).

From the *Heller* SCOTUS decision (written by Scalia):

At the time of the founding, as now, to “bear” meant to “carry.”... When used with “arms,” however, the term has a meaning that refers to carrying for a particular purpose—confrontation. In *Muscarello v. United States*, 524 U. S. 125 (1998) , in the course of analyzing the meaning of “carries a firearm” in a federal criminal statute, Justice Ginsburg wrote that “(s)urely a most familiar meaning is, as the Constitution’s Second Amendment ... indicate(s): ‘wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person.’ ” *Id.*, at 143 (dissenting opinion) (quoting *Black’s Law Dictionary* 214 (6th ed. 1998)).

From the Hawaii state constitution:

Article I

RIGHT TO BEAR ARMS

Section 17. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. [Ren Const Con 1978 and election Nov 7, 1978]

From the United States Constitution:

Amendments to the Constitution

Bill of Rights

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Thus, by both the Hawaii state and Federal constitutions, which all Hawaii legislators and elected officials (governor, etc.), and some unelected/appointed officials (police chiefs, AG, etc.) have sworn an oath to uphold and defend both constitutions, neither the federal nor state (via *McDonald* extending *Heller's* protections against the states' infringement) governments may infringe on the pre-existing right to self-defense via ‘wear[ing], bear[ing], or carry[ing] ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of

conflict with another person', independent of location (inside or outside the home).

Since almost none of the Hawaii legislators have taken measures to oppose the existing Hawaii statutory scheme which de facto denies every single citizen of the state the right to lawfully 'wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person', nor have they taken measures to overturn said de facto ban by introducing and supporting legislation to allow for the unfringed exercise of said right, nor have they advocated for nor passed any resolutions to impeach the governor and AG nor demand that they remedy the situation, nor have they asked or demanded that county police chiefs change their de facto no issue policies, nor will they even answer the question "What does your sworn oath to uphold the right to 'wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person' mean, anyway?"

We know that not only does Hawaii believe that none of its citizens have "good moral character" or "good moral cause" to be armed outside their home for self-defense, but also that one of the arguments against ordinary citizens carrying weapons in public is that it will lead to an increase in crime, including a "wild west" atmosphere where people instigate shootings over fender benders and parking places. (Florida was disparagingly labeled "the Gunshine State" by "gun control"/civilian disarmament advocates when it became the first state to mandate "shall issue" CCW in 1987. In the past 30 years Florida has issued over 1.4 million licenses without any indication that those licensees have gone wild in the streets... to the contrary.) This is belied and contradicted by the 30 years of experience of (now) 15 million people carrying in states having "shall issue" CCW laws, where any person that passes a background check and is not a "prohibited person", and thus able to purchase a firearm, is eligible and "shall" be issued a CCW license without having to meet any elevated or additional criteria (with the exception in a few states of training criteria). In fact, the attached study makes clear that CCW licensees are much more law abiding than cops. So the evidence is clear, "shall issue" CCW does not pose a risk to "public safety". Off-duty cops pose a 6 TIMES greater risk to "public safety". (The government legal argument against "shall issue" concealed carry is based upon the government having "a compelling interest" in "public safety", and only needs to show that their laws and policies by some particular level of scrutiny (rational, intermediate, or strict) fulfill that government interest without infringing on civil rights. For Hawaii, the de facto ban on CCW and open carry for ordinary citizens has been ruled non-infringing under rational scrutiny, the lowest level.)

I've asked the local and state level legislators and law enforcement, who adamantly refuse to allow the lawful exercise of the right to bear arms outside the home for self-defense, to provide me with the evidence that leads them to conclude that law-abiding Hawaii citizens are in some significant way different that the citizens of the rest of the United States and are too irresponsible or immature or whatever it is that makes them unsuitable to exercise the right millions of other citizens do without incidents of jeopardizing "public safety". I have never received a single reply to my queries, much less a reply with evidence.

Immediately below I've included one brief section of the attached report (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3004915#), re the law-abiding character of CCW licensees nationwide (at least where such statistics are available) and highlighted several points.

Permit Holders are Extremely Law- abiding

Permit holders on rare occasion violate the law. But in order to truly appreciate how incredibly rare those problems are one needs to remember that there are over 12.8 million permit holders in the US.

Indeed, it is impossible to think of any other group in the US who is anywhere near as law-abiding. To get an idea of just how law-abiding concealed handgun permit holders are, compare them to police. According to a study in Police Quarterly, the period from January 1, 2005 to December 31, 2007 saw an average of 703 crimes by police per year. 113 of these involved firearms violations. This is likely to be an underestimate since not all police crimes receive media coverage. The authors of the study may also have missed some media reports.

So how law-abiding are police? With about 685,464 full-time police officers in the US at that time, that translates into about 103 crimes by police per hundred thousand officers. For the US population as a whole over those years, the crime rate was 37 times higher --3,813 per hundred thousand people. Perhaps police crimes are under-reported due to leniency from fellow officers, but whatever the reason the gap between police and the general citizenry is so vast that this couldn't account for more than a small fraction of the difference.

Concealed carry permit holders are even more law-abiding. Between October 1, 1987 and June 30, 2015, Florida revoked 9,999 concealed handgun permits for misdemeanors or felonies. This is an annual rate of 12.8 per 100,000 permit holders. In Texas in 2013, the last year the data is available, 158 permit holders were convicted of misdemeanors or felonies – a rate of 22.3 per 100,000. Combining the Florida and Texas data together implies that **permit holders are convicted of misdemeanors and felonies at less than a sixth the rate for police officers.**

Firearms violations among police occur at a rate of 16.5 per 100,000 officers. Combining the data for permit holders in Florida and Texas, it is only 2.4 per 100,000. **That is only 1/7th the rate for police officers.** The data are similar in other states.

