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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 1035  
RELATING TO FIREARMS

by

Nolan P. Espinda, Director  
Department of Public Safety

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

Tuesday, February 7, 2017; 1:20 p.m.  
State Capitol, Conference Room 229

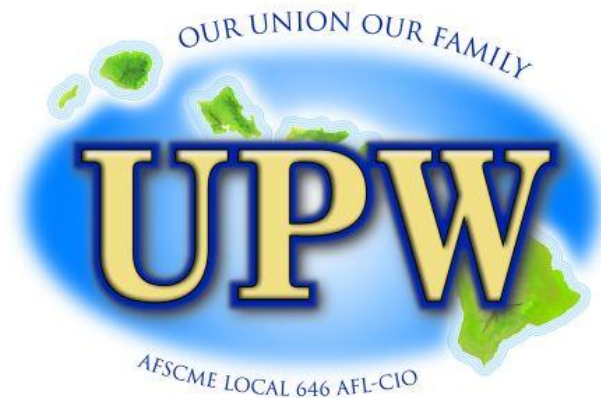
Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 1035, Relating to Firearms, which would authorize off-duty corrections officers to carry a concealed weapon without requiring a permit.

To clarify, Adult Corrections Officers are not duly appointed law enforcement officers and do not possess the authority or powers of arrest of law enforcement officers in the State of Hawaii. Additionally, the Department of Public Safety does not provide the level of extensive training comparative to that provided to duly-appointed law enforcement officers, which would be absolutely required for this massive expansion of deadly use-of-force authority.

Current law already allows for any Corrections Officer, as a citizen, to seek an authorized permit and to own and possess firearms for whatever reason he or she may see fit.

Thank you for the opportunity to present this testimony.



THE HAWAII STATE SENATE  
The Twenty-Ninth Legislature  
Regular Session of 2017

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL  
AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

DATE OF HEARING: Tuesday, February 7, 2017  
TIME OF HEARING: 1:20 p.m.  
PLACE OF HEARING: State Capitol, Rm. 229  
415 South Beretania Street

**SB1035 RELATING TO FIREARMS**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers,  
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646 AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

SB1035 proposes to amend HRS 134-11 to extend the same concealed weapon exemptions to Adult Corrections Officers, currently given to state law enforcement officers. The Hawaii ACOs are an integral part of the criminal justice system. They implement the incarceration of inmates and also provide rehabilitation services. ACOs sometimes handle inmates who, when released from prison, hold resentment against the ACOs and, since Hawaii is such a close community geographically, former inmates and gang members occasionally see ACOs

in the community. This situation could be unsafe for an ACO or his or her family. Several states or municipalities (Washington, New York and California) within the U.S. have seen fit to grant prison guards/corrections officers the right to carry a concealed weapon. There have been killing or injuring of ACOs in other states.

Our adult corrections officers put their lives on the line everyday by keeping the peace, enforcing laws related to corrections, being first responders to emergencies in correctional facilities, including the prevention of escapes and apprehension of those who escape. When ACOs clock out at the end of the shift, they are still correctional officers and are bound by the same Standards of Conduct as law enforcement officers. It cannot be ignored that sometimes, ex convicts illegally carry weapons and firearms. Our Hawaii ACOs deserve the same opportunity as law enforcement officers, to protect themselves and their family.

The UPW strongly supports this bill and requests the committee to pass it.

Thank you for the opportunity to submit this testimony.

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

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

February 6, 2017

Support SB No. 1035 Relating to Firearms

I support SB1035. I believe all citizens, LE or not, have a right to carry a firearm for self-defense and is supported by the 2nd amendment right to bear arms. Corrections officers may face retribution from people that they guard and they need this law for their safety outside of the home off duty. This is the same danger other people face whether it's a stalker, domestic violence, and criminals out in public. I was a former law enforcement officer in the past and can no longer carry a concealed weapon as a civilian.

In addition, I think it is better to have more good guys with guns to keep crime in check. Criminals aren't that stupid to risk their life committing crimes against armed citizens.

Please vote for SB 1035.

Todd Yukutake

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 4, 2017 5:06 PM  
**To:** PSMTestimony  
**Cc:** aurasaki@hawaiiantel.net  
**Subject:** Submitted testimony for SB1035 on Feb 7, 2017 13:20PM

**SB1035**

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Support	No

Comments: In support of this measure. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Sent:** Saturday, February 4, 2017 2:34 PM  
**To:** PSMTestimony  
**Cc:** bisaacso@hawaii.edu  
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**SB1035**

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Isaacson	Individual	Support	No

Comments: More good guys on the street with guns has proven to lower crime rates. In fact, this bill doesn't go far enough. The legislature should pass a "shall issue" concealed carry bill, and put even more good guys on the street with guns. Criminals fear an armed public.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 11:23 PM  
**To:** PSMTestimony  
**Cc:** bkulbis@reagan.com  
**Subject:** \*Submitted testimony for SB1035 on Feb 7, 2017 13:20PM\*

**SB1035**

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Individual	Support	No

Comments:

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Senator Clarence Nishihara, Chair, Public Safety, Intergovernmental, and Military Affairs  
Senator Glenn Wakai, Vice Chair, PSM

Shawn Colotario, Adult Corrections Officer IV

In Support of SB1035, Relating to Corrections Officers; Concealed Weapons; Off Duty

Tuesday, February 7, 2017

I support SB1035 that will give Adult Corrections Officers the ability to carry a concealed weapon off duty without the need to apply for a permit.

Our Adult Corrections Officers put their lives on the line every day in the name of public safety by keeping the peace, enforcing laws related to corrections, being first responders to emergencies in correctional facilities, including the prevention/apprehension of escapees, and the prevention of dangerous and criminal contraband. In fact, a police officer's contact with a convict is brief compared to the length of time a correctional officer spends with a convict, which is daily and can last for the length of incarceration lasting years. Simply speaking, when correctional officer's clock out at the end of a shift, we are still correctional officers; off duty we are bound by the Standards of Conduct, held to the same standards as our law enforcement counterparts. Our correctional officers should be allowed to protect themselves and their families 24/7 like their law enforcement counterparts. Run-ins with ex-inmates as well as parolees and gang members happen all the time and our correctional officers have no peace of mind when this happens. We cannot ignore the fact that many convicts and ex-convicts illegally carry firearms.

Applying for a concealed carry permit with county police chiefs are fruitless as the police simply don't approve these permits, not even to correctional officers as was told to me by HPD'S firearms division.

State Adult Correctional Officers receive extensive training in the use of firearms and the use of deadly force. They are required to renew that training annually as a condition of employment.

Of all the States and Territories that fall under the Ninth Circuit, Hawaii is the only State that has no provision in the law for ACO'S to carry a firearm off duty, even Guam and the Marianas have provisions in their law for ACO off duty carry.

Federal Corrections Officers in Hawaii can also carry a concealed firearms off-duty, they have the same job duties and responsibilities as ACO'S.

A couple of months ago, two inmates conspired to smuggle in a firearm and ammunition into the Kulani Correctional Facility with the intent to shoot a corrections sergeant because he was enforcing prison rules. This can easily carry over to threat outside of the prison walls. Hawaii is a small place, and the chances of an Adult Corrections Officer running into an ex-con or parolee on the street is high. Every time we go out into the public off duty we have to calculate where we are going, who we are with, and what risks are involved. The quality of life off duty is diminished and takes a toll on family life.

Some officers live in neighborhoods with high criminal activity, this may affect how an officer enforces rules and laws within the prison; they may fear retaliation by the inmates family or fellow gang members. For these reason, I support SB1035 and urge you to pass this bill.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 4:19 PM  
**To:** PSMTestimony  
**Cc:** lady.flach@gmail.com  
**Subject:** \*Submitted testimony for SB1035 on Feb 7, 2017 13:20PM\*

**SB1035**

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Oppose	No

Comments:

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February 3, 2017

To the following Honorable Senators; Clarence k. Nishihara; Donavan M. Dela Cruz; Lorraine R. Inouye; Gilbert Keith-Agaran; Michelle N. Kidani; Maile S.L. Shimabukuro

Wyatt Lee, Adult Corrections Officer IV

In support of HB13, which is relating to Correctional Officers; Concealed weapons off duty carry.

I am in full support of HB13 that will provide Adult Corrections Officers the ability to carry a concealed firearm off duty without having to apply for a permit. I have been an Adult Corrections Officer for the past 24 years, and I have seen and experienced many scenarios regarding inmates who are or were incarcerated, on Parole/Probation or that have completed their sentences.

As ACO's we spend approximately 8 to 16 hours a day with inmates. The criminal element, behind bars become more sophisticated and dangerous because they now join up with Gangs, which the department refers to as Security Threat Groups. They conspire to organize criminal behavior from within the prison walls such as drug and contraband trafficking, gang recruitment, staff intimidation, etc. that ultimately affects people that are on the outside.

When officers are enforcing and ensuring that the governing State and Federal laws are being adhered to, we become targets of threats and violence from these inmates. Many ACO's and I including our family's, have been threatened with physical and gun violence from inmates whom we have had disputes with. The latest for me was in the summer of 2016, twice from the same inmate, which was reported to the authorities.

On occasion when my Wife, Son, and I go out, I explain to her that "if I start talking to a person I DO NOT introduce you too, you are to keep on walking until I catch up." There were several occasions where I became very uncomfortable while with my family because former inmates and their accomplices were staring or even outright following us, due to some encounter that happened while I was at work.

I might add that our Federal counter parts that work at the Federal Detention Center in Honolulu are allowed to carry firearms off duty. Therefore please understand, for these reasons I support HB13 and I implore you to support it as well.

Aloha, Wyatt Lee, Sergeant HCF.