



NATIONAL RIFLE ASSOCIATION OF AMERICA  
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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

**SR-7**

Submitted on: 3/24/2018 5:58:19 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Salisbury	Individual	Support	No

Comments:

**Marcella Alohalani Boido, M. A.**

***Hawaii State Judiciary Certified Spanish Court Interpreter, Tier 4***

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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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2,3,4</sup>

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,<sup>5</sup> and it has a nationwide pass rate of around 13%, written and oral combined.<sup>6</sup> We have ten state-certified spoken language interpreters (Tier 4) in four languages (Ilokano, Laotian, Mandarin, and Spanish).<sup>7</sup> 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.<sup>8</sup> The test candidate may have to interpret formal, technical testimony from an expert witness, such as a

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

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

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

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

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.”)<sup>9</sup>

In general, Hawaii does not have a lot of criminal cases involving guns.<sup>10</sup> 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.<sup>11</sup>

Materials from the Court Statistics Project indicate that the country as a whole has had a decrease in criminal cases, 2007—2016.<sup>12</sup>

James Fallows is writing a series of interesting and valuable columns on gun issues in *The Atlantic*.<sup>13</sup> The entry for March 25<sup>th</sup>, 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.<sup>14</sup>

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

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<sup>9</sup> 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](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](http://www.courts.state.hi.us/docs/court_rules/rules/cssli.pdf). Accessed 3/7/2018.

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

<sup>11</sup> 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/>.

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

<sup>13</sup> 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/>

<sup>14</sup> 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.<sup>15</sup> 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.

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<sup>15</sup> *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.

**SR-7**

Submitted on: 3/25/2018 4:21:47 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Aitken	Individual	Support	No

Comments:

Guns don't kill people – people with guns kill people. More people carrying guns will injure or kill more people. I want to live in a State that has some of the strongest gun control laws and the one of the lowest rates of gun death in the country. States rights – It's a choice!



**SR-7**

Submitted on: 3/26/2018 2:28:50 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. Understanding the actual facts and FBI statistics of the matter would make the choice to Oppose this bill a clear choice.

Best,

Dr Allan Bacon

**SR-7**

Submitted on: 3/26/2018 1:54:18 PM

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

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

Comments:

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

**SR-7**

Submitted on: 3/26/2018 3:16:40 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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.

**SR-7**

Submitted on: 3/26/2018 3:29:28 PM

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

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

Comments:

I oppose SR7. 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.

**SR-7**

Submitted on: 3/26/2018 4:14:31 PM

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

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

Comments:

As an orthpedic 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 priviledges, and it is our right both as human beings and via our constitution. Suitable screening and training is appropriate, but should not be needlessly rrestrictive 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 meanignful self defense.

When seconds count, poice 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.