* * * * *

One can only conclude from those extensive statistics that “public safety” would be enhanced by disarming police officers and allowing any law-abiding citizens who so chose to bear arms in public.

Given all the above (which is just a tiny sampling of the data and arguments that put the lie to the HCR37 Resolution premises and assumptions) I urge you to base your decision here on a rational examination of the facts and evidence. Vote NO on HCR37.

Furthermore I urge you to instead adopt the following resolution:

Whereas, all Hawaii state legislators have sworn (or affirmed) an oath of office that they “will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii”; and

Whereas, the Constitution of the United States includes the Second Amendment which reads, “A well regulated militia, being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed”; and

Whereas, the Constitution of the State of Hawaii includes Article 1, Section 17, which reads, “A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed”; and

Whereas, the Supreme Court of the United States has clearly articulated in Washington, D.C. v. Heller, and confirmed and restated in McDonald v. City of Chicago the fundamental, individual, inalienable nature of the civil right to keep and bear arms; and

Whereas, the right to “bear arms” has been defined in the above cases, as “guarantee[ing] the individual right to possess and carry weapons in case of confrontation.”; and

Whereas, In *Muscarello v. United States*, 524 U. S. 125 (1998) , in the course of analyzing the meaning of “carries a firearm” in a federal criminal statute, Justice Ruth Bader Ginsburg wrote that “[s]urely a most familiar meaning is, as the Constitution’s Second Amendment ... indicate[s]: ‘wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person.’ ”; and

Whereas, a significant portion of violent crimes against individuals, such as robbery, assault, sexual assault, etc. take place outside the home; and

Whereas, not one single person in the entire State of Hawaii currently has the lawful ability to bear a firearm outside their home for the purpose of “of being armed and ready for offensive or defensive action in a case of conflict with another person.”; and

Whereas, only four (4) licenses to carry a concealed weapon (CCW) have been issued in the entire State of Hawaii by the county police chiefs granted authority to issue such licenses in the past 18 years since reporting of applications and dispensation of such licenses has been mandated by the state Office of Attorney General; and

Whereas, not one single “open carry license” (OCL) has been granted to a single law-abiding citizen not employed as a security guard in the entire State of Hawaii in the past 18 years since reporting of such license applications and dispensations has been required by the Office of the Attorney General; and

Whereas such a de facto “no issue” policy is tantamount to an outright “ban” on the right to “bear arms” as defined by the Supreme Court of the United States, and thus violates the supreme law of the land which you have sworn (or affirmed) to “support and defend”; and

Whereas, you, as a state legislator have the ability to uphold your sworn (or affirmed) oath of office by proposing, co-sponsoring, supporting, and voting for laws that will uphold the rights of “the people” as prescribed in the Constitution of the United States and the Constitution of the State of Hawaii; and

Whereas, forty-four (44) other states of the United States already have “shall issue” concealed and/or open carry laws wherein people who pass background checks and are lawfully allowed to purchase and keep firearms are issued licenses to bear those arms without any issues of “public safety” being jeopardized; and

Whereas twelve (12) states already have “permitless” or “Constitutional” carry, where citizens may lawfully carry firearms without any need to apply or receive “permission” from any government agency in those states and there has been absolutely no issue of jeopardized “public safety”;

Therefore, you, as a legislator do hereby state your support for and willingness to use whatever lawful means are at your disposal as an elected representative of “the people” to amend and revise the laws of the State of Hawaii to align them with the law regarding bearing arms as stated in the Constitution of the United States and the Constitution of the State of Hawaii; and

Therefore you pledge to support, introduce, co-sponsor and/or vote for legislation that guarantees that the law-abiding citizens of Hawaii “shall” be granted licenses, or shall not be required to obtain any license from any government agency, to lawfully carry weapons, including firearms, either concealed and/or openly for the purpose of self-defense outside their homes.

Thank you,
George Pace

HR-29

Submitted on: 3/6/2018 1:03:07 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

The fact is that where the number of concealed carry permits go up, crime goes down. Good people who are armed and ready to respond to criminals can do so more rapidly than can any police force that has to be called to the scene. Hawaii has always treated its responsible citizens as colonial subjects when it comes to the right to keep and bear arms, and should not continue to do so. Responsible gunowners can save lives. Let us do so.

HR-29

Submitted on: 3/6/2018 2:01:36 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Oppose	No

Comments:

HR-29

Submitted on: 3/6/2018 7:00:59 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

I am testifying in opposition to the resolution. It is absolute lunacy that a person would think that putting himself in an area called an “gun free zone” would possibly make them safer. Especially here in the state of Hawaii where violence is rampant, domestic violence is out of control, and there is an epidemic of violent young men who are looking for their own personal “right of passage” from their peers through home invasions, violent attacks and violence. Further to think that the Honolulu Police Department will be there to help, when there has been nothing but scandal after scandal regarding the abuse of many of its officers, is absurd. Not to mention the fact that it takes less than three minutes for an active violence to take place. And the police response time is 20 minutes to... Whenever.

- Even taking into consideration the large number of home invasions of happened in the past couple of years. Gangs of roving criminals robbing such as the million-dollar theft of Hula Kumu of her heirloom jewelry and artifacts while she and her daughters were held at gunpoint.

I would like all of you to stop pushing for political gain, looking for acceptance from the socialist left Democratic Party when Hawaii has on a daily basis, the extreme violence of such murders of Dana Ireland, Royale kaukane, Telma Boinville or Janel Tupuola.

