

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**LATE**

**Testimony in SUPPORT of SB1466 SD2, HD1  
RELATING TO GUN VIOLENCE PROTECTIVE ORDERS**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: 3/25/2019 2:00 PM

Room Number: 325

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. SB1466 SD2, HD1 would establish  
6 a process for law enforcement and family/household members to file a petition in court for a gun  
7 protective order; taking guns out of harms way sooner.

8 According to the Giffords Law Center to Prevent Gun Violence, SB1466 SD2, HD1 is one of six key  
9 policies that can save lives from gun violence. Hawaii, with a track record of strong gun control laws, has  
10 all key policies in place, except for the extreme risk protective orders (ERPO) proposed in this measure.  
11 ERPO is a lifesaving policy that has been used in other states to prevent mass shootings, suicides and  
12 other acts 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, and the lowest firearm-related homicide rate. Although Hawaii had the 5<sup>th</sup>  
15 lowest firearm-related suicide rate, and the lowest proportion of suicides completed by firearms (18% vs  
16 51% nationally), suicides by firearms outnumber firearm-related homicides by a nearly 4-to-1 ratio in  
17 Hawaii (172 vs 44, respectively over the 2013 through 2017 period). The number of suicides, which is  
18 the leading cause of injury-related death in Hawaii, could decrease if lethal means such as firearms were  
19 less readily available to person deemed a risk to themselves. SB1466 SD2, HD1 further strengthens  
20 Hawaii's gun safety laws, to proactively protect the public from needless acts of violence.

<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/>

- 1 Thank you for the opportunity to submit testimony.



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Judiciary**  
Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Monday, March 25, 2019, 2:00 PM  
State Capitol, Conference Room 325

By

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

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**Bill No. and Title:** Senate Bill No. 1466, S.D.2, H.D.1 Relating to Gun Violence Protective Orders Act.

**Purpose:** Establishes a process by which a law enforcement officer or family or household member 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. (SB1466 HD1)

**Judiciary's Position:**

The Judiciary supports the amendment in H.D.1 allowing the court discretion as to whether to hold an ex parte hearing at the ex parte stage. This will have a positive impact on reducing the costs in adjudicating Gun Violence Protective Order (“GVPO”) cases.

We respectfully offer the following comments and recommendations.

1. At the ex parte and the hearing stages, this bill references accessing data, including, the respondent’s ownership of firearms and the respondent’s mental health records. At the ex parte stage, the court has the discretion to obtain this data. At the hearing stage, the court is required to. The Judiciary does not have ready and/or any access to this data. It would be problematic for parties to assume that we do have this data and have reviewed and considered it. We strongly urge deletion of these provisions as follows:



Senate Bill No. 1466, S.D.2, H.D. 1 Relating to Gun Violence Protective  
Orders Act  
House Committee on Judiciary  
Monday, March 25, 2019, 2:00 PM  
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At page 7, delete from line 14:

~~The court may also:~~

- ~~(1) Ensure that a reasonable search has been conducted of all available records to determine whether the respondent owns any firearms or ammunition; and~~
- ~~(2) Ensure that a reasonable search has been conducted for criminal history and mental health records related to the respondent that are readily available to the court.~~

At page 11, delete from line 9:

~~(b) Before a hearing for a one-year gun violence protective order, the court shall:~~

- ~~(1) Ensure that a reasonable search has been conducted of all available records to determine whether the respondent owns any firearms or ammunition; and~~
- ~~(2) Ensure that a reasonable search has been conducted for criminal history and mental health records related to the respondent that are readily available to the court.~~

2. We cannot reasonably foresee the caseload that will be generated by this bill. We can foresee the need for increased resources for the following: (a) court staff providing Petitioners help with filing the petition (§134-C(a)); (b) court staff reviewing and processing of petitions; (c) court hearings, and (d) mandatory reporting to the Hawaii Criminal Justice Data Center (§134-I). We are most concerned about the staffing requirements. No matter how many cases are generated, passage of this bill will require deployment of existing staff (who already have demanding work to accomplish) or creating a new court officer unit without any additional funding.

3. Lastly, we recommend two small corrections to this bill. Unlike Chapter 586 hearings that are set “no later than fifteen days from the date the temporary restraining order is **granted**”, this bill requires “a hearing within fourteen days of the **receipt** of the petition” (emphasis added). Setting a hearing upon “granting” the ex parte petition provides more certainty to the process.



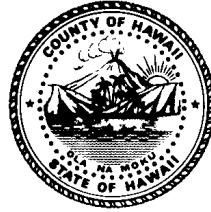
Senate Bill No. 1466, S.D.2, H.D. 1 Relating to Gun Violence Protective  
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Also, at page 10, line 15, the word “an” is repeated. Accordingly, we recommend the following change at page 10, from line 13:

(i) In accordance with section 134-C(d), the court shall schedule a hearing within fourteen days of the ~~receipt~~ **granting** of the petition for ~~an~~ an ex parte gun violence protective order to determine if a one-year gun violence protective order shall be issued.

Thank you for the opportunity to testify on this measure.

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

Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
Committee on Judiciary

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

**RE: SB 1466, SD2, HD1 Relating to Gun Violence Protective Orders**

You have two bills on today's agenda dealing with gun rights and gun safety. I thank you for scheduling them for hearing, and hope you will be able to approve both. But of the two, I think SB 1466, SD2, HD1 is the most important and has the greatest likelihood of saving lives.

SB 1466, SD2, HD1 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 to which Hawai'i is not immune. While there are details in SB 1466, SD2, HD1 that are beyond my expertise, it appears to me that the authors and prior committees have drawn a fair and proper balance between the rights of gun owners and society's interest in safety.

I defer to your wisdom with respect to exact provisions, but strongly urge approval of some version of gun violence protective orders.

Respectfully Submitted,

A handwritten signature in black ink that reads "Harry Kim".

Harry Kim  
MAYOR

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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

**LATE**

KIRK CALDWELL  
MAYOR



SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE: DN-EA

March 25, 2019

The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol, Conference Room 325  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

**SUBJECT: Senate Bill No. 1466, SD2, HD1, Relating to Gun Violence Protective Orders**

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 the intent of Senate Bill No. 1466, SD2, HD1, Relating to Gun Violence Protective Orders, with amendments.

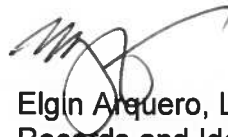
We believe that the proposed HRS Section 134-H requiring the county police departments to notify the petitioner thirty days prior to the expiration of a gun violence protective order is excessive and beyond the scope of the duties of the county police departments. Additionally, notifying the respondent when a gun violence protective order has expired or been terminated is also beyond the scope of the duties of the county police departments.

Currently with temporary restraining orders and protective orders, the county police departments are not required or involved in notifying either the petitioner when an order is about to expire or the respondent when an order has expired. Knowing when an order is about to expire is currently the responsibility of the petitioner, as is the responsibility for the renewal of any such order. Knowing when an order has expired or been terminated, is likewise currently the responsibility of the respondent. We do not believe that it is or should be the responsibility of the county police departments to make these type of notifications. These requirements will unduly and unnecessarily tax the resources of all the county police departments.

The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
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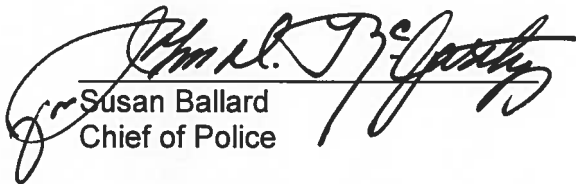
Thank you for the opportunity to testify.

Sincerely,



Elgin Arquero, Lieutenant  
Records and Identification Division

APPROVED:



Susan Ballard  
Chief of Police





The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai  
Senate Judiciary Committee  
State Capitol, Room 325  
Honolulu, Hawaii 96813  
HEARING: Monday, March 25, 2019, at 2:00PM

RE: SB1466 Relating to Gun Violence Protection Orders

Aloha Members of the Senate Committee,

The Hawaii Firearms Coalition STRONGLY OPPOSES SB1466

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 here in Hawaii despite the State having some of the strictest gun laws in the country.

The bill also mentions the tragic shooting at Southerland Springs. This is a primary example of why laws like this fail, for the shooter should have been disqualified from owning firearms in the first place do to a domestic violence conviction while in the Air Force. The Air Force **failed to report** the conviction to the FBI Database. What we need is an enforcement of existing laws and allowing good citizens to carry firearms in the self defense and in the defense of others. After all, the person who stopped the Southerland Springs massacre was stopped by former NRA instructor Stephen Willeford with his AR15 rifle.

Legislation such as SB 1466 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



**LATE**

March 25, 2019

To: Committee on Judiciary  
The Honorable Chair Rep. Chris Lee  
The Honorable Vice Chair Rep. Joy A. San Buenaventura

From: Everytown for Gun Safety

RE: SB 1466 SD2 HD1; Relating to Gun Violence Protective Orders; **In Support**  
March 25, 2019; Room 325

Thank you for the opportunity to submit testimony today in strong support of SB 1466 SD2 HD1.

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. SB 1466 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 we are urging you to support SB 1466 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. SB 1466 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. Research also tells us that reducing a suicidal person's access to firearms can help save their life. 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. SB 1466 is that tool.

Thank you for the opportunity to testify today and the work you do to keep families safe from gun violence. We urge you to support SB 1466 SD2 HD1 to empower family members and law enforcement to act on red flags before they turn into tragedies.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 9:17:41 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:



**LATE**

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

March 25, 2019

The Honorable Chris Lee  
Chair, House Committee on Judiciary  
Sent Via Email

Re: **Senate Bill 1466 - OPPOSE**

Dear Chairman Lee:

On behalf of the Hawaii members of the National Rifle Association, we oppose Senate Bill 1466.

SB 1466 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 SB 1466.

Sincerely,

Daniel Reid  
Western Regional Director

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 12:28:33 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Oâ€™ahu County Democrats Committee on Legislative Priorities	Support	No

Comments:

**TESTIMONY IN SUPPORT OF GUN VIOLENCE PROTECTIVE ORDERS**

**TO:** MEMBERS OF THE HAWAII HOUSE JUDICIARY COMMITTEE  
**SUBMITTED BY:** MOLLY VOIGT, STATE LEGISLATIVE MANAGER, GIFFORDS  
**DATE:** MARCH 25, 2019

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Chair Lee, Vice-Chair Buenaventura, and Members of the Hawaii House Judiciary Committee,

On behalf of Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords and her husband Captain Mark Kelly, I would like to thank you for consideration of this important gun violence prevention bill. This written testimony is specifically to state our support for Senate Bill 1466 SD2HD1, related to gun violence protective orders. This bill would create a mechanism for family members and law enforcement to temporarily remove guns and prevent the purchase of new guns by individuals who pose an elevated risk of endangering themselves or others. It is an effective policy that will save lives in Hawaii as it has in other states where it has been enacted.

We are facing an epidemic of gun violence in this country. In many shootings, family and household members of the shooters noticed a loved one exhibiting dangerous behaviors and became concerned that they may harm him or herself or others. Extreme Risk Protective Order [ERPO] laws will help prevent some shootings, like the ones that took place in Santa Barbara, California, and recently in Parkland, Florida, where there was prior knowledge that a person posed a high risk of danger. It will also help reduce suicides by firearm by reducing access to firearm by those who are in crisis. Researchers determined that by temporarily removing weapons from 762 at-risk individuals, Connecticut's law saved up to 100 people from dying by suicide.<sup>1</sup>

The ERPO is based on the framework and procedure of domestic violence protection orders in Hawaii. It is a civil court order that is issued by a judge upon consideration of the evidence, prompted by petition by a family member or law enforcement, that temporarily prohibits a person in crisis from possessing or purchasing firearms or ammunition. Under this bill, a court would consider evidence presented of any history of threats or acts of violence by the respondent, as well as if a respondent has recently violated any protective orders, has been convicted of any stalking offenses, has been convicted of crimes of animal cruelty and substance abuse. A court could also consider additional evidence including any history of violating protective orders, convictions of violent disorderly persons or stalking offenses, and recent acquisitions of a firearm.

The Extreme Risk Protective Order is a life-saving evidence based policy. Temporarily keeping guns out of the hands of individuals who have been found by a court to pose a significant risk of danger is common sense. Hawaii has the opportunity to take action to reduce mass shootings, interpersonal violence, and firearm suicides. We urge you to support Senate Bill 1466 SD2HD1 and help protect Hawaii families and communities.

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<sup>1</sup> Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). Law and Contemporary Problems, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847> and <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complete-091916-1.pdf>

# GIFFORDS

## ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.



**SB-1466-HD-1**

Submitted on: 3/22/2019 5:01:11 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betsey Strauss	Moms Demand Action Hawaii	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 a grassroots movement of Americans fighting for public safety measures to protect citizens from gun violence. I'm writing to urge you to support SB 1466, 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.

My spouse and I are increasingly alarmed by the number of shootings that take place in America. Each is horrible in its own sense, be it at a school, workplace, mall, or suicide by firearm. Tragic acts of gun violence are often displayed by red flags that an individual is at risk of harming themselves or others. 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 prevent an individual in crisis from carrying out a shooting, whether self-inflicted or against others.

I have three young children in school on Oahu and their safety is my number one priority. I'll never forget the first time our daughter came home from kindergarten and told us they had to do a "Lockdown 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." It's heartbreaking that this has become a standard drill at American schools. Seeing as this has become a prominent issue facing our country, I'm determined to do what I can to make schools and communities as safe as possible for our keiki to grow up in. In Hawaii we have many common-sense gun laws, but I still read about gun-related deaths and feel that more can be done, like passing SB 1466.

Fourteen states have already enacted “Red Flag Laws” so far, and more are considering similar legislation this year... With the growing rate of gun-related violence in our country, it is as important as ever to continue enacting gun sense laws to keep Hawaii as safe as possible from acts of violence. I encourage you to support SB 1466. Mahalo.

**SB-1466-HD-1**

Submitted on: 3/22/2019 7:15:12 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I strongly OPPOSE this measure. This bill shows no due process for the defendant, greatly increases the judicial burden on the courts, and has absolutely no means to address law enforcement overreach, and actions and penalties for those who provide false allegations.

**SB-1466-HD-1**

Submitted on: 3/22/2019 7:33:53 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Not only to protect those that might be harmed by the mentally unstable with access to guns, but for the mentally unstable persons themselves. We must pass this legislation.

Thank you for the opportunity to submit testimony. Linda Legrande

**SB-1466-HD-1**

Submitted on: 3/23/2019 12:28:57 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannette P Hereniko	Individual	Support	No

Comments:

Dear Committee Members:

In memory of all the thousands of innocent people who have been killed by guns in the recent years, I urge you to support SB1466 SD2 HD1. Thank you for your careful consideration of this important bill.

Sincerely,

Jeannette Paulson Hereniko

Honolulu, Hawaii

**SB-1466-HD-1**

Submitted on: 3/22/2019 10:06:02 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Red Flag Law for Firearms Confiscation. This law subverts due process and suspends a civil liberty enshrined in the state and federal constitution. There is no excuse for curtailing an individuals rights without allowing them to answer their accusers and providing them their day in court. The right to bear arms should not be treated as a 2nd class right.

**SB-1466-HD-1**

Submitted on: 3/23/2019 1:26:46 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cate Waidyatileka	Individual	Support	No

Comments:

In light of all the tragedies, can we at least (at least!) do this.



# Institute for Rational and Evidence-Based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

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March 23, 2019

COMMITTEE ON JUDICIARY

To be heard: Monday, March 25, 2019

Chair, Vice Chair, and Committee Members,

Please vote NO on SB1466, SD2, HD1.

Let me first add, as something of an aside, that I find it “troubling” that the committee chair announced at 4:49 PM on a Friday afternoon the scheduling of this bill to be heard on a Monday, meaning that testimony, in order to be available to members by the scheduled meeting, would have to be submitted by midday Sunday. I consider this a violation of the rules requiring 48 business day hours notice. Many people take off Friday afternoon and don't concern themselves with such matters until the next working day, which would be too late to submit testimony in a timely manner. Why the shenanigans? (That's a rhetorical question.)

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.

Besides the obvious violations of Constitutionally-protected rights, this bill also has absolutely no basis in evidence that it actually would enhance public safety. To quote the summary conclusion of the



research article included below, **Do Red Flag Laws Save Lives or Reduce Crime?**, “Red flag laws had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.”

Vote NO on SB1466.

Thank you,

George Pace

## **American Civil Liberties Union**

[www.riaclu.org](http://www.riaclu.org) | [info@riaclu.org](mailto: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 pose 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.

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)

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

<sup>8</sup> 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).

## 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

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.

# **Do Red Flag Laws Save Lives or Reduce Crime?**

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## **Abstract**

Red flag laws had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.

## **I. Introduction**

By the end of 2018, thirteen states have passed Red Flag or Extreme Risk Protection Order (ERPO) laws which allow police or family members or those living in the same residence to file a petition for a court order temporarily seizing the firearms of persons accused to be a danger to themselves or others (Devos et al., 2018). Using the most recent data, we investigate the effect of Red Flag laws on murder, suicide, and deaths due to multiple victim public shootings. We use murder rather than firearm homicide and suicide rather than firearm suicide because there may be substitution and homicide includes justified homicides and homicides committed in the line of duty by police officers. Four of these states implemented this policy before the end of 2017: California (2016), Connecticut (1999), Indiana (2005), and Washington (2016). We will study these laws being in effect for a combined total of 36 years.

The basic idea is that some individuals who pose a danger to themselves and others and that danger is magnified by the presence of firearms. Therefore, any policy that can effectively remove the firearms, if only temporarily, from such individuals could save lives either through the reduction of homicide or by making the completion of a suicide attempt more difficult. However, it is possible that these laws could increase homicide or suicide. In the absence of a Red Flag law, a person contemplating homicide or suicide might speak to a family member and, as a result, be dissuaded from that course of action. If the same person is aware of the existence of a Red Flag law, then he or she may well not approach a family member or anyone else who might initiate an ERPO. The result could be that such individuals go on to kill themselves or others.

These laws are not specifically limited to people who are mentally ill, as there are already options to commit those posing a danger to themselves or others. No specific guidelines for identifying people are given, ERPO are meant to let people determine on their own whether someone is dangerous. Discussions before the Uniform State Law Commission indicate that those making these decisions rely on a variety of factors in predicting future behavior, such as a history of violent behavior, gender, and age. So while there are already laws that ban felons or those with some types of misdemeanors from owning guns, ERPOs allow people to take into account arrests that didn't result in a conviction or simply complaints.

While mass public shootings have served as the instigation for ERPO laws, this is the first panel analysis that looks at death rates from mass public shootings and suicides or changes in violent crime rates, including murder.

## **II. Results**

The basic model is a fixed effects regression model for all 50 states and DC from 1970 to 2017 in which the natural log of the murder and suicide rates and the number of people killed in mass public shootings are the dependent variables (suicide is available only up to 2016, mass shootings are available from 1977). We use a standard difference-in-differences dummy variable

model as well as a spline model and a combination dummy-spline “hybrid” model to determine the effects of the Red Flag law.

Following the specifications used in Moody and Marvell (2010), in addition to lagged endogenous variables, the initial specifications also included: Population density, Crack epidemic measure, Arrest rate for violent crime, Prison population per capita, lagged Executions, Truth in sentencing, Real income per capita, Poverty rate, Unemployment rate, Total employment, Military employment per capita, Construction employment per capita, and demographics (percent of the population that is black and age distribution by five year age intervals from 15 to 64 and those 65 and older). The gun control laws accounted for: Three strikes, Right to carry, Castle doctrine, Stand your ground, Use a gun go to jail, Waiting period, Background check, private sale Background check, Safe storage law, Juvenile gun ban, One gun per month, and Saturday night special bans.

We use a general-to-specific modeling approach (Moody and Marvell 2010), where we dropped all variables with t-ratios less than one in absolute value and then subjected them to an F-test for joint significance. In all cases, the tests we did were not significant at the .05 level, indicating that we were justified in our model reductions. The full estimates with all the variables produced even less significant results for the Red Flag laws. We report the results of the expanded models, all the estimated control variables, all the other specifications discussed below that are not reported in the tables, as well as provide the data in the robustness section of the online appendix (<https://tinyurl.com/y6vnljwjt>).

The results with respect to the murder rate are presented in Table 1A. The coefficients, standard errors and t-ratios are conventional, but the p-values for the policy variables are generated by a placebo law exercise, the need for which is due to the small number of policy changes. Since there are only four states that have adopted Red Flag laws in our sample period, the standard errors are underestimated (Conley and Tabor 2011). In our placebo law exercise we replace the four “treated” states with randomly chosen states with imaginary placebo laws for the same years as the laws in the treated states. We then re-estimate the model. We repeat this 1000 times to generate distributions of outcomes centered on zero, the true value of the coefficients on the policy variables for those states that did not adopt a Red Flag law. From these distributions (for which we know that the null hypothesis of no effect is true) we can find the number of times the placebo laws generated t-ratios greater, in absolute value, than the t-ratios generated by the actual treated states. These are divided by 1000 to generate the p-values.

Perusal of Table 1 reveals that, despite the apparently significant t-statistics, the laws have had no significant effect on either murder at the .05 significance level based on the placebo law p-values. In fact, none of the policy variables are significant at the .10 level.<sup>1</sup> In addition, if

<sup>1</sup> The p-values for the policy variables are as follows: hybrid model, dummy .245, spline .212; dummy only .178; spline only .132.

individual state trends are excluded, the results are not statistically significant at even the traditional levels.

The corresponding results for suicide are presented in Table 1B. Again, the apparently significant policy variables turn out to be insignificant when using the placebo law p-values.<sup>2</sup> The coefficients are also economically very small. In the first specification, a Red Flag law initially increases the suicide rate by 0.02 percent, and that effect is reduced to zero by the fourth year that it is in effect.

The results with respect to deaths due to mass public shootings are shown in Table 2. We follow the traditional FBI definition that was used for 30 years until 2013 of four or more people killed in a public place that did not involve some other crime such as gang fights or robberies. Since the dependent variable is the number of people killed, we used the fixed effects negative binomial model. We followed the same general to specific modeling approach used in the first two tables. Since the policy variables are not significant in these results, we do not need to use placebo law p-values. The results are consistent with those of murder and suicide, the coefficients on the policy variables are not significantly different from zero. The coefficients imply a small initial increase in deaths from mass public shootings of between 0.1 and 0.2 per year.

Finally, Table 3 investigates the impact of ERPO laws on other crime rates using specifications that correspond to those shown in Table 1, and with the exception of one specification showing an increase in rape rates (specification 2), none of the coefficients are statistically significant at the .05 level. At the .10 level, the first specification also shows an increase in rape rates. In both cases, the results imply about a four percent increase in rape rates.

We conducted a number of robustness checks. Connecticut increased the number of gun seizures tenfold in 2007 from 10 to 100 in 2007 and over 700 by 2013 (Swanson et al. 2016, p.8). Consequently, we re-estimated the models using 2007 as the implementation date for Connecticut. The results were unchanged. We also estimated models for murder and suicide using pre- and post-law dummy variables, one for each two-year period. We found, for both murder and suicide, that none of the post-law dummies were significantly different from zero using placebo law p-values. Similarly, there was no significant difference between the means of the pre-law and post-law dummies.

### **III. Conclusion**

Red flag laws had no significant effect on murder, suicide, the number of people killed in mass public shootings, robbery, aggravated assault, or burglary. There is some evidence that rape rates rise. These laws apparently do not save lives.

<sup>2</sup> The p-values for the policy variables are: hybrid model dummy .188, spline .131; dummy only .457; spline only .212.

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**Table 1: Examining the impact of Extreme Risk Protection Orders on Murder and Suicide**

A) Natural Log of the Murder Rate (Including state and year fixed effects and individual state time trends)

Variable	Coefficient (1)	T-ratio	Coefficient (2)	T-ratio	Coefficient (3)	T-ratio
ERPO dummy variable	-5.983	2.47	-7.016	2.71		
ERPO spline variable	-0.669	2.43			-0.991	3.24
N	1,977		1,977		1,977	

B) Natural Log of the Suicide (Including state and year fixed effects and individual state time trends)

Variable	Coefficient (1)	T-ratio	Coefficient (2)	T-ratio	Coefficient (3)	T-ratio
ERPO dummy variable	0.017	2.32	0.012	1.25		
ERPO spline variable	-0.005	3.63			-0.004	2.92
N	1,734		1,734		1,734	

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Notes: \*  $p < 0.05$ ; \*\*  $p < 0.01$ ; the Red Flag law dummy and spline variables were not significant using placebo law values; regressions are weighted by state population; standard errors are clustered on states; coefficients on the individual state trends, state, and year dummies are suppressed to conserve space; complete results for other control variables are available here <https://tinyurl.com/y6vnljwt>.

**Table 2: Examining the impact of Extreme Risk Protection Orders on the number deaths from Multiple Victim Public Shootings (Negative binomial regressions)**

Variable	Coeff (1)	T-ratio	Coeff (2)	T-ratio	Coeff (3)	T-ratio
ERPO dummy variable	0.189	0.17	0.111	0.14		
ERPO spline variable	-0.020	0.09			0.006	0.04
<i>N</i>	1,476		1,476		1,476	

Note: \*  $p < 0.05$ ; \*\*  $p < 0.01$ ; fixed effects negative binomial model; coefficients are incident rate ratios; p-values for policy variables are not adjusted using placebo law methods; complete results for other control variables are available here <https://tinyurl.com/y6vnljw7>.



**Table 3: Examining the impact of Extreme Risk Protection Orders on the Natural Log of other Crime Rates that correspond to the estimates provided in Table 1 (Including state and year fixed effects and individual state time trends)**

Variable	Rape	Robbery	Assault	Burglary
(1) Dummy and Spline Model				
ERPO dummy variable	4.419 (3.45)	-22.716 (1.78)	0.781 (0.71)	-0.313 (0.25)
ERPO spline variable	-0.076 (0.21)	0.973 (0.93)	0.556 (1.52)	0.120 (0.48)
(2) Dummy Only				
ERPO dummy variable	4.283 (4.72)*	-20.971 (1.66)	1.781 (1.13)	-0.094 (0.10)
(3) Spline Only				
ERPO spline variable	0.142 (0.39)	-0.150 (0.31)	0.595 (1.52)	0.105 (0.49)
<i>N</i>	1,928	1,928	1,928	1,928

Notes: T-ratios in parentheses; \*  $p < 0.05$ ; \*\*  $p < 0.01$ , using placebo law p-values; regressions include state and year dummies and individual state trends; regressions are weighted by state population; standard errors are clustered on states; complete results for other control variables are available here <https://tinyurl.com/y6vnljwjt>.

**SB-1466-HD-1**

Submitted on: 3/23/2019 7:05:50 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Connie Eder	Individual	Support	No

Comments:

I support SB 1466

**SB-1466-HD-1**

Submitted on: 3/23/2019 8:47:03 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I oppose SB1466 SD2 HD1.

Yet another anti-firearm bill that makes absolutely no sense. An individual should be considered innocent until proven guilty in a court of law, not by law enforcement officers or citizens. This will be greatly abused by people in these categories, and will have a great potential to violate the constitutional rights of innocent law abiding citizens.

**SB-1466-HD-1**

Submitted on: 3/23/2019 7:12:56 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I oppose SB1466. It violates a persons constitutional right without due process. This is confiscation and loss of rights BEFORE due process. Government's job is to promote the general welfare and provide for the common defense. Neither of those include revoking an individuals right to the ten most important amendments without due process. It's in the preamble, the foundational statement for how the constitutional document was drafted. SB1466 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. A right delayed is a right denied.

**SB-1466-HD-1**

Submitted on: 3/23/2019 5:58:34 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

**SB-1466-HD-1**

Submitted on: 3/23/2019 5:26:44 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I OPPOSE this bill.

This law denies an accused person their DUE PROCESS rights. Court orders are done behind closed doors with no notification or chance for the accused to defend themselves.

**SB-1466-HD-1**

Submitted on: 3/23/2019 6:12:39 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<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 although there may be legitimate legal reasons to remove a person's firearms, this law removes all DUE PROCESS making it unconstitutional. The court orders are done in secret behind closed doors with no notification or chance to defend themselves or provide evidence in their defense.

The first time the firearms 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. This is outrageous.

**SB-1466-HD-1**

Submitted on: 3/23/2019 7:30:07 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I STRONGLY OPPOSE SB1466,

Must I really go into the many reasons why this bill should not make it to floor vote. I am sure all committee members have read the many hundreds of opposing testimony of previous versions of SB1466 and the dangerous precedent it sets for future legal action. This proposed bill violates the second fourth and fifth amendments. If the new "mental abuse" revision of our TRO law is passed this bill would also violate the first amendment.

None of your illogical reasons for passing a bill such as SB1466 will do anything to protect victims of violence that our current laws cannot. Laws such as this would have done nothing to stop any of the shootings that took place nationwide. The short of it is if law enforcement could not or would not act on any red flags alerted to them before, SB1466 would not change that. It would however punish innocent until proven guilty legal gun owners. This bill seems to have been dreamt up with the best of intentions, but many of the worst atrocities of mankind began with ideas like this. This is reminiscent of the laws that nazi's, communists and other variations us authoritarians used to single out and hunt down members of their society that they deemed a "problem".



**SB-1466-HD-1**

Submitted on: 3/23/2019 8:34:42 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<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 is lacking of due process, has minimum evidenciary requirements, and has great potential for abuse. The loss of a constitutional right must be preceded by an arrest, trial by jury, and conviction. This measure is a "rush to judgement" possibly based on hearsay, emotional revenge, or non-professional opinions. It sets a dangerous precedent. It punishes a person for what they "might "do. Do not approve this bill.

**SB-1466-HD-1**

Submitted on: 3/23/2019 10:13:36 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Public safety is a non-partisan concern in our community, so it should follow that gun safety is something that everyone can get behind. Tragic acts of gun violence, including suicide and mass shootings, are something that everyone wants reduced. Here in Hawaii, we have some of the lowest rates per capita of gun violence, but we are not immune to tragedy. So what can be done?

The opposition to SB 1466 has repeatedly indicated that there is no mechanism for "due process," or for protecting the constitutional rights of the "targeted" individual. A closer look at the bill shows that there certainly is due process, well within a citizen's rights. The bill simply is a tool for TEMPORARY removal of firearms from a potentially dangerous situation. The process allows for the expeditious examination of the situation, and if deemed safe, the firearm is returned. The opportunity to advert a circumstance that could save even ONE LIFE, is worth the slight inconvenience that a person displaying violent behavior would have to endure. Again the bill allows for anexpedient hearing...the goal is to de-escalate and avert a violent situation, not to permanently remove or take away anyone's guns.

I believe that SB 1466 is a strong, smart way to help reduce gun violence in Hawaii. There are all too often blatent indications that an individual is a danger to himself or others. In a moment of rage, severe depression, intoxication or mental instability, a person that makes violent threats SHOULD BE TAKEN SERIOUSLY. SB 1466 provides a way to act BEFORE these indicators escalate into irreversible disaster.

Let's show that we believe saving lives is in everyone's best interest. Thank you for supporting our safety.

Scott Meehan, Art Director Hawaii Five-0, CBS Productions Honolulu, HI

**SB-1466-HD-1**

Submitted on: 3/23/2019 10:15:58 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donna Arany	Individual	Support	No

Comments:

By passing this bill, lives will be saved because of the following.....

Tragic acts of gun violence, including mass shootings and gun suicides, are often preceded by red flags such as threats of violence, dangerous behavior, and other indications that a person is a danger to themselves and others. A nationwide study of mass shootings from 2009 to 2017 showed that in 50% of those incidents, there is proven documentation that the attacker exhibited dangerous warning signs before the shooting.

SB 1466 provides a way to act before warning signs escalate into tragedies by making it possible for family members and law enforcement—the people most likely to see these warning signs—to seek a Gun Violence Protective Order. And SB 1466 creates a fair process and protections that ensures a full legal hearing before such an order may be issued. If a 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.

Every 11 days one Hawaii resident dies by firearm suicide. Research highlights that access to a gun triples the risk for suicide. SB 1466 provides a means by which families can possibly avert the suicide of a loved one by temporarily reducing that person's access to firearms.

A 2017 study in Connecticut, found that after the red flag law was put into effect, their state averted an estimated 72 or more suicides. This would equate to a significant drop in the suicide rate in Hawaii.

Fourteen states have enacted Red Flag Laws so far—and there are several states that, like Hawaii, are contemplating similar legislation in 2019.

Please consider this an opportunity to provide a safer existence for families and the police department living and working in Hawaii.

Sincerely, Donna Arany

**SB-1466-HD-1**

Submitted on: 3/23/2019 10:34:32 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tony lee	Individual	Oppose	Yes

Comments:

strongly oppose, ineffective law that will have unrealted consequences for ordinary citizens.

**SB-1466-HD-1**

Submitted on: 3/23/2019 11:26:58 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Please pass this bill. It has the opportunity to save many lives in our community. A Gun Violence Protection Order can reduce needless tragedies from gun related domestic violence, suicides, and and other senseless tragedies. Thank you.

**SB-1466-HD-1**

Submitted on: 3/23/2019 11:46:20 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Dear Honorable Legislative Members,

I am in support of this bill. To me this is common sense. As a NRA member, I am in direct conflict with the majority of the membership of the organization by supporting this bill, but Safety of the public in the way this bill was written makes sense to me.

Sincerely,

David J Fukuzawa

**SB-1466-HD-1**

Submitted on: 3/24/2019 12:08:58 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

This bill is ridiculous!!! Just give haters the right to lie and take away what a law abiding citizen enjoys most!!! I HIGHLY OPPOSE SB1466 SD2 HD1!!!

**SB-1466-HD-1**

Submitted on: 3/24/2019 12:09:23 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carolyn Pearl	Hawaii Moms Demand Action for Gun Sense	Support	Yes

Comments:

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep Joy San Buenaventura, Vice Chair

March 25, 2019

**Support for S.B. 1466 – RELATING TO GUN VIOLENCE PROTECTIVE ORDERS**

I am a long time resident of Hawaii and 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 SB 1466, and we thank you for hearing this measure.

I applaud the Hawaii legislature for its efforts over the years to enact a body of common sense gun safety laws, and I'm proud that those efforts have made ours one of the safest states in the USA. We cannot, however, become complacent about our status as a leader in common sense gun safety.

The people of Hawaii need an effective tool to help ensure public safety when family members or law enforcement see clear signs that an individual poses a mortal threat to others or themselves.

SB 1466 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.

A temporary order, lasting no more than 14 days, may be issued before a full hearing is held, but only if there's clear evidence that it is necessary to prevent immediate danger. Final orders last for no more than one year and can only be issued after a full hearing at which all parties have an opportunity to appear. After the petitioner—who is either a



family member or law enforcement—presents evidence of why an order is needed, the person would have the chance to respond to arguments that they are too dangerous to have a gun.

SB 1466 does not impede nor threaten a gun owner's rights. It simply provides an additional measure of safety for our families, by temporarily removing guns from those people who show intent to do harm to others with them.

Acts of gun violence, including mass shootings and gun suicides, are becoming alarmingly commonplace, when so 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. Analysis of mass shootings from 2009 to 2017 revealed that in 51 percent of incidents the shooter exhibited warning signs that they posed a danger to themselves or others prior to the shooting. Had there been 'red flag' laws, like SB 1466, in place at the time, it's possible that many of these tragedies could have been prevented. Florida enacted similar legislation after the Parkland massacre, but it shouldn't take a massive tragedy to move lawmakers to pass such safety provisions.

We urge the committee to please pass SB 1466, to provide this additional measure of safety for our families in Hawaii. If this bill saves even one life, it's worth it.

Thank you for this opportunity to testify.

Carolyn Pearl

**SB-1466-HD-1**

Submitted on: 3/24/2019 12:11:21 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 12:27:00 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Prescott II	Individual	Oppose	No

Comments:

I, Louis Prescott II, oppose this bill because it is in direct violation of our constitutionally protected right to due process under the 4th Amendment.

**SB-1466-HD-1**

Submitted on: 3/24/2019 1:03:48 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Rep. Chris Lee Chair

Rep. Joy A Buenaventura, Vice Chair

JUDICIARY COMMITTEE

Monday, March 25,2019

Support for SB1466SD2HD1 RELATING TO GUN VIOLENCE PROTECTIVE ORDERS

Aloha. My name is Terence Lee. I am a resident of Windward Oahu. I am a survivor of gun violence. I was shot 5 times. I never thought this would happen to me. It was December 20, 1992. My shooter exhibited the same behaviors I have come to see portrayed on the news over and over again. At the end of my assault, I managed to crawl to the back of the store. I passed out from loss of blood. How absurdly sad to say I was fortunate.

I have followed this bill from the beginning. There have been ammendments and there remain some doubts. As a survivor, I can tell you there is no doubt that this bill will save lives.

Thank you and Mahalo for this opportunity to testify.

**SB-1466-HD-1**

Submitted on: 3/24/2019 1:12:41 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 5:11:11 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

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 SB 1466. 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.

**SB-1466-HD-1**

Submitted on: 3/24/2019 5:13:14 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Hello. My name is Kathleen Tennison. I live in Kailua with my grandkids. I am writing in support of bill SB1466. 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.

**SB-1466-HD-1**

Submitted on: 3/24/2019 5:17:06 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

## 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 SB 1466. 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.



**SB-1466-HD-1**

Submitted on: 3/24/2019 5:45:15 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I oppose SB 600 in it's entirety. I am a lifelong resident of Hawaii and an educational professional and I VOTE in every election.

**SB-1466-HD-1**

Submitted on: 3/24/2019 6:26:25 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suellen Barton	Individual	Support	No

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 6:40:02 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<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!

**SB-1466-HD-1**

Submitted on: 3/24/2019 7:21:01 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I oppose this bill because there is no due process which every US citizen is entitled to. The person must be a judicated as being a threat to the community or themselves before we take away their rights. If we don't preserve that right, then all our other gifts can be stripped away. When you look through history you'll find many examples of this.

**SB-1466-HD-1**

Submitted on: 3/24/2019 9:14:55 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<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 S.B. 1466.

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 S.B. 1466 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.

**SB-1466-HD-1**

Submitted on: 3/24/2019 9:41:11 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Tierra	Individual	Support	No

Comments:

Dear Representative Lee and Members of the Committee,

Thank you for reading my testimony. As a mother I want my kids to be safe at school. As a nurse I don't want to see anymore people arrive in the ER with a self inflicted gunshot wound.

This red flag law could save many lives. There is due process so we aren't just taking away guns. There is also punishment for anyone who might abuse this law.

Mahalo for your support of this bill.

Angela Tierra, RN

Windward Oahu

**SB-1466-HD-1**

Submitted on: 3/24/2019 9:46:19 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kamakani de dely	Individual	Oppose	No

Comments:

As a tax paying, voting, law abiding citizen of Hawaii, I vote NO on bill SB1466. I find it offensive and oppressive of the rights of the people. Stop oppressing our rights to live a happy peaceful life by means of taking away our firearms and the rights to bear them.

**SB-1466-HD-1**

Submitted on: 3/24/2019 9:51:09 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mallory De Dely	Individual	Oppose	No

Comments:

As a tax paying, voting, law abiding citizen of Hawaii, I vote NO on bill SB1466. I find it offensive and oppressive of the rights of the people. Stop oppressing our rights to live a happy peaceful life by means of taking away our firearms and the rights to bear them.



**SB-1466-HD-1**

Submitted on: 3/24/2019 10:48:10 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janie Bryan	Moms Demand Action For Gun Sense in America	Support	No

Comments:

March 24, 2019

COMMITTEE ON  
JUDICIARY

Chris Lee, Chair

A. San Buenaventura, Vice Chair

Representative

Representative Joy

RE: Testimony in SUPPORT of Senate Bill 1466, SD2, HD1 at Hearing on March 25 at 2:00 pm

Dear Chairman Lee, Vice Chair San Buenaventura and Committee Members,

Fourteen states have now 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 Senate Bill 1466-SD2 and wish to provide my written testimony to encourage the passage of this bill.

When a loved one poses a threat to themselves or others, temporarily 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!

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 our 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. Reducing a suicidal person's access to a firearm increases the likelihood of saving their life and reduces that impact on loved ones.

In most cases of violence, shooters demonstrate warning signs to friends, family, or online and the passage of this bill would give those who take notice and law enforcement a way to act on these warning signs before a life is taken and others are terrified. It is a powerful tool to have access to in the throes of a crisis and would provide an avenue that can be taken in those dangerous situations.

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 just one year ago on February 14 with 17 people killed and 17 more injured. That shooter displayed numerous red flags 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 proactive and alert to the reality of our country where mass shootings are a regular occurrence in all sorts of places from churches to concerts to movies to places of work.

I encourage you to pass Senate Bill 1466 SD2 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

**SB-1466-HD-1**

Submitted on: 3/24/2019 12:45:02 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

SB 1466 sets the stage for abuse of due process laws by putting legal responsible gun owners in a guilty until proven position simply by the accusations of another person who wishes to falsely make unsubstantiated claims against them.

There are already protections in place and this bill does nothing except open up another door for those trying to ban all firearms to intimidate those who are responsible gun owners.

**SB-1466-HD-1**

Submitted on: 3/24/2019 1:02:03 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Gomes	Moms Demand Action for Gun Sense Oahu Chapter	Support	Yes

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 SB 1466.

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 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.

**SB-1466-HD-1**

Submitted on: 3/24/2019 1:09:29 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Gomes	Individual	Support	No

Comments:

I am in support of this bill.

I am a registered voter and resident in the State of Hawaii.

**SB-1466-HD-1**

Submitted on: 3/24/2019 1:14:31 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ciel Tierra	Individual	Support	No

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 6:19:32 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Aloha

I support SB 1466, to provide a legal mechanism to temporarily remove firearms from individuals who exhibit threatening behavior to themselves or others.

There are obviously national and international incidents where people have shown "Red Flag" behaviors before an incident.

In Hawaii, we should keep in mind that the #2 cause of death for teenagers here is suicide by firearms. We can do a better job to protect our vulnerable keiki.

Three incidents show that It Can and Does Happen Here - the Xerox Mass Murder, the Orlando Ganal, Sr., shooting/arson murders, and the Sand Island Seal Masters hostage situation.

I hope you will pass this legislation to keep our communities safer.

Mahalo,

Vivian Chang



**SB-1466-HD-1**

Submitted on: 3/24/2019 7:21:01 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

This violates the 4th amendment which is the right of due process.

**SB-1466-HD-1**

Submitted on: 3/24/2019 7:37:56 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

I **OPPOSE** SB1466 HD1.

I appreciate the intent of SB1466 however this bill is a violation of due process, can be abused, and this bill may do more harm than good.

This bill would remove people's right to "keep and bear arms" without a trial or conviction for something that has a remote chance of happening in the future. 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 a person 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.

For these reasons the I oppose SB1466 HD1. Thank you for your consideration.

Todd Yukutake  
toddyukutake@gmail.com

**SB-1466-HD-1**

Submitted on: 3/24/2019 8:19:10 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lila Gardner	Individual	Support	No

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 8:20:37 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jerry lam	Individual	Support	Yes

Comments:

I would like to testify in strong support of SB 1466 SD 2 HD 1. I am a retired pediatrician who has followed gun violence for 50 years and watched Hawaii's gun laws work. I am convinced that stricter gun laws save lives and I have been against the NRA's work to ban research on the subject. Children are the most vulnerable when there are more guns available and when there are unstable persons with access to weapons. Bill 1466 will give families and household members (who know when there are dangerous persons nearby) a legal way to obtain a court order to remove weapons from people who may hurt others. It is a long and complex legislation but will help prevent gun violence. It will help far more than thoughts and prayers. Thank you for supporting this bill!

**SB-1466-HD-1**

Submitted on: 3/24/2019 8:26:20 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 8:26:45 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 8:36:28 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

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 SB1466, 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. SB1466 will help us do this, we can save lives and make Hawaii a safer place for everyone.

Thank you for supporting SB1466.

Aloha

Ann Cobain, LMFT



**SB-1466-HD-1**

Submitted on: 3/24/2019 9:18:37 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margo Vitarelli	Individual	Support	No

Comments:

I support this bill. Hawaii is one of the safest states in the US because we have reatively few instances of gun violence. I hope we can keep it that way for the sake of the children and the community. I support all measures to limit the ownership and use of guns, unless for the purposes of hunting wild pigs and goats that are a menace to the environment. Fewer guns means less gun violence. Guns pose a health and safety hazard and need to be controlled. Making laws to control and regulate gun use is only logical and is similar to laws requiring seat belts, a drivers liscence and vehicle safety inspections.

I would feel this way no matter my personal history, but the fact remains that my neice, a local Maui girl, was killed by a stray bullet while on a visit to the mainland to celebrate her 29th birthday with other Maui friends. Needless to say, our family was devastated.

**SB-1466-HD-1**

Submitted on: 3/24/2019 9:38:57 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glenn Metzler	Individual	Support	No

Comments:

**SB-1466-HD-1**

Submitted on: 3/24/2019 10:28:38 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Distinguished members of the Judiciary Committee,

I'm writing in opposition of Bill SB1466. I'm opposed to any legislation that goes against any Constitutional rights. I understand that this bill and many like it is an attempt to prevent people from hurting others and themselves. I also understand the thinking that taking away tools to commit violent acts such as with firearms, knives, bats, bricks, pipes, fists, elbows, etc., may seem like a good idea. However removing the tools is not the solution. The problem is not because of the tools but the lack of integrity, character and the absence of values that people have. Walk around and ask random people what their core values are, especially those under 40 years of age. You'll be met with blank stares and even the response of "what does that mean?" I know this because I've asked this question many times. It is sad when people know more about trivia, music and TV than their own values. When was the last time you or anyone mentioned the word character, integrity, leadership, decision making, honor, delaying gratification, persistence, etc. in the home?

I take 100% personal responsibility for making sure that these words are a commonplace in my family and that we apply them. I think that if we all did this we would see violence of all kinds not just guns, but bullying, sexual assault, child abuse, verbal abuse, etc. be reduced. I think we should allocate our time, energy and money to reestablishing these values in our State and County systems, including our education system, instead of misallocating more of our funds towards restrictive laws that will not have a long term impact.

Respectfully,

Grant Nagata

**SB-1466-HD-1**

Submitted on: 3/24/2019 11:02:02 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

To the Honorable Legislature of the State of Hawaii,

I appreciate your time reviewing my testimony regarding **SB1466: Relating to Gun Violence Protective Orders.**

According to SB1466: would a person have his/her property confiscated without the right to due process? Would this legislation be in violation of the Fourth, Fifth and Fourteenth Amendments in the Bill of Rights? Does this mean that a person can have his/her property confiscated without having committed a criminal act?

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 will not be abused?

As SB 1466 would violate a citizen's right to due process, I urge you to please oppose SB 1466. 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!

**SB-1466-HD-1**

Submitted on: 3/24/2019 11:03:07 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

Hello, I'm a Hawaii resident and a volunteer with Moms Demand Action, a non-partisan organization working to prevent gun violence. I strongly support SB 1466 and am asking for your support as well. There are often warning signs, such as direct threats, before a mass shooting or gun suicide occurs. SB 1466 would enable family or household members and law enforcement, to seek a Gun Violence Protective Order (GVPO) from the court, temporarily removing guns from the person in crisis to avert tragedy.

The alarming rates of homicide, suicide, and murder-suicides in the USA indicate a need to be proactive as a society, instead of simply reactive.

Our current system does not cover all bases of gun violence, including situations such as gun suicide, or when a person in crisis is threatening to hurt others.

Sincerely,

Allegra Giacchino, MSW

Kahala

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 7:46:36 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

OPPOSE!

Denies citizens of right to due process in seizing of their property. It also denies them exercise of their firearms rights.

**SB-1466-HD-1**

Submitted on: 3/25/2019 8:43:18 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

**LATE**

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

Comments:

I oppose this bill. Hawaii gun laws are already extremely restrictive and practically unconstitutional we dont need any more complicated regulation. This will have every ex-girlfriend or brother/son/child that did not pay back another sibling clogging up HPD with phony request of perceived danger bAfter 1st Draft gun owner.

Not to mention the current rap back program debacle that is not really a rap back program i guess. Bottom line the states current gun regulation is bogging down HPD and they have other things to do, we dont need more we need less.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 9:37:04 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

could violate a citizen's right to due process



**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 11:14:46 AM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

The same day issuance of the ex parte gun violence protective order does not give time for due process for the gun owner to appeal their case before they are stripped of their 2nd amendment rights and will be subject to lawsuits.

The ex parte protective order will still function as intended and be better policy, and more easily enforced, if the gun owner is allowed a hearing first.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 1:14:46 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanelle Miller	Individual	Support	No

Comments:

Aloha, my name is Jeanelle Miller. I am a law student, mother of two, and a domestic violence survivor. I strongly support protecting our most vulnerable populations through adoption of SB1466.

When I left my DV relationship, I remember calling the police when he attempted suicide and telling them he had guns, not knowing if he would use them or if the officer would have to use his.

There were many nights over the following years that I would wake up in the night panicking and thinking about how he still had guns and knew where I lived. There were times when I was so worried that he would show up, that I would have to call friends, family, or hotlines for support. That fear was real and it was one of the most intense experiences I have ever had. I didn't seek an order to restrict his access to guns, but if I had, I wonder if I would have slept better and felt less fear in my daily life.

SB1466 gives law enforcement, the judiciary, and families a temporary tool to keep citizens safe.

It is ludicrous to think that, using similar methods, we can restrict physical access from abusers, take away the liberty of an individual engaged in self harm, stop an industry from bulldozing a forest, but without SB 1466 we don't have a tool to stop people threatening imminent harm to themselves and others from buying a gun and committing their acts of violence.

SB1466 isn't overburdensome and it provides sufficient due process because imminent harm is a high threshold, there is a hearing process, and the order is temporary. This bill doesn't violate due process, nor does it violate the Second Amendment, but it will help keep people safe.

Two thirds of gun deaths are from suicides, most of which could be avoided with intervention of friends and family with the tool this bill provides. In Hawaii a person commits suicide with guns every 11 minutes. Another significant amount of intentional homicides are domestic partners. A restraining order doesn't always prevent a disgruntled abuser, stalker, unrequited lover from buying a gun and exacting their revenge.

Similar red flag laws have proven to be effective in other states at significantly reducing gun suicides and other gun related violence.

Please support SB1466 and give families a tool to keep themselves and their loved ones safe.

Mahalo for this opportunity to testify.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 1:53:59 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Constance Perry	Individual	Support	No

Comments:

Please support this bill and save the lives of thousands of people in Hawai'i. We need to protect our people.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 2:34:53 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

We opposed sb1466. Another useless bill that will not prevent gun violence. There is no due process, it is unconstitutional.

**LATE**

**SB-1466-HD-1**

Submitted on: 3/25/2019 2:38:11 PM

Testimony for JUD on 3/25/2019 2:00:00 PM

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

Comments:

We opposed SB1466 on that there is no due process and someone can have their 2nd Amendment rights taken away on the say of a relative. Due process must be given in a timely manner.