



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Public Safety, Veterans, & Military Affairs**

Representative Gregg Takayama, Chair  
Representative Cedric Asuega Gates, Vice Chair

Wednesday, February 13, 2019, 10:00 a.m.  
State Capitol, Conference Room 430

by  
Christine E. Kuriyama  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 1543, Relating to Gun Violence Protective Orders

**Purpose:** Establishes a process allowing law enforcement officers and family or household members to obtain a court order to prevent a person from accessing firearms and ammunition when the person poses a danger of causing bodily injury to oneself or another.

**Judiciary's Position:**

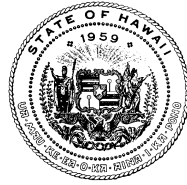
The Judiciary supports the intent of this bill and respectfully suggests that the Legislature request an analysis of this bill by the Legislative Reference Bureau so that a workable strategy can be developed. We respectfully offer the following comments:

1. Under HRS Chapters 586, 604 and 134, Respondents who are found to pose a threat of imminent bodily injury to others are already prohibited from owning or possessing firearms.
2. Further, under HRS Chapter 586 (Domestic Abuse Protective Orders “DAPO”), if a temporary restraining order is granted, the family court orders the Respondent to surrender all firearms and ammunition in accordance with Haw. Rev. Stat. § 134-7(f). The proposed amendment of Haw. Rev. Stat. § 134(f), eliminates the court’s authority to do so. Thus, in the event that a Petitioner is claiming domestic abuse and the Respondent has a firearm, the Petitioner would be required to file two petitions, one for abuse and one for the firearm. A possible solution is to allow the court to order a surrender under either a DAPO or a Gun Violence Protective Order (“GVPO”).



3. With regard to the costs to implement this measure, the bill will require significant additional funds to process and adjudicate GVPOs over and above our current budget. The increase will be caused by: (1) providing Petitioners help with filing the petition (§134-C(a)); (2) researching and verifying any existing order(s) (§134-C(b) and §134-D(1)&(2)); (3) reviewing and processing of petitions; (4) holding a hearing at the ex parte stage (§134-D(c) in lieu of allowing the court to issue a decision based upon the written petition/motion (as currently allowed in DAPO cases); (5) holding a further hearing within fourteen days on the issue of the one-year GVPO and hearing any subsequent motions to extend or dissolve the GVPO (§134-E, §134-F and §134-G); and (6) mandatory reporting to the Hawaii Criminal Justice Data Center (§134-J).
4. Aside from requiring a Petitioner to file two petitions noted above, the practical application of this measure should also be examined based upon the following concerns:
  - a. Requiring a Petitioner to file a petition for GVPO and an ex parte motion for a GVPO. This procedure could be combined similar to a DAPO and the requirement to hold a hearing at the ex parte stage be eliminated. This would streamline the process and would eliminate the costs of holding a hearing on each ex parte motion and the burden on a Petitioner who would be required to file said documents and wait at the court house for a hearing.
  - b. Requiring a Petitioner to provide notice to all adult family or household members. Although not mandatory, it may place a Petitioner (and said family members) in danger by requiring such notice because it increases the chances of a Respondent finding out about a petition before it is served by law enforcement. In the context of a DAPO, only notice to the Respondent is required and said notice is served by a law enforcement order.
  - c. Not requiring law enforcement to confiscate the firearm when notice of the petition is served. As drafted, a police officer does not need to take custody of the firearm when serving the petition or ex parte order (§134-H(b)). Currently in DAPO cases, the firearms are confiscated when the petition is served on the Respondent and it would seem to appear that this is the better practice.
  - d. Requiring the Court to conduct its own research regarding whether a Respondent owns any firearms will be problematic (§134-D(c)(1)). The court does not have access to such information.
5. Provided the concerns are addressed, the Judiciary supports the purpose and concept of the bill.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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WRITTEN  
ONLY

**Testimony in SUPPORT of HB1543  
Relating to Gun Violence Protective Orders**

REPRESENTATIVE GREGG TAKAYAMA, CHAIR  
HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS, AND MILITARY AFFAIRS  
Hearing Date: 2/13/ 2019 10:00 AM Room Number: 430

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health supports the proposed amendments to Chapter 134,  
3 HRS, to establish gun violence protective orders in Hawaii. Firearm-related injuries and death are a  
4 critical public health issue. Firearms in the hands of individuals who are at proven risk for harming  
5 themselves or others is a major risk to the public's health and safety. HB1543 would establish a process  
6 for law enforcement and family/household members to file a petition in court for a gun protective order;  
7 taking guns out of harms way sooner.

8 According to the Giffords Law Center to Prevent Gun Violence, HB1543 is one of six key policies that  
9 can save lives from gun violence. Hawaii, with a track record of strong gun control laws, has all key  
10 policies in place, except for the extreme risk protective orders (ERPO) proposed in this measure. ERPO  
11 is a lifesaving policy that has been used in other states to prevent mass shootings, suicides and other acts  
12 of gun violence. Thirteen states now have laws or partial laws in place.<sup>1,2</sup>

13 For the 2013-2017 period, Hawaii had the lowest firearm-related mortality rate among all 50 States and  
14 the District of Columbia. Hawaii also had the lowest firearm-related homicide rate and the 5<sup>th</sup> lowest  
15 firearm-related suicide rate. Although Hawaii had the lowest proportion of suicides by firearm (18% vs  
16 51% nationally), the overall suicide rate in Hawaii could decrease if firearms were less readily available.  
17 HB1543 further strengthens Hawaii's gun safety laws, to proactively protect the public from needless acts  
18 of violence.

19 Thank you for the opportunity to submit testimony.

<sup>1</sup> Giffords Law Center Annual Gun Scorecard, 2016: <https://lawcenter.giffords.org/scorecard/>

<sup>2</sup> EVERYTOWN FOR GUN SAFETY: <https://everytownresearch.org/>



TO: Chair Takayama, Vice Chair Gates, and Members of the House Committee on Public Safety, Veterans, and Military Affairs

FROM: Emily Walton, Regional Director of Everytown for Gun Safety

DATE/LOCATION: February 13, 2019; 10:00 a.m., Conference Room 430

RE: TESTIMONY IN SUPPORT OF HB 1543– RELATING TO GUN VIOLENCE PROTECTIVE ORDERS

Dear Chair Takayama, Vice Chair Gates and Members of the Committee:

Tragic acts of gun violence, including mass shootings and gun suicides, are often preceded by red flags, threats of violence, dangerous behavior and other indications that a person is a danger to themselves and others. HB 1543 would enable family members and law enforcement to seek a court order temporarily removing guns from a person in crisis. This bill can help save lives throughout Hawaii by creating a way to act before warning signs escalate into tragedies. That is why **I am urging you to support HB 1543** and help families and law enforcement protect people in crisis from acts of gun violence.

Like all of America, Hawaii is suffering from a gun suicide epidemic. HB 1543 is an opportunity to address this gun suicide epidemic through legislation that prevents acts of gun violence. Research tells us that access to a firearm triples the risk of death by suicide.<sup>1</sup> Research also tells us that reducing a suicidal person's access to firearms can help save their life.<sup>2</sup> The people of Hawaii need an effective tool to help ensure public safety when they see that a person poses a threat to others or themselves. HB 1543 is that tool.

Thank you for the opportunity to testify today and the work you do to keep families safe from gun violence. I urge you to support HB 1543 to empower family members and law enforcement to act on red flags before they turn into tragedies.

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<sup>1</sup>Anglemyer A, Horvath T, Rutherford G. The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis. *Ann Intern Med.* 2014;160:101–110. doi: 10.7326/M13-1301.

<sup>2</sup> Id.



NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
555 CAPITOL MALL, STE 625  
SACRAMENTO, CA 95814

STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, WESTERN REGIONAL DIRECTOR

February 11, 2019

The Honorable Gregg Takayama  
Chair, House Committee on Public Safety, Veteran and Military Affairs  
Sent Via Email

Re: **House Bill 1543 - OPPOSE**

Dear Chairman Takayama:

On behalf of the Hawaii members of the National Rifle Association, we oppose House Bill 1543.

HB 1543 would allow for certain protective orders to remove your Second Amendment rights - not because of a criminal conviction or mental adjudication, but based on third party allegations and evidentiary standards below those normally required for removing constitutional rights. Additionally, these protective orders lack due process as firearms and ammunition are required to be surrendered well before a hearing may take place.

Constitutional rights are generally restricted only upon conviction of a felony. The reasons for this are two-fold. It limits restrictions on constitutional rights to only the most serious offenses, and, perhaps more importantly, felony convictions provide greater procedural protections to the accused, which results in more reliable convictions. The Right to Keep and Bear Arms should not be treated as a second-class right and should be restricted only upon conviction of a felony like other rights.

If an individual is truly dangerous, existing law already provides a variety of mechanisms to deal with the individual, all of which can lead to firearm prohibitions in appropriate cases. The issuance of a protective order does nothing to deal with the underlying cause of dangerousness, nor does it subject the person to any actual physical restraint, ongoing reporting or monitoring requirements, or treatment for any underlying mental health condition.

Further, this law is limited to firearms and ignores the fact that individuals can use other types of deadly weapons to inflict harm. No law can give police, or even family members, increased insight into human behavior and motivation.

For the foregoing reasons, we urge your opposition to HB 1543.

Sincerely,

Daniel Reid  
Western Regional Director

**HB-1543**

Submitted on: 2/9/2019 2:12:36 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Gomes	Moms Demand Action for Gun Violence Oahu Chapter	Support	No

Comments:

My name is Barbara Gomes. I am a resident of Oahu and I submit this request in support of the Gun Violence Protective Order bill HB 1543.

I volunteer for the Oahu chapter of Moms Demand Action for Gun Sense and I have researched how Hawaii gun laws compare with other states. Although we do have many sensible gun laws, there is certainly room for improvement to make our state safer. We are fortunate to live in a relatively safe state that has experienced less gun violence than some other states, but we certainly are not exempt from the potential for gun violence here in the Islands. My hope is that we can strengthen our gun laws to make Hawaii as safe as possible so we might be able to avoid horrific mass shootings that we have become used to hearing about that happen on the Mainland.

Some think of Hawaii as a model of gun safety for other states. In fact, there are already 13 states with red flag laws and at least 29 states considered red flag legislation in 2018.

Many mass shooters show warning signs beforehand. In half of mass shootings from 2009 to 2017, the shooter exhibited warning signs indicating that they posed a danger to themselves or others before the shooting. If Florida had enacted a law such as this one, it's very possible the Parkland shooting could have been avoided. The Parkland shooter displayed warning signs and his mother had contacted law enforcement on multiple occasions, but sadly, nothing was done without a law such as this in Florida. Florida has since passed a red flag law, but unfortunately, it was too late for the 17 people who died and 17 people who were injured in the Parkland shooting.

As a teacher, I have huddled under small desks with young children during "active shooter" lockdown drills. The idea of ever experiencing a real lockdown is simply unimaginable to most people, and yet it is entirely possible, even in our precious state of Hawaii.

We cannot take our relatively safe community for granted. With a large number of gun owners in Hawaii, and no legal process for helping ensure our community's safety from gun owners who have exhibited warning signs, please consider moving this bill along to

become law as soon as possible. We do not want to wait until we experience more gun violence in Hawaii and only then decide to take action to prevent more tragedies.

Thank you very much for your careful consideration of this very important bill.

**HB-1543**

Submitted on: 2/9/2019 8:11:40 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Luff	Moms Demand Action Oahu Chapter	Support	No

Comments:

Dear Legislators,

My name is Elizabeth Luff. I live in Kailua with my husband and two daughters and am a Hawaii volunteer with Moms Demand Action. I wanted to write to you in support of HB 1543. After the tragic murders at Sandy Hook Elementary and the unbelievable silence on gun safety legislation that has followed, I was sickened to see our country in such a state of partisan inaction. When my girls entered school with all the excitement and innocence of their years, I couldn't stop thinking about their safety while they were away from home or how I could imagine living without them if their lives were cut short. It became clear to me that my own inaction on this important issue contributed to the crisis in gun violence that continues to plague our country today.

Like too many others, gun violence has touched my life as well. On my 12th birthday, my Uncle Tug shot himself in the head after heated argument with my Aunt. He died immediately. In high school, I remember calling the police in the middle of the night when my neighbor confronted her husband about cheating on her. She chased him up the street shooting a handgun multiple times. As a small child playing in the woods near my house I was fired on by homeless men living in the forest. My friend's head was grazed by the bullet that almost killed him. Recently, a man I worked with told me that he kept loaded guns in his home but "his kids knew that they weren't allowed to touch them". When this coworker was let go under contentious circumstances, I spent many hours at work wondering if he would come into the office and start shooting. I learned later that his wife had to flee the state with their kids to get away from him. I do not think my experiences are unusual.

I am so grateful that you are considering HB 1543. I fully support these bills and am especially happy to see that they strengthen the abilities of law enforcement and families to act in our community's best interests. Laws like this that support our community are crucial for the health of our communities.



**HB-1543**

Submitted on: 2/10/2019 9:34:54 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vivian Chang	Moms Demand Action	Support	Yes

Comments:

Aloha,

Everyone has been horrified by the mass shooter incidents. Especially when the perpetrator has been exhibiting threatening behavior. And has access to guns. But there have been no legal remedies to avert these murders.

I live in District 19, and I vote. We had a devastating workplace shooting here, and now we can lead the way helping to curb this terrible violence.

I am a member of Moms Demand Action Against Gun Violence in America. My volunteer group has been successful in enacting legislation to pass gun safety laws. Bill HB 1543 will help Hawaii lead our country to create "Red Flag" laws that empower family and law enforcement to petition the court to temporarily remove access to guns from persons legally deemed dangerous

I look forward to working with you to achieve these sensible, enactable and essential laws to help us all protect our families, our police and our communities.

Mahalo,

Vivian Chang

District 19

**HB-1543**

Submitted on: 2/10/2019 3:48:19 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
elizabeth boykin	Moms Demand Action	Support	No

Comments:

Aloha Senators and Committee Members,

My name is Elizabeth Boykin. I am a Maui mother of two small children and Local Chapter Leader for Moms Demand Action for Gun Sense in here on Maui. I am a strong believer that we can end the gun violence epidemic in our country. This is a solvable problem. As legislators you are in powerful positions to take meaningful action.

I believe that HB 1543, the Red Flag legislation, will be a great step toward making our islands safer, protecting our police and first responders, and setting a strong standard for gun violence prevention legislation going forward. I also believe that HB 1543 protects an individual's due process while benefiting the greater good of our community.

I urge you to support this legislation and swiftly move it out of committee. Mahalo for your time and support,

Liz Boykin

Laenui Place, Paia, Maui

**HB-1543**

Submitted on: 2/10/2019 3:50:25 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Oscar Boykin	Moms Demand Action for Gun Sense	Support	No

Comments:

Dear Legislators,

My name is Oscar Boykin, I live at 40 Laenui Pl in Pa`ia, on Maui. I'm a parent to two young children, and a software engineer. I'm supporter of Moms Demand Action and I'm writing in support of HB 1543. I believe passing a bill to empower loved ones and law enforcement to petition the court when someone may be a danger to themselves or others will save lives here in our state.

Thank you for your quick action on this bill.

Oscar Boykin,

Paia, Maui

**HB-1543**

Submitted on: 2/10/2019 3:52:16 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betsey Strauss	Hawaii Mom's Demand Action	Support	No

Comments:

Aloha, my name is Betsey Strauss. I'm a volunteer with the Hawaii Chapter of Moms Demand

Action for Gun Sense in America. We are part of a larger grassroots movement of Americans

fighting for public safety measures to protect citizens from gun violence. I'm writing to urge you

to support HB 1543, the Gun Violence Protection Order, which could save lives by creating a

way for family members and law enforcement to act before warning signs from individuals

escalate into tragedies.

I have three young children in school on Oahu. Even before my eldest started school five years

ago, my spouse and I were alarmed by the number of shootings that have taken place in

America, especially school shootings. At the time of the Sandy Hook shooting, we were living

in Australia, and our Australian friends were asking us questions about what happened. They

were in disbelief that something so horrible could happen in America. My husband and I were

shocked as well. Such horrible acts as these rarely occur in other high-income countries, where they have more sensible laws in support of gun safety.

I'll never forget the first time our daughter came home from kindergarten and told us they had

to do a "Lock Down Drill" at school. Not knowing what this was, she explained to us that they

shut all the windows of the classroom and had to practice staying very quiet in the event that a

"scary person came to their classroom." Her words brought tears to my eyes, that this was

becoming a regular drill for her and her classmates, as well as many other schools in our

country. Seeing as this has become a prominent issue facing our country, I've become

determined to do what I can to make schools and our communities as safe as possible for our

keiki to grow up in.

Mass shooters often display warning signs before committing violent acts. A nationwide study

between 2009-2017 revealed that in half of mass shootings, the shooter exhibited dangerous warning signs before the shooting. If loved ones or law

enforcement were able to petition the court for a Gun Violence Protection Order, this could

help to decrease the amount of firearm related injuries and deaths by a person in crisis, that

could be either self-inflicted or against others.

With the growing rate of gun related violence in our country, it is as important as ever to enact

gun sense laws to keep Hawaii as safe as possible from acts of violence. I encourage you to

support HB 1543. Mahalo.

**HB-1543**

Submitted on: 2/10/2019 3:52:29 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Branon	Moms Demand Action	Support	No

Comments:

Dear legislators,

My name is Sarah Branon, and I am a retired teacher, a grandmother and a winter resident of Paia, Maui. I urge you to pass HB 1543 to give law enforcement and family members the opportunity, through due process, to keep guns from people who would misuse them. As graduate students, my husband and I have had a hand gun pointed at us during a robbery many years ago. We spent the rest of our lives knowing that a moment could change or end a life, on both sides of the gun. Moms Demand Action is right to ask for a Red Flag law to give family members and law enforcement the legal tool they need to solve a crisis.

Mahalo,

Sarah Branon

Paia, Maui

**HB-1543**

Submitted on: 2/11/2019 3:57:21 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gena Whitten	Moms Demand Action	Support	No

Comments:

I strongly believe that HB 1543 will protect the people of Hawaii and prevent deaths likely to be caused by gun violence. 13 states have adopted "Red Flag" laws and have seen deaths caused by gun violence greatly reduced. Nearly 1/2 of shooters exhibit dangerous behaviors prior to a violent shooting. HB 1543 will give a measure of protection in being able to limit access to firearms from people who could become a danger to themselves or others.



Re: Support for SB 1466

My name is Gail P. Gnazzo. I live at 19 Ohia Lehua Place in Kula. I have been a resident of Maui, Hawaii for forty years. I have volunteered with Moms Demand Action in collaboration with other organizations and more recently as a volunteer Maui leader.

I have an MSSW with concentration in both clinical practice and community organization and planning. My career has been in direct practice as well as in the design and provision of a wide range of therapeutic and prevention programs. I was CEO of Maui Youth & Family Services for twenty years; providing emergency and crisis intervention, school based, in home & in community programs, through residential treatment for mental health and chemical dependency. Residential programs served youth from all Hawaiian Islands. Prior to that I staffed in hospital pediatric services including ER coverage for psychiatric and child abuse situations. I planned, implemented and supervised Maui's first specialized Child Protective Services Unit. I have been appointed by various governors to serve on Hawaii boards and committees. My experiences have intersected with the Judiciary, domestic violence, Family Court, DOE and mental health initiatives, on behalf of victims, witnesses and their abusers. I am considered an expert witness and have written court reports and testified in Family and Criminal Courts.

Due to required confidentiality and the smaller population of Maui County islands, I have chosen not to use compelling personal examples where a red flag law might have prevented murder, suicide and unbearable trauma to the families involved for fear that even disguising those involved would not prevent their possible identities from becoming known.

I am proud to live in Hawaii where our legislators have set the bar high for the country. With a "red flag law" added to our already strong laws, families, police and others may have been able to avert future tragedies. We can still do it!

Malama Pono,

Gail P. Gnazzo, MSSW, LSW

**HB-1543**

Submitted on: 2/10/2019 8:57:07 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tori Teoh	Moms Demand Action	Support	No

## Comments:

Hi, my name is Victoria Teoh and I live in Kahului. I am a local high school student and a strong supporter of Moms Demand Action. Before I moved to Maui, I lived in Tyler, Texas. In Texas, it is extremely common to have guns; I grew up with uncles who hunted weekly and had over ten guns in their houses. But I also grew up with gun violence and school shootings. At my current high school, we had a student threaten to bring a gun to school. All my teachers had to cancel lesson plans and talk to us about potential escape routes and what we should do when there is a shooter on campus. Luckily, the threat did not become real but, it opened my eyes to this issue. I have had close friends try to kill themselves and known others who succeeded. Red Flag Laws could help so many people in my community and others like my own. I am asking you all to support SB 1466 because I don't want to interrupt my art class with a drill on how to escape a shooter or see my friends in the hospital due to a gun. These laws could prevent shootings and save lives. I wish I could go back and prevent all the lives lost at the hand of a gun, students like me murdered and not allowed to graduate high school, or get married and have a full life. I can't go back in time and fix it, but I am asking you to help me and prevent any more possible shootings. This bill could save my life and my friends' lives. I refuse to bury any of my loved ones because of senseless gun violence, and I hope you will support this bill.

Thank you for your time.

Sincerely,

Victoria Teoh

**HB-1543**

Submitted on: 2/10/2019 10:49:54 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Cobain	Moms Demand Action	Support	No

Comments:

Good Morning. My name is Ann Cobain. I live on Maui and I'm a volunteer with the Hawaii chapter of Moms Demand Action for Gun Sense in America, a grassroots movement of Americans fighting for public safety measures that protect people from gun violence. I'm writing today to urge you to support gun violence protection orders proposed in bill HB1543, a red flag law.

I want to tell you why this bill is important for our community and me personally.

As a Licensed Marriage and Family Therapist in Hawaii, I'm all too aware of the suicide rates in our beautiful state and the 18% rise from 1996-2016 according to the Centers for Disease Control. I work with clients and families who struggle with mental health issues and suicidal ideation daily. I've had numerous clients whom were suicidal and thanks to safety plans and additional support can recover and heal. However, this isn't always the case and when suicidal people have access to firearms their risk skyrockets. Access to a gun is associated with a significant increase in risk of suicide, and a review of fourteen studies found that household gun access can triple the risk of death by suicide. On average, one Hawaiian dies by firearm suicide every 11 days. There's no question that keeping guns out of the hands of people who are feeling suicidal can save lives. A recent study showed Indiana's Red Flag Law was associated with a significant drop in firearm suicides in the state in the first 10 years the law was in effect. A 2017 study of Connecticut's red flag law found that the law averted an estimated 72 or more suicides. Thirteen states have enacted Red Flag laws and Hawaii needs to be next. We need SB 1466 to protect our community and those in crisis.

Personally, I've had a friend who died by firearm suicide. Brett had started out my older brother's friend but became more of a hanai brother. I remember him teaching me to drive and spending many afternoons snowboarding and hanging out. Brett also suffered from mental health issues. He was seeking treatment and had potential for recovering. Unfortunately, a mental health crisis and access to a firearm ended his life at 25. His experiences motivated my career in the mental health field and beliefs that we need to do more for those in crisis. SB1466 could have saved him and his family from losing a life that was just beginning.

As a Mother in our community, I'm also concerned with the safety in our schools and want to protect our keiki from experiencing gun violence. My daughter recently entered

preschool and the reality of her having to do lock down drills and practice hiding from an active shooter is heartbreaking. I understand the need for this and feel we as parents need to do more to solve the problem and keep kids safe. Research proves that shooters often display warning signs before committing violent acts. SB1466 is part of the solution in that it empowers family members and law enforcement to act on these red flags before they turn to tragedy. As of recently, Hawaii hasn't directly experienced a mass shooting, now is the time for prevention. HB1543 will help us do this, we can save lives and make Hawaii a safer place for everyone.

Thank you for supporting HB1543

Aloha

Ann Cobain, LMFT

**HB-1543**

Submitted on: 2/9/2019 3:10:35 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Eger	Moms Demand Action	Support	No

Comments:

I am Linda Eger and I'm a parent and volunteer and I live on S. Alaniu Place in Kihei, Maui HI.

I am a supporter of Moms Demand Action for Gun Sense in America and by this written testimony am asking that our legislators in Hawaii support HB 1543

In the past, I have not been active in various issues and causes but in recent years, have been very distressed to see case after case of gun violence across our country devastating families and communities. It is simply heartbreaking - not only for the victims who have lost loved ones but also to the family of the person who has committed the act of violence.

Like others, I've sent up thoughts and prayers for all victims but there is a point where this is not enough. Laws are a huge component (if not the major one) of what can truly effect change - thus I ask that our legislators enact HB 1543 which will be a significant part of the overall solution to reducing acts of gun violence.

It was an eye-opener to learn that Hawaii residents are about 3 times more likely to die by firearm suicide than by firearm homicide. It brings to mind a friend of mine whose husband died by shooting himself about 1 year ago. She had seen the signs of his mental health and addiction issues to the point of separating from him to protect herself. At the same time, she still cared about him and his welfare. If Hawaii were to have had a Red Flag law in place, she may have felt she could have taken some action to help him stop from hurting himself or others.

Thank you.

**HB-1543**

Submitted on: 2/11/2019 10:26:03 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Ficenec	Moms Demand Action	Support	Yes

Comments:

My name is Laura Ficenec, I'm 25 years old and an active member of the Oahu chapter of Moms Demand Action. I strongly support this bill because I believe it has the ability to prevent gun violence and keep our community safer.

On May 23, 2014, I was a student at Santa Barbara City College living in the college town of Isla Vista when Elliot Rodger shot and killed six people and injured fourteen others. Rodger had a history of mental illness and violent tendencies, and if there had been a law such as our current HB 1543 at the time that prevented him from possessing firearms, then those six people, as well as a vast amount of others across the state, would maybe still be with us today.

After this shooting, I joined Moms Demand Action and within a year the California chapters of Moms Demand Action pushed to help pass the Red Flag Law that allows family members and law enforcement to go before a court and have a judge order the confiscation of firearms from a dangerous person. It is time that Hawaii gets on board with progressive gun violence prevention laws such as this to protect its people.

Thank you for your consideration, and I hope my story and testimony will make a difference.

**HB-1543**

Submitted on: 2/11/2019 8:31:31 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Sulzbach	Moms Demand Action	Support	Yes

## Comments:

My name is Jeff Sulzbach. I'm a volunteer with the Honolulu chapter of Moms Demand Action for Gun Sense in America, a grassroots movement of Americans fighting for public safety measures that protect people from gun violence. I am in support of bill HB 1543. I am concerned with the rates of suicides in this country by guns. Tragically, two-thirds of gun deaths are suicides. Someone who died by gun suicide or shot and killed himself/herself is a victim of gun violence too. A neighbor in my neighborhood died by suicide a few years back. It was such a tragic loss for his family, friends, school, church and neighborhood. A bright life in a moment of despair tragically ended by the pull of a trigger. His family was concerned about him and even called the police a couple of times. I truly believe he would be with us here today if a red flag bill was in effect.

**HB-1543**

Submitted on: 2/11/2019 8:10:56 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patty Sulzbach	Moms Demand Action	Support	Yes

## Comments:

Hello. My name is Patty Sulzbach. I'm a volunteer with the Honolulu chapter of Moms Demand Action for Gun Sense in America, a grassroots movement of Americans fighting for public safety measures that protect people from gun violence. I am writing in support of bill HB 1543. I am a mom of two boys in elementary school. I worry every day about my children's safety at school. There have been so many mass shootings at schools in recent years. Just like in Tucson, Aurora and Parkland, there are often warning signs that someone may pose a threat to themselves or others. Red Flag Laws allow family members and law enforcement to ask a judge to temporarily suspend a person's access to guns if there is evidence they may try to hurt themselves or others. We can't prevent every tragedy, but when a person is in crisis, temporarily removing guns from a dangerous situation could save their life or the lives of others. A nationwide study of mass shootings from 2009 to 2017 showed that in nearly half of those incidents, there is documentation that the attacker exhibited dangerous warning signs before the shooting. If this bill is passed I feel that America's children will be safer. It will ease some of my fears when I send my children off to school every morning.



**HB-1543**

Submitted on: 2/11/2019 9:25:51 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Pearl	Moms Demand Action for Gun Sense in Hawaii	Support	Yes

Comments:

COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep Cedric Asuega Gates, Vice Chair

Wednesday, February 13, 2019

**Support for H.B. 1543 – RELATING TO GUN VIOLENCE PROTECTIVE ORDERS**

My name is Carolyn Pearl, and I am a long time resident of Hawaii. I’m also a volunteer with Moms Demand Action for Gun Sense in Hawaii, the local chapter of a nationwide grassroots organization of people – moms and others – who are seeking to make life safer for ourselves and our families through sensible firearm safety laws and regulations. We stand in strong support of HB 1543.

Senseless acts of gun violence, including mass shootings and gun suicides, are becoming alarmingly commonplace, when many of them could be prevented. Such tragedies are often preceded by red flags - threats of violence, dangerous behavior, and other indications that a person is a danger to themselves and others. The recent shooting deaths of five women in the branch office of a bank in Florida is just one example of these shootings, and adds banking to the list of everyday activities that may no longer be thought safe from gun violence. Hawaii is not immune to gun violence - both violence against others and suicide by gun.

The people of Hawaii need an effective tool to help ensure public safety when they see that a person poses a threat to others or themselves. While Hawaii law currently prohibits people from having guns if they have been convicted of certain crimes, people who don’t fall into prohibited categories can still have guns, even if they make violent threats or display other dangerous warning signs.

The legislation before you – HB 1543 - can help to save lives by creating a way to act before warning signs escalate into tragedies. This measure will allow loved ones or law enforcement — the people who are most likely to see and recognize the warning

signs—to seek a Gun Violence Protective Order, a court order temporarily removing guns from a person in crisis.

If the court finds that a person poses a significant risk of injuring themselves or others with a firearm, that person would be temporarily prohibited from purchasing and possessing guns and required to turn over their guns while the order is in effect.

We urge the committee to pass HB 1543 to help to increase the safety of our families in Hawaii.

Thank you for this opportunity to testify.

**HB-1543**

Submitted on: 2/11/2019 2:29:10 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terence Lee	Moms Demand Action	Support	Yes

Comments:

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Support for HB1543- Relating to Gun Violence Protective Orders

Aloha. My name is Terence Lee. I am a resident of Winward Oahu. I am in support of HB1543. I knew the man who shot me. We shared a life together. I never thought in a million years that he would pull a gun on me, but he did.

I was at work one night in a store and he just walked in with a .22 in his hand. He then asked me a question that made absolutely no sense at all. And fired. He then tried to get me to lie face down, but I would move at the last minute. And he would shoot. It was horrific. This went on until the police arrived. I was crawling to the back of the store when I heard all the gunfire. He was killed. I had been shot 5 times. Four of the bullets went right through me. The aftermath has been so much needless pain and sorrow. Only after did a friend tell me of a suicide note. My shooter was waiting for the police to get there. He planned to never walk out of that store.

I also came to realize that there were indeed signs of his impending unraveling. This was in 1992. There were no signs to possible shooters like there are today. We know the patterns of disturbing behavior based on these tragedies that continue.

I would like to use my voice to get the Red Flag Law passed. This is the 27th year since my shooting. I would not want anyone to have to go through what I have gone through. And so many voices have been silenced.

The police told me that my shooter bought the gun and bullets the day before my tragedy. We need to pass HB1543. Please help.

Thank you for this opportunity to testify.

**HB-1543**

Submitted on: 2/11/2019 9:29:10 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bennett Cale	Moms Demand Action for Gun Sense in America	Support	No

Comments:

**COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS**

**Rep. Gregg Takayama, Chair**

**Rep Cedric Asuega Gates, Vice Chair**

Dear Honorable Reps Takayama, Asuega Gates and Committee members,

My name is Bennett Cale and I live in Kula, Maui. I am the Hawaii State Chapter Leader for Moms Demand Action for Gun Sense in America and the father of 2 kama'aina keiki. Thank you for your efforts to reduce and prevent gun violence in our State.

The people of Hawaii need an effective tool to help ensure public safety when they see that a person poses a threat to others or themselves. Thirteen states have enacted Red Flag Laws—and in 2018 alone, at least 29 states and DC considered Red Flag legislation. Like all of America, Hawaii is suffering from a gun suicide crisis. Preventing a person who is exhibiting signs that they might be at risk of harming themselves from accessing guns can save their life. Shooters often display warning signs before committing violent acts. Proposed legislation would empower family members and law enforcement to act on these red flags before they turn into tragedy. Proposed legislation creates a fair process that ensures a full legal hearing before a year-long red flag order may be issued.

Thank you for your consideration,

Bennett Cale

808.268.5068

**HB-1543**

Submitted on: 2/12/2019 9:13:14 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**HB-1543**

Submitted on: 2/12/2019 7:30:48 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kainoa Kaku	Hawaii Rifle Association	Oppose	No

Comments:

**HB-1543**

Submitted on: 2/12/2019 7:33:03 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Kaku	Hawaii Rifle Association	Oppose	No

Comments:

**HB-1543**

Submitted on: 2/12/2019 7:31:50 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Malia Kaku	Hawaii Rifle Association	Oppose	No

Comments:



**HB-1543**

Submitted on: 2/12/2019 7:32:24 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Kaku	Hawaii Rifle Association	Oppose	No

Comments:



The Honorable Gregg Takayama, Chair  
The Honorable Cedric Asuega Gates  
House Committee on Public Safety, Veterans, and Military Affairs  
State Capitol, Room 430  
Honolulu, Hawaii 96813  
HEARING: Wednesday, February 13, 2019, at 10:00am  
RE: HB1543 Relating to Gun Violence Protection Orders

Aloha Members of the House Committee,

The Hawaii Firearms Coalition STRONGLY OPPOSES HB1543

This bill makes the assertion that mass shootings are a crisis in the country and that this bill would greatly reduce such shootings in the state by allowing a petitioner to have a court remove the rights of an individual to possess guns or ammunition for one year. This assertion is false, since the VAST MAJORITY of these shootings were either drug or gang related. This bill and others like it, would do nothing to remove the guns from the hands of criminals. Take the case of Bronson Gouveia, who attempted to murder his girlfriend with a firearm on December 23, 2018. Gouveia, a convicted felon, was not supposed to own firearms but somehow obtained them despite some of the strictest gun laws in the country.

Legislation such as HB1543 does nothing to curb violence, gun related or otherwise. What these "Red Flag Laws" do establish is a dangerous precedent that removes due process from an individual who has committed no crime.

The core of this bill allows a petitioner to have the court issue a "gun violence protection order" against an individual *ex parte*. This means the individual accused has no knowledge of this proceeding nor the ability to contest the hearing before summary judgment is passed. While well intended, this bill, if passed into law, can and will be used by anyone with a grudge against another individual and NOT for its intended purpose. This will cause great harm to the civil liberties of the person accused. The justice system in the United States is based upon the Presumption of Innocence. If there is truly a concern about the potential violent intentions of the individual then it is incumbent on the accuser and the State to PROVE there is sufficient evidence for removing a civil liberty and one's personal property.

Hawaii Firearms Coalition is STRONGLY OPPOSED to this bill because it seeks to violate Constitutional protections of the individual to due process and equal treatment under the law.

Mahalo,

Jon Abbott  
Director, Hawaii Firearms Coalition  
Ph. (808)292-5180  
Email: [jonwebsterabbott@yahoo.com](mailto:jonwebsterabbott@yahoo.com)

**HB-1543**

Submitted on: 2/11/2019 11:17:19 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica Yamauchi	Hawaii Children's Action Network	Support	No

## Comments:

As a mother of two young daughters who has personal experience with a multitude of mental health issues and domestic violence tragedies in my own network of friends and family, including my best friend in high school being murdered by another one of my friends with an unsecured firearm in their home, I strongly support this bill to help prevent gun violence tragedies for other families into the future. I urge you to please pass this common-sense gun safety bill this session to save precious lives in our state.

**HB-1543**

Submitted on: 2/11/2019 1:41:08 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Dau	Keiki Injury Prevention Coalition	Support	No

Comments:

**HB-1543**

Submitted on: 2/11/2019 2:45:16 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nonohe Botelho	Individual	Support	Yes

Comments:

To: COMMITTEE ON PUBLIC SAFETY: VETERANS & MILITARY AFFAIRS

Representative Gregg Takayama, Chair

Representative Cedric Asuega Gates, Vice Chair; and members of the Committee

From: Nonohe Botelho, Parent of a Murdered Child

Date: Wednesday, Feb 13, 2019

Re: HB 1543, "RELATING TO GUN VIOLENCE PROTECTIVE ORDERS"



My name is Nonohe Botelho. I am affiliated with the National Organization of Parents of Murdered Children. I became involved with Parents of Murdered Children after my son, Joel Botelho, was shot and killed in front my home in Kaneohe in 2011. My son was fatally murdered after a single gunshot to his chest. He died instantly.

Several weeks after my son's death we were informed that the defendant in our case had previously threatened to shoot his girlfriend and himself. The police were called, but the defendant had already fled the scene and the gun was never retrieved. If the police had a legal means in which they could have obtained a protective order to temporarily remove the firearm from a person who clearly posed an immediate threat to himself and others, my son may have never been shot. Sadly, we will never know if retrieving the gun at that time could have been the difference between life and death.

I am writing in strong support of HB 1543, RELATING TO GUN VIOLENCE PROTECTIVE ORDERS, which *establishes a process allowing law enforcement officers and family or household members to obtain a court order to prevent a person from accessing firearms and ammunition where the person poses a danger of causing bodily injury to oneself or another.*

HB 1543 mentions two cases of gun violence in Hawaii, including the Xerox shootings in 1999, (*State vs. Brian Uyesugi*) and H-1 shootings in 2011 (*State vs. Tobey Stangel*). Another high profile case not mentioned is the 1996 Honolulu Hostage Crisis which occurred in Sand Island. The suspect, John Miranda, took hostages at the Seal Masters of Hawaii building, his former place of employment. During the hostage crisis, two hostages were injured, one seriously. Live news coverage also showed that Miranda held a sawed-off gun to one of the hostages. Several weeks later Miranda was found to have murdered his former girlfriend prior to the crisis.

Other notable cases include the shooting of Royal Kaukani (*State vs. Toi Nofoa, 2009*). Nafoa admitted to family members that he shot Kaukani in the head while she was sitting in her car. Kaukani was scheduled to testify against Nofoa for charges that he kidnapped and threatened to kill her. Most recently, Bronson Gouveia was apprehended after shooting his girlfriend in Kahaluu. Sources said drugs and weapons were found in the home where he was staying. It was reported that Gouveia has 54 prior arrests; about half of those were felonies, and more than 20 convictions.

With this in mind I implore this committee to PASS HB 1543, because like myself, these victims and their families will never know if these crimes could have been prevented IF the law allowed "*law enforcement officers and family or household members to obtain a court order to prevent a person from accessing firearms and ammunition where the person poses a danger of causing bodily injury to oneself or another.*" **We will never know if law enforcement intervention could have made the difference between Life and Death.**

Thank you for your time and consideration of this important matter.

Sincerely,

Nonohe Botelho



**HB-1543**

Submitted on: 2/8/2019 3:17:48 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellen Godbey Carson	Individual	Support	No

## Comments:

Please support this bill to allow Gun Violence Protective Orders when people in crisis exhibit dangerous signs that threaten their own life or that of others. So many suicides and homicides could be prevented if people with severe depression, mental illness or uncontrolled rage did not have access to firearms.

**HB-1543**

Submitted on: 2/9/2019 2:19:56 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**HB-1543**

Submitted on: 2/9/2019 3:24:04 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

This bill does not provide enough protection for due process for the accused and either needs to be amended to do so or should be scrapped.



# Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

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February 9, 2019

COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Chair, Vice Chair, and Committee Members,

Please vote NO on HB1543.

The problems with this bill are many, and no one can spell them out more clearly than the American Civil Liberties Union (ACLU), whose analysis of a virtually identical law proposed in another state follows. Please note that the ACLU has no problem at all supporting nearly all other variants of laws that violate the pre-existing natural God-given fundamental individual enumerated constitutionally-protected civil rights to keep and bear arms, however in this case, even the very heavily left-leaning ACLU believes the government goes too far. Here is their disclaimer from the analysis below: **“... we have not opposed efforts to restrict the types of weapons available for purchase, or many other gun control measures that have been introduced in the past.”**

I'm just emphasizing this point to indicate that with this proposed law, HB1543, even an organization that supports virtually every other manner of restricting the rights of firearms owners cannot support laws such as this. The ACLU concludes bills such as HB1543 must be defeated in order to “...safeguard robust due process procedures before granting the courts and law enforcement agencies potentially intrusive powers over the liberty of individuals charged with no crime.” And further, that such a law would criminalize behavior “*Minority Report*-like, at the expense of basic due process for individuals whose crimes are speculative, not real. The precedent it creates could reverberate in unexpected and distressing ways in years to come.”

I'd say that's a condemnation of the first order of magnitude.

Vote NO on HB1543.

Thank you,  
George Pace

# American Civil Liberties Union

www.riaclu.org | info@riaclu.org

## AN ANALYSIS RELATING TO EXTREME RISK PROTECTIVE ORDERS MARCH 2018

### SUMMARY

This pending legislation would allow family members and law enforcement officers to petition a judge to issue an “extreme risk protective order” (ERPO) against an individual who legally owns firearms but who is alleged to pose a “significant danger of causing personal injury to self or others.”

While the ACLU of Rhode Island recognizes the bill’s laudable goal, we are deeply concerned about its breadth, its impact on civil liberties, and the precedent it sets for the use of coercive measures against individuals not because they are alleged to have committed any crime, but because somebody believes they might, someday, commit one.

- \* The court order authorized by this legislation could be issued without any indication that the person poses an imminent threat to others.
- \* The order could be issued without any evidence that the person ever committed, or has even threatened to commit, an act of violence with a firearm.
- \* The court order would require the confiscation for at least a year of any firearms lawfully owned by the person and place the burden on him or her to prove by clear and convincing evidence that they should be returned after that time. If denied, the person would have to wait another year to petition for return of his or her property.
- \* The person could be subjected to a coerced mental health evaluation, and the court decision on that and all these other matters would be made at a hearing where the person would not be entitled to appointed counsel.
- \* With the issuance of an order, police would have broad authority to search the person’s property.
- \* The standard for seeking and issuing an order is so broad it could routinely be used against people who engage in “overblown political rhetoric” on social media or against alleged gang members when police want to find a shortcut to seize lawfully-owned weapons from them.

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- \* Even before a court hearing was held, and a decision was made, on a petition for an ERPO, police could be required to warn potentially hundreds of people that the individual might posed a significant danger to them.

\* Without the presence of counsel, individuals who have no intent to commit violent crimes could nonetheless unwittingly incriminate themselves regarding lesser offenses. The heart of the legislation's ERPO process requires speculation – on the part of both the petitioner and judges - about an individual's risk of possible violence. But psychiatry and the medical sciences have not succeeded in this realm, and there is no basis for believing courts will do any better. The result will likely be a significant impact on the rights of many innocent individuals in the hope of preventing a tragedy.

Any legislation should focus on addressing serious imminent threats to the public safety while safeguarding robust due process procedures before granting the courts and law enforcement agencies potentially intrusive powers over the liberty of individuals charged with no crime.

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### **AN ANALYSIS OF EXTREME RISK PROTECTIVE ORDERS**

A number of bills have been, and will be, proposed this year to address the serious problem of gun violence, and particularly the scourge of mass shootings taking place around the country. The ACLU of Rhode Island believes that there are many ways that the state can try to address this issue through the regulation of firearms without infringing on the constitutional rights of residents to bear arms. For example, we have not opposed efforts to restrict the types of weapons available for purchase, or many other gun control measures that have been introduced in the past and that courts have found to be reasonable regulation of Second Amendment rights.

At the same time, attempts to regulate the possession of firearms can implicate other constitutional rights, including rights to privacy and due process. That is the case with H-7688/S-2492 and their proposal to allow for the issuance of "extreme risk protective orders." These are orders that could be issued by a judge to, in the words of the legislative news release announcing the introduction of the House bill, "disarm people whose behavior is believed by authorities to pose a serious threat to others or themselves." One cannot argue with the goal, but the ACLU of Rhode Island is deeply concerned about the breadth of this legislation, its impact on civil liberties, and the precedent it sets for the use of coercive measures against individuals not because they are alleged to have committed any crime, but because somebody believes they might, someday, commit one. Before going through the bill in detail, it is worth emphasizing that last point. The legislation allows a court to intervene in potentially major and intrusive ways on a person's liberty and property interests without any indication, much less suggestion, that the person

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has engaged in any criminal conduct – or even that he or she may do so imminently. In that regard, the bill places judges in the unenviable – indeed, impossible – position of trying to predict who may and may not become a mass murderer. Psychiatry and the medical sciences have not succeeded in this realm, and there is no basis for believing courts will do any better. The result will likely be a significant impact on the rights of many innocent individuals in the hope of preventing a tragedy.

It is also worth emphasizing that while a seeming urgent need for the bill derives from recent egregious and deadly mass shootings, the bill's reach goes far beyond any efforts to address such extraordinary incidents. As written, a person could be subject to an extreme risk protective order (ERPO) without ever having committed, or even having threatened to commit, an act of violence with a firearm. While aimed at responding to "red flags," the bill sets a low threshold for judicial intervention, particularly when one compares it to the myriad and blatant "red flag" warnings that the Parkland shooter left but that were ignored by law enforcement agencies. And, contrary to popular belief, the bill is not limited to addressing people who pose an immediate threat of harm. In short, there is a great disparity between whom the bill actually affects and the high-profile shooting incidents that make passage of legislation like this seem so pressing.

The potential impact on individuals subject to an ERPO also involves much more than a long-term seizure of lawfully owned firearms. Without a right to appointed counsel, respondents<sup>1</sup> can be forced to submit to a mental health evaluation, be the subject of fairly widespread "danger" notifications even before a court order has been issued against them, face contempt proceedings and prison for failing to abide by any part of an ERPO, and

<sup>1</sup> In accordance with the bill's terminology, this memo will generally refer to the person seeking an ERPO the "petitioner" and the person to whom it applies the "respondent."

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unwittingly place themselves in jeopardy of criminal charges in the absence of the advice of counsel.

We recognize that this legislation is based, in part, on statutes enacted thus far by five other states. Those laws suffer many of the same defects we outline here, although in a few instances, some of them contain a few modest safeguards missing from H-7688/S-2492.<sup>2</sup> It is one thing to craft focused legislation aimed at disarming people who are credibly deemed to be an *imminent* danger; it is another to adopt procedures, as H-7688/S-2492 do, that cover much more speculative fears of danger. While a carefully and narrowly crafted bill aimed at stopping imminent threats might address many of the civil liberties concerns raised in this analysis, the problems with the proposed legislation, as we attempt to document below, are pervasive and deep.

## "RED FLAG" STANDARDS

Two key elements of the legislation are the standard for filing a petition for an extreme risk protective order (ERPO) and the criteria to be used by a judge in determining whether to grant one. Both of these elements are, in our view, extremely flawed.

The bill grants "family or household members," local law enforcement officers, and the Attorney General the power to file an ERPO petition. The petition must allege, with specific facts, "that the respondent poses a significant danger of causing personal injury to self or others by having in their custody or control, purchasing, possessing, or receiving a firearm." [Page 2, lines 24-26.]

<sup>2</sup> For example, Connecticut's "red flag" law – the first in the country to be enacted – is limited to situations

where a person “poses a risk of imminent personal injury” and an independent determination has concluded there is “no reasonable alternative” to confiscating their firearms in order to prevent the person from causing imminent harm to him- or herself with the firearms he or she possesses. Sec. 29-38c. California’s statute similarly requires a consideration of “less restrictive alternatives.”

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There are a number of points to be made about this standard. First, it makes no attempt to define what constitutes a “significant danger,” nor does it impose any sort of temporal limitation on that anticipated danger. In contrast to a separate provision in the bill authorizing ex parte orders when the danger is “imminent” [see Page 5, §8-8.3-5], the alleged danger posed by respondents can be anytime in the indefinite future. Further, the purported danger need not be to more than one person, nor does the potential harm even need to be a threat of *serious* personal injury – any type of possible injury will suffice to trigger the possible issuance of an ERPO.<sup>3</sup>

Indeed, the way the bill is worded, one does not even have to claim that the feared injury is likely to be caused by a firearm; only that the person’s possession of one creates a significant danger of inflicting some type of injury. We are sure that evidence could be garnered that the mere possession of firearms poses a “significant danger of causing personal injury to self or others,” leaving the scope of the bill’s use to the mercy and good faith of those making use of the powers granted by the legislation.

We point out these distinctions not to diminish the seriousness of a person’s alleged plan to injure only one person, rather than dozens, or to only slightly harm people, rather than kill them, but instead to note how much the actual language of the bill veers from its purported aim at mass shooters.

Since the Attorney General and local police departments have the independent power to seek these orders without the request of any family members [Page 2, lines 18-19], one can easily imagine this bill’s petitioning authority being used in scenarios far outside the context that has prompted it. For example, almost by definition, individuals

<sup>3</sup> The state’s assault and other criminal statutes often differentiate between the level of injury in determining the severity of criminal penalties to be imposed.

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targeted by police as gang members – who, it is worth noting, are most often people of color – would fit the statute’s amorphous standard of potentially posing a “significant danger” of injury to others by “having in their custody” a firearm. What is to stop police from using this law to file petitions against them in order to seize any lawfully owned firearms they have? Filing, and being granted, such a petition has the additional bonus of serving as a general search warrant that could conveniently allow police to “stumble across” evidence of unrelated illegal activity, because the bill allows police officers granted an ERPO to “conduct any search permitted by law” at a respondent’s residence in order to search for firearms. [Page 9, lines 33-34.] Similarly, the increased practice of law enforcement trolling of social media for “harmful” or “threatening” posts could vastly increase the use of a bill like this against innocent people who engage in overblown political rhetoric.<sup>4</sup>



These are hardly far-fetched scenarios. If there is anything we have learned over the decades, it is that law enforcement-related legislation enacted to address specific and serious crimes often is expanded for uses well beyond the initial intent. After all, who would have acknowledged that a law specifically aimed at mobsters – the Racketeer Influenced and Corrupt Organizations Act – would one day be used to go after anti-abortion protesters?<sup>5</sup> Who would have predicted that expanded “civil asset forfeiture” laws – initially aimed at major drug dealers – would one day be so routinely used against innocent parties to take houses, cars, money and other property away without any criminal charges,

<sup>4</sup> For an older but still very relevant offline example, see, e.g., <http://riaclu.org/news/post/aclu-responds-to-secret-service-investigation-of-student-essay/>

<sup>5</sup> *Scheidler v. National Organization for Women*, 547 U.S. 9 (2006)

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much less criminal convictions, involved?<sup>6</sup>

An ERPO petition has a wide-scale impact on presumptively innocent individuals even before a judge considers the request. If the petition is being initiated by law enforcement, the police agency must first make a good faith effort to notify family and household members and “any known third party who may be at risk of violence.” [Page 3, lines 6-12.] This is required even if the danger is not considered imminent, and must take place before a judge has even reviewed the petition. When dealing with an alleged prospective mass shooter, whom do the police notify? To be on the safe side, isn’t it likely that every known family member will be apprised? Will every school within reasonable driving distance be subject to notification? What about the respondent’s employer?

Overnotification is inevitable, especially when tied to the broad standard for petitioning described above. The consequences for the individual, even if an ERPO is never issued, could be enormous.

A second major concern with the legislation involves the wide range of criteria a judge is given to consider in deciding whether to issue an ERPO. [Page 4, lines 12-31.] We do not object to the lengthy list per se, but we do question the weight some of those factors may be given and the lack of any prioritization. For example, it seems axiomatic that the granting of an ERPO should be premised on allegations of recent acts of violence or threats of violence by the respondent. But that is *not* required under this bill. The judge can consider those factors, which one would presume exist, but they do not need to be present or even a critical consideration in order to issue an ERPO. Further, even if there have been

<sup>6</sup> See, e.g., “Policing for Profit: The Abuse of Civil Asset Forfeiture,” Cato Institute, March 2010; “Guilty Property: How Law Enforcement Takes \$1 Million in Cash from Innocent Philadelphians Every Year — and Gets Away with It,” ACLU of Pennsylvania, June 2015, available at: [https://www.aclupa.org/index.php/download\\_file/view/2322/888/](https://www.aclupa.org/index.php/download_file/view/2322/888/)

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past threats or acts of violence by the respondent, they need not be connected to firearms in any way. Instead, a court can, in theory, rely solely on a person’s mental health, drug abuse or felony crime history – outside any context of violence, much less firearm violence – in issuing an order. In light of the stakes involved, it is not unreasonable to assume that

the courts' default, once presented with a petition, will be to find grounds for sustaining the petition even when the evidence presented is less than compelling.

Another disconcerting aspect of the court's powers under the bill is that, in addition to confiscating any firearms, the judge can order a mental health or substance abuse evaluation, presumably against the respondent's will and upon contempt of court if he or she fails to comply. [Page 5, lines 6-7; Page 12, lines 25-27.] An ERPO petition can thus function as an end-run around the state's mental health statutes, which have very detailed standards before compelling a person's participation in the mental health system.

The length of time an ERPO is in effect once issued is also troubling. It remains in effect for at least one year before the respondent can challenge it. [Page 4, line 10; Page 8, lines 20-22]. This is a long time to maintain the property of a person who has not been charged with, much less convicted of, a crime. The time period for renewal of an ERPO should be shorter.<sup>7</sup>

Just as problematic is the method the bill provides to a respondent to secure return of any lawfully owned firearm confiscated through an ERPO and to have the order terminated. After a year has passed, the burden is on the respondent to prove by clear and convincing evidence that he or she is no longer a danger. [Page 8, lines 28-32.] How does one prove this negative, and how does one do it with such a high burden of proof? He or

<sup>7</sup> At least one "red flag" state – Indiana – authorizes respondents to file a petition for a firearm's return 180 days after the order has been entered. IC 35-47-14-8.

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she can't even necessarily rely on the fact that they have committed no violence in the year, since the Catch-22 response from the state can be that it was only because of the ERPO that the respondent did not engage in violent conduct. Whatever timeframe is used for renewal of an ERPO, the burden should be on the petitioner to prove by clear and convincing evidence that it should remain in effect, not on the respondent to halt its continued imposition.

The bill establishes a separate, though related, time-compressed ex parte procedure for "imminent" threats, and that is where we believe the focus of any legislative effort like this should be. If there is no reason to believe a threat is imminent, why not go through regular investigatory steps to examine the allegations rather than establish a process like this, with all of its potential ramifications for innocent people or for people targeted by police for reasons unrelated to mass shooting fears?<sup>8</sup>

## THE COURT PROCESS

While this is a civil proceeding where respondents have no clear constitutional right to counsel, there are potentially significant consequences to an ERPO respondent beyond losing possession of lawfully owned weapons. Those consequences, we believe, militate in favor of requiring the state to provide counsel. The respondent can be put under oath by the court [Page 4, lines 32-33], and the lack of an attorney under such circumstances can cause a respondent great harm. That is so in light of the potentially serious consequences emanating from a hearing like this. For example, the allegations against him or her may

8 While it might be unfair to call it a bait-and-switch, some proponents of “red flag” legislation cite a recent study suggesting that Connecticut’s “red flag” law has averted some suicides. Without being able to address the methodology or validity of that study, issued only last year, we note that this justification is a far cry from the incidents that have generated the support for this type of legislation and its coercive powers.

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very well implicate criminal statutes relating to threats or other offenses, but no attorney will be around to advise the respondent on exercising his or her Fifth Amendment rights. And precisely because the alleged harm is speculative, an attorney is in a much better position than a layperson to question the validity and weight of the evidence against the respondent.

The respondent also faces contempt charges for failing to comply with any obligations imposed under the ERPO and, as noted previously, he or she potentially must submit to, upon contempt of court, a mandatory mental health examination. Under all the circumstances, we believe respondents should be entitled to appointed counsel at the hearing if they cannot afford one.

Relatedly, the ERPOs issued by a court are required to indicate that the respondent “may seek the advice of an attorney.” [Page 5, lines 25-26; Page 6, lines 31-32.] But that advice is given *after* an ERPO has been issued, and after the respondent has been barred for at least a year from having firearms. In the short period of time between the filing of a petition and the court hearing, most respondents are unlikely to be able to find, or to afford, an attorney for the hearing itself, at a time when the critical decisions on whether to issue the protective order or to mandate a mental health evaluation are being made by the judge.

Finally, as noted earlier, the bill provides that in effectuating an ERPO, the police “shall conduct any search permitted by law” to find firearms. [Page 9, lines 33-34.] This can only encourage police to engage in extremely invasive searches of respondents’ residences with the potential for turning those searches into fishing expeditions for other potential contraband (e.g., drugs).

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## ADDITIONAL CONCERNS

We believe the legislation raises a number of other miscellaneous concerns, and they are summarized below.

\* The definition of “family or household member” follows that of the state’s domestic violence laws. [Page 1, lines 11-14.] While the relatively expansive definition in those laws makes sense in the domestic violence context, it may be unnecessarily broad here where individuals who may have grudges or ulterior motives can allege non-criminal conduct that does not affect them, but that will lead to serious hardships to respondents. Once one accepts such a broad definition, it becomes too easy to expand it in the future to allow neighbors, colleagues and others the same ability to file petitions.

\* The petitioner is authorized to omit his or her address if the petition “states” that disclosure of the address would risk harm to the petitioner or family members. [Page 3, lines 13-18.] We believe that a court should make an independent determination about that, rather than rely solely on the petitioner’s statement. Like empaneling anonymous juries, the mere fact that the address is withheld seems to lend more credence to the allegations – rightly or wrongly.

\* While the bill seems to establish a clear and automatic process for returning weapons once an ERPO has terminated [Page 11, lines 16-23], it also commands the State Police to develop rules and procedures pertaining to the return of firearms. [Page 11, lines 11-12.] Having had to sue police departments a number of times over their seizure of firearms and then their failure to timely return them once an investigation has been

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concluded,<sup>9</sup> we are wary of what such a procedure might look like. To avoid any confusion, we would urge that the “rules and procedures” language make an explicit reference to the section following it (Section 8-8.3-10) that provides for automatic return of the firearms.

\* ERPOs are entered into police databases, and the bill makes provision for removing that information once an ERPO is terminated. [Page 12, lines 8-9, 21-23.] However, ERPOs are also entered into a public judicial database [Page 11, lines 28-30], but there does not appear to be a comparable requirement for removing terminated ERPOs from that system. A publicly accessible record showing that a person once had their gun rights taken away based on being an “extreme risk” could erect barriers for them for decades when they undergo a background check for employment or housing, and could end up being just as harmful as if they had actually been convicted of a violent felony offense.

\* If a bill like this is to be enacted, we urge the inclusion of an annual reporting requirement to provide indications to policy-makers of how the statute is operating. Among other things, the report could indicate the number of petitions filed and orders granted or denied; the number of requests for renewal or termination of orders and their outcome, etc. As a corollary to that, the General Assembly should also consider including a sunset clause. This would allow for an examination of the law’s effectiveness and its impact after a certain period of time, including a review of research conducted on other states’ “red flag” laws, and a consideration of the efficacy of alternative gun control measures in addressing the issue.

<sup>9</sup> See, e.g., *Richer v. Parmalee*, 2016 WL 2094487 (D.R.I. 2016).

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## CONCLUSION

People who are not alleged to have committed a crime should not be subject to severe deprivations of liberty interests, and deprivations for lengthy periods of time, in the absence of a clear, compelling and immediate showing of need. As well-intentioned as this legislation is, its breadth and its lenient standards for both applying for and granting an ERPO are cause for great concern.

The ACLU urges legislators to focus bills like these on addressing serious imminent threats to the public safety while safeguarding robust due process procedures before granting the courts and law enforcement agencies potentially intrusive powers over the liberty of individuals charged with no crime. A narrower bill with basic due process protections can provide the proper balance in promoting both public safety and constitutional safeguards.

Gun violence is a deeply serious problem deserving of a legislative response, but not, *Minority Report*-like, at the expense of basic due process for individuals whose crimes are speculative, not real. The precedent it creates could reverberate in unexpected and distressing ways in years to come.

**HB-1543**

Submitted on: 2/9/2019 3:49:12 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meicha D'Auria	Individual	Support	No

Comments:

Meicha D'Auria, Pahi Ka st, Paia, Educator

To whom it may concern,

I am in support of Moms Demand Action.

I am asking, as an educator, that you might support SB 1466. Our keiki not only have the right to a free and available public education, but in addition they deserve being in a safe and secure environment. I have chosen to dedicate my life towards their socio-emotional and educational well being, and firmly believe that their physical well being should go without saying. No child, parent, or educator should be afraid of this not being fulfilled.

Thank you for your consideration,

Meicha D'Auria

Educator

Paia, Maui HI

**HB-1543**

Submitted on: 2/9/2019 6:50:30 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Jones, MD	Individual	Support	No

Comments:

STONG SUPPORT of HB 1543

As a physician in Hawai'i, I strongly support this bill. We need to be able to limit an individual's access to firearms when they have presented with dangerous homicidal or suicidal statements.

Please pass this bill.

Sincerely, David R Jones, MD

**HB-1543**

Submitted on: 2/9/2019 6:51:51 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Elliott	Individual	Support	No

Comments:

**STRONG SUPPORT of HB1543**

As a health care provider and a mother, I strongly support this bill. Deaths by gun violence - whether homicide or suicide - are often preceded by behavior that worries the person's friends or family or colleagues. Access to guns amplifies the possibility of Gun Violence death. This bill may allow the person to cool down, or receive help.

Please pass this bill.

aloha, Kathleen Elliott, PA-C, Physician Assistant, Honolulu



**HB-1543**

Submitted on: 2/10/2019 4:05:01 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meshay Christiansen	Individual	Support	No

Comments:

Aloha,

My name is Meshay and I reside on Hoe Street in Paia. I am the proud mama of two children and a supporter of HB 1543.

Twelve years ago, my grandfather committed suicide. He shot himself in his bathtub, just minutes after a family dinner. Depression is real, it is a monster and it has a rippling affect.

The amount of mental health resources available has declined over the years which has led to more and more people living in pain every day with little or no help. These individuals often lose hope and will do the unthinkable to make it stop. Finding and helping them, before they do harm, is in everyone's best interest. HB 1543 will give the fellow family members, friends, care givers, gun stores, police, and government the ability to help those with mental illness in a time of great distress! There are almost always red flags if someone is thought be a danger or threat to themselves and/or others. It is time that we acknowledge these warning signs and take action before it's too late. HB 1543 will help save many lives!

Thank you, sincerely, for your time!

**HB-1543**

Submitted on: 2/10/2019 7:49:29 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott Meehan	Individual	Support	No

Comments:

My name is Scott Meehan, and I am a resident of Honolulu, HI. I am writing in **STRONG SUPPORT of HB1543**, and urge you to pass it to help prevent persons who have been deemed a danger to themselves (and/or others) from accessing firearms and ammunition.

Hawaii is already considered a national leader in gun safety legislation. And though we have some of the strongest common-sense gun laws in the country, there are already 13 states with Gun Violence Protective Orders in place. 29 other states considered similar bills last year, including Hawaii. Now we have an opportunity to show our leadership once again.

We cannot take our relatively safe community for granted. Please consider moving HB1543 forward, so that we have a chance to prevent gun violence before it happens. We have not had a mass shooting in this state for 20 years. I would like to think that we can prevent the gun violence that we have become accustomed to seeing on the mainland.

*Scott Meehan, Art Director - HAWAII FIVE-0 - CBS Television/ Eye Productions, Inc.*

**HB-1543**

Submitted on: 2/10/2019 8:08:47 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Arany	Individual	Support	No

Comments:

My name is Donna Arany and I am a resident of Honolulu. I am wanting to submit testimony in **support of SB 1466**. I believe that putting this bill into law will positively empower the ability of HPD and family to remove weapons from a person displaying aggressive threatening behavior, before a tragic shooting can happen. So often we hear of events leading up to a shooting that go unchecked because of fear and retaliation.

This law will also help persons who are threatening suicide, if they have access to a handgun or weapon, they will most likely succeed in killing themselves. By enacting this law, it removes the weapon from their possession so that the situation can deescalate. Hopefully cooler heads will prevail without the power of a gun.

Please consider moving this bill forward, to keep our community as safe as it has been for the last 20 years.

Aloha, Donna Arany

**HB-1543**

Submitted on: 2/11/2019 1:18:58 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Grace Simpson	Individual	Support	No

Comments:

Aloha,

My name is Grace Simpson and I am an artist and nanny living on Laenui Place in Paia town.

I am writing today as a supporter of Moms Demand Action to ask our legislators to support HB1543, a Red Flag Bill to help prevent gun violence and save lives in Hawaii.

Being a survivor of gun violence myself, I feel very strongly about the Red Flag Bill. This bill could have prevented the gun violence I nearly escaped. I feel very fortunate to be alive today after my close experience and feel confident that this bill could prevent others from such tragedy.

Gun violence can appear out of nowhere, like at a party where I was celebrating a friend's completion of graduate school. The

front door had been left open, and somehow an uninvited guest slipped by unnoticed. The room was a mixture of laughter, music, and joy until our uninvited guest was asked to leave. He left but began to argue outside and suddenly flashed a large gun that he was wearing like a necklace on a rope under his sweatshirt. I proceeded to watch from the doorway of the house as he and my close friend grappled each other to the sidewalk, my friend yelling "he has a gun, he has a gun!" as he tried to pull it off of him.

The police were called immediately, but before they arrived I watched the slowest two minutes of my life go by. At any one of those moments, that gun could have gone off. Who knows where the bullet would have landed. When the police arrived, we learned that he was the leader of a popular street gang, and that they had been looking

for him. Also, that we were very lucky.

It wasn't until I sat watching the sun rise that morning that I cried my eyes out. I sobbed thinking about how precious life is, how fragile humanity is, and how dangerous guns can be. I sobbed thinking about how I almost watched my friends blood spill, and how lucky we were to be alive.

My body broke out in shingles that day due to the stress on my system and it took me a while to recover. Even years later, writing this letter turned out to be harder than I had imagined.

Please support HB 1543, a Red Flag Bill to help prevent gun violence and save lives in Hawaii. By enabling family members and law enforcement to seek a Gun Violence Protection Order, threats of violence and dangerous behavior, even to oneself, can be

addressed and lives can be saved. We need a protective tool here in Hawaii to help to ensure the safety of the public when someone poses a threat to themselves or others.

Thank you for listening to my story and for your time.

Mahalo,

Grace Simpson

To: Committee on Public Safety, Veterans & Military Affairs  
Rep. Gregg Takayama, Chair  
Rep. Cedric Asuega Gates, Vice Chair

Aloha, my name is Connie Perry, I'm a Social Worker and I live in Pauoa. I'm writing in support of HB 1543 which is a Red Flag Bill which would help save hundreds of lives of the citizens of Hawaii. As a mental health Social Worker I have worked with many youth who tried to commit suicide at times of great stress and disappointment in their lives. I am happy to say none of the youth I worked with were successful but none of them had access to a gun. It is my understanding that a person dies of gun suicide every 11 days in Hawaii. We have a lot of veterans living here in Hawaii and we know that many of them could have PTSD and having access to a gun when one is in crisis is preventable. Please help to prevent more lives being lost to suicides by passing this bill.

Mahalo,  
Connie Perry, LSW

Karen Worthington, JD  
66 Puakea Place  
Kula, HI 96790  
February 11, 2019

TO: Representative Gregg Takayama, Chair  
Representative Cedric Asuega Gates, Vice Chair  
Committee on Public Safety, Veterans, and Military Affairs

RE: HB1543-Relating to Gun Violence Protective Orders  
**Hawaii State Capitol, Room 430, February 13, 2019, 10:00am**

Position: Supporting the Bill

Dear Representative Takayama, Representative Gates, and Committee Members:

Thank you for the opportunity to provide testimony on this important bill to improve the safety of our communities. I am a mother, a children's policy attorney, a child advocate, an active participant in Maui's nonprofit community, and a supporter of Moms Demand Action.

In all these roles I have studied the devastation caused by firearms in the hands of people who should not have guns because they are a danger to themselves and/or others. Immediate access to firearms increases the likelihood that someone who is considering violence will act on that impulse. For example, a meta-analysis of studies about the role of guns in suicides found that access to a gun triples the risk of death by suicide.

HB1543 is one step that Hawaii can take to reduce the likelihood that people struggling with mental illnesses or substance abuse will use a gun to hurt themselves or other people.

HB1543 will provide a tool for family or household members to protect the person who is struggling and others from gun violence. This bill protects everyone in our communities because as you know, people with guns do not just kill themselves and close associates, they also shoot up schools, shopping malls, workplaces, and concerts. Loved ones often see red flags or warning signs that a family member needs help and may act violently. HB1543 provides a clear avenue for those family members to take action to prevent a tragedy.

On February 22, a place of business where I work with Maui nonprofits is holding an active shooter training. In January, an armed robbery at gunpoint occurred in the business' parking deck. While I loathe the idea of anyone having to engage in active shooter trainings, I am taking part in the event because unfortunately, planning for unthinkable acts of violence is the reality in which we now live. I look forward to a time when my daughters do not have lockdown drills or shelter-in-place practice at school and when places where I work do not actively prepare for shooting incidents. HB1543 will bring Hawaii one small step closer to that vision.

Please pass HB1543. Feel free to contact me if you need additional information:  
[klisaworthington@gmail.com](mailto:klisaworthington@gmail.com).

Sincerely,



Karen Worthington

**HB-1543**

Submitted on: 2/11/2019 10:12:40 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Tennison	Individual	Support	Yes

## Comments:

Hello. My name is Kathleen Tennison. I live in Kailua with my grandkids. I am writing in support of bill HB 1543. I worry every day about my 7 grandkids safety at school. Red Flag Laws allow family members and law enforcement to ask a judge to temporarily suspend a person's access to guns if there is evidence they may try to hurt themselves or others. I believe the 17 innocent lives that were murdered at the Parkland, Florida high school could have been prevented if FL had this law in place. The shooter's parents called the police on him but nothing was done. I want my grandchildren to be safe. I know this law would help.



**HB-1543**

Submitted on: 2/11/2019 1:57:23 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

## Comments:

I oppose HB1543. It violates a persons constitutional right without the constitutionally-mandated and guaranteed due process, "my day in court". HB1543 in essence presumes guilt, until proven not guilty. This violates one of the fundamental precepts that this country was founded upon, innocent until proven guilty. You're penalizing a person, depriving them of their constitutional rights, and then placing the burden of proving innocence on the person. This isn't right. This isn't American. Maybe ok in Venezuela, though.

**HB-1543**

Submitted on: 2/11/2019 10:31:28 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Tsai	Individual	Support	No

Comments:

I strongly support HB 1543.

My best friend, Kristine Cass, and her 13 year old daughter Sandra were murdered in Honolulu on 8/20/2010 by Clay Connelly. This man should not have been able to get access to a firearm.

I believe this bill will add to our ability as a community to keep firearms out of the hands of those who pose a danger to themselves or others. Legal, responsible gun ownership is good and should remain legal. Guns being in the hands of dangerous people like Clay Connelly costs lives. In this case, the lives of Kristine and Sandra Cass.

Respectfully,

Linda White

1504 Ihiloa Loop

Honolulu, HI 96821

**HB-1543**

Submitted on: 2/11/2019 3:52:46 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<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 lacks due process, has minimum evidenciary requirements, and has great potential for abuse. The loss of a constitutional right is a serious matter, and should not be based on hearsay, emotional revenge, or unqualified opinions. This measure sets a dangerous precedent; it bypasses established court procedures. It is a rush to judgement based on what a person "might" do.

**HB-1543**

Submitted on: 2/11/2019 4:10:22 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
carol bodnar	Individual	Support	No

Comments:

My name is Carol Bodnar. I am a concerned citizen, mother, and grandmother. I am shocked at the gun violence that continues to plague our country today. I wanted to write to you in support of HB 1543. I fully support this bill. Thirteen other proactive States have enacted similar laws . This bill strengthens existing Hawaii gun safety laws. It also strengthens the abilities of law enforcement and families to act to limit access of firearms to people who pose a significant risk of injuring themselves or others.

**HB-1543**

Submitted on: 2/11/2019 5:38:50 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janie Bryan	Individual	Support	Yes

Comments:

**February 11, 2019**

**COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY**

**AFFAIRS**

**Chair.**

**Gates, Vice Chair**

**Representative Gregg Takayama,**

**Representative Cedric Asuega**

**RE: House Bill 1543**

**Dear Chairman Takayama and Vice Chair Gates,**

**Thirteen states have already enacted “Red Flag Laws” and many more are considering Red Flag legislation. I am happy that Hawaii is considering such legislation and hope that the State of Hawaii becomes a Red Flag state in 2019. I am in support of HB 1543 and wish to provide my written testimony to encourage the passage of this bill.**

**Hawaii tends to generally be a safe state and we have good gun sense laws on our books. We can not rest on that alone and must continue to be progressive in our protection of our family, friends and neighbors. I think we can all agree that there have been increased gun incidents in the news of late and that we can do more to preserve the safety of our citizens. What is not in the news is that one Hawaii resident dies by firearm suicide every 11 days—it’s an epidemic! Reducing a suicidal person's access to a firearm increases the likelihood of saving their life and reduces that impact on loved ones.**

**When a loved one poses a threat to themselves or others, temporally removing firearms can save a life or maybe more. To allow a mechanism for family members, who see the warning signs of violence develop and hear the threats, to seek a Gun Violence Protective Order through the courts would head off a crisis before it escalates into an irrevocable tragedy!**

**In most cases of violence, shooters demonstrate warning signs and the passage of this bill would give family members and law enforcement a way to act on these warning signs before a life is lost and others are terrified. It is a powerful tool to**

**have access to in the throes of a crisis. It is not an easy path as some will say since law enforcement and the courts would need to act as well, but with this as a law, then that avenue can be taken in those dangerous situations.**

**I am sure you are going to hear from others that this is an affront to gun owners but it is, in fact, a needed precaution so that responsible gun possession is insured and danger is avoided.**

**Take Florida for example which did not have a “Red Flag Law” in place in February 2018, but did pass bipartisan legislation the very next month last year. We all know about the Parkland shooting which happened almost one year ago on February 14 with 17 people killed and 17 more injured and hundreds traumatized for life. That shooter displayed numerous red flags of danger and instability but there was no recourse in place until too late.**

**Let’s not let Hawaii even come close to such an incident. Let’s be sure Hawaii is proactive and alert to the state of our country where mass shootings are a regular occurrence in all sorts of places from churches to concerts.**

**I encourage you to pass HB 1543 and take another step toward our state remaining a safe place to live and raise our families! We need this extra tool added to our already good laws to avert even the loss of one life!**

**Thank you for reading my testimony!**

**With aloha,**

**Janie**

**Bryan**

**A Resident since 1988**

**HB-1543**

Submitted on: 2/11/2019 6:46:13 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mitchell weber	Individual	Oppose	Yes

Comments:

I strongly OPPOSE HB1543 Hawaii has statistically low gun violence. The center will only help to promote biased gun regulation in a state with some of the most restrictive anti gun laws in the nation. The center will also be a waste of tax funds in an already money strapped state. How about a center for deaths relating to electronic device usage/inattention to driving and how to prevent them. Many more cases of vehicle homicide last year alone than all gun violence in Hawaii in the last 10 years.

**HB-1543**

Submitted on: 2/11/2019 10:37:18 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose this bill in its entirety but especially the section that allows ex parte gun violence orders based solely on testimony of a single petitioner. To allow a petitioner to make allegations against another individual without allowing that individual its right to respond and to defend themselves prior to an order being issued is unconstitutional.

I also oppose the section of this bill that reports to the Hawaii Criminal Justice Data Center. This treats the individual as if they were a criminal without ever being convicted of a crime which violates due process.



**HB-1543**

Submitted on: 2/11/2019 9:28:03 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Strauss	Individual	Support	No

Comments:

Aloha, my name is Mike Strauss, and I'm writing to urge you to support HB1543; The Gun Violence Protection Order. I am a Hawai'i State resident, a U.S. Navy Veteran, and currently serving in our Reserve force. My full-time civilian employer takes pride in sharing a new perspective of the islands, the culture, and our communal passion. This mission statement not only defines my company and my team, but also my passion for what matters in my life, especially towards the spectrum of local government policy.

I have three children in public schools on O'ahu, and even before my eldest began her tenure at Keolu Elementary four years ago, my spouse and I were perturbed by the number of school shootings that had taken place in the United States. I'll never forget the first time our daughter came home from public school, and told us they had to do a "Lock Down Drill." Not knowing what this was, she explained to us that they shut all the windows of the classroom and had to practice staying very quiet in the event a "scary person came to their classroom." Her words brought tears to my eyes, that this was becoming a regular practice for her and her classmates. Seeing this has become a prominent issue facing our community, and I've been determined to do what I can to make our schools as safe as possible for our keiki.

At the time of the Sandy Hook Kindergarten shooting, we were U.S. Expats living in Australia. Our International friends and colleagues were confounded by what our country had allowed to happen; my partner and I were at a loss as well. Such horrible acts rarely occur in any other first-world country, where each have sensible laws in support of gun safety,

Mass shooters often display warning signs before committing violent acts. In a nationwide study between 2009-2017, it was determined that half of mass shootings involved a shooter whom exhibited dangerous warning signs before the shooting. If loved ones or law enforcement officers were able to petition the court for a Gun

Violence Protection Order, the amount of firearm related injuries (either self-inflicted or against others) and deaths could have been significantly decreased.

With the growing rate of gun related violence in the United States, it is vital to enact gun sense policy which keeps Hawai'i as safe as possible from acts of violence. I implore to support HB1543.

Mahalo.

**HB-1543**

Submitted on: 2/11/2019 10:50:11 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose this bill due to the fact that it can be abused and used as retaliation to get back at people for personal reasons as it has been done in other states on the mainland. This violates the individuals constitutional right to due process and is based solely on the word of an individual that has no psychological assessment training.

**HB-1543**

Submitted on: 2/11/2019 11:06:02 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Sims	Individual	Support	No

Comments:

**HB-1543**

Submitted on: 2/12/2019 7:23:17 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
steven a kumasaka	Individual	Oppose	No

Comments:

VIOLATES DUE PROCESS

**HB-1543**

Submitted on: 2/12/2019 8:03:01 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert A Okuda	Individual	Oppose	No

Comments:

I oppose this bill since it takes away any due process.

**HB-1543**

Submitted on: 2/12/2019 8:12:21 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

We oppose this bill. There is no due process and when do you get your firearms back? What prevents false allegations by a complainant. There is already a TRO that they can file.

**HB-1543**

Submitted on: 2/12/2019 8:45:56 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

## Comments:

This bill eliminates due process, and is open to abuse. On the mainland a gun owner was the victim of one of these 'red flag' laws. He got into an argument with a family member at a dinner party, days later in revenge they called the police saying they 'felt threatened' because they owned guns and 'feared for their life'. Police showed up at his door at 5AM, he answered with a gun not knowing it was the police and was shot dead.



**HB-1543**

Submitted on: 2/12/2019 9:04:18 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Namiki Roberts	Individual	Oppose	Yes

Comments:

I strongly oppose HB1543

**HB-1543**

Submitted on: 2/12/2019 9:36:53 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

This is a complete waste of taxpayer dollars. Gun violence is a NON issue in Hawaii, compared to ALL the other problems that need IMMEDIATE ATTENTION in this State.

Do not waste time on these anti gun agenda bills. They go against the Constitution of the United States, the constitution of Hawaii, AND are in contrary to your sworn oaths when you took office!

I am a voter, and I promise you, no gun control and anti-Constitution legislator will never get another vote from me, or from those who would defend freedom.

**HB-1543**

Submitted on: 2/12/2019 9:40:33 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**HB-1543**

Submitted on: 2/12/2019 9:45:50 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

## Comments:

I OPPOSE HB1543. The bill seems to be taking a page out of fictional portrayals of the movie "Minority Report" to create "pre-crimes". There is a lack of due process in the proposed ex parte orders and one-year ban. I understand the "hope" that somehow we can predict who will commit a crime, but the methodology in this bill is not a means of prediction; it is simply removing a right based on opinion.

**HB-1543**

Submitted on: 2/12/2019 10:05:05 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter J Long III	Individual	Oppose	No

## Comments:

I submit this testimony in OPPOSITION to this proposal, as I have with all other similar Red Flag bills. They all lack any sort of Due Process for firearms owners. There's no way to check the validity of the complaint being made or confirmation that the right individual is being targeted.

I urge all committee members to vote NO on this bill.

Thank you for you time.

**HB-1543**

Submitted on: 2/12/2019 10:40:56 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcus Tanaka	Individual	Oppose	No

Comments:

The first example given was the Xerox building. The shooter used a standard capacity magazine that is over 10 rounds. And our 10 round magazine limit has already been law for a few years prior to. There was no grandfather clause. So this person already was a felon by possessing such standard capacity (17 round) magazines. So this order would not have prevented such shooting.

The stats used also for "mass shootings" are also 1 sided. Because mass shootings are defined as 4 people or more. This happens all the time in Chicago, DC, and other high crime cities where "drive by's" happen often. So the real phrase that should be used is "active shooter scenerio" which federal stats say happen 96% of the time in "gun free" zones.

The next example used in 2011, the person again broke the law prior to the pistol being used. It is illegal to draw any gun while on the road because it breaks our "places to keep law".

The final example at Stone Douglas High, again murder is illegal so Cruz would have found another means to carry out the shooting (bought guns illegally) had his gun been seized anyways. Also the armed sheriff there failed to act and because it's a gun free zone, no teachers were allowed to be armed to help reduce deaths/harm. So refer to my stat above where 96% of mass shootings happen in gun free zones.

This bill takes away "due proccess". Because it says just the allegation can be cause to take away someones 2nd amendment rights. It mentions "without notice ot the respondent" Line #9 on page 8. The bill puts the "ball" in the petitioners court, so they can say anything they want and the other party doesn't have a chance to defend themselves. Last I checked, you are innocent until PROVEN guilty.

This bill has good intentions, but takes away the 5th and 14th amendment right (due proccess). Which means the person has the right to address any allegations made to them.

**HB-1543**

Submitted on: 2/12/2019 10:59:24 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**HB-1543**

Submitted on: 2/12/2019 11:09:00 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Todd Yukutake	Individual	Oppose	Yes

Comments:

I oppose HB1543

I appreciate the intent of HB1543 however I feel it is a violation of due process, can be abused, and that it's a placebo that could do more harm than good.

This bill would remove peoples right to "keep and bear arms" without a trial or conviction for something that has a remote chance of happening in the future. This is not how America works. The 2nd amendment is not a second class right, it is a right equal to all others. Even worse, the protective order can continue indefinitely through renewals without ever being convicted of a crime.

This bill can be abused. Allegations can be made for retribution or blackmail purposes. Something as little as holding a firearm for an innocuous purpose can be seen as threatening to some people. For example competition shooters will "dryfire" their firearm for practice inside of the home. This is where they practice holding an unloaded gun and pressing the trigger at a target to practice muscle memory and aiming skills. People who don't own firearms will see this as unusual and possibly threatening. The burden is on the firearm owner to prove his innocence.

Lastly this bill forms a false sense of security. If a person is such an imminent threat to society that their civil right of owning a firearm is infringed, then that person should be removed from society and placed into treatment or arrested. That person is still able to use their hands, knives, cars, and other methods to harm people.

Oppose HB1543

Todd Yukutake  
toddykutake@gmail.com



**HB-1543**

Submitted on: 2/12/2019 12:07:42 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose this bill.

**HB-1543**

Submitted on: 2/12/2019 12:08:32 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I strongly oppose this bill. It bypasses all due process.

**HB-1543**

Submitted on: 2/12/2019 12:10:26 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

while no one and especially lawful firearm owners want violence, this is just an excuse to side step due process and put lawful gun owners into a guilty until proven innocent status at the whim of another person.

It will be subject to abuse by those who unlawfully claim they have a fear and use it as an revenge move or intimidation effort since without a fair hearing process there would be no way to prove either side is a victim or not.

I have already heard people say they would call the police on someone that in no way threatened them just because they knew they would be believed and the gun owner would not be and that is how they would "get even".

Other laws in place already serve the purpose of this attempt at a law.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 12:52:18 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I strongly OPPOSE HB1543.

Although there may be legitimate legal reasons to remove a persons firearms, this law would remove all due process. The court orders are done in secret behind closed doors with no notification or chance to defend themselves. The first time the firearm owner finds out a red flag order has been placed on them is when the police show up to take away their firearms. They would then have to hire a lawyer to defend themselves in court to get them back.

# hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE  
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

**LATE**

DATE: February 12, 2019  
TO: **House Committee on Public Safety, Veterans & Military Affairs**  
Chair Gregg Takayama  
Vice Chair Cedric Asuega Gates  
Dale Kobayashi  
Sam Satoru Kong  
Scott Nishimoto  
Takashi Ohno  
Bob McDermott

FROM: Hawaii State Coalition Against Domestic Violence  
RE: Support for HB 1543 Relating to Gun Violence Protective Orders

Dear Members of the Committee:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 23 member organizations across the state, I am submitting testimony in **SUPPORT of HB 1543** which establishes a process by which law enforcement officers or family/household members and others may obtain a court order to prevent a person from accessing firearms and ammunition when the person poses a danger of causing bodily injury to oneself or another.

Recently we have seen too many instances throughout our country of horrific violence perpetrated by individuals who should never have had access to firearms but did, most of whom also had histories of domestic violence. In many of these cases there were indicators that perpetrators were planning violence where family or household members or even law enforcement were concerned but had no effective way to intervene. This law will allow individuals to alert police and the courts about their concerns and to take action to protect themselves, other family members, law enforcement or the community at large. Our hope is that this will prevent gun related violence in the State of Hawaii.

There are some differences in this bill compared to the similar Senate version(SB 1466) and we'd like to highlight a few strengths and differences:

- Like the Senate version, this bill gives a way for petitioners to get assistance with filling out the restraining order paperwork and also that any pending

*Together we can do amazing things*



orders between the parties shall not interfere with the court's decision on the gun restraining order.

- It also states page 7 lines 4-5 that “if the law petitioner is a law enforcement officer, shall include referral to relevant domestic violence, stalking advocacy or counseling resources as appropriate,” this is better language than the SB 1466 version.
- Also, the bill outlines that it is not only “ownership” of a gun that is addressed, but all other means of having access, including the language on page 13 line 19 which reads, “possess, receive, transfer ownership...” This is important as several domestic violence homicides in Hawaii have been committed using firearms that were borrowed.
- However, we prefer the time frame language for surrender or confiscation in the Senate version, which lowers the time frame from 7 days to 48 hours.
- HB 1543 also has more expansive language about who can ask the court for a gun violence protective order, including not just family or household member or law enforcement, but also medical professional, educator or colleague.
- If a person lies to obtain one of these orders they would be charged with perjury/misdemeanor which reduces the likelihood that this measure would be used without merit.

There is one amendment we'd like to note that would strengthen this bill: on page 17 line 10-11 it currently reads, “a police officer serving a gun violence protective order may take custody of any and all firearms...” We think “may” should instead be “shall.”

As stated above, HSCADV strongly supports HB 1543.

Thank you for your consideration of our testimony.

Respectfully,  
Carmen Golay  
Members Services Manager  
Hawaii State Coalition Against Domestic Violence

**LATE**

**HB-1543**

Submitted on: 2/12/2019 2:17:26 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose HB1543 and ask that you also oppose HB1543 also.

This proposed law removes due process and the presumption of innocence until proven guilty and strips an individual of their 2nd ammendment rights.

If someone was that far gone, they will only find another way to hurt people. Taking away any firearms they might have possessed will most likely only strengthened their resolve. It is my belief that HB1543 will cause more damage than the good it was ment to do.

I ask you again to please oppose HB1543

Thank you

**LATE**

**HB-1543**

Submitted on: 2/12/2019 2:47:03 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Devin Sasai	Individual	Oppose	Yes

Comments:



**LATE**

**HB-1543**

Submitted on: 2/12/2019 4:03:46 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

Please note my OPPOSITION to HB1543.

This is obviously just another ploy to confiscate guns without due process. If a person is so dangerous that they cannot be trusted with firearms, they are too dangerous to be in public at all where they have access to automobiles, hammers, baseball bats, household cleaning products, etc. Remove the dangerous person from society, if that's the problem. People who intend to harm others don't stop planning to hurt people just because you take their guns away.

The U.S. constitution stipulates that no person may be deprived of their property without due process. No amount of mental gymnastics will make this bill "due process." Due process includes a trial by jury and a conviction. Oppose this bill.

Sincerely,

Shaun Woods

**LATE**

**HB-1543**

Submitted on: 2/12/2019 4:29:53 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**LATE**

**HB-1543**

Submitted on: 2/12/2019 6:04:35 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**LATE**

**HB-1543**

Submitted on: 2/12/2019 7:39:10 PM  
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I strongly oppose this bill. This will take away my property with out due process. Someone could make a false claim against me just because they don't like me, or if they have something against me. They will take the accusers side no questions asked.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 6:38:23 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose bill HB1543.

Americans should be considered innocent until proven guilty in a court of law. There are already processes in place that can allow the removal of firearms from the possession of a dangerous individual. This new legislation has the potential to infringe upon an individuals freedom and rights for no other reason than someone saying they feel threatened, whether true or not.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 7:43:00 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

Strongly Opposed

**HB-1543**

Submitted on: 2/12/2019 8:19:57 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

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

Comments:

I oppose HB1543. This is a red flag law and allows a lawful citizen to be stripped of their constitutional rights based on them being accused of being a potential danger to themselves or others. The problem lies in there is no health diagnosis or arrest made before the individual is disarmed. I believe this bill is a clear violation of the 2nd amendment.

Respectfully,  
Steven Yip

**HB-1543**

Submitted on: 2/12/2019 8:24:02 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
robert gerwig	HRA member	Oppose	No

Comments:



**HB-1543**

Submitted on: 2/12/2019 8:50:53 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

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

Comments:

**LATE**

**HB-1543**

Submitted on: 2/12/2019 9:23:13 PM  
Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan J. Wurtzburg	Individual	Support	No

Comments:

It seems imminently sensible to have a means of removing firearms from individuals deemed to be dangerous. This is especially important in cases of domestic violence. Please pass this bill.

Mahalo,

Susan J. Wurtzburg, Ph.D.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 9:31:17 PM  
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I believe this bill is well intentioned but it needs to be changed a little to better protect the due process of someone who is accused. It is good that the revocation of someone's constitutional rights has to go through a court procedure and I believe that this is the foundation for a proper bill to address this issue.

I do have an issue with probable cause being the standard of proof as that is too low. I think a higher level would be good such as the proponderance of the evidence which is above probable cause but below proof beyond a reasonable doubt. Probable cause can be based on something as simple as just an allegation. When taking away a constitutional right we need more than just an allegation.

The other issue I have is that I would prefer that the accused individual be allowed to have his/her hearing within 7 days instead of 14 days. I think that would be a little more reasonable.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 9:59:50 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**LATE**

**HB-1543**

Submitted on: 2/12/2019 10:30:20 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

This legislation lacks strong due process protections, contains low evidentiary standards, and falls well below the norm for removing constitutional rights.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 11:17:23 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carlo Barbasa	Individual	Oppose	No

Comments:

"Red Flag Laws" and the **Ex parte gun violence protective orders** are direct violations of the Due Process Clauses in the 5th and 14th amendments. "No person shall be deprived life, liberty, or property without due process of law"...property includes lawfully acquired firearms.

For those who would akin this bill to TROs, please note the accused who would be subject to this bill (i.e. individuals who 'might' be a threat) have not actually been tried, much less convicted for any crime. They have not had a chance to experience the benefit of due process. The question only arises because they own firearms and nothing else.

Please consider the many unintended consequences possible from this; "guilty until proven innocent". History has already proven this deadly...The Spanish Inquisition, The Salem Witch Trials. Baseless allegations based on a person's behavior caused actual suffering and death of innocent people.

**LATE**

**HB-1543**

Submitted on: 2/12/2019 11:52:10 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Allegra Giacchino	Individual	Support	Yes

Comments:

Dear Representatives of the House Public Safety Committee,

Aloha, my name is Allegra Giacchino and I am a resident of Hawaii (live in Kahala). I am writing with deepest support for HB 1543, allowing a process for preventing gun deaths. Over and over the community despairs at the tragic loss of life after gun homicides and suicides. Human instinct begs the question, how can we prevent this?

Shooters often display warning signs before committing violent acts. And people that are suicidal often display warning signs as well.

I believe it is our society's moral obligation to take sensible action and intervene, **before** tragedy occurs instead of wringing our hands afterwards.

Let me tell you just one of the reasons I am so passionate about making meaningful progress in the area of gun death prevention. I work as a crisis counselor for the Crisis Text Line and sadly, every week, I hear from many, many people considering suicide. There are people on the brink of taking their lives, 24 hours a day, seven days a week. Many of them are children. Thankfully, many respond to attempts to de-escalate, and the lowest moment of their life passes and they move on.

Research shows reducing a suicidal person's access to a firearm can save their life. Nine out of ten people who attempt suicide and survive will **not** eventually die by suicide!

But a devastating 90% of suicide attempts with a gun result in death.

We are not immune, even in this beautiful land. It is shocking to know that on average, one Hawaii resident dies by firearm suicide every 11 days.

It does not have to be this way. HB 1543 will allow family members and law enforcement -- the people most likely to see the warning signs of imminent risk -- to seek a Gun Violence Protection Order, temporarily removing guns from a person in crisis. By enacting HB 1543, we can make a difference, and we can improve public health and safety. Let's join the other forward-thinking thirteen states that have enacted similar Red Flag laws.

Humbly and with aloha,

Allegra Giacchino, MSW



**LATE**

**HB-1543**

Submitted on: 2/13/2019 12:00:27 AM  
Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hung Hei Cheng	Individual	Oppose	No

Comments:

Another law that is trying to bend strip the rights offered by the Constitution of the United States of America - THE highest law of the land. It strips the right of Due Process. Please understand this is like the President trying to eliminate free speech from the news. Don't be like that guy!

**LATE**

**HB-1543**

Submitted on: 2/13/2019 12:48:27 AM  
Testimony for PVM on 2/13/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Miyao	Individual	Oppose	No

Comments:

To the Honorable State House of Representatives,

I appreciate your time reviewing my testimony regarding HB 1543: Relating to Gun Violence Protective Orders.

According to HB 1543: would a person have his/her property confiscated without the right to due process? Would this legislation be in violation of an individual's Fifth and Fourteenth Amendment rights? Does this mean that a person can have his/her property confiscated without having committed a criminal offense?

To relieve someone of their rights, one would imagine that the evidence necessary would be substantial and beyond a reasonable doubt. What tangible evidence would be necessary for the issuance of a Gun Violence Protective Order? What assurances can be given to the people of Hawaii that Gun Violence Protective Orders would not be abused?

Should this bill violate an individual's right to due process, or any other rights in the United States Constitution, I would urge you to please oppose HB 1543. Law making should begin with the U.S. Constitution and adhere to the rights and freedoms that are the fabric of our great nation.

I appreciate your time and consideration, as well as your dedication to the people of Hawaii.

Mahalo and have a great day!

**HB-1543**

Submitted on: 2/13/2019 1:52:24 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

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

Comments:

**LATE**

**HB-1543**

Submitted on: 2/13/2019 7:13:57 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I strongly oppose this bill as it would put my right to own firearms as a lawful abiding citizen at great risk by whomever decides I may be a danger to them or others without due process. As a business owner related to firearms education, I am at the mercy of others which could adversely affect my business.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 8:14:10 AM  
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

Well intentioned legislation with a big potential for abuse.

Sadly, until a foolproof method of predicting the future is developed, such laws can only circumvent due process and punish people who have not committed any crime.

Remember the basic principle of law: "innocent until proven guilty"

**LATE**

**HB-1543**

Submitted on: 2/13/2019 9:06:25 AM

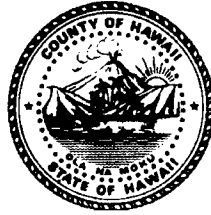
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

**LATE**

Harry Kim  
Mayor



Wil Okabe  
Managing Director

Barbara J. Kossow  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
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(808) 323-4444 • Fax (808) 323-4440

February 12, 2019

Representative Gregg Takayama, Chair  
Committee on Public Safety, Veterans, and Military Affairs

Dear Chair Takayama and Committee Members:

**RE: HB1543 Relating to Gun Violence Protective Orders  
HB 1486 Relating to Guns  
HB 720 Relating to Firearms**

Three bills on today's agenda deal with gun rights and gun safety. I thank you for scheduling them for hearing, and hope you will be able to approve them.

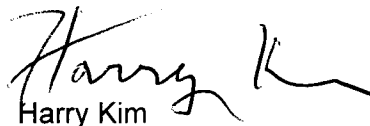
HB1543 would provide for protective orders, a concept that has gotten much national attention in recent months. The idea has grown out of the need to curb the gun violence that has become so prevalent in the United States, and as the Preamble to HB 1543 correctly points out, to which Hawai'i is not immune. While there are details in HB 1543 that are beyond my expertise, it appears to me that the authors have drawn a fair and proper balance between the rights of gun owners, and society's interest in safety.

HB 1486 would require a person to take a training or safety course before getting a permit to carry. I have no doubt that someone will find this too onerous a restriction on their right to bear arms, but I would argue that it is a perfectly reasonable obligation to impose.

HB 720 would require that lost or stolen firearms be reported. While this provision might be of limited value, since enforcement would depend upon a showing that the individual knew a firearm was missing, it is perfectly reasonable that an obligation to report be mandated, and gun owners will be aware of the expectations that are placed upon them.

I urge you to act favorably on HB 1543, HB 1486, and HB 720.

Respectfully Submitted,

  
Harry Kim  
MAYOR

**LATE**

**HB-1543**

Submitted on: 2/13/2019 9:47:20 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Richter	Lessons in Firearms Education	Oppose	No

Comments:



**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:01:51 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

Having a GVPO issued on an individual just for third party allegation without due process is just wrong. You are talking about removing someone's Constitutional Rights based on the low evidentiary standard of a third party allegation?

**HB-1543**

Submitted on: 2/13/2019 10:07:14 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

<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 measure as all citizens have a presumption of innocence and that all persons are innocent before proven guilty. An ex-parte hearing goes against due process and could potentially cause an innocent individual to lose their rights based off frivolous accusations made out of spite or political motivations.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:16:39 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

This entirely goes against the freedoms and rights found within the United States Constitution. Responsible gun owners should not be punished within the state of Hawaii. I stand in full support of our Second Amendments right to keep and bear arms.

Sincerely,

Brett McHenry

**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:21:15 AM  
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

Honorable Rep Lee:

I am in opposition to HB1543. It is placing the "accused" as guilty until proven innocent. A law abiding citizen/person should not be put in the guilty status due too 3rd party allegations. Yes, every incident should be investigated and the violator should be held accountable but it is not thru a "one size fits all" blanket bill such as HB 1543. There are already laws on the books that will remove firearms for a person who is involved in a domestic dispute or has a TRO etc. Most, if not all violators in domestic disputes or violators of TRO's or involved public brawls do so because they are out of control, on drugs, drunk and frankly "stupid". HB1543 lumps the law abiding citizen with those violators in our society. PLEASE DO NOT SUPPORT HB1543. I am in opposition to HB1543.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:53:21 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I oppose this bill.

There is no due process. Unconstitutional bill. This bill with further push or society into a guilty until proven innocent mentality. I am for public safety, but not at the expense of degrading the justice system that is supposed to be fair.

Matt Dasalla

**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:46:46 AM  
Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lana Ululani Robbins	Individual	Oppose	No

Comments:

HB 1543 presumes the guilt of mentally ill people instead of their innocence. The State of Hawai'i should treat the mental illness problem instead of blaming inanimate objects for violence. This will exacerbate the murder problem. Furthermore the State of Hawai'i already has the strictest guns laws in the nation as I already have a State of Florida Concealed Weapons permit and a State of Utah Firearms permit yet unable to obtain a State of Hawai'i Concealed Weapons permit simply because I am a female. I respectfully ask the House to strike down HB 1543. Mahalo and Aloha.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 10:48:09 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

this proposed law is the most intrusive, what about due process, the ability to take a persons property on 3rd. party hear say is unconstitutional to say the least. and once again it will solve nothing.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 11:50:33 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Eric Valledor	HLSL	Oppose	No

Comments:

Its a big responsibilty if you own a gun, me as individual i don't wanna risk lossing my opportunity owning a gun same as the other gun owners.



**LATE**

**HB-1543**

Submitted on: 2/13/2019 11:55:20 AM

Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

This bill can not be serious! **"Guilty Until Proven Innocent"**. So if I receive a third party complaint that I committed a crime, that would be enough to get arrested?

This bill violates everyone constitutional rights.

Bills such as these should not even be considered as the way it is written, a vindictive person, and there are a few out there, will make life hell for the innocent person who will now have to get legal representation just to clear his/her name from the "complaint"

**HB-1543**

Submitted on: 2/13/2019 12:34:53 PM

Testimony for PVM on 2/13/2019 10:00:00 AM

**LATE**

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

Comments:

I oppose HB1543. This legislation does not offer due process to the accused and allows illegal search and seizure without any formal evidence. It relies purely on allegations made by third parties and may be done without the accused being notified or being able to defend against said allegations. It also unfairly puts the burden on the accused to show that the protective order should not be enforced as opposed to the accuser providing evidence that the allegations being made are reasonable.

**LATE**

**HB-1543**

Submitted on: 2/13/2019 2:29:56 PM  
Testimony for PVM on 2/13/2019 10:00:00 AM

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

Comments:

I strongly oppose this bill,

It takes the judicial process away from the accused individual and subjects them to actions without being able to represent themselves.

Thank you, Robert Hechtman

**HB-1543**

Submitted on: 2/13/2019 2:33:11 PM

Testimony for PVM on 2/13/2019 10:00:00 AM



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

Comments:

I OPPOSE this bill as it does not allow for DUE PROCESS.



**LATE**

Thursday, February 14, 2019

Representative Gregg Takayama, Chair  
Representative Cedric Asuega Gates, Vice Chair  
Committee on Public Safety, Veterans, and Military Affairs

Subject: **Support HB1543**

Dear Chair Takayama, Vice Chair Asuega Gates, and Members of the Committee,

The Injury Prevention Advisory Committee **strongly supports HB1543** that establishes a mechanism for law enforcement and family/household members to take preventive action to remove guns from individuals who are at risk of harming themselves and others. This legislation would not negatively impact stable and reasonable gun owners.

Established in 1990, the Injury Prevention Advisory Committee (IPAC) is an advocacy group committed to preventing and reducing injuries in Hawai'i. IPAC members include representatives from public and private agencies, physicians and professionals working together to address the eight leading areas of injury, including violence prevention.

HB1543 strengthens Hawaii's current gun safety laws, and is one of the few nationally recognized and evidence-based gun policies that Hawaii does not already have in place. There are now thirteen (13) other states with gun protection order laws and at least a dozen other states that are moving to enact similar laws that can prevent gun-related violence.

We urge you to support HB1543 as a measure that will increase the safety of Hawai'i residents and visitors.

Thank you for the opportunity to testify.

Sincerely,

Deborah Goebert  
Chair  
Injury Prevention Advisory Committee