- Janel Tupuola, who was beaten to death only one block away from the Honolulu Police Department Kailua substation. Would anybody in charge of pushing these insane bills like to know what the response time was? Alapeti Tunoa, a repeat violent offender with well over 50 felony convictions was out on the street. This woman had a restraining order against him, did that helper? Absolutely not. He beat her to death in front of her own children. Her children, the last thing they saw was their mother die in front of them.
- Telma Boinville was savagely beaten by 2 meth fueled criminals by the names of Steven Brown and Hailey K. Dandurand, but you don't have to worry about that. Because the average person has nothing to fear in Hawaii, just like telma boinville, who's daughter was duct taped and bound with a bag over her hear as her mother was murdered.

- Titleman fautea sentenced to life for fatal stabbing of Waianae teacher Asa Yamashita, if you think the general public will help, let me remind everyone of the nail salon as Mrs. Yamashita took her last breaths before dying, they closed the door on her so that she wouldn't get blood everywhere.
-

General headlines from KHON news

- Man found bound, burned and shot remains hospitalized; witnesses wanted
- Fatal beating in Ewa beach.
- Man charged with attempted murder after woman is brutally beaten in Waianae, with a hammer.
- Police arrest man in connection with fatal Salt Lake assault.
- Suspects at large after woman is tied up, tortured and beaten in her own home.
- Waikiki declared off-limits for military due to being a high crime area for drugs and violence.
- HPD investigates violent mugging amid violent rash of crimes.
- Suspect in puna shooting turns into hours long hostage situation.
- Kauai police looking for suspect into sexual assault cases. *(Have you noticed it's always a police investigation, or police looking, but never once is there a police saving anyone. And yet we're expected to wait for the police.)*
- Scores of Moanalua high school students stay home amid concerns of violence.
- Chinatown turf battle murder trial begins
- stabbing in Chinatown
- couple held at gunpoint with 15 month old infant in the same room.
- Teen hospitalized after early-morning stabbing (here is some good parenting, a young underage high school student was in a strip club in the early morning hours, drinking with his brother.)
- Police charge man with murder after the death of an 18-year-old in Maili
- manhunt underway after kidnapping in Puna
- suspect in violent Waipahu store robbery "still at large" (I guess he wasn't caught either)
- two-year-old injured in Ewa road rage incident
- man charged with murder after stabbing in Nankuli
- police investigate attempted murder of a 56-year-old man in Mililani.
- Friends say that Marine Sgt. Brown was murdered trying to protect someone else. (He was protecting a young lady against a gang of over a dozen violent offenders that were all under 18)
- police release video of brazen carjacking victim of elderly woman. (Why do they release the video? Because they haven't caught the person)
- police respond to standoff in Waipahu

- suspect in fatal Waikiki shooting charged with murder (meanwhile him and his buddy Isaiah McCoy, both well documented criminals, were trying to hustle women for human trafficking)
- one dead, too injured in Waikiki shooting
- three men Rob and assault and child over three dollars
- 21-year-old savagely beaten assaulted and injured in Waikiki attack
- man dies one week after violent Mililani attack
- HPD looking for suspect in another violent Chinatown shooting
- warning to shoppers, a woman is kidnapped while loading her groceries into her vehicle
- Maui man charged with attempted kidnapping of two young girls.
- Two accused in gruesome Wahiawa murder acquitted (that should make all their neighbors sleep soundly)
- four-year-old girl injured in early-morning waianae shooting
- Kumu Hula family held at gunpoint after violent home invasion
- Ala moana murder suspect turns himself into police custody
- Kalihi fight results in homicide, freeway shut down
- two UH football players suspended indefinitely after violent sex assault
- tortured and raped, woman recalls details of Waikiki assault. (More human trafficking)
-

The Atty. Gen. at that time, Peter Carlisle stated that if anyone had been carrying a firearm, even illegally, and used it in the commission of stopping this brutal attack, they would've been justified in the eyes of the law. And now, you want to guarantee that no law-abiding citizen will ever have the right to protect themselves. How low must Hawaii fall before they finally admit that it is the states with the right to defend themselves, concealed carry and stand your ground laws are the only way that law-abiding citizens will ever have a fair chance at defending themselves. It is the everyday citizen, not the police officer, who is the true first responder.

Hawaii is filled with hundreds of violent crimes, which can be found in my LinkedIn page, in order, crimes in which if a law-abiding citizen had the right to concealed carry, my page would be empty. But that is Hawaii's dirty little secret, isn't it?

And yet Hawaii's political democratic movement can blatantly look the average law-abiding citizen of the state in the eye and restrict them from being able to defend themselves from crimes like this. Those of you who oppose anyone's right to defend themselves against the local violence, a society which teaches kids from the time they're infants, to fight, "jus scrap, lick dat fackah!" You should be ashamed of yourselves. And as far as I'm concerned, the blood of every innocent victim because you have restricted law-abiding citizens rights for so long, is on your hands.

HR-29

Submitted on: 3/6/2018 8:54:31 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dierl	Individual	Oppose	No

Comments:

Cancel hr29

HR-29

Submitted on: 3/6/2018 10:40:12 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Lim	Individual	Oppose	No

Comments:

I oppose HR29. I will take responsibility to protect my family and myself in a life and death situation because The State of Hawaii doesn't has the resources to provide protection to every citizen of the state 24/7/365. The Office of the President of the United States has introduced the "concealed carry reciprocity" legislation as a right of the people and should not be opposed by Hawaii's congressional delegation.

HR-29

Submitted on: 3/6/2018 10:41:47 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

I oppose HR29. I will take responsibility to protect my family and myself in a life and death situation because The State of Hawaii doesn't has the resources to provide protection to every citizen of the state 24/7/365. The Office of the President of the United States has introduced the "concealed carry reciprocity" legislation as a right of the people and should not be opposed by Hawaii's congressional delegation.

HR-29

Submitted on: 3/7/2018 4:07:29 AM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Gutteling, M.D.	Individual	Oppose	No

Comments:

Meaningful self-defense is a human right.

When seconds count, police are minutes away.

The fundamental Right to Keep and Bear Arms should not end at the state line.

Currently, New York will arrest a Hawaiian citizen for transitting their state with a gun that is legal and permitted in a Hawaii. This is unjust.

National Concealed Carry Reciprocity would ensure that law-abiding citizens do not forfeit their ability to protect themselves as they travel from state to state, and it would also ensure that anti-gun jurisdictions such as New York could not harass or persecute travelers for exercising their constitutionally guaranteed rights.

LATE

HR-29

Submitted on: 3/7/2018 12:26:04 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

I am OPPOSED to HR29 because Concealed Carry Weapons is a right everyone should have.

I am a firearms instructor and retired military servicemember with concealed carry weapons permits from Nevada and Arizona. I was able to carry a weapon for self defense while deployed overseas and can currently carry a weapon in many other States on the mainland with my CCW permits which currently have State to State reciprocity over most of the US. I was fortunate that I have never been attacked while overseas or on the mainland. However I was attacked twice here at home in Hawaii. In Kalihi I was carjacked on the road after school one night. In Aiea I was robbed when a gang threatened me with a weapon, assaulted me, and attempted to get my wallet. Fortunately I was able to escape in both situations. I have friends and family who are also afraid of walking alone at night on their way home after work. I support the carrying of concealed handguns for self-defense and any law abiding person should be able to choose whether to do it or not.

HAWAII DOES NOT ISSUE CCW PERMITS TO THE PUBLIC

The second paragraph in the bill "WHEREAS, the State of Hawaii has allowed the concealed carry of firearm..." is a lie. Hawaii has not issued any Concealed Carry Weapons permits for decades except for a couple that were erroneously issued. Please check with the local police departments and AG so that you can see the statistics for yourself. Or apply for a permit for yourself and see what the process is like. This is a violation of my civil rights. The reasons listed on the bill for denial of permits such as prior criminal history, domestic abuse, physical standards, determination of recklessness, etc are not the reasons used for denial. The HRA conducted a CCW drive where law abiding people applied for permits and none were granted.

THE POLICE WILL NOT ISSUE ANY CCW PERMITS TO THE PUBLIC FOR ANY REASON.

Please make a phone call to each of the police chiefs to ask why they will not issue any permits.

I am OPPOSED to HR29. Please contact me if you have any questions.

Todd Yukutake
Phone (808) 255-3066

99-207 Mahiko Place
Aiea, HI 96701

LATE

HR-29

Submitted on: 3/7/2018 1:16:21 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Austin White	Individual	Oppose	No

Comments:

As a resident of the State of Hawaii and of the United States of America, I oppose your opposition to concealed carry reciprocity.

Our United States Constitutions Bills of Right, along with the Hawaii Constitution (noted below), guarantees the right to keep and bear Arms. The Supreme Court of the United States has ruled that the right to carry a firearm, for the purpose of self-defense, is covered by that amendment.

In *United States v. Cruikshank* (1876), the U.S. Supreme Court recognized that the right to arms preexisted the Constitution and in that case and in *Presser v. Illinois* (1886) recognized that the Second Amendment protected the right from being infringed by Congress. In *United States v. Miller* (1939), the Court again recognized that the right to arms is individually held and, citing the Tennessee case of *Aymette v State*, indicated that it protected the right to keep and bear arms that are "part of the ordinary military equipment" or the use of which could "contribute to the common defense." In its first opportunity to rule specifically on whose right the Second Amendment protects, *District of Columbia v. Heller* (2008), the Court ruled that the amendment protects an individual right "to keep and carry arms in case of confrontation," not contingent on service in a militia, while indicating, in dicta, that restrictions on the possession of firearms by felons and the mentally ill, on the carrying of arms in sensitive locations, and with respect to the conditions on the sale of firearms could pass constitutional muster. In the 2010 case of *McDonald v. Chicago*, the Court applied incorporation doctrine to extend the Second Amendment's protections nationwide.

In commentary written by Judge Garwood in *United States v. Emerson*, the United States Court of Appeals for the Fifth Circuit concluded in 2001 that:

"...there are numerous instances of the phrase 'bear arms' being used to describe a civilian's carrying of arms. Early constitutional provisions or declarations of rights in at least some ten different states speak of the right of the 'people' [or 'citizen' or 'citizens'] 'to bear arms in defense of themselves [or 'himself'] and the state,' or equivalent words, thus indisputably reflecting that under common usage 'bear arms' was in no sense restricted to bearing arms in military service. See *Bliss v. Commonwealth*, 13 Am. Dec. 251, 12 Ky. 90 (Ky. 1822)."

Similarly, in a released Senate report on the Right to Keep and Bear Arms, Senator

Orrin Hatch, chairman, U.S. Senate Judiciary Committee, Subcommittee on the Constitution, states:

"They argue that the Second Amendment's words "right of the people" mean "a right of the state" — apparently overlooking the impact of those same words when used in the First and Fourth Amendments. The "right of the people" to assemble or to be free from unreasonable searches and seizures is not contested as an individual guarantee. Still they ignore consistency and claim that the right to "bear arms" relates only to military uses. This not only violates a consistent constitutional reading of "right of the people" but also ignores that the second amendment protects a right to "keep" arms. "When our ancestors forged a land "conceived in liberty", they did so with musket and rifle. When they reacted to attempts to dissolve their free institutions, and established their identity as a free nation, they did so as a nation of armed freemen. When they sought to record forever a guarantee of their rights, they devoted one full amendment out of ten to nothing but the protection of their right to keep and bear arms against governmental interference. Under my chairmanship the Subcommittee on the Constitution will concern itself with a proper recognition of, and respect for, this right most valued by free men."

As such and in the light of the noted precedence, Hawaii's defacto BAN on citizen's RIGHTS to carry a firearm outside of the home for legal purposes and self-defense is UNCONSTITUTIONAL, and MUST BE OVER TURNED.

Please restore the citizen's right to carry in this state, or DO NOT OPPOSE concealed carry reciprocity.

Austin White

MILILANI, HAWAII

THE CONSTITUTION OF THE STATE OF HAWAII PREAMBLE

We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono."

We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.

We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii. [Am Const Con 1978 and election Nov 7, 1978]

FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

ARTICLE I

BILL OF RIGHTS

RIGHT TO BEAR ARMS

Section 17. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. [Ren Const Con 1978 and election Nov 7, 1978]

THE CONSTITUTION OF THE UNITED STATES OF AMERICA – BILL OF RIGHTS

Amendment 2 - A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

LATE

HR-29

Submitted on: 3/7/2018 1:19:26 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Drake Maverick	Individual	Oppose	No

Comments:

Opposing concealed carry for law abiding and qualified citizens sets a dangerous precedence that local government does not respect the rights of individuals to protect themselves outside the home. Police cannot guarantee the safety of an entire population and response times could be critical. Concealed Carry in Hawaii must move from "May Issue" to "SHALL Issue".

LATE

HR-29

Submitted on: 3/7/2018 1:20:20 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

Attacks at bus stops, assaults in parking lots, and the overall "street crime" on Oahu, most notably the attacks on tourists in Waikiki, are signs that ensuring the individual safety of the citizens and visitors cannot be "consolidated" by local government. Hawaii must explore becoming a true "SHALL ISSUE" state if the safety of the citizens is truly a concern for the elected representatives of this state.

LATE

HR-29

Submitted on: 3/7/2018 2:16:59 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

As a law abiding citizen, I strongly oppose this restriction on our constitutional rights.

LATE

HR-29

Submitted on: 3/7/2018 3:54:51 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Sosta	Individual	Oppose	No

Comments:

House Committee on **Public Safety**

Honorable Representatives: Gregg Takayama, Chair, Cedric Asuega Gates , Vice Chair and Committee Members,

As a citizen of Hawaii and the United States of America, **I oppose your opposition to concealed carry reciprocity** in reference to House Resolution 29.

Our Bill of Right guarantees the RIGHT to Keep and BEAR Arms. The Supreme Court of the United States has ruled that the right to carry a firearm, for the purpose of self-defense, OUTSIDE of the home is covered by that amendment.

Hawaii's defacto BAN on citizen's RIGHTS to carry a firearm outside of the home for legal purposes and self-defense is UNCONSTITUTIONAL, and MUST BE OVER TURNED.

RESTORE the citizen's right to carry in this state, or DO NOT OPPOSE concealed carry reciprocity.

As the past several years have shown, Hawaii's police are unable to be everywhere to protect it's citizens at all times and the loss of innocent lives have occurred because of it. I do not want myself or my loved ones to become one of those statistics.

DO NOT OPPOSE concealed carry reciprocity.

If you do not, please remove all armed security from and for any and all governmental buildings to prove you are as willing to become a victim just as you wish me and my family to be.

Sincerely,

Edward A. Sosta

Citizen Soldier, Voter, Firearms Owner, Patriot and All around Nice Guy

Mali, HI

Life Member of the National Rifle Association, Member of the Hawaii Rifle Association, Member of the Hawaii Defense Foundation and Member of the Hawaii Historic Arms Association

HR-29

Submitted on: 3/7/2018 5:08:29 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Keola	Individual	Oppose	No

Comments:

LATE

HR-29

Submitted on: 3/7/2018 7:01:03 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bradd Haitsuka	Individual	Oppose	No

Comments:

Strongly oppose. Let the law abiding citizens of this state as well as those visiting be able to defend themselves from criminals who are intent on causing harm. I urge you to stop letting law abiding citizens become helpless unarmed victims for criminals to prey on.

Thank You,

Bradd Haitsuka

LATE

HR-29

Submitted on: 3/7/2018 7:22:21 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert	Individual	Oppose	No

Comments:

Dear Lawmakers,

Please OPPOSE HR29. I do not understand why anyone would want to make a bill that is a request to our Congressional Delegation to go against what is written in our U.S. Constitution. The 2nd Amendment is the only amendment with the words "Shall not be Infringed" in it and yet, you constantly try to pass legislation to do just that. I would love to meet with each and every one of you so you can explain it to me in person. You are supposed to be protecting the people. I don't know how you expect to do that if the bad guys have guns and the good guys don't.

Back in her home State, my wife is able to carry a concealed firearm on her almost everywhere she goes. My father-in-law and mother-in-law(a former college professor) both have CCW permits and they carry a firearm freely almost everyday. I had to explain to my wife that she cannot go down to HPD, apply for a CCW permit, and expect to get one. How are her Constitutional Rights ok in one State and then not ok in Hawaii? Maybe I should let you explain that to her because I cannot.

Concealed Carry Reciprocity makes sense. Our driver's licenses are good in all 50 States. Wouldn't it make sense that a law abiding citizen should be able to protect themselves in all 50 States?

Here is an excerpt from the **Hawaii State Constitution** (in case you haven't looked at it lately):

RIGHT TO BEAR ARMS

Section 17. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Please OPPOSE HR29,

Thank you,

Robert Farm

1552 Pukele Ave, Honolulu, HI 96816

LATE

HR-29

Submitted on: 3/7/2018 7:27:59 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Cornillon	Individual	Support	No

Comments:

I thank the Hawaii House of Representatives for bringing forward this resolution HR29, which I strongly **support**.

Below, I detail arguments for and against the Concealed Carry Reciprocity Act (CCRA; HR38/S446).

Proponents of the CCRA argue that the bill is needed because it is too confusing to understand variations in state permitting laws. This is absurd; it takes less than 60 seconds to figure it out on the Internet. If people have time to plan a trip across state lines, they can spare a minute to check these regulations.

Proponents of the CCRA argue that they have to "drive all the way around" states that do not honor concealed carry permits from other states. This is patently false. [U.S. Code Title 18 Part I Chapter 44 Section 926A](#) states that you can carry your weapon provided it is (a) unloaded and (b) either inaccessible from the passenger compartment (i.e., locked in the trunk) or locked in a box if the passenger compartment is not separated from the trunk (e.g., a hatchback). It took me thirty seconds to find this on Google.

Proponents of the CCRA argue that the bill makes a concealed weapon permit like a driver's license. If every state had safety training for concealed weapon permits (as with cars) **and** required registration of the gun (as with cars) **and** had photo ID (as with driver's licenses) **and** had comparable laws regarding who is allowed to have a permit (as with cars), then this would be a more reasonable argument. As it is, the comparison to driver's licenses is false.

Proponents of the CCRA cite cherry-picked cases of people (usually the same one person) unwittingly violating these laws and ending up facing legal trouble. I am sympathetic to the pain and inconvenience of the (very few) citizens who run into these problems. However, as mentioned above, it only takes a 60-second Internet search to determine carry law variations. It is not too much to ask that someone take on this personal responsibility in exchange for allowing them to carry a deadly weapon.

Proponents of the CCRA argue that it is a violation of their rights to not be able to carry their concealed weapon across state lines. First: The Supreme Court disagrees. In its

ruling in [DC vs. Heller](#) makes it clear that some limitation of the Second Amendment is constitutional: *“Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues.”* Second: their desire that their own state's relatively lax law should overrule their neighboring state's relatively strict law is a violation of the 10th Amendment.

In summary, the reasons given in support of the CCRA are weak and fail under the slightest scrutiny. By contrast, the reasons against CCRA loom large.

We should **oppose the CCRA** because it is a long-standing norm in this country that decisions about law enforcement and public safety are largely left to local authorities, who are the most familiar with the particular needs of their locality. Law enforcement offices in New York City, who strongly oppose the CCRA, know very well that a crowded subway car in Manhattan poses a completely different public safety profile than a rural area in Kansas. It is simply nonsensical to let the lax restrictions in Kansas overrule the strong gun laws that have helped make New York City one of our safest big cities.

We should **oppose the CCRA** because scientific research ([source 1](#), [source 2](#)) has found that the adoption of right-to-carry laws is correlated with an **increase** in violent crime, and that the evidence suggests **there is no public health benefit to further proliferation of armed citizens in public.**

We should **oppose the CCRA** because scientific research ([source](#)) has shown that carrying weapons for self-defense increases the risk of death or injury to the carrier. In short, the phrase "gun for self-defense" is as foolish as "cigarettes as preventative health measure". While individuals may make that bad choice for themselves in their own homes, it is completely unacceptable for them to make that choice on behalf of everyone in public they will additionally endanger.

We should **oppose the CCRA** because it will allow the increased proliferation of guns in public. The NRA argument is that "guns don't kill people, people kill people". Even if you accept that argument, you must acknowledge that guns are to risky situations as gasoline is to fire: an accelerant. Add a gun to an argument, a road rage incident, a domestic abuse situation, a personal crisis, a curious toddler left alone, a mental health problem, or alcohol/drugs, and you go very quickly to a fatal outcome. Further soaking our country in the accelerant of guns is a terribly dangerous proposition.

We should **oppose the CCRA** because--for all their talk about freedom, its advocates fail to ever mention the freedoms that guns in this country deny:

- The basic freedom of life, denied to [over 35,000 people every year](#) (an average of 96 every day, or one life every 15 minutes).

- The freedom of health, denied to the [additional 80,000 plus people injured by gunfire every year](#) (an average of 222 every day, or one gunshot wound every 7 minutes).
- The freedom to pursue happiness, denied to those who live in neighborhoods so saturated with guns that just walking to school or to work is a risky proposition.
- The freedom to pursue happiness, denied to the mothers, fathers, brothers, sisters, sons, and daughters whose relatives are taken from them by gun violence.

I urge you to **support HI HR29**, and to oppose the CCRA.

Thank you,
P. Matthieu Cornillon

LATE

HR-29

Submitted on: 3/7/2018 8:44:43 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rena Galvez	Individual	Support	No

Comments:

Allowing Concealed Carry reciprocity would loosen Hawaii's Concealed Carry laws to the level of the least restrictive CC laws in the country. Hawaii would prioritize the gun rights of visitors over the rights of Hawaiian residents.

That's just wrong.
Say "no" to CCR.

Thank you.

LATE

HR-29

Submitted on: 3/7/2018 9:07:12 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Sugimoto	Individual	Oppose	No

Comments:

I strongly oppose HR29. There are over 15 million concealed carry permit holders throughout the US, not including those that can legally carry without a permit or open carry. We are part of the solution and not the problem contrary to what the uninformed may believe. I beg you to please do some research on the subject before denying the law abiding Hawaii citizens their constitutional rights.

Lance Sugiimoto

Waipio Gentry, HI

LATE

HR-29

Submitted on: 3/7/2018 10:01:26 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

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

Comments:

As a citizen of Hawaii and the United States of America, **I oppose your opposition to concealed carry reciprocity.**

Our Bills of Right guarantees the RIGHT to Keep and **BEAR** Arms. The Supreme Court of the United States has ruled that the right to carry a firearm, for the purpose of self-defense, **OUTSIDE** of the home is covered by that amendment.

Hawaii's defacto BAN on citizen's RIGHTS to carry a firearm outside of the home for legal purposes and self-defense is **UNCONSTITUTIONAL**, and **MUST BE OVER TURNED**.

RESTORE the citizen's right to carry in this state, or **DO NOT OPPOSE** concealed carry reciprocity.

Brendon Heal

VOTER

EWA BEACH, HAWAII

LATE

Marcella Alohalani Boido, M. A.
Hawaii Judiciary Certified Spanish Court Interpreter, Tier 4

To: Rep. Gregg Takayam, Chair; Rep. Cedric Asuega Gates, Vice-Chair;
Members, House Committee on Public Safety

Date: March 8, 2018, Room 329, 9:30 a.m.

Re: **HR 29, SUPPORT**

Thank you for hearing this bill. Respectfully, I ask you to support this resolution. My testimony on HR 29 and on HCR 37 is identical.

Currently I am the president of Hawaii Interpreter Action Network, a professional association of interpreters. This testimony is offered in my capacity as a private individual.

In 2007, when the Hawaii Judiciary first offered certification oral exams to interpreters, I passed my professional exam. This test comes from the National Center for State Courts,¹ and it has a nationwide pass rate of around 13%, written and oral combined.² Currently in Hawaii we have two federally certified Spanish court interpreters (Tier 6), and ten state-certified spoken language interpreters (Tier 4) in four languages (Ilokano, Laotian, Mandarin, and Spanish).

Previously, I had passed the federal written test in Spanish and English for the federal courts. This is the most difficult written test for court interpreters.³ Since 1978, when it was first administered, it has had a nationwide pass rate of around 18%. The Hawaii Judiciary exempts those of us who have passed this test from taking their Written English (WE) exam, which is much, much simpler.⁴ I took the WE just to see what it is like. Both of these tests screen for general language knowledge.

The oral exams are very different from the written tests, in terms of vocabulary.

¹ NCSC, State Interpreter Certification. See <http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>. Accessed 3/7/2018.

² Pass rates differ somewhat by state. This is partially because some states use the recommended cut mark of 80% correct on the WE, and others use a lower cut mark. Hawaii currently uses 70% on the WE. My recommendation, based on private consultation with a nationally recognized expert, would be to use 75%. For the oral exams, different states may use a slightly different cut mark on some sections of the oral exam, particularly on the Sight Translation sections. A few states are also starting to require passing an Oral Proficiency Interview (OPI) before a person can take the oral interpreting exam, so that affects their pass rates. I'm leaning toward requiring passing an OPI to be on the Judiciary's Registry. The Judiciary's Office on Equality and Access to the Courts (OEAC) may be considering this. Then again, maybe not. OEAC home page on Court Interpreters: http://www.courts.state.hi.us/services/court_interpreting/court_interpreting. This page has a link to the Registry. Accessed on 3/7/2018.

³ See <http://www.uscourts.gov/services-forms/federal-court-interpreters> for more informaton. Accessed 3/7/2018.

⁴ [Court Interpreter Written Examination Overview](#). NCSC. Accessed 3/7/2018.

Both the federal and state oral exams use materials taken and adapted from actual criminal court cases.^{5,6,7} To pass these oral examinations of interpreting skills and criminal case terminology, the oral examination test candidate must study terminology for firearms, ammunition, and related forensic ballistics terminology, in two languages.⁸ The gun-related vocabulary that a person must study is extensive. The test candidate may have to interpret formal, technical testimony from an expert witness, such as a ballistics expert or a pathologist. There may be the more informal, slangy testimony of an eyewitness. This shows that **guns play an important role in criminal cases.**

In 1990, I started working in Hawaii State courts as an interpreter. From that date to this one, I have interpreted in only two (2) state court cases involving guns. One of those cases involved a person with a concealed carry permit from another state, who thought that there would be reciprocity for his permit. The other case involved other issues, including two men—brothers—who died of gunshot wounds.⁹

That is a very small number of cases involving a Spanish-speaking defendant and a gun, over a period of 28 years. In general, Hawaii does not have a lot of criminal cases involving guns.¹⁰

This is due in large part to Hawaii's good gun laws. I'm happy that I have not had a lot of need for all that gun terminology that I studied—and I'd like to keep it that way.

In many circumstances, the best defense may be to use common sense, be clean and sober, observe carefully, exercise foresight, and keep one's wits about one. It is far better to thoughtfully avoid danger than to encounter it. Having a concealed gun, or any gun, may give a person a false sense of security, or tempt them into unnecessary, lethal actions.

Consider a very high-profile case—the killing of Kollin Elderts by Christopher Deedy. Mr. Deedy was carrying a concealed gun. He had just arrived in Hawaii. Against all common sense, he was

⁵ "Federal Court Interpreter Certification Examination for Spanish/English." <https://paradigmtesting.com/FCICE-Welcome/>. Access 3/7/2018.

⁶ [Court Interpreter Oal Examination Overview](#). NCSC. Accessed 3/7/2018.

⁷ *Becoming a Certified Interpreter*, by Holly Mikkelson. <https://acebo.myshopify.com/pages/becoming-a-certified-interpreter>. Accessed 3/7/2018.

⁸ Most successful oral examination candidates use the study materials from ACEBO. <https://acebo.myshopify.com/>. Accessed 3/7/2018.

⁹ In accordance with widely recognized standards of ethical practice, I am limiting what I say here about any cases on which I have worked. Hawaii's *Code of Professional Conduct for Court Interpreters* is appended to this testimony. This is excerpted from a longer document, *Policies for Interpreted Proceedings in the State of Hawai'i Courts*. Effective 6/22/1995. http://www.courts.state.hi.us/docs/sct_various_orders/order3.pdf. It can also be found as Appendix B here: http://www.courts.state.hi.us/docs/court_rules/rules/cssli.pdf. Accessed 3/7/2018.

¹⁰ "[Second attempt to consolidate trials for two brothers again denied](#)," Tiffany DeMasters, Hawaii Tribune Herald, 11/16/2017. This Big Island case involves two brothers, Eber Miranda Garcia and Marlon Miranda Garcia, who are alleged to have killed Dolores "Lolo" Borja Valle. It was Mr. Borja Valle who had a gun, not one of the Miranda Garcia brothers. Mr. Borja Valles did not die of gunshot wounds, either. Note: This case presents numerous interpreter issues. The man in the photograph in this article, who is identified only as an "interpreter," is not one of the two certified Spanish court interpreters on the Big Island. Neither is he one of our certified Spanish court interpreters from any other island. Accessed 3/7/2018.

out on the street going drinking with friends, late at night, in a city that he did not know, and within a culture he did not know nor understand. He could have safely partied with his friends in his hotel room. When they got hungry, they could have ordered food delivered, or taken a taxi to a fast food place.

But no...after 2 a.m., in defiance of all common sense, there they were, in a fast food place. He intervened where no one had asked him to do so. In a last attempt at sober common sense, he could have stepped outside and called the Honolulu Police Department, and let them deal with the issues on their turf, a turf which they understand quite well.

Yet, that is not what happened. Now, Mr. Elderts is dead. Mr. Deedy has also essentially heavily damaged his own life, and the lives of his family and friends, as well. Mr. Deedy, who might previously have been described as "law abiding," since he belonged to a branch of federal law enforcement, was not even allowed by the regulations of his federal employer to have the gun with him when he was drinking.

Allowing reciprocal concealed carry would open Hawaii to all the problems described so well in both HCR 37 and HR 29. It is unwise. It would also violate the will of Hawaii's people, as expressed in Hawaii law.

Respectfully, I ask this Committee to pass HR 29. Let us try to keep our island home safe, and not invite trouble in. Thank you.

Policies for Interpreted Proceedings in the Courts of the State of Hawaii
Part III. Code of Professional Conduct for Court Interpreters

Rule 1. Court interpreters shall act strictly in the interests of the court they serve.

Rule 2. Court interpreters shall reflect proper court decorum and act with dignity and respect toward the officials and staff of the court and all other participants in the proceeding.

Rule 3. Court interpreters shall avoid professional or personal conduct which could discredit the court.

Rule 4. A court interpreter shall not disclose privileged communications between counsel and client. A court interpreter shall not make statements about the merits of the case during the proceeding. Court interpreters, except upon court order, shall not disclose confidential information about court cases obtained while performing interpreting duties.

Rule 5. A court interpreter shall disclose to the judge and to all parties any actual or apparent conflict of interest. Any condition that may interfere with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if the interpreter is acquainted with or related to any witness or party to the action or others significantly involved in the case, or if the interpreter has an interest in the outcome of the case. An interpreter shall not engage in conduct creating the appearance of bias, prejudice, or partiality.

Rule 6. Court interpreters shall work unobtrusively with full awareness of the nature of the proceedings.

Rule 7. Court interpreters shall interpret accurately and faithfully without indicating personal bias and shall avoid even the appearance of partiality.

Rule 8. Court interpreters shall maintain impartiality by avoiding undue contact with witnesses, attorneys, and parties and their families, and by avoiding contact with jurors. This should not limit, however, appropriate contacts necessary to prepare adequately for their assignment.

Rule 9. A court interpreter shall not give legal advice to parties and witnesses, nor recommend specific attorneys or law firms. Court interpreters shall refrain from giving advice of any kind to any party or individual and from expressing personal opinion in a matter before the court.

Rule 10. Court interpreters shall perform to the best of their ability to assure due process for the parties, accurately state their professional qualifications and refuse any assignment for which they are not qualified or under conditions which substantially impair their effectiveness.

A court interpreter's best skills and judgment shall be used to interpret accurately without embellishing, omitting or editing. Court interpreters shall preserve the level of language used, and the ambiguities and nuances of the speaker and the language used. They shall also correct any error of interpretation, and shall request clarification of ambiguous statements or unfamiliar vocabulary and analyze objectively any challenge to their performance. Interpreters shall call to the attention of the court any factors or conditions that adversely affect their ability to perform adequately.

Rule 11. Court interpreters shall accept no remuneration, gifts, gratuities, or valuable consideration in excess of the authorized compensation for the performance of their interpreting duties, and shall avoid conflicts of interest or the appearance thereof.

Rule 12. Court interpreters should support other court interpreters by sharing knowledge and expertise with them to the extent practicable in the interests of the court.

Rule 13. Court interpreters shall not take advantage of knowledge obtained in the performance of duties, or by their access to court records, facilities, or privileges, for their own or another's personal gain.

Rule 14. A court interpreter performing interpretation services in connection with any state court proceeding agrees to be bound by this Code, and understands that appropriate sanctions may be imposed by the court for willful violations.

Rule 15. A court interpreter should, through continuing education, maintain and improve his or her interpreting skills and knowledge of procedures used by the courts. A court interpreter should seek to elevate the standards of performance of the interpreting profession.

Rule 16. Court interpreters should inform the court of any impediment to the observance of this Code or of any act by another in violation of this Code.

LATE

HR-29

Submitted on: 3/7/2018 11:37:02 PM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
davin asato	Individual	Oppose	No

Comments:

As a law abiding Second Amendment supporter in Hawaii, I urge you to please oppose HR29.

The fundamental Right to Keep and Bear Arms should not end at the state line. National Concealed Carry Reciprocity would ensure that law-abiding citizens do not forfeit their ability to protect themselves as they travel from state to state, and it would also ensure that they could not be harassed or persecuted for exercising their constitutionally guaranteed rights in their travels.

Again, please oppose HR29. Thank you.

LATE

HR-29

Submitted on: 3/8/2018 6:46:49 AM

Testimony for PBS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Dierking	Individual	Oppose	No

Comments: