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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
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Written Comments

SCR116

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO SUBMIT A REPORT TO THE LEGISLATURE ON ALL CURRENT STATE GUN CONTROL LAWS, HOW THEY COMPARE WITH CURRENT FEDERAL REGULATIONS, DATA ON FIREARM DISCHARGES, AND DATA ON GUN CRIME IN HAWAII

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committees on Public Safety, Intergovernmental, and Military Affairs
and Judiciary

Thursday, March 22, 2018, 2:00 p.m.
Conference Room 229

Chairs Nishihara and Taniguchi and Members of the Committee:

Good afternoon Chairs Nishihara and Taniguchi and members of the Committees, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.C.R. No. 116, Requesting the Legislative Reference Bureau to Submit a Report to the Legislature on all Current State Gun Control Laws, How They Compare With Current Federal Regulations Data on Firearm Discharges, and Data on Gun Crime in Hawaii.

The purpose of this measure is to request that the Bureau compile existing gun laws and firearm data for Hawaii, which is to include the following:

- (1) All statutes involving restrictions on:
 - (A) The ownership and use of certain types of firearms;
 - (B) Modifications to firearms; and

- (C) Accessories or ammunition for firearms, including statutes that address the caliber or rate of fire of a firearm or prohibited attachments or accessories for a firearm;
- (2) Statutory penalties for the illegal use or possession of a firearm;
- (3) The various processes that citizens of the State must complete with respect to obtaining different types of firearms, including pistols and rifles, and obtaining a license to carry a concealed weapon;
- (4) Circumstances in which an individual may be dispossessed of a firearm or lose the right to possess a firearm, including circumstances involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- (5) Data on the total number of instances of violent crime in the State over the past decade and, of that number, the number of instances involving a firearm, the number of deaths attributed to a firearm, and the number of firearms deaths caused by an accident or accidental discharge of a firearm;
- (6) With respect to the number of instances of violent crime in which a firearm was used, the number of individuals that had already been previously prohibited from owning or possessing a firearm, differentiated by the reason the individual was prohibited from owning or possessing a firearm, including reasons involving the individual's mental health, conviction for a felony offense, or arrest or conviction for domestic violence;
- (7) Aggregate data on the number of registered firearm owners in the State and the total number of legally permitted firearms; and
- (8) A comparison of state statutes, rules, and regulations to existing federal statutes, rules, and regulations where parallel comparisons are available.

The measure also requests that the following entities provide information, upon request, to the Bureau, including: statistical data; information on federal, state, and county practices and procedures with respect to firearms importation, permitting, registration, licensing, and use; and the disposition of criminal offenses:

- (1) The Honolulu Field Office of the United States Federal Bureau of Investigation;
- (2) The Honolulu Satellite Office of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (3) The Judiciary of the State of Hawaii;

- (4) The Department of the Attorney General; and
- (5) The respective police departments of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui.

The measure also requests that the Bureau submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the 2019 Regular Session.

The Bureau takes no position on the merits of this measure, but submits the following comments for your consideration.

While generally, the Bureau sees no obstacle in conducting this compilation, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau, particularly given that our compilation and review of information and other data will be contingent upon the receipt of information from other agencies. More specifically, the measure establishes that the Bureau must first request the firearms-related information, which includes statistical data; information on federal, state, and county practices and procedures with respect to firearms importation, permitting, registration, licensing, and use; and the disposition of criminal offenses from the listed entities, and then wait for the respective agencies' responses, in order to complete the task assigned by this measure.

Our past experience in requesting and receiving information from federal, state, and county agencies when conducting studies has been mixed, ranging from entities not responding at all, not being able to provide the requested information, or responding late, all of which negatively impact the quality and timeliness of the Bureau's work product.

Accordingly, if the Committees decide to recommend the adoption of this measure, we respectfully request that the measure be amended to directly request that the identified federal, state, and county agencies submit the firearms-related information to the Bureau by no later than August 1, 2018, so that work on the requested compilation could proceed in a timely manner and thus not adversely impact our ability to provide core services to the Legislature for the upcoming Regular Session. For the Committees' convenience, we have attached a Senate Draft with proposed language to accomplish this. We would also be happy to assist the Committees with preparing the committee report and final bill draft.

If the measure is amended to address the concerns noted above, the Bureau believes that the services requested under the measure would be manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.

SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO SUBMIT A REPORT TO THE LEGISLATURE ON ALL CURRENT HAWAII GUN CONTROL LAWS, HOW THEY COMPARE WITH CURRENT FEDERAL REGULATIONS, DATA ON FIREARM DISCHARGES, AND DATA ON GUN CRIME IN HAWAII.

1 WHEREAS, the country has seen numerous high profile
2 shootings over many decades; and

3
4 WHEREAS, the State of Hawaii has some of the most
5 comprehensive gun control laws, as well as geography that
6 affords the State the unique opportunity to effectively enforce
7 gun control laws within state boundaries; and

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9 WHEREAS, recent shootings have forced the State to evaluate
10 existing statutes to ensure that they are as adequate and
11 appropriate today as they were when originally enacted; now,
12 therefore,

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14 BE IT RESOLVED by the Senate of the Twenty-ninth
15 Legislature of the State of Hawaii, Regular Session of 2018, the
16 House of Representatives concurring, that the Legislative
17 Reference Bureau is requested to compile and submit a report to
18 the Legislature regarding existing gun laws and firearm data for
19 Hawaii; and

20
21 BE IT FURTHER RESOLVED that, as part of its report, the
22 Legislative Reference Bureau is requested to include the
23 following:

24
25 (1) All statutes involving restrictions on:

26
27 (A) The ownership and use of certain types of
28 firearms;



- 1 (B) Modifications to firearms; and
- 2
- 3 (C) Accessories or ammunition for firearms,
- 4
- 5 including statutes that address the caliber or rate of
- 6 fire of a firearm or prohibited attachments or
- 7 accessories for a firearm;
- 8
- 9 (2) Statutory penalties for the illegal use or possession
- 10 of a firearm;
- 11
- 12 (3) The various processes that citizens of the State must
- 13 complete with respect to obtaining different types of
- 14 firearms, including pistols and rifles, and obtaining
- 15 a license to carry a concealed weapon;
- 16
- 17 (4) Circumstances in which an individual may be
- 18 dispossessed of a firearm or lose the right to possess
- 19 a firearm, including circumstances involving the
- 20 individual's mental health, conviction for a felony
- 21 offense, or arrest or conviction for domestic
- 22 violence;
- 23
- 24 (5) Data on the total number of instances of violent crime
- 25 in the State over the past decade and, of that number,
- 26 the number of instances involving a firearm, the
- 27 number of deaths attributed to a firearm, and the
- 28 number of firearms deaths caused by an accident or
- 29 accidental discharge of a firearm;
- 30
- 31 (6) With respect to the number of instances of violent
- 32 crime in which a firearm was used, the number of
- 33 individuals that had already been previously
- 34 prohibited from owning or possessing a firearm,
- 35 differentiated by the reason the individual was
- 36 prohibited from owning or possessing a firearm,
- 37 including reasons involving the individual's mental
- 38 health, conviction for a felony offense, or arrest or
- 39 conviction for domestic violence;
- 40



- 1 (7) Aggregate data on the number of registered firearm
- 2 owners in the State and the total number of legally
- 3 permitted firearms; and
- 4
- 5 (8) A comparison of state statutes, rules, and regulations
- 6 to existing federal statutes, rules, and regulations
- 7 where parallel comparisons are available; and
- 8

9 BE IT FURTHER RESOLVED that the following entities are each
 10 requested to submit to the Bureau, no later than August 1, 2018,
 11 any firearms-related information relevant to the substance of
 12 the report, in order to assist the Bureau in its timely
 13 completion of the report:

- 14
- 15 (1) The Honolulu Field Office of the United States Federal
- 16 Bureau of Investigation;
- 17
- 18 (2) The Honolulu Satellite Office of the United States
- 19 Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- 20
- 21 (3) The Judiciary of the State of Hawaii;
- 22
- 23 (4) The Department of the Attorney General; and
- 24
- 25 (5) The respective police departments of the City and
- 26 County of Honolulu, County of Hawaii, County of Kauai,
- 27 and County of Maui; and
- 28

29 BE IT FURTHER RESOLVED that the Legislative Reference
 30 Bureau is requested to submit a report of its findings and
 31 recommendations, including any proposed legislation, to the
 32 Legislature no later than twenty days prior to the convening of
 33 the Regular Session of 2019; and

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35 BE IT FURTHER RESOLVED that certified copies of this
 36 Concurrent Resolution be transmitted to the Special Agent-in-
 37 Charge of the Honolulu Field Office of the United States Federal
 38 Bureau of Investigation; the Resident Agent-in-Charge of the
 39 Honolulu Satellite Office of the United States Bureau of
 40 Alcohol, Tobacco, Firearms, and Explosives; the Governor; the
 41 Chief Justice of the Supreme Court of Hawaii; the Attorney
 42 General; the mayors of the respective counties; the police



- 1 chiefs of the respective counties; and the Director of the
- 2 Legislative Reference Bureau.



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Submitted on: 3/21/2018 1:21:39 PM

Testimony for PSM on 3/22/2018 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------------------------------------------------------------------------|---------------------------|---------------------------|
| Melodie Aduja | Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i | Support | No |

Comments:

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Submitted on: 3/19/2018 10:47:52 PM

Testimony for PSM on 3/22/2018 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Alan Urasaki | Individual | Support | No |

Comments: