



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 898, S.D. 1, RELATING TO FIREARMS OWNED, POSSESSED, OR CONTROLLED BY PERSONS WHO POSE A SERIOUS RISK OF VIOLENCE OR HARM TO PUBLIC SAFETY.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Thursday, February 23, 2017      **TIME:** 9:15 a.m.

**LOCATION:** State Capitol, Room 016

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

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this Administration bill.

The purpose of this bill is to allow law enforcement to seize and retain firearms or ammunition owned, possessed, or controlled by a person who poses a serious risk of violence or harm to public safety, pursuant to court order.

Currently, Hawaii law allows people in certain circumstances to be disqualified from gun ownership. According to section 134-7, Hawaii Revised Statutes, this includes fugitives from justice; persons under indictment or convicted of a felony, or any crime of violence or an illegal sale of any drug; persons under treatment for drug addiction; persons acquitted of a crime due to a mental disorder; and a person who is the subject of a restraining order.

However, sometimes law enforcement becomes aware of a person who poses serious risk of violence or harm to public safety, and who currently possesses firearms, who nevertheless does not fit into one of these categories. This measure will close that gap. Upon a showing of clear and convincing evidence and upon a court order, law enforcement could remove the firearms from that person and decrease the likelihood of mass shooting incidents.

This measure allows a judge to issue a warrant to search for and seize firearms upon application by a local, state, or federal prosecuting agency. Additionally, due

process is protected by requiring the court to conduct a hearing no later than thirty days after issuance of the warrant, to determine whether the firearms owner poses a serious risk of violence or harm to public safety.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
OFFICE OF HOMELAND SECURITY

TESTIMONY ON SENATE BILL 898  
A BILL RELATING TO RELATING TO FIREARMS OWNED, POSSESSED, OR  
CONTROLLED BY PERSONS WHO POSE A SERIOUS RISK OF VIOLENCE OR HARM  
TO PUBLIC SAFETY

PRESENTATION TO  
THE SENATE COMMITTEE ON COMMITTEE ON JUDICIARY AND LABOR

BY  
PAUL EPSTEIN

OFFICE OF HOMELAND SECURITY HAWAII STATE FUSION CENTER  
FEBRUARY 17, 2017

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Senate Committee on Judiciary and Labor:

I am Paul Epstein, Director of the Hawaii State Fusion Center, Office of Homeland Security. I am testifying in **SUPPORT** of Senate Bill 898.

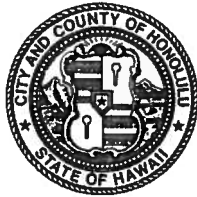
This bill allows law enforcement to seize and retain firearms or ammunition owned, possessed, or controlled by a person who poses a serious risk of violence or harm to public safety, pursuant to court order.

Senate Bill 898 is necessary to remove firearms and ammunition from persons who are determined to be on the Terrorist Screening Database; in support of any foreign terrorist organization; expressed a credible desire to kill; or is mentally ill. Please support this important initiative.

Thank you for allowing me to testify in **SUPPORT** of Senate Bill 898.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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

LOUIS M. KEALOHA  
CHIEF

CARY OKIMOTO  
JERRY INOUE  
DEPUTY CHIEFS

OUR REFERENCE **DN-DNK**

February 23, 2017

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

Dear Chair Keith-Agaran and Members:

**SUBJECT: Senate Bill No. 898, SD1, Relating to Firearms Owned, Possessed,  
or Controlled by Persons who Pose a Serious Risk of Violence or Harm  
to Public Safety**

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

The HPD supports Senate Bill No. 898, SD1, Relating to Firearms Owned, Possessed, or Controlled by Persons who Pose a Serious Risk of Violence or Harm to Public Safety.

This bill provides a mechanism whereby following a hearing before a judge, a person who is found to pose a serious risk of violence or harm to public safety may be disqualified from ownership, possession, or control of any firearms or ammunition. Also, this bill allows a judge to issue a warrant based on a sworn affidavit from a law enforcement officer to search for and seize firearms or ammunition from any person determined to pose a serious risk of violence or harm to public safety. Following the seizure of any firearms or weapons by a warrant, this bill provides for a hearing within 30 days to determine if the person named in the warrant does in fact pose a serious risk of violence or harm to public safety or if any firearms or weapons seized should be returned. Further, this bill provides that any person who has been found to pose a serious risk of violence or harm to public safety by the court and is then found to be in possession of any firearms or ammunition shall be guilty of a Class B felony.

The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
February 23, 2017  
Page 2

This bill also allows law enforcement to take preventive action in situations where information is obtained on possible attacks being planned that involve firearms. In today's environment of terrorism, particularly "lone wolf" terrorists and other active shooter situations, this is a powerful tool that law enforcement can use to protect our community from these attacks.

The HPD urges you to support Senate Bill No. 898, SD1, Relating to Firearms Owned, Possessed, or Controlled by Persons who Pose a Serious Risk of Violence or Harm to Public Safety.

Thank you for the opportunity to testify.

Sincerely,



David P. Nilsen, Acting Major  
Records and Identification Division

APPROVED:

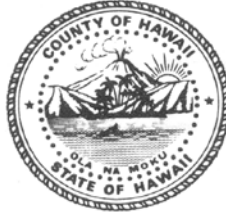


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Cary Okimoto  
Acting Chief of Police

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF SENATE BILL 898, SD1

A BILL FOR AN ACT RELATING TO FIREARMS OWNED,  
POSSESSED, OR CONTROLLED BY PERSONS WHO POSE A  
SERIOUS RISK OF VIOLENCE OR HARM TO PUBLIC  
SAFETY

COMMITTEE ON JUDICIARY AND LABOR  
Sen. Gilbert S.C. Keith-Agaran, Chair  
Sen. Karl Rhoads, Vice Chair

Thursday, February 23, 2017, 9:15 A.M.  
State Capitol, Conference Room 016

Honorable Chair Keith-Agaran, Vice-Chair Rhoads, and Members of the Committee on Judiciary and Labor, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 898, SD1.

This measure, upon application, allows law enforcement to seize and retain firearms or ammunition owned, possessed, or controlled by a person who poses a serious risk of violence or harm to public safety, pursuant to court order.

This office recognizes the need to further safety measures in order to protect our citizens and visitors from harm through the violent use of firearms. This bill would allow law enforcement, through the showing of clear and convincing evidence, and upon a court order, to be proactive in the seizing and retaining of firearms from persons who are a danger to themselves or others.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 898, SD1. Thank you for the opportunity to testify on this matter.



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

STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, HAWAII STATE LIAISON

February 17, 2017

The Honorable Gilbert S.C. Keith-Agaran  
Chair, Senate Committee on Judiciary and Labor  
Sent Via Email

Re: Senate Bill 898SD1 – OPPOSE

Dear Chairman Keith-Agaran:

On behalf of the Hawaii members of the National Rifle Association, we strongly oppose Senate Bill 898.

SB 898 could permanently strip an individual of their second amendment rights, not based on a criminal conviction, mental adjudication, or other disqualifying offense, but merely the risk of one. SB 898 allows firearms and ammunition to be seized through an ex parte hearing, with the ability to attach a permanent prohibition at a subsequent hearing. The evidentiary standard at both hearings falls well below the threshold required for criminal cases, ignoring the normal rules of criminal procedure, in denying a person their constitutionally protected rights.

The initial hearing is to obtain a confiscation warrant. This warrant allows law enforcement to search any place where firearms and ammunition may be located for the purpose of seizure. The confiscation warrant is issued through an ex parte application to the court with the very low evidentiary standard of probable cause. The person subject to this warrant is not provided notice and will simply be greeted by law enforcement at their door, subjecting them to embarrassment and confusion based on their new status as a temporarily prohibited person, guilty until proven innocent.

Within 30 days of the issuance of the confiscation warrant, a court shall conduct a hearing to determine whether to return the firearms or permanently disqualify the person from exercising their second amendment rights. The court is required to consider six enumerated factors along with “any other pertinent factors” in making their determination, giving unlimited discretion for what is to be considered. The evidentiary standard for this hearing falls well below the criminal standard of, “beyond and reasonable doubt”, and instead sets the standard as “clear and convincing”, a standard generally used in civil cases. If the court determines that the evidentiary standard has been met, the person is permanently barred from exercising their rights.

No one wants dangerous people to have access to firearms; however this bill is not about dangerous people. This bill ignores the normal rules of criminal procedure allowing for confiscation of lawfully owned and possessed firearms based on accusations and “risk”, allowing an infinite scope of factors and subjective determinations to permanently deprive a person their rights.

Thank you for your attention and I ask that you oppose this bill for the reasons presented in addition to the serious constitutional issues it presents.

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.

Daniel S. Reid  
State Liaison



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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aaron Asuncion	Individual	Oppose	No

Comments:

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**Date:** Tuesday, February 21, 2017 10:27:01 PM

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aaron Kondo	Individual	Oppose	No

Comments:

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**Date:** Tuesday, February 21, 2017 6:25:09 PM

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
aaron shefte	Individual	Oppose	No

Comments: I require that you oppose this ridiculous bill. This proposal is nothing more than an act of treason, as this bill is a direct attack on the Constitution of the United States. This attempt to circumvent the laws of this country will no longer be tolerated! Thank you for your kind attention. Sincerely, Aaron Kimo Shefte

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Albert Morgan	Individual	Oppose	No

Comments: Aloha, I am opposed to SB898. This bill is a misguided gun control bill that would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. Thank you. Albert Morgan Kailua Oahu

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**SB898**

Submitted on: 2/18/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Namiki Roberts	Individual	Oppose	No

Comments: My Name is Andrew Namiki Roberts and I have been a resident in the state oh Hawaii now for 10 years. As time progress's I see more and more gun laws come into effect with zero impact on the levels of crime happening within the state. I am testifying in Opposition to SB898 This Bill is written in violation of the Constitution and will have ZERO effect on criminal matters within the state of Hawaii. It is written in violation of the 2nd, 4th, 5th and 14th amendments, it denies a person their right to bear arms,their right to due process and their right to be secure in their persons and property. The only action this bill will bring is a lengthy and expensive legal suit that neither the city's, county's or state can afforded.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Austin White	Individual	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bowen Dickinson	Individual	Oppose	No

Comments: This bill has numerous flaws, some which include the revocation of the Constitutional rights without due process. This bill would allow a police officer, based solely upon a second-hand report of an individual he “believes...is credible and reliable”, even though that individual was not and was only out to cause trouble for the firearm owner, to cause the confiscation of firearms and ammunition of the person who was supposedly observed by the third party, (perhaps their spouse or other disgruntled person). That is not a high enough standard.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Allen Kainoa Leong	Individual	Oppose	No

Comments: Seizure of firearms before a crime has been committed, an arrest or even a conviction of a crime that disqualifies ownership or possession of a firearm seems to violate a person's Constitutional Rights. Just because you have a fear that someone may be a danger to society does not give the government the right to violate the defendants rights. Who is to say that this Bill if passed will not be abused by officials on a witch hunt. I oppose this bill. Thanks, Brandon Leong

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brendon Heal	Individual	Oppose	No

Comments: A person has a right to a fair trial and must be convicted to lose one rights. It is the law of this land that people are to be innocent until PROVEN guilty. I oppose this bill.

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**SB898**

Submitted on: 2/19/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Hawaii Republican Party District 41	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to oppose SB 898. Mahalo. Brett Kulbis Hawaii Republican Party District Chairman HD-41

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments: The strength of our government is the integrity of the rule of law. People should not lose basic constitutional rights without due process. This bill is a parody of due process to further a political stance. The next stop in this journey is witch hunts, secret police and jailing people for suspicion. This bill should fail to pass.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bruce F Braun	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/18/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlo Barbasa	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charlene Dierking	Individual	Oppose	No

Comments: This bill is unconstitutional...forfeiture without due process.

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**Subject:** Submitted testimony for SB898 on Feb 23, 2017 09:15AM  
**Date:** Wednesday, February 22, 2017 8:02:21 AM

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Rusnell	Individual	Oppose	No

Comments: This bill suppresses due process by presupposing an individuals action without probable cause. This is a gross violation of due process that is nothing more than another backdoor attempt to circumvent the Second Amendment. Shame upon anyone who swore an oath to support the Constitution and attempts to thwart it. They are why the People no longer trust their government. This is a slippery slope toward further erosion of pesonal liberty.

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**Date:** Friday, February 17, 2017 1:45:26 PM

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Goo	Individual	Oppose	No

Comments: There needs to be a better way to adjudicate a person if they are being accused of being "dangerous" who decides this, how does a person confront their accuser? Who decides all of this? A court judge? What other constitutional right that we have that you able to just take away something without a conviction???? None!. We am opposed to this bill. Retired HPD Detective Dan Goo

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Oshima	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/18/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Soon	Individual	Oppose	No

Comments: You should not punish a person until proven guilty. The law may be abused for personal vendettas.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dennis lucero	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/18/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Denver Shipman	Individual	Oppose	No

Comments: This proposed measure is directly against the right of individuals to due process in a court of law. I strongly oppose this bill.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Kaneshiro	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Frank D Deknis	Individual	Oppose	No

Comments: The bill has valid intentions but should define what "serious risk of violence or harm to public safety" involves so that the intended persons are prohibited. Also so that the law is not misused or abused, a fine or penalty should be imposed on the party "If the court determines that the party has failed to so prove, the court shall order the firearm or ammunition returned to its lawful owner." to compensate the owner charged and pay for the state legal costs. Also it is not clear if the firearms and ammunition are confiscated before or after the hearing. Thank you.

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# Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

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February 23, 2017

SENATE COMMITTEE ON JUDICIARY AND LABOR

Chair, Vice Chair, and Members,

Please vote against SB898.

No one, obviously, wants anyone who can be legally proven to be a “serious risk of violence or harm to public safety” to be controlling any object capable of harming others, including automobiles. This bill has numerous flaws, some which include the revocation of the Constitutional rights without due process. If it could be made to conform to the Constitution, it should include banning the possession or control of any instrument or tool that could result in “violence or harm to public safety” (automobiles, knives, machetes, hammers, baseball bats, pipes, rocks, etc.). Rather than confiscating all such objects from a “proven” dangerous person, that person should be removed from society and placed in a secure facility where they cannot harm the public until they have become no longer a danger.

There are numerous other problems with the bill. Here are just a few:

Section (2)(C) would allow a police officer, based solely upon a second-hand report of an individual he “believes...is credible and reliable” to initiate the confiscation of firearms and ammunition of the individual who was observed by the third party. That doesn't seem a high enough standard. How would the police officer know if the third party was “credible and reliable”? It's pure guesswork, unless that third party has some kind of recording of the behavior in question. There needs to be a higher standard of proof than that before revoking a person's rights.

Section (3)(f)(1) repeats the same unconstitutional lack of due process error by instating the error-prone Terrorist Screening Database as sufficient criteria to confiscate a persons firearms. Please see my testimony to this committee re SB280 re the numerous problems with that whole concept.

Section (3)(f)(2) violates the First Amendment right to Free Speech. Since when is making a statement of a political nature a criminal act? Obviously unconstitutional. If you can legally stomp on, tear up and/or burn the flag of the United States one should surely be allowed to vocalize support for some foreign organization.

Section (3)(f)(3) “Whether the person has expressed a credible desire to kill or commit other criminal acts of violence against others.” So this bill would apply to all those people protesting against the newly inaugurated President of the United States who have made all kinds of statements regarding “violence against others”, correct? They seem “credible” to me. I'm not sure how many of them have

firearms, but as this bill should be expanded to include any and all instruments that could possibly inflict “harm”, you might find law enforcement running low on “custodial space”.

Confiscating a persons firearms, based possibly on second-hand information, THEN after 30 days holding a hearing where “clear and convincing evidence” must be presented, seem to have things backwards. The correct order of events *should* be 1. detention of person based upon direct credible observation by law enforcement of credible threat, 2. *immediate* hearing wherein all evidence is presented to confirm or deny the accusation, 3. if the accusation if proven correct, THEN the firearms at the guilty party's firearms storage location could be searched and the firearms confiscated with a warrant. I thought that was how America worked: innocent until proven guilty.

Please vote against SB898.

Thank you,  
George Pace



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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glennon T. Gingo	Individual	Oppose	No

Comments: Aloha Chairman Keith-Agaran and members of the Judicial Committee. I'm writing in opposition to SB898. The serious concern that I have is that subjecting an individual to a warrant and confiscation of possessions based on an opinion of a police officer. I don't disagree that anyone using a weapon of any kind including a firearm in a way that could hurt or injure persons or property could be an issue, but the process of basing removal of possessions from an individual on opinion of a police officer is the main concern. The additional potential of leading to a warrant reaches over the line of one's constitutional rights. I can only imagine the abuse that could take place if an officer thinks he sees an issue in an off-duty situation and then addresses it on-duty and only to have unsubstantiated evidence. Up until 1945 and the end of WWII Adolf Hitler maintained a "Homeland" police force called the Ordnungspolizei which upon "Opinion", removed all firearms from individual possession and any other instruments considered weapons; all under the guise of societal 'benefit'. I believe our police force is an important first line in the defense against terrorism and acts of violence; however, this is overreaching and inappropriate as a measure to control gun violence. Respectfully, Glennon T. Gingo, Holualoa, Hawaii

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gordon Fowler	Individual	Oppose	No

Comments: Hawaii's Legislators keep chipping away at our Constitutional rights. This bill is terrible. Most of you have a background in law. Where is the due process here?? There is none. Guilty until one can prove themselves innocent. Hawaii's gun owners present a minimal danger to society. The rest of the country is moving the other way and leaving law abiding firearms owners and collectors alone. It is time for our State to join them. Please table this bill. Let it die as it should. Aloha Gordon Fowler

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Lee	Individual	Oppose	No

Comments: We are not in favor of this bill. This is not in favor of a legal gun owner. Please reference individual letters respectfully sent to each individual committee member. Thank you! Henry Lee

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Jacob Holcomb

SB898- OPPOSE

Someone has been watching too many movies because this is an attempt to recreate PreCrime law enforcement like in the film *Minority Report*. I fail to understand how suspending *Habeas Corpus* is supposed to solve more problems than it creates, but then maybe solving real problems isn't the goal here. If one was seeking to reduce violent crime they would be passing bills to create rent control, raise taxes on real estate speculators, and decriminalize drugs while using the law enforcement savings to build treatment centers.

This looks to be another step in the same direction of pandering to emotional non-issues instead of dealing with the real ones that would require true acts of bravery in standing up for the health and safety of ALL citizens. The fruits of that strategy are plainly visible on the national level as people walk away from the Democratic party. How long will it be until Hawaii catches up?

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jake Hanawahine	Individual	Oppose	No

Comments: I strongly oppose.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Revells	Individual	Oppose	No

Comments: I am strongly against SB898

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jamie Arnold	Individual	Oppose	No

Comments: I oppose SB 898 is a misguided gun control bill that would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceed

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jan Schwearzenberg	Individual	Oppose	No

Comments: I OPPOSE this bill on the grounds that insufficient evidentiary is required for a court order. It circumvents constitutional due process, denying guaranteed rights to innocent persons in pursuit of protecting society from one potentially dangerous person. Rights of the majority CANNOT be waived because of alleged threat from one individual. Enforcement of the Miranda decision has made that clear - even when an individual is a clear threat, they must be released if their rights were violated, as a means of ensuring law enforcement respects those rights. SB 898 totally disrespects the entire concept of innocent until proven guilty.

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**SB898**

Submitted on: 2/19/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Shon	Individual	Support	No

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments:

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Bay	Individual	Oppose	No

Comments: This bill As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Harper	Individual	Support	No

Comments: more gun laws will not reduce any more crime, criminals do not respect any laws now or in the future.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Moriki	Individual	Oppose	No

Comments: Please do not pass this bill. I and many other legal gun owners feel we are subject to gun paranoia. We are responsible law abiding citizens and should not be treated as criminals. The actions of our lawmakers show that they are out of touch with the rest of the States.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Abbott	Individual	Oppose	No

Comments: Dear Honorable Senators, I urge you to vigorously oppose the passage of this misguided bill. While it purports to champion public safety it merely removes the rights of an individual to keep and bear arms based upon the risk of a crime being committed. People's rights are not to be restricted because of a perceived risk. Rights are only withdrawn when it is proven that an individual has committed a criminal act. This bill seeks to undermine an individuals right to a trial (not a hearing). Mahalo, Jon

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonagustine Lim	Individual	Oppose	No

Comments: I STRONGLY OPPOSE this bill. What a very dangerous bill this is. Section 1.6.i and 1.6.j strip a constitutional right and makes a person into a felon, when no actual felony or crime has even been committed. To strip someone of their constitutional right permanently should take a WHOLE LOT more than a sworn testimony of 1 police officer and a judge signing off on it. This bill allows for a judgment to be made EX-PARTE, where the accused is not even present to defend themselves while their constitutional right is stripped. Please kill this bill.

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Lepore	Individual	Oppose	No

Comments: Removing firearms from law abiding citizen's does not reduce gun violence.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua J Sykes	Individual	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judy Goo	Individual	Oppose	No

Comments: I am opposed to this bill.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kabel gebeke	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaipō Wahinepio	Individual	Oppose	No

Comments: SB 898 is a misguided gun control bill that would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. This bill gives authority figures more power to abuse its citizenry. What is to stop any authority figures from abusing this new power, just like how (some individual) HPD officers are currently being scrutinized for abusing certain powers they have now?

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I hope this bill goes through. As someone who's known a lot of people who have owned guns – whether for work or for sport, I've always thought of guns as being a part of one's right in America – the right to bare arms....course the one's I grew up knowing or have met, had a respect for the "power" a gun provides, which included self defense if it came to it. It wasn't a "toy" where "check out what I'm packing" or "game". But in years gone by, I've had a few people who I didn't know at the time possessed a gun threaten my safety with shouts of "kill her, I'd make a better neighbor"; had a red laser pointer on my dog (can't say who pointed it, as no comment at that time was made); etc. Not to mention minor items like a child saying "put the gun away" or smelling gun smoke, from a person/place where threats of violence is a given – though for the most part physical or bodily types of damage...Though unlike the issue that occurred recently where the male actually opened fire that was on the news on his neighbor, after she called the police and they came by, not long ago, has just been talk, but the fact that a person who can threaten, try to intimidate, or act in a manner inappropriate with the firepower of a gun to back them up, to me is just a hazard waiting to happen. (This doesn't include the sound of gunshots going off along with fireworks on some nights, other's just the sound of a gun being fired, or another "neighbor" mentioning how he saw a person shooting a gun into the air (not directly in my neighborhood, but further up...)) And like the woman on the news, the only thing that police are able to do is to suggest getting a TRO – with sometimes they may go and talk to the person making the threats, but more often than not, just talk to the person who called with the advice of getting a TRO (which I've had, and made it worse, as "guests of" started petitioning and carrying on, claiming they were having the time of their lives) or "move" (which I don't think is appropriate or should be an option when I'm the victim...but the attitude is "well than you won't be near them" (sometimes sarcastic and hateful, as if calling them for these types of items is a waste of their time, to other times as a sincere response to protecting oneself and loved ones, as incidents occur), with the whole stay and who knows what might happen...) Like the incident – don't know the whole story – but where two lives were lost (one man died, and the other only in his 20's, will be spending his life in jail) over an argument at Ala Moana, were one made the decision to grab a gun from his car over a verbal dispute....

While these people may not initially show up on a federal check; gun shop may not get an answer in time for the holding period; whatever the reason, changes to gun laws need to be made, and hopefully before an incident deemed violent or threatening enough to have a gun revoked.

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**SB898**

Submitted on: 2/18/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Young	Individual	Oppose	No

Comments: No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda of the political elites and others.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelvin N Asahina, DDS	Individual	Oppose	No

Comments: I do not believe "probable cause" is an adequate excuse to violate the second amendment or an honest citizens rights when mistakes or false accusations are made as I have been witness to on more than one occasion.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerry Nagai	Individual	Oppose	No

Comments: I am in opposition to this bill. I agree that individuals deemed dangerous should not have access to firearms, or anything else that could be used to harm others, such as a vehicle or even a baseball bat. However, this bill ignores the normal rules of criminal procedure to allow for the confiscation of lawfully owned and possessed firearms based on accusations and "risk." I find it deeply concerning that a police offer, based solely on hearsay, from one individual, can initiate the confiscation of firearms and ammunition of another individual as long as the officer believes that the reporting individual is "credible and reliable." It is unconscionable that hearsay would be sufficient to strip anyone of their constitutional rights. Thank you for your attention and I ask that you vote against SB 898.

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Aloha,

I am writing to oppose SB 898. I believe that SB 898 has the potential to be misused and does not have sufficient safeguards in place. Any and all Constitutional rights should not be infringed, regardless of the motivation behind the measure. There are adequate protections in existing laws. SB 898 is unduly burdensome on firearm owners, the police department, and the judicial system.

Sincerely,

Kevin J. Cole, Col USAF Ret.

Mililani

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Kacatin	Individual	Oppose	No

Comments: I oppose this bill on the grounds that it disregards due process. There is no room to allow for any sort of precedence that strips individuals from due process.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Kelly	Individual	Support	No

Comments: If people are deemed a threat they should not have guns in their possession. This bill is in perfect alignment with national efforts to curb the rights of people who are considered potential threats before they actually become one.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kylee Kiyuna	Individual	Oppose	No

Comments: I am opposed to this bill because it infringes on a person's right as a United States Citizen. Everyone deserves the right to due process. Taking away a person's firearm without a concrete reason to do so is unconstitutional and thus should be deemed unlawful.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lance Johnston	Individual	Oppose	No

Comments: I oppose this bill for (what should be) obvious reasons, and I am saddened and ashamed as a resident of Hawaii that I even have to provide testimony for something like this. The State cannot deprive someone of property without due process, and the Right to Keep and Bear Arms is enumerated in the Constitutions of this state and the United States.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Layne Hazama	Individual	Oppose	No

Comments: Submitting STRONG opposition to this proposes legislation. This bill proposes a measure that will allow seizure of firearms ahead of allowing a hearing for the accused. This bill will further limit the 2nd Amendment rights of law abiding citizens while failing to address the root problem of failures in the criminal justice system.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments: property seizure without due process is unconstitutional.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Castro	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lyle HIromoto	Individual	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. This bill ignores the normal rules of criminal procedure. Thank you, Lyle Hiromoto

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marcus Tanaka	Individual	Oppose	No

Comments: If this bill passes, then the state will illegally be infringing the 2nd amendment. The current law states that anyone with a felony cannot possess firearms. But what this bill would do is just on hearsay, someone could lose their 2nd amendment right. So no actual conviction, but just because 1 party feels that owning firearms may be a threat. It's not what 1 person feels, but what you are convicted of in court is that matters. Again Hawaii would be violating the 2nd amendment and open themselves to civil suits that will cost the state and tax payers money to settle or defend in court.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Genovese	Individual	Oppose	No

Comments: Please no more mindless anti-gun bills, with this bill it just takes one person to lose your collection.

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**SB898**

Submitted on: 2/18/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Markos Cabaong	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marlene Orr	Individual	Oppose	No

Comments: I strongly oppose this bill.

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Testimony in favor of S.B. No. 898 S.D.1 submitted by Marvin W. Acklin, PhD, ABPP

As a clinical and forensic psychologist who performs violence risk assessments and fitness for duty evaluations for public and private agencies in the State of Hawaii, I write this letter in support of SB 898.

I am a staff evaluator for Work Trauma Services, a national work place threat assessment organization serving corporate clients. I am a member of the Association of Threat Assessment Professionals (ATAP), an organization dedicated to developing the science and practice for reducing and managing threats of violence in our public places, businesses, schools and families.

In the violence and threat assessment literature, many characteristics of individuals on the pathway to violence have been recognized. It is well known that individuals on pathways to acts of violence frequently engage in "leakage," that is, they communicate to others their intent to commit violence. Prompt response to leakage indicators may be one of the most robust ways to divert an individual on the pathway to violence.

The primary method of reducing violence is interruption or diversion of the pathway. SB 898 provides a tool to intervene in a potential pathway to violence, providing tools for law enforcement, mental health professionals and the courts to reduce and manage threat. It provides a time out for the examination of potentially dangerous mentally ill or radicalized individuals who have signaled to other concerns about their intentions. The bill provides due process safeguards in the form of timely judicial hearing and an elevated standard of proof (clear and convincing evidence).

For this reasons I endorse this legislation as a useful tool in making our communities safer.

Thank you for your attention and consideration.

Marvin W. Acklin, PhD, ABPP



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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments:

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew King	Individual	Oppose	No

Comments: Aloha, I am very grateful to live in the United States where we have due process and the right to bear arms. This bill is poorly written and does not allow due process to those that are deemed "a serious risk of violence or harm to public safety". This bill would infringe on our Constitutional rights to bear arms. I strongly oppose this bill as it does not have the proper wording to protect the accused. Please either change the wording in the bill or strike down the bill. ~ Matthew King

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Max Cooper	Individual	Oppose	No

Comments: Thin ice. The proponents, HPD, and several judges in our fair state do not respect my civil rights.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Orr	Individual	Oppose	No

Comments: Please kill this bill. SB898 allows way to broad of latitude for any police officer or public official to deprive Hawaii citizens of their 2nd amendment rights. Just what exactly is a "serious risk"? I think the Hawaii legislators are a "serious risk" to my constitutional rights! Respectfully, Michael L. Orr, Lahaina, Hawaii.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael W Sawamoto	Individual	Oppose	No

Comments: I oppose this bill. Please vote no. Thank you.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael A. Wee	Individual	Oppose	No

Comments: I strongly OPPOSE this bill. It is sorely lacking in due process and basic criminal investigative procedure. A individual can lose a constitutional right based on unreliable third party information. Any action taken towards confiscation of property must be based on fact, not on what a person MIGHT do. This is truly misguided legislation.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Myron Hoefler	Individual	Oppose	No

Comments: The bill as written could be used to eliminate an individuals Second Amendment rights without a trial. This should only happen after the charges should be proved at trial and the individual convicted of a qualifying felony.

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**SB898**

Submitted on: 2/19/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas H Takara	Individual	Oppose	No

Comments:

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I oppose SB898 because this bill put too much power into the law enforcement officer's hands. According to SB898 if a law enforcement officer finds credible evidence that an individual pose a serious risk of violence or harm to public safety; the law enforcement office can remove the individual's fire arms. This is putting all the power in the law enforcement officer's hands thus making him judge and jury. I can see allowing law enforcement officers to remove fire arms from CONVICTED individual's place of residence but not before the individual is convicted by a judge and jury of peers.

Noah Drazkowski

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments:

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Testimony for Public Hearing reference Senate Bill 898  
State of Hawaii Senate Committee on Judiciary and Labor  
February 21, 2017

Patrick J Morrissey

Good day and Aloha Committee Members. I have read through proposed Senate Bill 898, relating to firearms owned, possessed, or controlled by persons who pose a serious risk of violence or harm to public safety, and have several concerns. While I concur that persons who are a threat to public safety should not be allowed to possess firearms, this amendment has been written in a haphazard fashion, failing to detail criteria for actions to be taken, failing to address civil liberties, and essentially negating or subverting constitutional rights.

1. Subsection (b) detailing a judge may issue a warrant to search and seize firearms and ammunition. In this subsection an ex parte application may be initiated by essentially any prosecutor. However, it is not delineated what criteria are to be met for the prosecutor to submit an ex parte application. The way this section is written, a prosecutor, in conjunction with law enforcement, may conduct a search and seizure of a person's property without the full due process of law. While this amendment addresses firearms and ammunition, setting such a precedent may lead to prosecutors issuing such ex parte applications for search and seizure for other items deemed dangerous to the public, i.e; cars, boats, remote control aircraft (commonly known as drones), or other weapons or implements that may be considered weapons. As I understand it, due process of law entails protecting the public against a criminal or terrorist threat while maintaining a person's civil rights. In this regard this amendment essentially grants law enforcement extraordinary powers to search and seize not based on criminal activity, but on a potential for public harm, and in this regard only to firearms and ammunition. Additionally, reading the criteria for submitting the application, a prosecutor only needs testimony from a law enforcement officer or "other people". As I interpret this clause, there is no mention of following evidentiary procedure – this clause only cites a law enforcement officer's testimony. This may lead to a conflict of interest in cases involving litigation against the law enforcement agency officials or personal bias against certain individuals – again circumventing a person's individual civil rights.
2. Subsection (c) states "Prior to the execution and return of a warrant issued under this section, the clerk of the court shall not disclose any information pertaining to the application or any affidavits upon which the application was based." The wording of this subsection condones a willingness of the court to withhold information regarding the procedure of law in this case and essentially prosecute an individual based on testimony outside a court of law. This subsection sets a dangerous precedent to execute clandestine warrants on persons who are otherwise considered by the court to be law abiding citizens solely based on the fact that they may be a threat to public safety. Furthermore, these type of warrants target a specific population – gun owners.
3. With regard to subsection (g), only during the hearing cited in subsection (f) is a burden of proof presented with regards to the validity of the ex parte application. In regards to private property,

it is not considered due process of law to confiscate a person's property, then have the owner prove in court – at their considerable expense - that they can legally own such property. Should the court determine there is insufficient burden of proof, what redress for the property confiscation will the owner have? Is the state of Hawaii prepared to deal with a flurry of lawsuits from the ACLU and other such organizations?

4. A final concern in regarding the transfer of firearms and ammunition. The proposed bill essentially goes beyond what is legally required by removing all firearms and ammunition from the person without giving the person a chance to sell/dispose of the materials in question. Should the state of Hawaii adopt such a measure, the logistical nightmare that will burden the police to the extent that they will have to allocate a significant portion of their operating budget to storing ammunition and firearms? For those arguing this is not the case, and will only involve a few individuals, why is this committee wasting its time hearing this legislation?
5. Lastly, the bill is attempting to address a problem that does not exist and will not be solved by this haphazard legislation. There are several million gun owners in the United States. Recent events have been highlighted ad nauseum in the main stream media, indicating there is a pandemic of firearms related violence in the United States. This is simply not the case. Gun violence in Hawaii has been cited as the lowest in the nation. Additional legislation is not needed – enforcement of current legislation is needed.

Thank you for your valuable time and consideration.

Sincerely,

Patrick J Morrissey

**Patrick J Morrissey**

Digitally signed by Patrick J Morrissey  
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email=morrisjp@hotmail.com, c=US  
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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Fukuda	Individual	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip Pearson	Individual	Comments Only	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ramiro Noguero	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

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

Comments: This bill would unjustly take away a person's second amendment rights without due process. I am in STRONG opposition against this bill.

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**SB898**

Submitted on: 2/19/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Frey	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/21/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Klapperich	Individual	Comments Only	No

Comments: I oppose this because it violates the Constitution. The Fourth Amendment of the U.S. Constitution provides, "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Furthermore, SB 898 allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda of the political elites and others.

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**SB898**

Submitted on: 2/20/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald G Livingston	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan nelson	Individual	Oppose	No

Comments: I believe this bill will be taken advantage of and be miss used in the field. I believe this will infringe on our second ammendment rights. Example of miss use: John doe decides to open carry, He is confronted by an officer and is unrightly told to relinquish his weapon, he rightfully and respectfully does not comply, and is forced by gunpoint to relinquish his weapon which is then confiscated using this bill.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samuel Webb	Individual	Oppose	No

Comments: SB 898 allows for firearms to be seized based on the low standard of probable cause. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda.

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
scott shimoda	Individual	Oppose	No

Comments: As a law-abiding Second Amendment supporter in Hawaii, I urge you to please oppose Senate Bill 898. SB 898 would permanently strip an individual of their Second Amendment rights, not based on a criminal conviction or mental adjudication, but based on a quasi-criminal proceeding. The bill allows for firearms to be seized based on an ex-parte warrant application based on the low evidentiary standard of probable cause. An individual is entitled to a hearing, however that hearing may not take place for up to 30 days. At the hearing, the seized firearms can be retained and a permanent firearm prohibition can be put in place, not because of a disqualifying offense but merely the risk of one. No one wants dangerous individuals to have access to firearms, however this is not about dangerous people. This bill sets to ignore the normal rules of criminal procedure in order to promote the anti-gun agenda. Once again, I urge you to please oppose SB 898. Thank you.

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**Date:** Tuesday, February 21, 2017 12:23:27 AM

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steven Smith	Individual	Comments Only	No

Comments: Dear Sirs/Congress people; Forget this bill please. The Nazis made such laws before causing so much mayhem. We have a constitution and second amendment that is not supposed to be abridged. Hawaii is already the toughest state in the union and the rest of the country is years behind us in this kind of regressive legislation. Please reject this bill and tell whomever thought it up what real Americans think of it. Sincerely, Steven R Smith

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**Date:** Tuesday, February 21, 2017 9:17:03 PM

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steven Yip	Individual	Oppose	No

Comments: I oppose this bill because it strips a person of their constitutional rights only on probable cause. All people accused of a crime must go through due process. The removal of ones firearms before due process is applied goes against rights granted in the constitution.

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**Date:** Monday, February 20, 2017 4:34:58 PM

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terry Moore	Individual	Oppose	No

Comments: I oppose this bill due to the fact that this is another example of gun control run amok. Due process is not being followed. My Second Amendment rights are guaranteed under the United States Constitution. The Constitution must be amended before you can do anything to change my rights. This is just another gun grab scheme, plain and simple.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Todd Yukutake	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/21/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Galli	Individual	Oppose	No

Comments:

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**SB898**

Submitted on: 2/17/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tony lee	Individual	Oppose	No

Comments: This bill will eliminate due process.

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
travis barut	Individual	Oppose	No

Comments: I oppose

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**SB898**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Valerie Sisneros	Individual	Oppose	No

Comments: Strongly oppose this bill to completely disintegrate the 2nd Amendment and the right of people of the State of Hawaii to keep and bear arms. This bill is a blatant attempt to destroy our right to self-defense. VOTE NO!!!

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**SB898**

Submitted on: 2/15/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:

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**SB898**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Carroll	Individual	Oppose	No

Comments: i oppose SB898 which bypasses due process and infringes upon a constitutional right guaranteed by the Bill of Rights. My right to own and posses firearms should not be infringed upon by some arbitrary, unfounded allegations. This proposal is politically motivated by the anti-gun agenda and should be dismissed.

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