

HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

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Director

Bay Clinic

Big Brothers Big Sisters of
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together
(PACT)

Planned Parenthood of the
Great Northwest and
Hawaiian Islands

PHOCUSED

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community
Center

The Catalyst Group

March 24, 2018

To: Senator Brian Taniguchi, Chair
And members of the Committee on Judiciary

**TESTIMONY IN SUPPORT OF SCR 9/SR 7 REQUESTING THE
CONGRESSIONAL DELEGATION OF HAWAII AND THE UNITED
STATES CONGRESS TO OPPOSE "CONCEALED CARRY
RECIPROCITY" LEGISLATION**

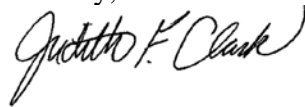
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SCR 9/SR 7.

Hawaii has the lowest rate of deaths from firearms in the U.S. While due in part to the Aloha Spirit, our strict gun control laws are equally responsible. Those states with lax laws and large numbers of gun holders have the highest rates of gun deaths.

Allowing persons who have concealed carry permits from states with less stringent restrictions and background checks to carry concealed weapons in Hawaii would be a serious mistake. As we know from multiple recent murders in schools and other venues, persons who acquired weapons legally without adequate background checks can and do cause serious harm and death to others. Many of those victims are innocent children. Concealed carry reciprocity would result in more injuries and deaths from firearms in Hawaii.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
(916) 446-2455 voice ▪ (703) 267-3976 fax
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STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, HAWAII STATE LIAISON

March 23, 2018

The Honorable Brian T. Taniguchi
Chair, Senate Committee on Judiciary
Sent Via Email

Re: Senate Concurrent Resolution 9 and Senate Resolution 7 – OPPOSE

Dear Chairman Taniguchi:

On behalf of the Hawaii members of the National Rifle Association I write to express our opposition to Senate Concurrent Resolution 9 and Senate Resolution 7.

SCR9 and SR 7 would urge the Congress of the United States to not enact S. 446, H.R. 38, or any other similar “concealed carry reciprocity” legislation that would require the State of Hawaii to recognize the concealed carry permits of every other state.

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

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

Thank you for your consideration and we ask that you oppose both SCR 9 and SR 7.

Sincerely,

Daniel Reid
State Liaison

SCR-9

Submitted on: 3/25/2018 11:32:14 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Golojuch	Testifying for Rainbow Family 808	Support	Yes

Comments:

Marcella Alohalani Boido, M. A.

Hawaii State Judiciary Certified Spanish Court Interpreter, Tier 4

Resident, Senate District 10, House District 21, Moili'ili, Honolulu, Hawai'i 96826

To: Sen. Brian T. Taniguchi, Chair; Sen. Karl Rhoads, Vice-Chair;
Members, Senate Committee on Judiciary

Date: March 27, 9:30 a.m., Room 016

Re: **SCR 9, SR 7, SUPPORT**

Chair Taniguchi, Vice-Chair Rhoads, and Members of this Committee, thank you for hearing these resolutions. Respectfully, I ask all of you to support these resolutions.

My testimony on SCR 9 and on SR 7 is identical. Much of it is as much for general readers as for the members of this Committee, who undoubtedly are well-versed in the legal details of Hawaii's gun laws.

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

On my father's side of the family, there is a tradition of hunting with rifles that goes back over a hundred years and covers multiple generations in both the US and Mexico. One of my relatives, now deceased, was a championship sharpshooter. My father's military training included firearms. The same is true for my brother-in-law. Several members of my 'ohana have been police officers. One of my relatives is a hunting guide, leading tours in both the US and Mexico. Pictures of various relatives next to large, dead animals are on the internet.¹ When I was growing up on Kauai, there were quite a few people who hunted in order to put food on the table. They were also helpful in keeping down the populations of feral pigs and goats.

I am not anti-gun, per se. What I do support is rational legislation to keep us safe. We need to have the right kind of guns in the right hands, for the right purposes. We need to know which guns, in whose hands.

It is important to pass these resolutions. They reaffirm to our Congressional delegation that this is the will of this state. Hawaii voters want to prevent gun owners from states with poor gun laws from coming into Hawaii, armed. If at all possible, our local police need to know that when they enter a violent situation, the person or persons with a gun are the bad guys.

Most long-time Hawaii residents understand local culture, and can tell the difference between situations that are problematic, and which may require police intervention, and those which do

¹ They eat them, I assume, since my family members are not inclined to be wasteful.

not. Our local police also know how to “read” people and situations. People coming in from other places may lack this kind of discernment. They might not be able to tell the difference between someone who is genuinely dangerous, and someone who is just running his mouth.

I was born and raised here, and have lived here for most of my life. It appalls me to think that we might have people come in here, with a concealed weapon—people who have not met Hawaii’s high standards for gun owners, and who do not understand local culture. It would make me feel extremely unsafe. I adamantly oppose such a possibility.

Guns play an important role in criminal cases. I know this from my study to become a certified court interpreter. Both the federal and state oral exams use materials taken and adapted from actual criminal court cases.^{2,3,4}

In 2007, when the Hawaii Judiciary first offered oral certification exams to interpreters, I passed my professional exam. This test comes from the National Center for State Courts,⁵ and it has a nationwide pass rate of around 13%, written and oral combined.⁶ We have ten state-certified spoken language interpreters (Tier 4) in four languages (Ilokano, Laotian, Mandarin, and Spanish).⁷ We also have two federally certified Spanish court interpreters (Tier 6). The AOUSC oral exam in Spanish has a nationwide pass rate of around 4%.

Oral exams simulate court proceedings. To pass these oral examinations of interpreting skills and criminal case terminology, the test candidate must study extensive terminology for firearms, ammunition, and related forensic ballistics terminology, in two languages.⁸ The test candidate may have to interpret formal, technical testimony from an expert witness, such as a

² “Federal Court Interpreter Certification Examination for Spanish/English.” Accessed 3/7/2018. <https://paradigmtesting.com/FCICE-Welcome/>.

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

⁴ Holly Mikkelson, “Becoming a Certified Interpreter.” Accessed 3/7/2018. <https://acebo.myshopify.com/pages/becoming-a-certified-interpreter>.

⁵ “State Interpreter Certification,” National Center for State Courts. Accessed 3/7/2018. <http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>.

⁶ Pass rates differ somewhat by state. This is partially because some states use the recommended cut mark of 80% correct on the Written English (WE) screening test, and others use a lower cut mark. Hawaii currently uses 70% on the WE. My recommendation, based on private consultation with a nationally recognized expert, would be to use 75%. The Hawaii Judiciary is using the WE as if it were an interpreter credential. Only passage of oral exams of interpreting skills can be used as interpreting credentials. Right now, we do not even have any objective, test-based verification that a person actually speaks a Language Other Than English (LOTE).

For the oral exams, different states may use a slightly different cut mark on some sections of the oral exam, particularly on the Sight Translation sections. A few states are also starting to require passing an Oral Proficiency Interview (OPI) before a person can take the oral interpreting exam, so that affects their pass rates.

⁷ I believe we would have more if several situations were changed. Standards for being on the Registry are insufficient, so work is spread out among too many people. There has been no pay raise in more than 10 years. Etc.

⁸ Most successful oral examination candidates use the study materials from ACEBO. These materials have a lot of gun terminology. Accessed 3/7/2018. <https://acebo.myshopify.com/>.

ballistics expert or a pathologist. There may be the more informal, slangy testimony of an eyewitness. We are required to “interpret accurately” and “preserve the level of language used.” (See Rule 10 of the attached “Code of Professional Conduct for Court Interpreters.”)⁹

In general, Hawaii does not have a lot of criminal cases involving guns.¹⁰ That is due in large part to our good gun laws. I’m happy that I have had very little need for all that gun terminology that I studied—and I’d like to keep it that way.

Hawaii State laws include limitations on concealed carry. There are people in Hawaii with federal concealed carry permits, issued under the Law Enforcement Safety Act (LEOSA) of 2004.¹¹

Materials from the Court Statistics Project indicate that the country as a whole has had a decrease in criminal cases, 2007—2016.¹²

James Fallows is writing a series of interesting and valuable columns on gun issues in *The Atlantic*.¹³ The entry for March 25th, 2018, is “Gun Safety: The Importance of Technology, the Legacy of Slavery.” On the Second Amendment, he quotes a contributor:

Slaveholding states considered the Federal government an existential threat. Turns out they weren’t wrong about that. The Second Amendment, in somewhat equivocal language that was necessary to not overstate its obvious intent, was included as a bar against the Federal government’s perceived and real ability to disrupt and finally end the slave trade.

This has nothing to do with citizens performing civic duties. This has to do with the armed camp that was the South where more than one half of the human population was held in bondage, whipped, chained and treated as sub-human property.¹⁴

In short, the Second Amendment is not about self defense.

⁹ This is excerpted from a longer document, *Policies for Interpreted Proceedings in the State of Hawai‘i Courts*. Effective 6/22/1995. http://www.courts.state.hi.us/docs/sct_various_orders/order3.pdf. It can also be found as Appendix B here: http://www.courts.state.hi.us/docs/court_rules/rules/cssli.pdf. Accessed 3/7/2018.

¹⁰ In twenty-eight years, I have only worked on two state court cases involving guns.

¹¹ Defense Consulting Services in support of the Army and U. S. Air Force, “Law Enforcement Officer Safety Act Application.” Defense Consulting Services, San Antonio, Texas, 2016. Accessed 3/19/18. <https://www.leosaonline.com/>.

¹² Court Statistics Project, “National Overview.” Accessed 3/19/18. <http://www.courtstatistics.org/National-Overview.aspx>.

¹³ Scroll to the bottom of this page for an index of the entries so far. Accessed 3/25/18. <https://www.theatlantic.com/author/james-fallows/>

¹⁴ Accessed 3/25/18. <https://www.theatlantic.com/notes/2018/03/gun-safety-the-importance-of-technology-the-legacy-of-slavery/556484/>.

“The Second Amendment Does Not Transcend All Others,” by Garret Epps, an authority on the Second Amendment, makes the point that it does not provide an unlimited right.¹⁵ He quotes Justice Scalia in *Heller v. District of Columbia*:

Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.

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

Allowing reciprocal concealed carry would open Hawaii to all the problems described so well in both SCR 9 and SR 7. It is unwise. It would also violate the will of Hawaii’s people, as expressed in Hawaii State law.

Respectfully, I ask this Committee to pass SCR 9 and SR 7. Let us try to keep our island home safe, and not invite trouble in. Thank you.

¹⁵ *The Atlantic*, 3/18. Accessed 3/25/18. <https://www.theatlantic.com/politics/archive/2018/03/second-amendment-text-context/555101/>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCR-9

Submitted on: 3/23/2018 4:01:19 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ako DVM	Individual	Oppose	No

Comments:

I oppose SCR9

Concealed carry by qualified applicants will decrease crime.

SCR-9

Submitted on: 3/24/2018 5:59:25 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Support	No

Comments:



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

Re: SCR9 / SR7

COMMITTEE ON JUDICIARY

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Members

DATE: Thursday, March 27, 2018

TIME: 9:30 a.m.

PLACE: Conference Room 016

State Capitol

415 South Beretania Street

Please vote **NO** on SCR9 / SR7

Not only should Hawaii legislators vote NO on SCR9/SR7, they should instead, in light of the facts regarding public safety, do the exact opposite and immediately enact either “shall issue” or “permitless” open and concealed carry for law-abiding citizens.

Here's why:

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

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

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

This is not just a “misstatement of facts”, this is not merely a facade or charade or misrepresentation,

this is a lie. More specifically a “lie of omission”.

