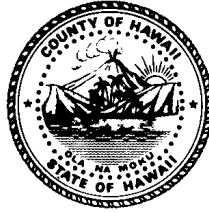


**Harry Kim**  
*Mayor*



**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  
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
(808) 323-4444 • Fax (808) 323-4440

March 25, 2019

Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair  
Committee on Judiciary

Dear Chair Rhoads, Vice Chair Wakai, and Committee Members:

**RE: HB 720, HD1 Relating to Firearms**

HB 720, HD1 would require that lost, stolen, or destroyed 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 be aware of the expectations that are placed upon them.

I have no doubt that some 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.

It appears to me that the prior committees have drawn a fair and proper balance between the rights of gun owners and society's interest in safety. I urge you to act favorably on HB 720, HD1.

Respectfully Submitted,

Harry Kim  
MAYOR

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE DN-EA

March 28, 2019

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 720, HD1, Relating to Firearms

I am Elgin Arquero, Lieutenant of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 720, HD1, Relating to Firearms, with amendments.

We believe that a change is needed to ensure that firearms that are lost, stolen, or destroyed are reported to the appropriate law enforcement agencies. Law enforcement, having knowledge of these missing firearms, will then be able to enter this information into national and local databases, disseminating their status to as many agencies as possible.

The HPD urges you to support House Bill No. 720, HD1, Relating to Firearms, with amendments.

Thank you for the opportunity to testify.

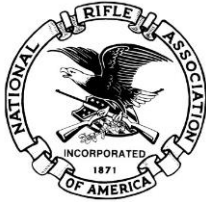
Sincerely,

A handwritten signature in black ink, appearing to read "Elgin Arquero".

Elgin Arquero, Lieutenant  
Records and Identification Division

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard".  
Susan Ballard  
Chief of Police



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

STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, WESTERN REGIONAL DIRECTOR

March 25, 2019

The Honorable Karl Rhoads  
Chair, Senate Committee on Judiciary  
Sent Via Email

Re: **House Bill 720 – OPPOSE**

Dear Chairman Rhoads:

On behalf of the Hawaii members of the National Rifle Association, we oppose House Bill 720.

HB 720 would place firearms owners in jeopardy of criminal prosecution for failure to report lost, stolen or destroyed firearms within 24 hours.

Firearm owners voluntarily and regularly report stolen firearms to the appropriate authorities. However, the criminal penalties associated with HB 720 could turn victims of loss into criminals and compromise cooperation with law enforcement. A firearms owner who was unaware of the legal requirement to report the loss, theft or destruction of a firearm and who is contacted by police investigating a crime faces possible criminal prosecution for failing to report that the firearm was stolen or missing. Such an owner will need to hire a lawyer, who will advise them to remain silent while immunity is negotiated, rather than quickly supplying police the information they need to properly and promptly investigate the crime, which may be time sensitive.

For the foregoing reasons, we urge your opposition to HB 720.

Sincerely,

Daniel Reid  
Western Regional Director

**LATE**

**HB-720-HD-1**

Submitted on: 3/27/2019 8:06:47 PM  
Testimony for JDC on 3/28/2019 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Democrats Legislative Priorities Committee	Support	No

Comments:

**HB-720-HD-1**

Submitted on: 3/22/2019 4:00:37 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

Honest gun owners would report lost or stolen guns, while not only would a criminal not report a lost or stolen gun, since they would be incriminating themselves, they wouldn't have to, constitutionally. This is a dumb idea.

**HB-720-HD-1**

Submitted on: 3/22/2019 8:49:32 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

Reporting is not unreasonable.

**HB-720-HD-1**

Submitted on: 3/22/2019 10:03:27 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

This bill is a backdoor method to further victimize a gun owner who has already had their property stolen. Should a firearm be stolen without its owners knowledge and be recovered from a crime it places the burden of proof on the original gun owner to prove that he/she had no knowledge that their firearm was stolen. As this would be impossible to prove I do not support the law. I have an expectation as a citizen that my property will NOT be stolen on a daily basis. I don't think this is an unrealistic expectation. Rather than penalize gun owners please put our states resources and my tax dollars towards reducing the real and tangible causes of human misery that are contributing to our unacceptable property crime rates.

**HB-720-HD-1**

Submitted on: 3/23/2019 7:27:46 AM

Testimony for JDC on 3/28/2019 9:45:00 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 HB720. A person might inadvertently fail to report a lost, stolen, or destroyed firearm for various reasons, there are many scenarios: house burglarized, something overlooked, away on vacation, etc. This bill does not address the legislatures' "findings" that prohibiting gun possession by certain individuals enhances public safety, but instead uses that to come to the erroneous conclusion that we must further punish law-abiding citizens by criminalizing them.

This is one of those bills that anti-2nd-amendment folks tell people will help reduce gun crime, when in actuality it does nothing except penalize innocent law-abiding citizens that vote.



**HB-720-HD-1**

Submitted on: 3/25/2019 2:01:33 PM

Testimony for JDC on 3/28/2019 9:45:00 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 stongly OPPOSE this bill. It would make criminals out of burglary/robbery victims. A responsible gun owner who has suffered its loss would want to report it immediately to absolve themselves of liability. This is the same as notifying the Dept. of Motor Vehicles that you have sold your car. There is no need to criminalize a failure or delay in reporting. A victim may not even realize the loss until later. Do not pass this unnecessary measure.

**HB-720-HD-1**

Submitted on: 3/25/2019 2:53:49 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

**HB-720-HD-1**

Submitted on: 3/25/2019 8:15:18 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

As a law-abiding U.S. citizen and resident of the State of Hawaii, I believe there are adequate federal and state laws to effectively deal with the unlawful possession and use of firearms by any perpetrator.

I support legislation that mandates a consistent, swift and appropriate penalty for any illegal possession or use of a firearm.

I do not support any effort or legislation that infringes upon the right of law-abiding citizens to keep and bear arms.

**HB-720-HD-1**

Submitted on: 3/26/2019 2:44:37 PM

Testimony for JDC on 3/28/2019 9:45:00 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:

Oppose

**HB-720-HD-1**

Submitted on: 3/26/2019 5:34:46 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

## Comments:

I believe requiring persons to report lost, stolen or destroyed firearms within 24 hours of discovery is not feasible. It should be changed to either 48 or 72 hours. What if a person is off-island somewhere with their firearms and the firearms are lost or stolen off-island. The bill should state for those persons to report it within 48 or 72 hours after their return to the islands.

Gary Smith

Ewa Beach, HI

**HB-720-HD-1**

Submitted on: 3/26/2019 7:51:11 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

**HB-720-HD-1**

Submitted on: 3/26/2019 8:52:06 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

I urge you to Oppose this bill. It does nothing to promote gun safety and in fact is nothing more than an intimidation against responsible gun owners who have already been victimized.

Please have the courage to stand up and oppose this act of intimidation.

Thanks

**HB-720-HD-1**

Submitted on: 3/26/2019 11:31:04 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:



**HB-720-HD-1**

Submitted on: 3/26/2019 11:34:46 PM

Testimony for JDC on 3/28/2019 9:45:00 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 HB720 HD1.

This law will hurt victims. It is a tragedy to be the victim involved in a burglary, home invasion, or robbery. It's even worse for a victim to be threatened with criminal action and arrested for being a victim. This bill could make criminals out of victims which is outrageous.

In addition this bill would work against its intended purpose if passed. Whenever you attach a penalty to something, people will be reluctant to do it. A person who got their firearm stolen will feel like they did something wrong because of this bill and be afraid to report their stolen firearm. Some people may not know their firearms were stolen for some time, especially after a traumatic experience. This bill will hinder police investigations and make things worse.

There shouldn't be a crime for not reporting a destroyed firearm as it serves no purpose. Firearms are objects and tools. Firearms and firearm parts break all the time and are replaced.

Lastly HRS 663-9.5 already requires the reporting of stolen firearms or else the firearm owner is liable for any injuries and property damaged caused by the firearm. We do not agree with this law, but it covers the intent of this bill.

For these reasons I oppose HB720 HD1. Thank you for your consideration.

Mahalo

Todd Yukutake  
toddykutake@gmail.com

**HB-720-HD-1**

Submitted on: 3/26/2019 11:57:35 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

## Comments:

I oppose this bill because 24 hours is not a lot of time to reconcile the loss of a firearm, and 48 hours isn't enough either. In fact, I believe that this measure will discourage the reporting of firearm theft because the owner will be afraid of reprisals for not reporting in the required time. This will lead to more stolen firearms in the hands of criminals instead of legal gun owners. Stop trying to criminalize legal gun owners and fix actual crime causes instead of going after us, your law abiding constituents.

**HB-720-HD-1**

Submitted on: 3/27/2019 3:57:06 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

I oppose hb720, it causes unnecessary hardship on victims of a crime and potentially turns a victim into a criminal. Thank you for your consideration. Brandon from Paho

**HB-720-HD-1**

Submitted on: 3/27/2019 4:16:27 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

turns a victim into a criminal!

**HB-720-HD-1**

Submitted on: 3/27/2019 5:32:28 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Goo	Individual	Oppose	Yes

Comments:

We opposed HB720

**HB-720-HD-1**

Submitted on: 3/27/2019 5:33:38 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

We opposed HB720. Do not make criminals out of victims.

**HB-720-HD-1**

Submitted on: 3/27/2019 6:11:45 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

<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 due to the simple fact that the victim of theft could be treated as a criminal in the event law enforcement attempts to claim the theft victim did not report the theft within the "required" time frame.

**HB-720-HD-1**

Submitted on: 3/27/2019 6:48:31 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:



**HB-720-HD-1**

Submitted on: 3/27/2019 7:08:21 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:

I oppose this bill as it has the potential to make a victim of a crime a criminal themselves. A victim should not lose their rights because they were a victim of a crime. A victim should NOT be made the criminal and this loop hole bill can do that.

**HB-720-HD-1**

Submitted on: 3/27/2019 8:28:40 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

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

Comments:



# Institute for Rational and Evidence-Based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

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March 27, 2019

COMMITTEE ON JUDICIARY

TO BE HEARD: March 28, 2019

Chair, Vice Chair, and Members,

Please vote NO on HB720, HD1.

There are many erroneous assumptions and fallacious arguments contained in the rationale for HB720, HD1. There is also no evidence of any sort presented that would validate the supposed arguments for enacting HB720, HD1. If there are no valid arguments, nor any substantiated evidence for a law such as HB720 HD1, then it obviously must not become law. On top of that, the idea of making criminals out of people who have been subjected to criminal theft is a form of completely unwarranted usurpation of Constitutionally-protected rights.

Let's examine the rationale.

“Law enforcement officers must have knowledge and an accurate record of lost or stolen firearms to protect the public.”

Do tell. How will the public be protected if a firearm is reported lost or stolen any more than if a firearm is not reported lost or stolen? Imagine a person is off island for several months and the day after they leave a firearm is stolen from their vacant residence. How is the public in that situation any more in danger than if a firearm is stolen and the theft is reported to the police? This is nonsensical. Is the public suddenly safer when the resident returns after two months and then reports the firearm stolen? Why? Is the underlying assumption that once a firearm is reported lost or stolen that the police will then go arrest the thief and recover the firearm? Why would anyone believe that? Where's the evidence that that is true? That's absurd on its face. What is being reported in the case of a theft is merely the theft of a firearm, not a report on who stole the firearm, much less who currently possesses it and where that person and the firearm currently are. Reporting the theft in no way enhances law enforcement's ability to recover the stolen item. Again, how would that reporting enhance public safety? In the case of a loss of a firearm, what difference would it make for public safety whether it was reported or not. Reporting the loss does not make the recovery of the lost firearm any more likely than not having it reported. How is law enforcement going to find a lost firearm that the owner cannot find? I challenge the author of this bill to provide any evidence at all that public safety would be enhanced by such a bill.

"Access to accurate information in the national and local databases for lost or stolen firearm enhances police officer safety in situations involving firearm ownership and possession issues."

This is a repetition of the same fallacious and evidence-free argument above except this time the claim for enhanced safety is not for the public, but for "police officer safety". How? How will any police officer be safer in any way knowing that a firearm has been stolen or lost? Now if they knew who had the stolen or lost firearm, that might be different, but merely knowing that a firearm has been stolen or lost does absolutely nothing at all to enhance police officer safety. How could it? Show me the evidence. Even just one piece of evidence. How would an officer know that someone he is approaching is the thief of a stolen firearm? How would an officer know that someone he is approaching is a person who found a lost firearm? The firearm might be listed in some database, but the thief or the finder would not be listed in the database as the thief or finder. How could an officer have any idea about "ownership and possession" with these people?

The information allows police officers to timely investigate and seize lost and stolen weapons quickly and surely."

More flights fantasy totally unwarranted by real world evidence. Yes, it would allow law enforcement to investigate a theft or loss, but how would that end in the result that they "seize lost and stolen weapons quickly and surely"? Give me several examples. I'll grant that in the case of a theft it is possible that some evidence, such a fingerprints that are in a database, could be recovered from a crime scene that would lead to the apprehension of the thief and possibly the stolen property, BUT how often has this happened in the real world? I'm sure the various county police departments have records of all reported firearm thefts, the ensuing investigations, and the rate of success in recovering the firearms. Show us the statistics, because the "commonsense" just isn't there. And, needless to say, it's impossible to see how reporting a firearm lost would result in making it possible for law enforcement to "seize lost... weapons quickly and surely". How would that happen? How will they "quickly and surely" find a lost weapon that the owner can't find? How many times has this happened in the real world? Please provide the detailed accounts, and the rate at which lost firearms were "quickly and surely" recovered by law enforcement for all cases of reported lost firearms.

These arguments, presented without any shred of evidence are absurd on their face. Anyone taking a minute to think about the claims being made could see that. Please note, I will retract that claim once I'm presented with convincing accurate indisputable evidence that law enforcement has "quickly and surely" recovered lost and stolen guns that were reported lost and stolen. Please show me the evidence.

Now, what's REALLY harmful and abusive is the fact that, given the faulty premises, fallacious arguments, and apparent lack of any evidence whatsoever to corroborate the effectiveness of the claimed intent of the law that would be created by HB720, is the fact that law-abiding citizens who are victims of theft will be made into criminals for not reporting, including the possibility that they could lose their Constitutionally-protected right to keep and bear arms.

I see no valid reasons or evidence that would warrant declaring a crime victim a criminal for failing to report an accident (loss) or crime (theft) involving a firearm.

What good will come of prosecuting such people who are already crime victims?

We already know that all the years of keeping registration data on every single gun and gun owner in

the entire state has not yielded a single solution to any crime despite tens of thousand of work hours and millions upon millions of taxpayer dollars wasted on the claimed "public safety" benefits of registration. It has had no such effect. It exists only as a threat hanging over gun-owners and would-be gun owners to make sure they know that their constitutionally-protected rights are mere privileges in Hawaii, subject to the whims of legislators and law enforcement bureaucrats.

I see no difference with this proposed legislation, which only serves to further criminalize law-abiding citizens through no fault of their own.

Leave the law-abiding alone. Don't invent new crimes to entrap the previously law-abiding, especially when there is no evidence that the proposed law would have any of the effects claimed. Go after the criminals. How is it that the recidivists getting arrested over and over already have 20 or 30 or more prior arrests and convictions? Those are the people you should be targeting with legislation aimed at securing "public safety" by incarcerating recidivists for life after their second "serious" crime, not gun owners who have lost or had firearms stolen from them and are already victims.

Vote NO on HB720, HD1.

Thank you,

George Pace

**HB-720-HD-1**

Submitted on: 3/27/2019 9:52:48 AM

Testimony for JDC on 3/28/2019 9:45:00 AM

**LATE**

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

Comments:

I strongly OPPOSE HB720.

There may be many circumstances in which reporting a lost or stolen firearm may not be reasonably possible and would automatically make a victim of a crime a criminal themselves. While I don't believe a reasonable prosecutor would pursue charges, we shouldn't have these overly strict laws that gives them that power.

This law might also discourage individuals from reporting after the 24 hour window in fear of being penalized for doing so. This law will only punish the well intentioned people of Hawaii and will be ignored by criminals.

**HB-720-HD-1**

Submitted on: 3/27/2019 12:37:01 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

**LATE**

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

Comments:

I am a lifelong resident of Hawaii and I VOTE. I am opposed to HB 720 and urge each of you not to support this repressive bill that would needlessly make criminals of citizens.

**HB-720-HD-1**

Submitted on: 3/27/2019 1:26:50 PM

Testimony for JDC on 3/28/2019 9:45:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tito Castillo	Individual	Oppose	Yes

Comments:

As a fellow Hawaii resident, I urge you to please oppose House Bill 720. This Bill would only further infringe on our constitutional rights under the 2nd Amendment. It is unlikely criminals would observe this law thereby only infringing on law abiding citizens and potentially making a victim also a criminal. This law must not pass.

HB 720 would impose a one-size-fits-all requirement for how citizens must report lost or stolen firearms and potentially further victimize those who have the misfortune of suffering a loss or theft of their property.

Again, please oppose House Bill 720. Thank you.