

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

March 15, 2019

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety, Veterans,
and Military Affairs
House of Representatives
Hawaii State Capitol, Room 430
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

SUBJECT: Senate Bill No. 1466, S.D. 2, Relating to Gun Violence Protective Orders

I am David Nilsen, Acting Major 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, S.D. 2, Relating to Gun Violence Protective Orders, with amendments.

We believe that the proposed Hawaii Revised Statutes 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.

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety, Veterans,
and Military Affairs
March 15, 2019
Page 2

These requirements will unduly and unnecessarily tax the resources of all the county police departments.

Thank you for the opportunity to testify.

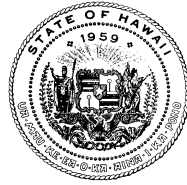
Sincerely,


David P. Nilsen, Acting Major
Records and Identification Division

APPROVED:



Susan Ballard
Chief of Police



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

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

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS, AND MILITARY AFFAIRS
Hearing Date: 3/15/2019 10:00 AM Room Number: 430

1 **Fiscal Implications:** NONE.

2 **Department Testimony:** The Department of Health supports the proposed amendments to Chapter 134,
3 HRS, to establish gun violence protective orders in Hawaii. Firearm-related injuries and death are a
4 critical public health issue. Firearms in the hands of individuals who are at proven risk for harming
5 themselves or others is a major risk to the public's health and safety. SB1466 SD2 would establish a
6 process for law enforcement and family/household members to file a petition in court for a gun protective
7 order; taking guns out of harms way sooner.

8 According to the Giffords Law Center to Prevent Gun Violence, SB1466 SD2 is one of six key policies
9 that can save lives from gun violence. Hawaii, with a track record of strong gun control laws, has all key
10 policies in place, except for the extreme risk protective orders (ERPO) proposed in this measure. ERPO
11 is a lifesaving policy that has been used in other states to prevent mass shootings, suicides and other acts
12 of gun violence. Thirteen states now have laws or partial laws in place.^{1,2}

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 5th
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 further strengthens Hawaii's
20 gun safety laws, to proactively protect the public from needless acts of violence.

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

² 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 Public Safety, Veterans, & Military Affairs

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

Friday, March 15, 2019, 10:00 AM
State Capitol, Conference Room 430

By

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

Bill No. and Title: Senate Bill No. 1466, S.D.2, 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. Takes effect 2/1/2020. (SD2)

Judiciary's Position:

The Judiciary thanks the Committee on Judiciary for its efforts with respect to this bill and appreciates the revisions included in SD2. Notwithstanding said revisions, the Judiciary offers the following comments to address efficiency and cost concerns:

1. The Judiciary will incur significant additional costs in order to process and adjudicate Gun Violence Protective Order (“GVPO”) cases. These costs would be over and above our current budget.
2. The increase will be caused by: (1) providing Petitioners help with filing the petition (§134-C(a)); (2) reviewing and processing of petitions; (3) holding a hearing at the ex parte stage (§134-D(c)) in lieu of allowing the court to issue a decision based upon the written petition/motion (as currently allowed in Domestic Abuse Protective Orders (“DAPOs”), HRS Chapter 586 cases); (4) holding a further hearing within fourteen days on the issue of the

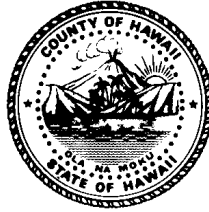


one-year GVPO and hearing any subsequent motions to extend or dissolve the GVPO (§134-F); and (5) mandatory reporting to the Hawaii Criminal Justice Data Center (§134-I).

3. Subsection 134-D(c) requires the court to hold an oral hearing when a temporary restraining order (“TRO”) is requested. This Committee should consider whether such a requirement is necessary based upon the following reasons: (1) all facts and circumstances would be contained in the petition and the petitioner is attesting to said facts under the penalty of perjury; (2) the inconvenience to the petitioner, i.e., waiting for a courtroom and a judge to become available to hear the same facts and circumstances orally; (3) there is no requirement for an oral hearing at the ex parte TRO stage DAPOs; and (4) the additional costs that would be incurred as a result of this requirement.
4. Subsection 134-E(b)(1) and (2) requires that the court conduct research regarding the respondent. With regard to determining whether the respondent owns any firearms, the court does not have access to such information. In light of this constraint, the court would be proceeding on the petitioner’s sworn statement that the respondent owns or is in possession of firearms. With regard to §134-E(b)(2), the court does not have access to mental health records of a respondent and it would be inconsistent with the court’s constitutional role as the neutral third-party decision maker for the court to conduct its own research prior to a hearing.
5. It should be noted that HB 1543, which is very similar to the instant bill, was deferred on February 13, 2019.
6. GVPO requirements and procedures may be modeled after the DAPO statutes. Doing so would promote public accessibility and reduce financial costs to the State.

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

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March 13, 2019

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

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

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

You have three 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 them all. But of the three, I think SB 1466, SD2 is the most important and has the greatest likelihood of saving lives.

SB 1466, SD2 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 that are beyond my expertise, it appears to me that the authors have drawn a fair and proper balance between the rights of gun owners and society's interest in safety.

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

Respectfully Submitted,

Harry Kim
MAYOR

SB-1466-SD-2

Submitted on: 3/14/2019 8:21:06 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------|---------------------------|---------------------------|
| Elizabeth Luff | Moms Demand Action Oahu Chapter | Support | No |

Comments:

Dear Legislators,

My name is Elizabeth Luff. I live in Kailua with my husband and two daughters and am a volunteer with Moms Demand Action on Oahu. I wanted to write to you in support of SB 1466. After the tragic murders at Sandy Hook Elementary and the unbelievable silence on gun safety legislation that has followed, I was sickened to see our country in such a state of partisan inaction. When my girls entered school with all the excitement and innocence of their years, I couldn't stop thinking about their safety while they were away from home or how I could imagine living without them if their lives were cut short. It became clear to me that my own inaction on this important issue contributed to the crisis in gun violence that continues to plague our country today.

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

I am so grateful that you are considering the passage of laws like SB 1466. I fully support this bill and am especially happy to see that they strengthen the abilities of law enforcement and family members to act in our community's and loved one's best interests. We must have laws that support our community, not just the individual.

Mahalo,

Elizabeth

SB-1466-SD-2

Submitted on: 3/13/2019 9:21:09 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Carolyn Pearl | Moms Demand Action | Support | Yes |

Comments:

COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair

Rep Cedric Asuega Gates, Vice Chair

March 15, 2019

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

I am a long time resident of Hawaii and a volunteer with Moms Demand Action for Gun Sense in Hawaii, the local chapter of a nationwide grassroots organization of people – moms and others – who are seeking to make life safer for ourselves and our families through sensible firearm safety laws and regulations. We stand in strong support of 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-SD-2

Submitted on: 3/13/2019 12:11:12 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Barbara Gomes | Moms Demand Action for Gun Violence Oahu Chapter | Support | No |

Comments:

My name is Barbara Gomes. I am a resident of Oahu and I submit this request in support of the Gun Violence Protective Order bill SB 1466 and HB 1543.

I volunteer for the Oahu chapter of Moms Demand Action for Gun Sense and I have researched how Hawaii gun laws compare with other states. Although we do have many sensible gun laws, there is certainly room for improvement to make our state safer. We are fortunate to live in a relatively safe state that has experienced less gun violence than some other states, but we certainly are not exempt from the potential for gun violence here in the Islands. My hope is that we can strengthen our gun laws to make Hawaii as safe as possible so we might be able to avoid horrific mass shootings that we have become used to hearing about 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-SD-2

Submitted on: 3/13/2019 8:10:50 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Janie Bryan | Moms Demand Action For Gun Sense in America | Support | No |

Comments:

March 13, 2019

COMMITTEE ON PUBLIC SAFETY, VETERANS & MILITARY AFFAIRS

Chair

Vice Chair

Representative Gregg Takayama,

Representative Cedric Asuega Gates,

RE: Testimony in SUPPORT of Senate Bill 1466 SD2

Dear Chairman Takayama and Vice Chair Gate 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 gun 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-SD-2

Submitted on: 3/13/2019 5:31:34 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------------------|---------------------------|---------------------------|
| Lisa Dau | Keiki Injury Prevention Coalition | Support | No |

Comments:

TO: COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

Rep. Gregg Takayama, Chair Rep. Cedric Asuega Gates, Vice Chair.

From: Keiki Injury Prevention Coalition (KIPC)

RE: SB1466 SD2 RELATING TO GUN VIOLENCE PROTECTION ORDER

My name is Lisa Dau, RN, Injury Prevention Coordinator for KIPC and we Support SB1466 SD2.

Mahalo,

Lisa Dau

SB-1466-SD-2

Submitted on: 3/13/2019 11:57:59 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|----------------------------------|---------------------------|---------------------------|
| Erica Yamauchi | Hawaii Children's Action Network | Support | No |

Comments:

As the mother of two young children, I strongly support this bill to help keep Hawaii residents safe. I've had numerous experiences with severe mental illness and domestic violence in my family and circle of friends, including involving guns. Thank you taking this step.

SB-1466-SD-2

Submitted on: 3/14/2019 12:05:14 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------------|---------------------------|---------------------------|---------------------------|
| Hawaii Public Policy Advocates | Every Town for Gun Safety | Support | Yes |

Comments:

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 to empower family members and law enforcement to act on red flags before they turn into tragedies.

SB-1466-SD-2

Submitted on: 3/14/2019 8:45:06 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mele Stokesberry | Maui Peace Action | Support | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 8:57:50 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------|---------------------------|---------------------------|
| Kainoa Kaku | Hawaii Rifle Association | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 8:59:01 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------|---------------------------|---------------------------|
| Malia Kaku | Hawaii Rifle Association | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 9:00:44 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------|---------------------------|---------------------------|
| Richard Kaku | Hawaii Rifle Association | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 8:59:57 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------|-------------------------------|-------------------------------|
| Sherry Kaku | Hawaii Rifle Association | Oppose | No |

Comments:



Friday, March 15, 2019

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

Subject: **Support SB1466 SD2**

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

The Injury Prevention Advisory Committee **strongly supports SB1466 SD2** that establishes a mechanism for law enforcement and family/household members to take preventive action to remove guns from individuals who are at risk of harming themselves and others. This legislation would not negatively impact stable and reasonable gun owners.

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

SB1466 SD2 strengthens Hawaii's current gun safety laws, and is one of the few nationally recognized and evidence-based gun policies that Hawaii does not already have in place. There are now thirteen (13) other states with gun protection order laws and at least a dozen other states that are moving to enact similar laws that can prevent gun-related violence.

We urge you to support SB1466 SD2 as a measure that will increase the safety of Hawai'i residents and visitors.

Thank you for the opportunity to testify.

Sincerely,

Deborah Goebert
Chair
Injury Prevention Advisory Committee

SB-1466-SD-2

Submitted on: 3/13/2019 9:32:12 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ellen Godbey Carson | Individual | Support | No |

Comments:

I urge the committee to vote in favor of this bill for Gun Violence Protective Orders. We could save so many lives if the police and family members could petition the courts to help prevent gun violence by persons who are suicidal, severely depressed, or experiencing mental illness problems that endanger themselves or others. This bill provides reasonable safeguards for due process as well as protections for the public.

Thank you.

Ellen Carson

SB-1466-SD-2

Submitted on: 3/13/2019 11:02:03 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Vivian Chang | Individual | Support | Yes |

Comments:

Aloha

I support SB 1466. A red flag law will allow household members and police officers to act promptly when a dangerous person threatens firearm violence.

My father and one of my brothers served in the Marines, and my sister and her husband worked as police officers in the San Francisco Bay Area in California. Guns are essential tools in certain critical situations, but they need to be handled, stored and utilized in a sensible and safe manner.

Our country has experienced far too many mass shootings by individuals who have clearly had a history of dangerous threats and behavior.

SB 1466 would enable us to act on those concerns, and ensure the safety of our families and communities by removing weapons from individuals who are acting in an obviously threatening manner.

Hawaii is a standout for sensible gun safety laws. I hope the legislature will pass SB 1466 and lead America to be an even safer place for everyone.

Mahalo,

Vivian Chang

SB-1466-SD-2

Submitted on: 3/13/2019 11:11:58 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| 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 constitutional right delayed is a constitutional right denied.

SB-1466-SD-2

Submitted on: 3/13/2019 11:35:44 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| carol bodnar | Individual | Support | No |

Comments:

SB-1466-SD-2

Submitted on: 3/13/2019 11:52:49 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ron Klapperich | Individual | Oppose | No |

Comments:

I oppose this bill because it does not allow proper due process and encourages the false accusations against law abiding firearm owners. This measure could be used to threaten a gun owner with extortion. It is not a simple matter to reobtain their firearm possessions after they have been confiscated by HPD and vindicated by the courts, not to mention the egregious legal fees for a lawyer.

SB-1466-SD-2

Submitted on: 3/13/2019 12:01:13 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brian Isaacson | Individual | Oppose | No |

Comments:

Removing a right without adequate due process is not constitutional. Safeguards are not sufficiently present in this bill to protect individual rights.

SB-1466-SD-2

Submitted on: 3/13/2019 1:25:20 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| steven a kumasaka | Individual | Oppose | No |

Comments:

so many issues with this bill that will come under attack via lawsuits against the state

LACK OF DUE PROCESS

civilian standard of proof (preponderance of the evidence rather than beyond a reasonable doubt)

not a fair and timely hearing

etc etc etc

SB-1466-SD-2

Submitted on: 3/13/2019 1:32:58 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| taylor sumida | Individual | Oppose | No |

Comments:

IF WE ARE TO DO THIS, CAN WE PROSECUTE THE PERSON MAKING THE CLAIM? THIS BILL IS SHALLOW AND SHORT SITED, CREATING MORE TENSION BETWEEN FAMILIES WHEN WE SHOULD BE PROMOTING FAMILY VALUES INSTEAD OF DICTATING WHAT FAMILIES CAN OR CANNOT DO AND HOW MUCH CONTROL THEY HAVE OVER EACH OTHER. OPENING THE STATE TO MORE LAW SUITES, WE HAVE ENOUGH PROBLEMS AS IS.

SB-1466-SD-2

Submitted on: 3/13/2019 1:42:15 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dan Goo | Individual | Oppose | No |

Comments:

We are opposed to SB1466: Where are the rights of the gun owner. Where is this persons protection against false allegations. Due process needs to be done prior to taking any rights away.

Dan Goo, Judy Goo, Sean Goo, Elisha Goo, Mariah Goo, Katherine Goo

SB-1466-SD-2

Submitted on: 3/13/2019 1:43:05 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Judy Goo | Individual | Oppose | No |

Comments:

We are opposed to SB1466: Where are the rights of the gun owner. Where is this persons protection against false allegations. Due process needs to be done in prior to taking any rights away.

Judy Goo, Dan Goo, Sean Goo, Elisha Goo, Mariah Goo, Katherine Goo

SB-1466-SD-2

Submitted on: 3/13/2019 2:09:36 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Scott Smart | Individual | Oppose | No |

Comments:

I STRONGLY OPPOSE SB1466 SD2. The bill provides for ex parte gun bans using a standard of "probable cause" and one year GVPO gun bans using a standard of "preponderance of the evidence" by family court. The nature of the "evidence" to support such findings is little more than something from the Department of Pre-crime. It requires the court to play psychologist.

I am particularly concerned that the one year GVPO could be interpreted by the BATFE as creating a finding that the respondent is a "prohibited person" under 18USC922(g)(8), meaning that after the sunseting of the GVPO in one year, the respondent would still be a "prohibited person" and as such, the respondent would NOT BE ABLE TO RECOVER HIS FIREARMS OR AMMUNITION as there is no way to get a relief from disability in this circumstance.

If a person is such a danger to himself or others, he should be committed to the state hospital and not allowed on the streets. This bill seems to be an attempt to further remove gun rights by circumventing the requirement for such a determination, instead relying on the opinion of a judge.

Scott Smart

Mililani HI

SB-1466-SD-2

Submitted on: 3/13/2019 3:14:44 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Angela Tierra | Individual | Support | No |

Comments:

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

Thank you for reading my testimony. I strongly support this bill as a resident of Oahu that has unfortunately experienced losing a family friend to suicide with a firearm. Gun violence protective orders like this one could have prevented that tragic loss along with so many others. In Hawaii someone kills themselves with a firearm every 11 days.

In the United States of America we are 25 times more likely to be murdered with a gun than in any other developed country. I am a nurse and violence against healthcare workers is a growing issue, even here in the Aloha state. This bill could potentially save the lives of those that work to care for others.

I am also a mother that shouldn't have to worry for my children's safety at school, or a movie theater. The Parkland killer would have been stopped with a red flag law. Florida and many other states now have red flag laws and I hope that Hawaii will soon as well.

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

Aloha,

Angela Tierra, RN

SB-1466-SD-2

Submitted on: 3/13/2019 3:22:37 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Philip T. Rapoza | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/13/2019 3:57:01 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Linda Tsai | Individual | Support | No |

Comments:

My name is Linda Tsai White and my best friend Kristine Cass and her 13 year old daughter Saundra were murdered in Makiki on 8/20/10 by Clay Connelly who also killed himself with the gun that night. Kristine was concerned that he was an increasing threat to himself (he threatened to commit suicide in June 2010 and she urged him to get mental health help) and to her (he was pestering her by calling overnight and showed up at her place of employment, uninvited, agitated, a few days before murdering her, because she stopped returning his calls. He had to be asked to leave by security. She had NO avenue to protect herself other than to file a TRO which she planned to do the day after he murdered her. IF she had been able to have the police remove the handgun from his home she and her daughter would be alive today. And it's likely he would too. She (and her friends and her employer) and his son KNEW he was having mental health concerns and was a danger to himself and others. We had no tools available to possibly avoid this tragedy. I WHOLEHEARTEDLY support this bill. Guns should not be in the hands of someone who is a danger to the community or themselves.

SB-1466-SD-2

Submitted on: 3/13/2019 4:06:52 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Laura Perkins | Individual | Support | No |

Comments:

TESTIMONY IN SUPPORT OF SB 1466

Submitted by Deborah G. Nehmad

March 13, 2019

My name is Deborah G. Nehmad and I live in Hawaii Kai on Oahu. I am an artist, an attorney, a wife and a mother and have researched the issue of gun violence in America extensively.

I am writing in **STRONG** support of SB 1466.

When now Attorney General William Barr was testifying at his nomination hearing, he told Senator Diane Feinstein that Red Flag Gun Control Laws “are the single most important thing we can do in the gun control area.” U agree and hope you will too.

Thank you and please support the bill.

Deborah Nehmad
Hawaii Kai

SB-1466-SD-2

Submitted on: 3/13/2019 5:32:40 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Betsey Strauss | Individual | Support | No |

Comments:

Aloha, my name is Betsey Strauss. 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 it's 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 could be a danger to oneself 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 decrease the amount of firearm related injuries and deaths by a person in crisis, that could be either 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 "Lock Down Drill" at school. Not knowing what this was, she explained to us that they shut all the windows of the classroom and had to practice staying very quiet in the event that a "scary person came to their classroom." 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 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, in addition to Hawaii. 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-SD-2

Submitted on: 3/13/2019 5:51:36 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark Yokota | Individual | Support | No |

Comments:

I opposed this bill. This bill violates the 5th Amendment and a person's right to due process. What protection does someone have against unfounded accusations? A spurned lover? A jealous rival? What process is there for the accused to re-obtain their property? What about the accused's right to face their accuser? If this bill passes, what protections are there for our other rights? We already have a process in place with regards to deeming someone a threat to themselves or others - a judicial one.

SB-1466-SD-2

Submitted on: 3/13/2019 7:15:10 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kathleen Keilman | Individual | Support | No |

Comments:

I am not a survivor of gun violence, nor do I know anyone personally who is. I am just a concerned citizen seeking to get guns away from folks who shouldn't have them. This bill is logical!

SB-1466-SD-2

Submitted on: 3/13/2019 7:40:54 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Steven Yip | Individual | Oppose | No |

Comments:

I oppose SB1466. This is a red flag law and allows a lawful citizen to be stripped of their constitutional rights based on them being accused of being a potential danger to themselves or others. The problem lies in there is no health diagnosis or arrest made before the individual is disarmed. I believe this bill is a clear violation of the 2nd amendment.

Respectfully,

Steven Yip

SB-1466-SD-2

Submitted on: 3/13/2019 7:53:35 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

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

Comments:

Circumvents due process

SB-1466-SD-2

Submitted on: 3/13/2019 8:01:03 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| 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

Honolulu resident

SB-1466-SD-2

Submitted on: 3/13/2019 8:03:28 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Kristine Wallerius Chung | Individual | Support | No |

Comments:

This is a very common sense measure that will save innocent lives. A dear friend of mine was killed along with her daughter because her assailant was able to access a firearm after stalking her and making threats of bodily harm. A person in reasonable fear of their life from a known threat should be able to at the very least delay this threat, allowing time for a cooling off period. Please help save lives in Hawaii by passing this legislation. Mahalo for your kokua.

SB-1466-SD-2

Submitted on: 3/13/2019 8:11:20 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Eric Akiyama | Individual | Oppose | No |

Comments:

I oppose SB 1466, SD2. This bill would bypass due process and may be abused.

SB-1466-SD-2

Submitted on: 3/13/2019 8:11:46 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jason Pierce | Individual | Oppose | No |

Comments:

No other right can be taken from an individual without due process. The 4th amendment should not be violated to deny an individual their 2nd amendment right.

SB-1466-SD-2

Submitted on: 3/13/2019 8:26:02 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mel Arakaki | Individual | Support | No |

Comments:



Institute for Rational and Evidence-Based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

March 13, 2019

COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

To be heard: Friday, March 15, 2019

Chair, Vice Chair, and Committee Members,

Please vote NO on SB1466.

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,

American Civil Liberties Union

www.riaclu.org | info@riaclu.org

AN ANALYSIS RELATING TO EXTREME RISK PROTECTIVE ORDERS MARCH 2018

SUMMARY

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

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

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

weapons from them.

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

3

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, respondents¹ 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

¹ 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-2492.² 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.]

² 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.³

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

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

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targeted by police as gang members – who, it is worth noting, are most often people of color – would fit the statute’s amorphous standard of potentially posing a “significant danger” of injury to others by “having in their custody” a firearm. What is to stop police from using this law to file petitions against them in order to seize any lawfully owned firearms they have? Filing, and being granted, such a petition has the additional bonus of serving as a general search warrant that could conveniently allow police to “stumble

across” evidence of unrelated illegal activity, because the bill allows police officers granted an ERPO to “conduct any search permitted by law” at a respondent’s residence in order to search for firearms. [Page 9, lines 33-34.] Similarly, the increased practice of law enforcement trolling of social media for “harmful” or “threatening” posts could vastly increase the use of a bill like this against innocent people who engage in overblown political rhetoric.⁴

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?⁵ 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,

⁴ 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/>

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

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much less criminal convictions, involved?⁶

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

⁶ 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/

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.⁷

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

⁷ 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?⁸

THE COURT PROCESS

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

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

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

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

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

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

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ADDITIONAL CONCERNS

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

* The definition of “family or household member” follows that of the state’s

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

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

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

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concluded,⁹ 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.

⁹ 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?

John R. Lott, Jr.
President
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Carlisle E. Moody College of
William and Mary and
Crime Prevention Research Center

December 28, 2018

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.¹ In addition, if

¹ 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.² 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.

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

References

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Swanson, J.W. et al. 2016 Implementation and effectiveness of Connecticut’s risk-based gun removal law: does it prevent suicides? *Law and Contemporary Problems*. Forthcoming.
<https://lcp.law.duke.edu/article/implementation-and-effectiveness-of-connecticuts-risk-based-gun-removal-law-swanson-vol80-iss2/>

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 | |

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/y6vnljwv>.

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-SD-2

Submitted on: 3/13/2019 8:38:38 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| 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 avert 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 an expedient 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 blatant 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-SD-2

Submitted on: 3/13/2019 8:44:17 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Connie Eder | Individual | Support | No |

Comments:

I support SB1466

SB-1466-SD-2

Submitted on: 3/13/2019 8:55:17 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Constance Perry | Individual | Support | No |

Comments:

To Whom it May Concern,

I am writing to support SB1466 and ask that you pass it. I am hopeful that it can save many lives in Hawaii. While no bill will stop gun violence I am hopeful that this bill can/will help reduce deaths in our community. I am a mental health Social Worker and know the agony of mental health disorders. These people often reach out for help and if they did not have access to a gun they probably would live another day to find out that there is hope and better days ahead. Having worked with youth for many years I have seen a number of failed suicide attempts while doing my job but people with guns who try to commit suicide are much more likely to die than others. Please remember that many Hawaii residents are veterans who have access to guns and who may have PTSD. Please help us keep our kamaaina and veterans safe when they need our help. Please support SB 1466.

Mahalo,

Connie Perry, MSW, LSW

SB-1466-SD-2

Submitted on: 3/13/2019 9:20:12 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Creeland Burrows | Individual | Oppose | No |

Comments:

Due process is one thing about America that sets us apart from socialist countries. This bill would only give leverage to disgruntled people to get at someone they do not like, and create more victims.

SB-1466-SD-2

Submitted on: 3/13/2019 9:20:40 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sabrina Taala | Individual | Support | No |

Comments:

I am a mother of three little boys, and I have watched in horror as news of school shootings, and other mass shootings, pops up increasingly in the news. I believe people have the right to own guns, but I want our state to enact common sense regulations, such as this one that will allow law enforcement and the community to remove potentially lethal weapons from individuals who may pose a danger to themselves and others. For the safety of my children and our community, I urge you to pass this legislation.

SB-1466-SD-2

Submitted on: 3/13/2019 9:23:05 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| William Carreira | Individual | Oppose | No |

Comments:

I OPPOSE SB1466. This unconstitutional bill removes the rights of a citizen to the 2nd ammendment without due process or a trial. The accused does not even have the ability or opportunity to plead his case at the time of the filing of the court order. This bill also has the potential to be greatly abused by those just wanting to cause grief to gun owning relatives as a form of retaliation. Rights should not be so easily taken away from an individual. If an individual is so dangerous as to require this; perhaps they should already be jailed or receiving treatment.

SB-1466-SD-2

Submitted on: 3/13/2019 9:36:13 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Benel Piros | Individual | Oppose | No |

Comments:

I Oppose this Bill due to the removal of my 4th Amendment right of Due Process. The Bill can also be abused and be used as leverage against me if for some reason another person doesn't like me.

SB-1466-SD-2

Submitted on: 3/13/2019 9:34:42 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Strauss | Individual | Support | No |

Comments:

Aloha, my name is Mike Strauss, and I'm writing to urge you to support SB1466; The Gun Violence Protection Order. I am a Hawai'i State resident, a U.S. Navy Veteran, and currently serving in our Reserve force. My full-time civilian employer takes pride in sharing a new perspective of the islands, the culture, and our communal passion. This mission statement not only defines my company and my team, but also my passion for what matters in my life, especially towards the spectrum of local government policy.

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

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

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

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

With the growing rate of gun related violence in the United States, it is vital to enact gun sense policy which keeps Hawai'i as safe as possible from acts of violence. I implore to support SB1466.

Mahalo.

SB-1466-SD-2

Submitted on: 3/13/2019 9:47:26 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dwayne Lim | Individual | Oppose | No |

Comments:

Dear Committee Members,

I oppose SB1466. The State of Hawaii is imposing this bill without any measureable effect on murders and suicides. This is "feel-good" legislation and it allows anyone the "ability to petition a court to confiscate a person's personal property, in this case firearms and ammunition, without due process; and in addition overstepping the warrant requirements, search and seizure requirements. As stated in SB1466, "According to the Centers for Disease Control and Prevention, Hawaii had the second-lowest number of gun deaths per capita among the states in 2015." So, I believe this "RED FLAG" law is not valid, and shall not be moved forward, and is an example of the overreaching power of the state without just cause.

V/r,

D. Lim

SB-1466-SD-2

Submitted on: 3/13/2019 9:52:40 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Cheryl Tanaka | Individual | Oppose | No |

Comments:

This law would remove due process witch is a right (4th and 14th amendment)

SB-1466-SD-2

Submitted on: 3/13/2019 9:55:51 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

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

Comments:

I know people who file TRO's with no cause just to help in their custody hearing for a child. They use it to make the other party look bad. Then the TRO is cancelled due to lack of evidence. So if this bill passes, again the right to a fair trial (due process) is denied.

SB-1466-SD-2

Submitted on: 3/13/2019 9:58:23 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly Lim | Individual | Oppose | No |

Comments:

Dear Committee Members,

I oppose SB1466. The State of Hawaii is imposing this bill without any measureable effect on murders and suicides. This is "feel-good" legislation and it allows anyone the "ability to petition a court to confiscate a person's personal property, in this case firearms and ammunition, without due process; and in addition overstepping the warrant requirements, search and seizure requirements. As stated in SB1466, "According to the Centers for Disease Control and Prevention, Hawaii had the second-lowest number of gun deaths per capita among the states in 2015." So, I believe this "RED FLAG" law is not valid, and shall not be moved forward, and is an example of the overreaching power of the state without just cause.

V/r,

K. Lim

SB-1466-SD-2

Submitted on: 3/13/2019 10:33:51 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Eric Kaneshiro | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/13/2019 10:48:23 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| 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-SD-2

Submitted on: 3/13/2019 11:10:24 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tony Sylvester | Individual | Oppose | No |

Comments:

Great way to remove due process from an individual who has committed no crime. Guilty till proven innocent. How would this play out if someone makes an allegation against a law enforcement person, parole officer, Docare agent, sheriff or federal agent? What does one consider clear and convincing signs of planning to use a gun to commit an act of violence? Who determines the state of mind of the accuser when such alligations are made? Law suits waiting to happen. Defer this measure. Aloha

SB-1466-SD-2

Submitted on: 3/13/2019 11:16:01 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

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

Comments:

To the Honorable Senate 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 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 could potentially violate a person'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-SD-2

Submitted on: 3/13/2019 11:35:07 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nathan O'Hanlon | Individual | Oppose | No |

Comments:

I **strongly oppose** S.B. No. 1466, as it is a direct violation of Article 1, Sections 5, 7, 8, 14 and 17 of the Constitution of the State of Hawaii.

As established in the Hawaii State Constitution, this proposal is in direct violation of:

- **The Right to Due Process and Equal Protection (Article 1, Section 5)**
- **Protections against Searches, Seizures and Invasion of Privacy (Article 1, Section 7)**
- **The Rights of Citizens (Article 1, Section 8)**
- **The Rights of Accused (Article 1, Section 14); and,**
- **The Right to Bear Arms (Article 1, Section 17)**

As our Senators, it is your sworn duty to protect and defend the Constitution of the State of Hawaii.

If you expect to be supported by the people of Hawaii, the people of Hawaii shall expect you to fulfill your sworn duties as their representatives.

Do not remove rights from those whose support you require. Do not set precedent against your own interests in return for short-term political points.

I encourage you to OPPOSE S.B. No. 1466. Thank you for the opportunity to testify.

SB-1466-SD-2

Submitted on: 3/13/2019 11:48:15 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Daniel Rapozo | Individual | Oppose | No |

Comments:

I oppose SB1466, because it strips law abiding citizens of their 4th amendment right. SB1466 does not give law abiding citizens an opportunity to plead his, or her case. The vague language in SB1466 can be easily used to seize firearms from law abiding citizens without a legitimate cause. This bill will be abused by law enforcement, and estranged family members. SB1466 does not prevent dangerous individuals from obtaining knives,bats,vehicles etc. Hawaii already has protocols that may be used to protect family member, and the general public from unstable persons. Senators should oppose this detrimental bill, because it will only hinder law abiding citizens from defending their lives, their love ones, and properly from aggressive criminals.

SB-1466-SD-2

Submitted on: 3/14/2019 7:17:46 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Shyla Moon | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 8:25:08 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nicholas J Martin | Individual | Oppose | No |

Comments:

I strongly oppose SB1466 SD2. This bill is written very vage, will only lead to abuse of law by removing ones Constitutional and Bill of rights before do process without do process. There are already protection laws on the books regarding dangerous and or violent people. This bill is not needed and a wast of tax payers money and is taking away time that should be spent on much more pressing important issues Hawaii is suffering from, which all have nothing to do with firearms or more restrictive firearm laws. Oppose SB1466 SD2

SB-1466-SD-2

Submitted on: 3/14/2019 8:33:19 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Edward Call | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 8:52:09 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael A. Wee | Individual | Oppose | No |

Comments:

I strongly OPPOSE this bill. It totally lacks 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 will punish a person for what they "might" do. Do not approve this bill.

SB-1466-SD-2

Submitted on: 3/14/2019 9:13:05 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| James Logue | Individual | Oppose | No |

Comments:

I am opposing this bill because I do not believe in taking away a legal gun owners constitutional right without due process. Red flag bills are dangerous and can be abused. As a former employee at a family law firm I saw first hand how TROs were abused, especially in cases concerning child custody. One party can file for a TRO and it will be granted 99% of the time as most judges are afraid to deny them and then an incident does indeed occur. Clients then spend thousands of dollars trying to prove their innocence when in reality they never should have had to do so.

I understand there is a fear of firearms among people who have never used, held, been trained with, or fired them. However, there are more firearms in the State of Hawaii than there are people. Hawaii has extremely low gun crime rates. When guns are used in a crime they are more often illegal. I ask that the committee not support this bill and stand up for the rights of law abiding gun owners and citizens.

SB-1466-SD-2

Submitted on: 3/14/2019 9:54:45 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Keith Kawai | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 9:55:18 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Todd Yukutake | Individual | Oppose | Yes |

Comments:

I oppose SB1466 SD1

I appreciate the intent of SB1466 however I feel it is a violation of due process, can be abused, and this bill could 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.

Oppose SB1466 SD1

Todd Yukutake
toddyukutake@gmail.com

SB-1466-SD-2

Submitted on: 3/14/2019 9:56:02 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------------|---------------------|---------------------------|---------------------------|
| Brandon Allen Kainoa Leong | Individual | Oppose | No |

Comments:

I oppose SB1466 SD2. Removal before prosecution or even a court hearing is a violation of a person's due process rights.

Brandon Leong

HRA Board Member

Lessons In Firears Education Instructor and Board Member

SB-1466-SD-2

Submitted on: 3/14/2019 10:06:11 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Arthur Hick | Individual | Support | No |

Comments:

I am in full support of this bill and the concept of a temporary check system on gun possession by persons known to others to be highly volatile or in enraged condition. This is sensible practical legislation not intended to dismantle legitimate second amendment rights!

SB-1466-SD-2

Submitted on: 3/14/2019 10:11:57 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Terence Lee | Individual | Support | Yes |

Comments:

Representative Gregg Takayama, Chair

Representative Cedric Asuega Gates, Vice Chair

Committee on Public Safety, Veterans and Military Affairs

My name is Terence Lee. I am a survivor of gun violence. This bill would save lives. When I hear profiles of shooters in the news. I very often think to myself, "That is exactly what my shooter did." For 27 years now, I have been seeing and hearing about the SAME patterns of behavior. This bill addresses this. I agree this bill is not perfect, but to not pass this, or to deffer this for further study would be a direct disregard for human life. I am very grateful and amazed that I survived my shooting. I am sad and angry that so many have not survived such senseless destruction. 14 other States have passed this bill. It is time for Hawaii to pass this bill. Thank you for this opportunity to testify.

PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Alan Yee <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 6:15 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Alan Yee

E-mail : munwahrcdrift@gmail.com

Zip code : 96795

Testimony : I oppose SB1466 on the basis that anyone could falsely accuse someone, and go through the “process.” Which has not been established and/or tested. There is no recourse for the person that is falsely accused. Last time I heard of this was during the Salem Witch trials. That turned out great!

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of alexander eteuati <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:08 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : alexander eteuati

E-mail : alexander.t.eteuati@gmail.com

Zip code : 96816

Testimony : I OPPOSE bill SB1466. As a voting member of the community, I will simply vote against any member of the Senate who signs this from here until my last vote.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Andrew Roberts <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 6:50 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Oppostion to [SB1466](#)

Name : Andrew Roberts

E-mail : a_roberts_84@yahoo.co.uk

Zip code : 96815

Testimony : I strongly oppose SB1466. Although there may be legitimate legal reasons to remove a persons firearms, this law removes all DUE PROCESS. The court orders are done in secret behind closed doors with no notification or chance to defend themselves of provide evidence in their defense. You could just have some who don't like you make a false report,and you will be red flagged.

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.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Arthur Hong <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 4:23 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Arthur Hong
E-mail : hong350@gmail.com
Zip code : 96817

Testimony : I OPPOSE bill SB1466 it infringes on a person's 2nd ammendment rights without them having a say.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Austin White <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 8:16 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Austin White

E-mail : austinowhite@gmail.com

Zip code : 96789

Testimony : I OPPOSE bill SB1466

To circumvent due process and allow an unknown individual to make judgements and to quote the ACLU.

"...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. ..."

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Brandon Weeks <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 4:09 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Brandon Weeks

E-mail : wrxtremeracersti@yahoo.com

Zip code : 96778

Testimony : I oppose bill 1466. This will allow someone to take away another persons rights to bear arms based on their opinion that the person poses a danger to themselves or others. Unless they can present hard evidence like video footage of the person using their firearms in an inappropriate way which poses a danger to themselves or others then their should be no prevention of the person from accessing their firearms. Thank you for your consideration. Sincerely
Brandon from Pahoa

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Brian Ley <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 3:53 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Brian Ley

E-mail : brianLey0522@yahoo.com

Zip code : 96778

Testimony : I strongly oppose bill SB 1466. We have a constitution that says we are innocent UNTIL proven guilty. And how can people who aren't qualified make a determination on a person mentality? What is to stop anti hunters from making up stories to stop people from hunting?

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Byon Nakasone <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:37 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Byon Nakasone
E-mail : info@roby-inc.com
Zip code : 96732

Testimony : I OPPOSE bill SB1466!

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Carlo Barbasa <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 11:10 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Carlo Barbasa

E-mail : carlo.barbasa@gmail.com

Zip code : 96818

Testimony : I OPPOSE bill SB1466 because it circumvents due process of law. No crime has been committed, the gun owner who has never used his/her firearm in any sort of criminal activity or manner is no longer "innocent until proven guilty".

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Chad Inamasu <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:49 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Chad Inamasu

E-mail : FalkenHawke@gmail.com

Zip code : 96782

Testimony : I OPPOSE SB1466.

Federal standards for regulating 2nd Amendment Rights in this regard have already been established. Further restrictions WITHOUT Due Process such as this bill intends will place the State in a position of Civil Liability for 2nd Amendment as well as 14th Amendment Rights Violations.

Whether successful or not defending current and future laws of this nature, such actions burden taxpayers while providing no absolute benefit.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Cory Yuh <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:57 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Cory Yuh

E-mail : cyuh2@hotmail.com

Zip code : 96706

Testimony : i OPPOSE bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of D C <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:37 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : D C

E-mail : crazy96733@yahoo.com

Zip code : 96732

Testimony : Oppose, contradict with my Second Amendment and my fourth amendment due process.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Dirck Sielken <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 9:59 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Dirck Sielken
E-mail : dsielken@hipco.com
Zip code : 96789

Testimony : I oppose SB1466 as this violates a law abiding firearm owner's 2nd and 4th amendment rights. There is no due process allowed for the firearm owner to plea their defense if the accusation is wrongfully done. This bill allows for easy abuse of the process.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Douglas McCormick <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:04 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Douglas McCormick
E-mail : dutly13@yahoo.com
Zip code : 96720

Testimony : I OPPOSE bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Dwayne Lim <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 4:11 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Dwayne Lim

E-mail : dctactical@hawaii.rr.com

Zip code : 96813

Testimony : I oppose this bill.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Ed Au <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:21 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Ed Au
E-mail : edau@live.com
Zip code : 96701

Testimony : Dear Sirs,

Did you watch the news about the home invasion in Waianae on February 3, 2019? A older woman and young child were assaulted by 2 people with a baseball bat. Many home invasions occur in Hawaii. How are people to protect themselves in their own home if you take away their guns. Put yourself in their position. What would you do? Think about it.

Criminals will not follow any laws made. Only good citizens will be punished and hurt by your gun laws.

You are attempting to use SB1466 to violate the 2nd Amendment. Citizens have a right to bear arms, to protect themselves.

You cannot limit how a person can protect themselves or the number or rounds a rifle or pistol can contain. I watch the news, when home invasions occur, there is always more than 1 person. It usually is a group of thieves. Why limit the number of rounds a person can have to protect themselves.

These laws were brought about due to news constantly reporting criminals committing shootings. Those individuals are criminals, there is no logical reasoning that criminals will follow any laws you create. Why punish the many non-criminals when a minority of criminals commit a crime. There is no sound reasoning to this. Every time a criminal commits a crime, it's the good citizen that is punished, you have the victim, then the public.

I will take legal action if my rights are violated and so will many others. This is a violation of my constitutional rights and there will be no compensation for my property. How am I to defend myself, how are elders and the weak to defend themselves against criminals? Have you given any thought of this?

All you are doing is punishing good people.

These lawsuits will cost tax payers. The constituents will blame you for bringing this about.

Sincerely,
Ed

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Edmund Silva <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 9:51 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Edmund Silva
E-mail : ksilva808@gmail.com
Zip code : 96804

Testimony : I strongly oppose bill SB1466.

There are too many grey areas in this bill.

I don't believe that a judgment call should be all that it takes to remove someone's constitutional rights. What if members of family get into an argument and just to get back at each other, they try to obtain a court order and block each other, which would have nothing to do with "danger"?

How do you prove or justify that someone "may" pose a danger? If that's the case then anyone can say that EVERYONE "may" pose a danger and no person should be allowed to access firearms.

No thank you

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Francis Corpuz <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 1:07 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Francis Corpuz
E-mail : blastoff747@gmail.com
Zip code : 96819

Testimony : I OPPOSE bill SB1466. This bill is unconstitutional (5th Amendment). It does not establish due process. The court order would be done through an ex parte proceeding. Would there be penalties for false accusations?

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Glennon Gingo <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:52 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Glennon Gingo

E-mail : Freediving@earthink.net

Zip code : 96725

Testimony : I respectfully Oppose Bill SB1466

We have a system and process in place that currently addresses issues of individuals posing a threat to others; The process of obtaining a Temporary Restraining Order (TRO).

We don't need another process that further complicates the system of preventing reasonable approaches to potentially dangerous situations. We also have a Constitution which affords our citizen's a right to due process.

Mahalo Nui Loa from the Island of Hawaii

Glennon T. Gingo

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Gordon Ho <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 12:31 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Gordon Ho
E-mail : noblesse926@gmail.com
Zip code : 96816

Testimony : I oppose SB1466 because this violates the "due process" doctrine to confiscate a law abiding citizens firearms. And can be seen where anyone can accuse an innocent law abiding citizen of false accusations.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of herb fune <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 7:02 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : herb fune

E-mail : kenfixit007@hotmail.com

Zip code : 96756

Testimony : I oppose SB1466 due to the personal behavior infringements of constitutional rights.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jacob Bruhn <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:32 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jacob Bruhn

E-mail : Rockpounda@yahoo.com

Zip code : 96744

Testimony : I oppose bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jacob Holcomb <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:53 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jacob Holcomb
E-mail : jake@mailbox.org
Zip code : 96819

Testimony : I oppose bill SB1466

HPD and the prosecutor's office are under FBI investigation for a campaign of targeted harassment. This is literally the worst time in Hawaii's history to introduce legislation that would deny people constitutional rights based on criteria that would not hold up in a court of law.

Mass shootings occur not because law enforcement lacks the tools, but because too many departments sit on their hands or refuse to share information with other agencies. This could possibly be considered criminal negligence if anyone was willing and/or able to hold them accountable.

Why don't we put more pressure on agencies to do their job instead of undermining the Fourth Amendment in order to spite the Second?

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jake Hanawahine <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:01 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jake Hanawahine
E-mail : da808rock@yahoo.com
Zip code : 96734

Testimony : I strongly oppose this bill

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of James Cox <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 6:54 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : James Cox
E-mail : james31tn@msn.com
Zip code : 96792

Testimony : i OPPOSE bill SB1466.
Scope is too broad as written.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jiyong gerwig <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 5:31 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jiyong gerwig

E-mail : ej2young@gmail.com

Zip code : 96734

Testimony : I oppose bill sb1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of John Cavaco <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:18 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : John Cavaco
E-mail : toejam59@live.com
Zip code : 96744

Testimony : I oppose this bill,no due process

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of John Eric Valledor <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:08 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Oppostion to [SB1466](#)

Name : John Eric Valledor
E-mail : johnser10@yahoo.com
Zip code : 96797

Testimony : I oppose bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jon Abbott <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:32 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jon Abbott
E-mail : jonwebsterabbott@yahoo.com
Zip code : 96822

Testimony : I OPPOSE Bill 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 despite 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

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Jonagustine Lim <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 8:21 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Jonagustine Lim
E-mail : jon@limpacific.com
Zip code : 96818

Testimony : I strongly oppose SB1466. This bill is ripe for abuse and provides no protections against harassment of legal gun owners.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Kaulana Silva <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 6:56 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Kaulana Silva
E-mail : silva@msrc.org
Zip code : 96744

Testimony : I oppose

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Keith Kawai <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:49 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Keith Kawai

E-mail : keith.kawai01@gmail.com

Zip code : 96825

Testimony : I oppose sb1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Kenneth Tom <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 4:50 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Kenneth Tom
E-mail : kentom@hawaii.rr.com
Zip code : 96797

Testimony : I OPPOSE SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Kristin Hood <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 11:53 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Kristin Hood
E-mail : k-salyers@hotmail.com
Zip code : 96797

Testimony : Stop with taking away our rights. No one will ever read these testimonies anyways. This is a sad repressed state we live in.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Len Fergusen <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:40 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Len Fergusen
E-mail : lenfergusen@gmail.com
Zip code : 96797

Testimony : I oppose Bill SB1466. I am a 52 year resident of Hawaii, a teaching professional and I VOTE.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Louis Martin <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 11:17 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Louis Martin

E-mail : marshoot@hawaii.rr.com

Zip code : 96707

Testimony : Start with I OPPOSE bill SB600, Due to the fact that anyone can accuse a person of posing a danger with out proff

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Maricor Dela Cruz <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:11 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Oppostion to [SB1466](#)

Name : Maricor Dela Cruz

E-mail : m_cruz_86@hotmail.com

Zip code : 96817

Testimony : I oppose bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of martin lau <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:57 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : martin lau

E-mail : kmconceptshawaii@gmail.com

Zip code : 96813

Testimony : Aloha,

My name is Martin Lau and i live in Manoa and am a small business owner of 2 businesses here on Oahu. I am also a strong supporter of the 2nd Amendment and our Constitution/Bill of rights.

I OPPOSE SB1466 , we already have a process through Temporary Restraining Order (TRO) which would allow firearms and ammunition to be confiscated/turned in if need be. These type of "Red Flag" bills are dangerous and unconstitutional to say the least. It would subject legal law abiding gun owners like myself and the majority of gun owners in Hawaii open to false claims and private property being confiscated for no reason other than someone "thought" you could be a danger.

Thank you for your time.

Mahalo,
Martin Lau

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Matt Smith <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:06 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Matt Smith
E-mail : matt96813@gmail.com
Zip code : 96813

Testimony : I Oppose SB 1466 as it will be abused by those who seek to overthrow the second amendment.

I have already heard of liberal people who would call 911 simply to make trouble for citizens that owned a firearm and this bill would put a legal firearm owner into a guilty until proven innocent situation and is nothing more than harassment by those in the vocal minority seeking to disregard our great Constitution and violates a due process right.

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SB-1466-SD-2

Submitted on: 3/14/2019 11:45:29 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Quentin Kealoha | Individual | Oppose | No |

Comments:

I strongly oppose SB1466 SD2.

The legal precedent that forms one of the foundations of this country is that an individual is innocent until proven guilty. There is a high potential for citizens and law enforcement officers to abuse the power given to them with the passage of this bill, which in turn will infringe on the constitutional rights of law abiding citizens.

PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Miles Higa <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:25 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Miles Higa
E-mail : miles.higa@gmail.com
Zip code : 96797

Testimony : I oppose SB1466. This violates our constitutional right to due process. It allows anybody to make an accusation without any positive proof and without any due process to challenge accusations without having their firearms or ammunition confiscated (which will make it extremely difficult to recover). We do not live in a fascist country, we live in a Constitutional Republic. Do not violate the Constitution.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Michael Elliott <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:21 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Oppostion to [SB1466](#)

Name : Michael Elliott

E-mail : mike_elliottthi@icloud.com

Zip code : 96701

Testimony : I OPPOSE THIS BILL WITH THE STRONGEST POSSIBLE DISGUST!!

You are carrying out a punishment without trial. No presumption of innocence. No measures to protect the rights of people falsely accused. No means to get the gun(s) back immediately when there is determined to be no threat. The level of abuse of the Bill could be endless.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Mitchell Weber <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:18 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Mitchell Weber

E-mail : Mdotweber@icloud.com

Zip code : 96789

Testimony : I strongly OPPOSE SB1466,

This is a blatant violation of the Second, Fourth and Fifth amendments. These new secret court processes also do not need to find reasonable doubt that a person should have their property confiscated. The vague wording of people able to report said dangerous individual will be abused in our court system. There is also a push for "mental abuse" to be amended to the domestic violence clause. SB1644 along with the mental abuse amendment will be used as a backdoor process for gun confiscation. Our domestic abuse restraining order process already in the books is a legal way to prove guilt and protect victims of abuse. SB1466 violates too many rights and is too overreaching.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Nathan Okamura <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 7:18 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Nathan Okamura

E-mail : nateo@hawaii.rr.com

Zip code : 96789

Testimony : I OPPOSE bill SB1466!

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Nathan Roldan <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:01 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Nathan Roldan
E-mail : nr24769@hotmail.com
Zip code : 96786

Testimony : I oppose this piece of legislation because it gives law enforcement the power to take a person's legally owned firearms without due process. Then the person needs to hire a lawyer to fight and get their weapons back. It also gives anyone the power to just say that you did something and the police will be at your door to take your guns without due process. This legislation is unlawful and cannot stand the test of legality. I urge you to vote no.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Philip Tong <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:13 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Oppostion to [SB1466](#)

Name : Philip Tong
E-mail : ptong8@sbcglobal.net
Zip code : 96738

Testimony : I OPPOSE SB1466. No due process for the accused.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of RICHARD ARGUELLES <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:50 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : RICHARD ARGUELLES

E-mail : hibattledroidz@yahoo.com

Zip code : 96782

Testimony : OPPOSE bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Robert Gerwig <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 5:29 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Robert Gerwig
E-mail : rgerwig@gmail.com
Zip code : 96734

Testimony : I oppose bill sb1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Robert Hechtman <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 9:58 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Robert Hechtman
E-mail : hechtmanr@gmail.com
Zip code : 96706

Testimony : I strongly oppose bill SB1466.

This is a clear violation of the 4th amendment,
Takes away due process,
Can be abused, used as leverage,
Too low of a legal standard used.

Thank you,
Robert Hechtman

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Rocky Riddell <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 10:13 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Rocky Riddell
E-mail : ahisailor@gmail.com
Zip code : 96734

Testimony : Dear Sir,

I oppose SB1466 because it does not allow for due course of law as provided in the U.S. Constitution.

Sincerely,

Rocky Riddell

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Ronelle Andrade <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 8:42 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Ronelle Andrade

E-mail : ronelleandrade@live.com

Zip code : 96749

Testimony : I oppose bill SB1466, this bill does not benefit me or other law abiding citizens of this state.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Ross Mukai <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:48 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Ross Mukai

E-mail : rossmukai@gmail.com

Zip code : 96822

Testimony : I oppose bill sb1466. This is an unbelievably low standard for due process.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Ryan Arakawa <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:25 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Ryan Arakawa
E-mail : ryana@hawaii.rr.com
Zip code : 96701

Testimony : i OPPOSE bill SB1466. This bill lacks due process protections for the accused. Hawaii is becoming a communist state.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Sean Langley <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 9:01 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Sean Langley
E-mail : viper2681@gmail.com
Zip code : 96701

Testimony : I oppose SB1466 because it does not follow due process

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of sheldon miyakado <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 10:33 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : sheldon miyakado
E-mail : sheldon@hawaii.rr.com
Zip code : 96817

Testimony : OPPOSE bill SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Shelton Yamashiro <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 7:49 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Shelton Yamashiro

E-mail : shelton.yamashiro@gmail.com

Zip code : 96816

Testimony : I OPPOSE bill SB1466.

This bill strips a person of rights based upon an accusation. It denies them due process before stripping them of their rights and property.

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Stanley Mendes <feedblitz@mail.feedblitz.com>
Sent: Wednesday, March 13, 2019 11:31 PM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Stanley Mendes

E-mail : bhunter808@hotmail.com

Zip code : 96776

Testimony : I strongly oppose SB1466

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Teresa Nakama <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 8:14 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Teresa Nakama

E-mail : teresanakama51@gmail.com

Zip code : 96740

Testimony : I Teresa L. Nakama a registered voter in the State of Hawaii, hereby strongly oppose SB1466. Current existing laws already protect our ohana and all household members as follows:

2013 Hawaii Revised Statutes

TITLE 31. FAMILY

586. Domestic Abuse Protective Orders

586-4 Temporary restraining order

This bill is making Hawaii a Hitler regime type of law, we are not a lawless state. Education to all of our citizens is key when it comes to the protection of our ohana, neighborhoods, and friends. I support through education of our population be instilled in our education system of being responsible citizens to honor, protect and build safe communities

Respectfully Submitted.

Teresa L. Nakama

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PVMtestimony

From: Ninja Forms TxnMail <ninja_forms_txnmail@t9n.feedblitz.com> on behalf of Wayne Berdon <feedblitz@mail.feedblitz.com>
Sent: Thursday, March 14, 2019 9:57 AM
To: PVMtestimony
Subject: Testimony in Opposition to SB1466

Testimony in Opposition to [SB1466](#)

Name : Wayne Berdon

E-mail : islandromeo81@aol.com

Zip code : 96826

Testimony : I oppose Sb1466 5th and 14th amendments would be violated also the person would not be able. To defend themselves in court until after their rights are violated not to mention the problems that may come from disgruntled people with a vendetta against the lawful gun owner

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SB-1466-SD-2

Submitted on: 3/14/2019 12:43:23 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mona Chang Vierra | Individual | Support | No |

Comments:

As an career educator and parent, I strongly support SB1466 SD2. We as citizens must protect our citizens here in the State of Hawaii.

SB-1466-SD-2

Submitted on: 3/14/2019 3:17:38 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rochelle Diaz | Individual | Support | No |

Comments:

My name is Rochelle Diaz I am an MSW student at the University of Hawaii.

I am writing in strong support of SB 1466, RELATING TO GUN VIOLENCE PROTECTIVE ORDERS, which establishes a process allowing law enforcement officers and family or household members to obtain a court order to prevent a person from accessing firearms and ammunition where the person poses a danger of causing bodily injury to oneself or another. SB 1466 mentions two cases of gun violence in Hawaii, including the Xerox shootings in Hawaii.

LATE

Marcella Alohalani Boido, M. A.

Hawaii Judiciary Certified Spanish Court Interpreter, Tier 4

Senate District 10, House District 21. Moili'ili, Honolulu, Hawaii 96826

To: Chair, Rep. Gregg Takayama; Vice-chair, Rep. Cedric Asuega Gates
Members, House Committee on Safety, Veterans, and Military Affairs

Re: **SB 1466 SD 2, SUPPORT with comments**

Date: Friday, March 15, 2019, 10:00 a.m., Room 430

Chair Takayama, Vice-Chair Gates, and Committee Members: Thank you for hearing this bill.

This testimony is presented as a private individual. I support the intent of this bill, which is to make Hawaii a safer place to live by preventing gun violence. Specifically, it seeks to prevent gun violence which can reasonably be predicted.

This bill touches on the *kuleana* of a number of government entities, non-profits, and professional and other interest groups, as well as private individuals. I have reviewed their testimony. The current version has been amended in response to previous testimony, and is thereby improved.

Thank you for taking the time to hear this bill, and to read and consider the testimony. Respectfully, I ask this Committee to please keep this bill alive. If it needs further refinement, that is OK and par for the course. Thank you.

LATE

SB-1466-SD-2

Submitted on: 3/14/2019 8:58:53 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Sims | Individual | Support | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 9:57:02 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ciel Tierra | Individual | Support | No |

Comments:

SB-1466-SD-2

Submitted on: 3/14/2019 11:06:32 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Grant Nagata | Individual | Oppose | 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 15, 2019

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

Re: **Senate Bill 1466 - OPPOSE**

Dear Chairman Takayama:

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

SB-1466-SD-2

Submitted on: 3/15/2019 8:40:58 AM

Testimony for PVM on 3/15/2019 10:00:00 AM



| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kaala Souza | Individual | Oppose | No |

Comments:

I'm extremely opposed to this as it opens up a pandora's box of concerns. It's also reminiscent of the Salem witch trials where accusations carried incredible force.

SB-1466-SD-2

Submitted on: 3/15/2019 8:42:36 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Albert Morgan | Individual | Oppose | No |

Comments:

The measure seriously degrades fundamental constitutional rights.

SB-1466-SD-2

Submitted on: 3/15/2019 9:44:50 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ramiro Noguero | Individual | Oppose | No |

Comments:

Oppose

LATE

SB-1466-SD-2

Submitted on: 3/15/2019 9:45:53 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bruce F Braun | Individual | Oppose | No |

Comments:

SB-1466-SD-2

Submitted on: 3/15/2019 10:35:46 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Anthony Fujii | Individual | Oppose | No |

Comments:

This is a flagrant due process violation. Please do not allow our State to chip away at our God given constitutional rights. As a practicing attorney, the burden to get a TRO is LOW, almost disgustingly low. A GVPO would be lower still.

I strongly oppose this bill and Karl Rhoads.

LATE

SB-1466-SD-2

Submitted on: 3/15/2019 10:45:45 AM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dave | Individual | Oppose | No |

Comments:

Please vote no on this Bill.

Please stop assualting my 2ND rights and as is the case with this Bill my rights to due process which In One of the founding principles of our country.

Mahalo

Dave Cunningham.

LATE

SB-1466-SD-2

Submitted on: 3/15/2019 12:05:33 PM
Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephen T Hazam | Individual | Oppose | No |

Comments:

I strongly oppose SB 1466. Possession of a firearm is not a "privilege" "granted", by the Constitution, but a prior, existing right recognized and guaranteed by the Constitution. This right shall not be infringed. This bill would clearly infringe upon that right. It would remove a fundamental constitutional right without strong due process, for a person not adjudicated to be mentally ill or convicted of a crime, but rather, based only on an allegation. No constitutional right should be infringed upon based only on an allegation. I strongly oppose SB 1466.

LATE

SB-1466-SD-2

Submitted on: 3/15/2019 2:52:22 PM

Testimony for PVM on 3/15/2019 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Allegra Giacchino | Moms Demand Action | Support | No |

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

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

State Capitol, Room 430
Honolulu, Hawaii 96813
HEARING: Friday, March 15, 2019 at 10am

RE: SB1466 SD2 Relating to Firearms

Aloha Members of the House Committee,

The Hawaii Firearms Coalition OPPOSES SB1466 SD2.

We 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 Hawaii Firearms Coalition Opposes SB1466 SD2. Thank you for your consideration.

Mahalo

Todd Yukutake
Director, Hawaii Firearms Coalition
PH. (808) 255-3066
Email: todd@hifico.org