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

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

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

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

So the above information and facts put the lie to the claim that “**the State of Hawaii has allowed the concealed carry of firearms**”, unless someone would want to disingenuously claim that issuing two licenses in 18 years to government agents proves that “**he State of Hawaii has allowed the concealed carry of firearms**”. I believe any half-way honest person would conclude that is deceptive at best if not an outright lie.

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

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

We must conclude that not one single ordinary person (not an agent of the state) in the entire state of Hawaii if of “good moral character” or has “good moral cause”. Is that what the government of Hawaii thinks of its law-abiding citizens? Apparently so. Is that sad or reprehensible? I have repeatedly asked various government agents in the legislature, executive branch, and law enforcement to please explain what it is about the people of Hawaii that would make them so “dangerous” to carry arms in public while in 42 other states there are no law enforcement problems with licensees, and likewise no problems with people allowed to carry in states that have no requirements at all, i.e. so-called “permitless” or “Constitutional carry” states. No one will answer that question. Why? Why are the people of Hawaii too immature or irresponsible or incompetent when we see no such evidence in any other state? In fact, CCW **permit holders are convicted of misdemeanors and felonies at less than a sixth the rate for police officers.** (See below for full stats and links to original documentation.)

How is it that Hawaii officials responsible for subverting the right to bear arms outside the home for self-defense have come to the exact opposite conclusion of the known facts?

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

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

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

From the Hawaii state constitution:

Article I

RIGHT TO BEAR ARMS

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

From the United States Constitution:

Amendments to the Constitution

Bill of Rights

Amendment II

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

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

Since almost none of the Hawaii legislators have taken measures to oppose the existing Hawaii statutory scheme which de facto denies every single citizen of the state the right to lawfully ‘wear, bear,

or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person', nor have they taken measures to overturn said de facto ban by introducing and supporting legislation to allow for the unfringed exercise of said right, nor have they advocated for nor passed any resolutions to impeach the governor and AG nor demand that they remedy the situation, nor have they asked or demanded that county police chiefs change their de facto no issue policies, nor will they even answer the question "What does your sworn oath to uphold the right to 'wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person' mean, anyway?"

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

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

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

Permit Holders are Extremely Law- abiding

Permit holders on rare occasion violate the law. But in order to truly appreciate how incredibly rare those problems are one needs to remember that there are over 12.8 million permit holders in the US. Indeed, it is impossible to think of any other group in the US who is anywhere near as law-abiding. To get an idea of just how law-abiding concealed handgun permit holders are, compare them to police. According to a study in Police Quarterly, the period from January 1, 2005 to December 31, 2007 saw an average of 703 crimes by police per year. 113 of these involved firearms violations. This is likely to

be an underestimate since not all police crimes receive media coverage. The authors of the study may also have missed some media reports.

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

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

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

* * * * *

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

Given all the above (which is just a tiny sampling of the data and arguments that put the lie to the SCR9 Resolution premises and assumptions) I urge you to base your decision here on a rational examination of the facts and evidence. Vote NO on SCR9.

Furthermore I urge you to instead adopt the following resolution:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you,
George Pace

SCR-9

Submitted on: 3/26/2018 2:27:42 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

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

Comments:

Statistically, concealed carry permit holders make the public a safer place and commit less crimes than police officers. There is zero reason to Support this bill if you care about the safety of your constituents.

On top of that, you took an oath to uphold the Second Amendment. I urge you to remember that oath and hold you to it.

Your concerned citizen,

Dr Allan Bacon

SCR-9

Submitted on: 3/26/2018 3:16:23 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Dumot	Individual	Oppose	No

Comments:

As a law abiding Second Amendment supporter in Hawaii, I urge you to please oppose SCR 9 and SR 7.

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

Again, please oppose SCR 9 and SR 7. Thank you.

SCR-9

Submitted on: 3/26/2018 1:55:15 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

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

Comments:

As a law abiding Second Amendment supporter in Hawaii, I urge you to please oppose SCR 9.

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

Again, please oppose SCR 9. Thank you.

SCR-9

Submitted on: 3/26/2018 3:27:13 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

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

Comments:

I oppose SCR9. Law-abiding citizens should not have to forfeit their ability to protect themselves as they travel from state, or be harassed and/or persecuted for exercising their constitutional rights.

SCR-9

Submitted on: 3/26/2018 4:13:49 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

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

Comments:

As an orthopedic surgeon with experienced in treating 100s of gunshot wounds, I feel very qualified to speak on this topic.

Our society has evil people in it, intent on doing evil to others. this will never go away.

Meaningful self-defense is a HUMAN RIGHT. Civilians should be allowed to have concealed carry privileges, and it is our right both as human beings and via our constitution. Suitable screening and training is appropriate, but should not be needlessly restrictive as it currently is in Hawaii. SCOTUS will probably settle this issue soon, although the US congress may do it any way. If so, Hawaii should respect this fundamental human right of meaningful self defense.

When seconds count, police are minutes or more away.

Our government has an obligation to protect us, and it cannot do so always. Any pretense otherwise is a facade. Forcing civilians to be defenseless victims is both cruel and immoral.

with respect and aloha,

Edeard Gutteling, M.D.

LATE



Dear Chair Taniguchi, Vice Chair Rhoads and Members of the Committee,

On behalf of our members, we testify in strong support of Senate Concurrent Resolution 9 and Senate Resolution 7. Concealed carry reciprocity is flawed national legislation that will infringe upon States' Rights by violating the right of Hawaii Lawmakers to determine appropriate standards for concealed carry of weapons. Jurisdictions vary in standards from the extreme, No Permit, to Shall Issue where individuals must pass basic criteria (no felonies, drug convictions, etc.), to Limited Issue (Hawaii, New York

In State that are "Shall Issue" there few cases that States can deny a concealed carry permit, but, there is little to no discretion to deny a permit unless the person has been convicted (in some States a prior conviction can be waived after a few years.) If the person has a restraining order or a pending case one could still get a CCW permit. George Zimmerman had a concealed carry permit, he had prior TROs for domestic violence, and he was legally authorized to carry a weapon by the State of Florida.

In "No Permit" States there is little that a State can do to prohibit gun violence. There are no checks to see whether someone has a criminal background, restraining orders, or has a history of domestic abuse. It would be gross violation of the will of the Hawaii Legislature for residents of these jurisdictions to be able to open carry in Hawaii.

Lots of States that fall under Shall Issue or No Permit categories also have lax purchasing requirements. In just jurisdictions there is no requirement for gun owners to register as individuals or register handguns or rifles. Whereas, gun owners in Hawaii must follow strict permitting requirements by registering their firearms with the County Police every 5 years.

Furthermore, people from Stand your Ground States or the Mainland, may not have the knowledge of local laws. Furthermore, those from the Mainland may not be familiar with local culture may not be able to discern when someone in Hawaii is just running their mouth and has no intention of violence. Colin Elder will only be the first case of this if we allow for concealed carry reciprocity.

Thank you for allowing us to testify.

Cameron Sato

Hawaii Chapter Co-Chair- Young Progressives Demanding Action

LATE

SCR-9

Submitted on: 3/26/2018 6:59:00 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George Peabody	Individual	Oppose	No

Comments:

As a law abiding Natural-born American Citizen and Second Amendment supporter and resident of State of Hawaii, I urge you to oppose SCR 9 and SR 7; and oppose HCR 37 and HR 29. If you fail to oppose these treasonous resolutions, you are criminally violating your Oath of Office.

As a law abiding Natural-born American Citizen and Second Amendment supporter and resident of State of Hawaii, I urge you to oppose SCR 9 and SR 7; and oppose HCR 37 and HR 29. If you fail to oppose these treasonous resolutions, you are criminally violating your Oath of Office.

The fundamental Right to Keep and Bear Arms should not end at the state line. National Concealed Carry Reciprocity would ensure that law-abiding citizens of Hawaii do not forfeit their ability to protect themselves in Hawaii and/or as we travel from state to state, and it would also ensure that we would not be harassed or persecuted for exercising our constitutionally guaranteed 2nd Amendment rights in our travels.

Again, It is your duty to oppose SCR 9 and SR 7, and HCR 37 and HR 29. Thank you.

Please confirm my testimony; and report to me your support of our 2nd Amendment and your vote against these treasonous resolutions.

Again, It is your duty to oppose SCR 9 and SR 7, and HCR 37 and HR 29.

Thank you.

SCR-9

Submitted on: 3/27/2018 12:18:09 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Marti Townsend	Testifying for Sierra Club of Hawai'i	Support	No

Comments:

LATE

SCR-9

Submitted on: 3/26/2018 7:04:57 PM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tony lee	Individual	Oppose	No

Comments:

Oppose! Right to carry in all 50 States.

LATE

SCR-9

Submitted on: 3/26/2018 7:21:21 PM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Imai	Individual	Support	No

Comments:

SCR-9

Submitted on: 3/26/2018 7:35:35 PM
Testimony for JDC on 3/27/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
mellissa anderle	Individual	Support	No

Comments:

My child was a victim of gun violence & I am opposed to the easy access many states have on guns. Colorado was the place my son died. In Colorado they just passed a bill in senate to allow concealed weapons carry without even a permit.. Please from the core of my heart I ask tou to pass this bill so in a round about way it will help save the suffering of gun violence in just one family, even.. mahalo

SCR-9

Submitted on: 3/26/2018 9:55:30 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Baltazar	Individual	Oppose	No

Comments:

SCR-9

Submitted on: 3/26/2018 11:37:18 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
steven lee	Individual	Oppose	No

Comments:

I strongly oppose SCR9.

I am a law-abiding citizen and resident of Hawaii for over 60 years. SCR9 would prevent law-abiding citizens in Hawaii from having the same protection against criminals that is provided by in states.

Hawaii's residents should be able to protect themselves and their families from criminals and from acts of violence. SCR9 would make Hawaii's residents more defenseless against criminals, making us easier prey for criminals.

Please do not pass SCR9.

Respectfully Submitted,

Steven Lee

LATE

SCR-9

Submitted on: 3/27/2018 4:33:59 AM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Martin Marcello	Individual	Oppose	No

Comments:

As a law abiding Second Amendment supporter in Hawaii, I urge you to please oppose SCR 9 and SR 7.

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

Again, please oppose SCR 9 and SR 7. Thank you.

SCR-9

Submitted on: 3/27/2018 5:10:24 AM

Testimony for JDC on 3/27/2018 9:30:00 AM



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

Comments:

I oppose this bill.

I support CCW and it should be an individuals decision to carry a weapon to defend themselves, not the government.

Todd Yukutake

808 255 3066

99-207 Mahiko Pl
Aiea, HI 96701

LATE

SCR-9

Submitted on: 3/27/2018 8:10:46 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments:

Aloha kakou,

I SUPPORT SCR 9 REQUESTING THE CONGRESSIONAL DELEGATION OF HAWAII AND THE UNITED STATES CONGRESS TO OPPOSE "CONCEALED CARRY RECIPROCITY" LEGISLATION.

We need ensure the safety & well-being of our people here in Hawaii. Any Federal legislation that infringes on our safety needs to be blocked. It's very concerning to think that we even need to inform, encourage or request the exercising of independent sovereignty the states supposedly have from the federal government to Hawaii's Congressional delegation. Mahalo.

Kapua Keliikoa-Kamai

Concerned Waianae Resident

Hawaiian Kingdom

SCR-9

Submitted on: 3/27/2018 8:10:07 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

LATE

SCR-9

Submitted on: 3/27/2018 9:48:14 AM
Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments: